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Commentary:  
**Yubaraj Ghimire**

**New Spotlights Investigation : Kathmandu Metropolitan**

**Face to Face: Karan Singh**



Opinion:  
**Lok Raj Baral**

# NEW SPOTLIGHT

April 29, May-12, 2011

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FORTNIGHTLY



**LABOR MOVEMENT**

# Lockup Mode



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## From The Editor

The relations between Nepal's industrialists and trade unions have never been as good as you would want them to be, that is, complimentary to each other. Trade union leaders see the industrialists with skepticism. Frustrated by constant threat of general strike from labor leaders, industrialists do not take trade union issues positively. This psychological factor is responsible in further deteriorating the situation in the industrial sector. Because of constant stir, investors are gradually running away from making investment and no foreign investor sees Nepal as an investment friendly country. Recent strikes and stirs prove the perception of investors is more or less correct. Nepal's trade union organizations are heavily politicized, thus it is fractured and divided on the basis of leadership in the party. This is the reason there needs to be political intervention as and when a major stir disturbs the industrial atmosphere. This is what, some people think, should be the response to trade union stirs. At a time when Nepal's trade unions are creating more troubles to the industrial sector, the workers are celebrating the May Day. Listen to the May Day parade, political slogans dominate labor issues. Many political parties regard May Day as an occasion to show their muscles. In the context of an unstable industrial atmosphere, New Spotlight has decided to look into the growing industrial stirs and role of trade unions as a cover story for this issue.

*Keshab*

Keshab Poudel  
Editor

# NEW SPOTLIGHT FORTNIGHTLY

Vol.: 04 No.-21 April 29-2011 (Baishakh 16,2068)



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## Finnish Support Helping Poor: Journalists

Finnish journalists, who recently visited projects supported by Finland in Nepal, stressed education was important for an overall development of the country.

"We visited some villages in Sindhupalchowk and found that Finnish aided projects had been helping improve the livelihoods of poor Nepali people," said Jari Kirsila, a Finnish journalist. "Water and sanitation are important development areas for Nepal."

Ms. Pirkko-Liisa Kyostila, charge d'affaires of the Embassy of Finland, hosted a reception to the visiting journalists. Finland has been supporting Nepal to improve the livelihood of the poor and marginalized people in various sectors ranging from education to natural resource management and water and sanitation.

"Nepal is an ethnically, culturally and ecologically diverse country," said Jari. "That is the beauty of Nepal." Finnish support to increase the access of people to water and sanitation is significant, especially as more than 60 percent of Nepalese are deprived of these basics.

"We met local people in Sindhupalchowk. They are happy with the project," said Sari Salonen, managing editor of Kotiliesi. Another journalist Terhi Reskola shared similar views.

The group of journalists visited some villages of Sindhupalchowk and Kavre planchowk district, about 100

kilometers east of capital Kathmandu. They visited the Under Privileged Children' education Program, Sanothimi, Bhaktapur for vocational education to youths Tuki Association of Sunkoshi, a NGO working on quality education, Thumpakhar, Sindhupalchowk Child club Representatives, Thumpakhar Balefi Secondary School, Batchhala Devi Lower Secondary School, Sangachok and Paralegal Committee, Kushadevi, Kavre



They visited a school, a child club, and a para legal committee which looks after community mediation. "We realized that education is important for the overall development of the country," said another Finnish journalist Sari Salonen.

The visitors include Ms Seija Kinnihuttunen, Head of Development Communication Dept, MoFA, Ms Erja-Outi Heino, Communication Officer, MoFA, Ms Terhi Reskola, Journalist, Aamulehti Newspaper, Tampere Ms Sari Salonen, Journalist, Women Magazine, Ms Sari Saaristo, Journalist, Church Magazine Ms Minna Ängeslevä, Sub-editor, Teachers' Magazine and Mr Jari Kirsilä, Communication Officer, Institute of Health and Welfare

## U.S. Embassy Co-hosts "Women in Business in Nepal" Panel Discussion

The Embassy of the United States of America, in cooperation with the Women Entrepreneurs and Professional Forum of the Confederation of Nepalese Industries and the Nepal-USA Chamber of Commerce and Industries, organized a panel discussion on April 26 on Women in Business in Nepal at the Shangri-La Hotel. The event is part of the Embassy's joint efforts with the business community to highlight and celebrate women's contribution to economic development.

Speaking at the event, U.S. Embassy Deputy Chief of Mission Patricia Mahoney remarked on the importance of women's contribution in the economy

because "more fully integrating women in society pays off many times over, from improved health and education to expanded economic growth. Frankly speaking, a country cannot grow its economy by excluding half of the work force from participation."

Binod Chaudhary, President of the Confederation of Nepalese Industries, remarked on the important contributions of women business leaders in Nepal and additional steps that could be taken to support these efforts. Narendra Basnyat, President of the Nepal-USA Chamber of Commerce and Industries, highlighted the positive steps in the joint cooperation initiative to facilitate discussion among young aspiring entrepreneurs and students with

established women executives in Nepal for mentoring, guidance and support.

The event included a panel discussion comprising of Barsha Shrestha, General Manager of the Clean Energy Development Bank, Maggie Shah, co-owner of Himalayan Distillery, and Archana Karki Chhetri of 3 Sisters Adventure Trekking.

The purpose of the event was to facilitate discussion among young entrepreneurs, students, and aspiring business men and women with established women executives in Nepal for mentoring, guidance and support.

## Himalayan WhiteHouse Marks Decade In Education

Himalayan WhiteHouse Int'l College celebrated its tenth anniversary recently in its school complex in Satdobato. Offering high quality education at the higher level, WhiteHouse International College has established itself a quality education providers.

Amid a function, Minister for Education Gangalal Tuladhar distributed prizes to those who served schools in various positions. Yubaraj Sharma, president and CEO of the school, highlighted the progress made by the school in the last one decade.

"We want to be a partner in the overall development of the country," said Sharma. "We received support from all the sectors during our journey over last one decade."

Minister Tuladhar hailed the role played by private sector in enhancing the quality of education. The school has its own modern building with all the facilities for higher education in Khumaltar, Satdobato.

## KOICA Supports Technical School

The Korea International Cooperation Agency (KOICA) provided automobile equipment to Automobile Department of the Panauti Technical School. This project worth US\$ 28,000.00 (NRs. 1,960,000.00) was implemented by KOICA Volunteer Kim Sun Gue under the KOICA Volunteer Project Aid Program. Through this project KOICA provided MODTECH engine set up, ANEST IWATA rec. Air Compressor, HP electric motor, air receiver, computer and other equipment.

At the handover ceremony held in Panauti Technical School on April 21, 2011, representative of KOICA Nepal Office Ms. Young Ah Doh stressed that each school should be better equipped to give students practical education which will increase learning opportunities and enhance their knowledge.

### KOICA Volunteers Complete Training

Seven KOICA volunteers who arrived in Nepal on February 28, 2011 to work in Nepal for two years have successfully completed eight weeks of adaptation training. KOICA organized a handover ceremony of these volunteers.

The main objective of this program is to build a good rapport between KOICA volunteers and the chiefs of the recipient organizations.

This local adaptation training was organized by KOICA Office Nepal. The training focused mainly on learning and understanding the Nepali history, language, and culture. They attended a series of lectures on Nepalese economy and social structure as well.

Six of the seven volunteers will be stationed out of the valley and one will be stationed in the valley.

### Partnership For Climate Action

The U.S. Agency for International Development (USAID) and the World Wildlife Fund (WWF) organized the Green Hiker Green Planet campaign April 18-21, 2011, to highlight the impact of global climate change on the Himalayas.

A team of 20 trekkers—including representatives from USAID, WWF, government civil society, and media, including Sunil Babu Pant, Shanta Chaudhary, and Lila Bahadur Baniya—participated in the event.

The trekkers started in Dhunche, hiked through Thulo Syabru and Jibjibe, and ended in Trisuli. The team observed first-hand the impact of climate change on Nepali communities, saw community initiatives to adapt to climate change, and discussed key conservation challenges and achievements.

Dr. Kevin A. Rushing, Mission Director of USAID/Nepal, remarked, "We believe we should look more closely and widely for opportunities to collaborate on climate solutions in

Nepal. It is especially imperative to address climate change in Nepal because of its largest glacier concentration outside the polar region. Nepal hosts eight of the world's tallest peaks and around 3,200 glaciers and 2,323 glacial lakes—with approximately 1.3 billion people dependent on the water that comes out of the mountains' many rivers. The Green Hiker Green Planet campaign was a great opportunity to discuss how we can all work together as partners to address climate change and its effects."

Anil Manandhar, Country Representative of WWF Nepal, stated that WWF was proud to share this platform with USAID in bringing to light climate change impacts at the local level.

### Workshop On Bioenergy

At a time when the country has been facing severe crisis of fossil fuels due to the rise of price at international level, South Asia Watch on Trade, Economics and Environment or SAWTEE, SIDA and SIS organized a three day regional standardization workshop on strengthening institutional capacity on sustainability criteria for bio-energy.

Inaugurated by Bindra Hada Bhattarai, member secretary of National Planning Commission, more than 50 participants from Nepal, India,



Bangladesh, Pakistan, Sri Lanka, Vietnam and Cambodia took part in the workshop.

Delivering the opening remarks, Ratnakar Adhikari, general secretary of SAWTEE highlighted the importance of standardization process and sustainability criteria for bio-energy. Lars Flink, Managing director, Swedish Standards Institute (SIS), Stockholm stressed the need to set the criteria for bioenergy as it is one of the widely used energy in developing country.

Speaking on sustainable bio-energy and trade opportunities, Iqbal Tabish, secretary general SAARC, Chamber of Commerce and Industry talked about the

need to increase bio-energy in the context of growing price of fossil fuel.

From the chair Dr. Posh Raj Pandey, executive chairman of SAWTEE said institutional capacity is prerequisite for the use of bioenergy. Various issues were debated in the three-day workshop.

### NTY-11 Highlighted In Belfast

The Embassy of Nepal, London, organized a special tourism promotion programme at Belfast, Northern Ireland of the United Kingdom on 06 April 2011 with special focus on Nepal Tourism Year 2011 in coordination with the Nepali Community, Northern Ireland.

The programme was held at Shaws Bridge, Ramada Belfast.

While wishing the success of Nepal's tourism year 2011, Minister Edwin Poots of the Department of Environment of Northern Ireland, specifically referred to the contributions made by the Gurkhas in enhancing the ties of the two countries. He also said "Such tourism promotion events not only will help increase economic ties between Northern Ireland and Nepal but also will help bringing peoples of two countries together."

Ambassador Dr. Suresh C. Chalise in his key note speech highlighted the core concepts of the tourism campaign for the year 2011 and informed the audience that Nepal enjoyed the privilege to be one of the most spectacular safe tourist destinations in the world.

Minister Counsellor Jhabindra Aryal highlighted Nepal's amazing tourist destinations and centres of attractions, national heritages, flora and fauna and cultural sites of historical importance among other things. ■



Uncoming Grande International Hospital Chairman Roop Jyoti and Raymond Chong, CEO of Samitvej Hospital in Bangkok signing an agreement for management and technical collaboration on April 24 in Kathmandu. At the centre is Royal Thai Ambassador to Nepal Maris Sangiaponga. The world class GIH hospital in Kathmandu is to come into operation from April 2012

## LATE GAJANANDA Vaidya

# Worthy Industrialist

Given commitment, dedication and vision, one can make a difference in the society. This is what everyone can learn from the life of industrialist Gajandanda Vaidya, who died last week at the age of 84.

At 34, late Vaidya started a small business which later grew into a leading business house of the nation.

Honorary counsel of the Philippines, late Vaidya also actively worked in social sectors like environment, education, health, and shelter for children and disabled. He established himself among a few industrialists with passion to work for the poor and vulnerable communities. He was the chairperson of Vaidya's Organization of Industries and Trading Houses.



Late Vaidya

His group invested in construction, tourism, aviation, fertilizers, heavy equipment and other service sectors. Before joining the industry, he also worked as an administrator in the United States Agency for International Development between 1958 and 1965. Between 1965 and 1967, late Vaidya served as the Auditor In Charge in Asian Research Society, Washington DC.

Vaidya started his business with an investment of US\$ 700 in the United Traders Syndicate. He initially conducted his business with Korea and Japan. Since 1968, his organization served as authorized dealer of Toyota Motors. He named Vaidya's Organization in 1981.

He invested in tea farms in Hile of Dhankuta. His Gurans Tea estate produces 175,000 tons of orthodox tea annually.

Late Vaidya also established Agri Flora in Chitwan in 1991 to produce organic vegetables with a production capacity of 231 tons.

Along with encouraging local industry, he also promoted foreign direct investment in Nepal establishing joint ventures with Korean, Chinese, Australian and Philippine investors. The Vaidya organization established a brick and tile factory, and Agri-tech joint venture with Chinese company, Mai, Ilam, Gurans Tea and Nirvana Tea Processing and Packaging Industry and Neko Alliance Industry with Korean investment.

His trading houses include United Traders and Syndicate, Suzuki Incorporated, Subirasa Incorporated, Sujaki Auto Works and Training Center and Vijaya Motors. Singh Construction Company is in the construction sector.

Late Vaidya was taking the initiative to establish Vijaya Academy of Health and Science in Bharatpur and Chitwan with joint venture partners from Australia and Philippines. This institution will teach bachelors and masters in nursing. A new company Nepal Ama Education System is in the process of establishment in joint venture with the Philippines.

Although Vaidya died, people will remember him for his legacy and contribution in social sectors and modernization process of Nepal. ■

## Rajkarnikar Senior Veep

Bhaskar Raj Rajkarnikar was elected as a senior vice president of Federation of Nepalese Chamber of Commerce and Industry, defeating another industrialist with thumping votes. Having worked for a long period of time in Nepal's advertisement sector, Rajkarnikar is also known for his good anchoring in Television.



Chairman of Avenues Television, Rajkarnikar is known for his capability to establishing good rapports with various sections of the society. He has had a long involvement with the media sector, and his election as a senior vice chairman reflects growing popularity of the media sector.

Earlier, Suraj Vaidya's group won the elections of the FNCCI defeating his rival Ajad Shrestha's team almost entirely. Kiran Sakha, candidate for the vice president is the only candidate, who lost with Pradip Raj Pandey.

At a time when the country has been passing through a serious crisis, Vaidya, will have to face several challenges. But the newly elected president is regarded as capable of uniting the FNCCI to carry out its mission.

## Aryal Treasurer

Suresh Kumar Basnet was elected president of Nepal Chamber of Commerce unanimously. For the media sector, Rajendra Aryal's elections as a treasurer of Nepal Chamber of Commerce is good news. Young Aryal worked for a long time in advertisement and service sectors. Aryal was the joint secretary in the previous executive committee of Nepal Chamber of Commerce.



Following the completion of his tenure as the joint secretary of Nepal Chamber of Commerce, the country's pioneer body of industrialists, Aryal is one of the people who played a major role to create the modern advertisement industry in Nepal. His elections will benefit the industrial sector.

## Roop Jyoti Awarded

Industrialist Dr. Roop Jyoti has made many contributions in Nepalese industrial and social sector but he always remained quite. A man with vision for change, former finance minister



Roop Jyoti was awarded with Distinguished Alumnus Award 2011 by IIT Mumbai.

This award is given to individuals for their extraordinary performance in their fields. This award is given to Jyoti for being a capable manager and his contribution to social service.

Vaidya completed his B. Tech from IIT Mumbai in 1970 and MBA from Harvard Business School in 1976 and completed MPA from Harvard Kennedy School in 1985 and did Ph. D in political economy and state power from Harvard University. ■



## SM Krishna's 'Undisclosed' Parleys

Apart from the formal and pre-arranged meetings, during his visit to Nepal last week the Indian external affairs minister S.M. Krishna had some secret meetings as well. Sources said that Krishna met the former prime minister Surya Bahadur Thapa, who had only recently returned from India after meeting with, among others, Krishna himself, on April 20. After frank talks with the Madhesi leaders, Krishna dropped in at Thapa's residence at Maligaun on his way to the Indian embassy from the Dwarika's hotel. He is said to have discussed the Nepali army's modalities of the Maoist combatants and the recent statements of the Nepali leaders on extending the term of the CA. He took up the issue with the army chief Chhatra Man Singh Gerung also in separate informal talks. Similarly, he met another former prime minister, Sher Bahadur Deuba, of the Nepali Congress at Baneshwor. He is reported to have



S. M. Krishna

enquired about the factious differences in the Nepali Congress. (Coincidentally the differences were resolved two days later - with Deuba faction agreeing to withdraw its opposition to president Sushil Koirala's vice-president nominee Ram Chandra Poudel and the general secretary-nominee Krishna Prasad Sitaula). In meeting with close people he sought to know the rationale of extending the constituent assembly. The Indian view was that even if the CA's term is extended a new constitution is difficult under the present circumstances. It was pointed out that the peace process did not move forward in the past despite the CA's extension. (*Nepal weekly*, April 24)

## Whither Nepal's Agenda?

Indian external affairs minister S.M.Krishna did not fail to put India's agenda and issues with Nepal during a recent visit. The perceived anti-Indian activities from Nepalese soil, security concerns, extradition treaty and even exemption of tax-penalty to a Nepal-based Indian telecom all figured during his talks with the Nepalese authorities. But nothing was heard about Nepal's agenda and concerns. There have been persistent reports of Nepalese being harassed by the SSB at the borders, shifting of the border pillars and border encroachment. The issue of the 1950 treaty is still alive in political movements in Nepal. Bhutanese refugee issue is also somewhat linked with India. The Indian criminals have been involved in murder in Kathmandu. Terrorist attacks take place

in public transports with the people on board in Terai. But why did the Nepalese government not draw the attention of Krishna to such sensitive issues? Why did the government and other political parties do not want to draw the attention of the Indian side to these issues? (*Naya Patrika*, April 24)

## Search On For A New Prime Minister

As calculations for a new political equation have started the central committee meeting of the UMIL is due to focus on the call for the resignation of prime minister Jhlanath Khanal who heads the party. His predecessor and senior leader Madhav Kumar Nepal has already called for Khanal's resignation for a national consensus. Another senior leader K.P.Oli has even threatened to remove



PM Khanal

Khanal from prime minister's as well as party chairman's chair. Sensing that the atmosphere is not in his mood, Khanal is believed to be considering the postponement of the central committee meeting. If that happened, that will only fuel the fire within. With the constitution deadline fast approaching a national consensus government comprising of the Maoists, the Nepali Congress, the UML and the Madhesi parties has become an urgent necessity. India is said to be favourable to the idea. In the event of such a consensus India will not object to even the Maoists leading the new government. Indian leaders including the external affairs minister S.M. Krishna have conveyed to senior leader Baburam Bhattarai. (*Drishti*, April 19)

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# Enigmatic Nepal-India Relations

By LOK RAJ BARAL



The Nepal-India relations are perennially a dominating feature in Nepali politics and media circles. Other professional groups and individuals are no less vocal about the subject. But the more we read and hear about India or even China, the more ignorant we become. Even normal visits by some Indian bureaucrats or academics, let alone the members of policy making staff, trigger debates and hypothetical discussions about the motives of India. Nepali media in particular is replete with possible Indian moves against individuals or parties, considered to be *bête noire* for Indian interests. And all such stories are not always baseless since India has also shown individual and political preference while making and breaking the governments. Nehru threw his weight against B.P. Koirala in 1951-52 preferring M.P. Koirala. His perception that B.P. was too radical to take together both the Ranas and the King could have been well intentioned but how his comprehension of the unfolding political scenarios proved wrong even after making MP as Prime Minister also needs to be revisited by today's Indian policy makers.

India's permanent and unchanging interests might have prompted the bureaucratic and security establishment in India that any government in Nepal should not try to cross the limits set by geo-political and strategic realities. Some core components of India-Nepal relations — Indian security interest that all it implies should not be undermined by Nepal. Indians want a guarantee that Nepal's location, all forms of interconnectedness between the two peoples and countries, cannot be compromised in the name of independent foreign policy or the so-called doctrine of non-interference.

It must be admitted with sincerity that India is not an expansionist power as some politicians tend to malign when they fall out of its favour or lack an objective assessment of this regional power. Sikkim cannot be compared with Nepal because of Nepal's own history of an independent nation. Nevertheless, even sovereign independent nation states, big and small, have limitations and are constrained to abide by such compulsions. It is not only concerned with India-Nepal but it is a common phenomenon in today's international politics.

Coming in the wake of Nepal's unsettled political developments and parties' failure to reach a consensus on both domestic and foreign policies, India, being a close neighbor, wants, if possible, to influence these developments and if not, take measures to neutralizing them. We should also acknowledge the rising aspirations of both India and China, the two Asian powers with eyes on becoming world powers. The overall developmental scenarios in both the countries prompt us to be cognizant of this fact in order to be more smart in adjusting to the changing realities. It can be done by reaching a consensus on certain core areas of national development relating it to the advantages to be accrued to Nepal from China and India. For it, Nepali politicians need to develop their own competence and knowledge about the new regional and global realities. First, they should

immediately settle the issues of constitution making, and then start developing cordial and cooperative relations with neighbours thus abdicating past practices of trying to use one neighbor against the other.

The Indian minister of external affairs, SM Krishna, has aptly raised this point while responding to the Nepali side over a luncheon hosted in his honour on April 20th, 2011. Relating to India's pace of development, he said that India wanted a developed and stable Nepal. Projects should be completed without any obstacle. And the Maoist activists are reported to have obstructed the construction of projects undertaken by India. In other meetings too, the minister raised the issue of growing anti-Indian feelings whipped by the Maoists in Nepal. It has been learned that Krishnan was blunt enough to tell the Nepali authorities that either Nepal should assure India of the safety of its embassy and diplomatic staff or should allow it to keep its own security guards. He also complained that a party in government [Maoist] mounts anti-Indian campaign, while the other [CPN(UML)] becomes a silent spectator.

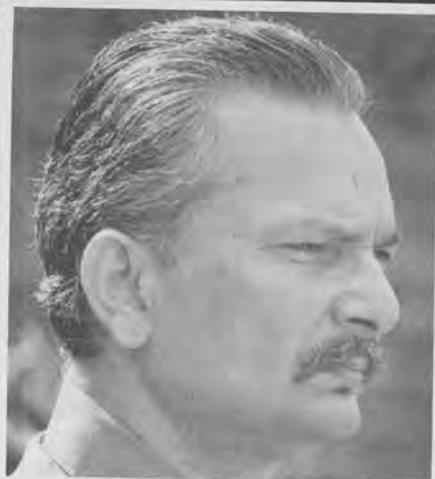
Notwithstanding such recent developments, the Indian attitude towards Nepal is often guided by perception than by reality which in turn has also given rise to anti-Indianism, though it is not a new phenomenon in Nepal. Politicians irrespective of their ideological and political biases, join this bogey when they realize that India government leaders show their preference to individuals and parties rather than to developing institutions. In the past, the Nepali Congress, dubbed as pro-Indian by the "Left" as well as by the so-called "Rashtrabadi", has also become critical of India. The Kings used anti-Indian cards by taking



S.M. Krishna and Maoist Leader Prachanda

advantage of straining Sino-Indian relations in the 1960s. The situation has now changed with both the neighbours—China and India—developing their respective capacities to maintain geo-political equilibrium. China has its own soft bellies in Asia, due to which it cannot take risks by taking a plunge against India. So is India under pressure due to a number of spots where China and Pakistan can create troubles.

Nepal's security threat is purely internal rather than extra-territorial. No country is secured unless it develops politically, economically and psychologically. Internal development and self-confidence are the preconditions for insuring national security. If Nepal's internal situation worsens every passing day, its neighbours have legitimate concerns about it. India more than China seems to show such concerns, though it alone cannot provide solutions to the multifaceted problems of Nepal. Nepal's own leadership should find solution with the support and sympathy of its neighbours. And India has played the role of a facilitator in the past and is likely to do it again if Nepali side starts developing cordial and cooperative relations with it (India). Indian policy makers should also understand the changed political context of Nepal by encouraging major political forces to move towards peace, democratic stability and development. ■



Maoist Leader Dr. Bhattarai



NC Leader Deuba

## POLITICS

## Power Games

*Petty politics is set to overtake the task of constitution-making and the peace process*

By SUSHIL SHARMA

**W**ith less than a month left for the May 28 constitution deadline, confusion galore by the day.

One thing is certain: the deadline will not be met. What is not certain is what follows then. A disaster. An earthquake. A tsunami. That is what is being feared. There have been very few explanations though.

As of now, speculations have centred on who will don the mantle at these critically uncertain times.

The Maoist supremo Prachanda is out to get the man he installed in the Singhdurbar. He does not want to let Jhalnath Khanal take credit for the conclusion of the process he believes he initiated along with the late Girija Prasad Koirala five years ago.

It was not for nothing that he decided on an about-turn from the Palungtar conclave to distance himself from the revolt-seeking vice chairman Mohan Vaidya 'Kiran' and draw closer to the peace and constitution-seeking vice chairman Baburam Bhattarai

Prachanda's ally-turned-rival-turned-ally, Baburam Bhattarai, has not given up the dream yet of landing in the plum job.

The latest to be seen in the race — from behind the curtain, of course — is the Nepali Congress leader Sher Bahadur Deuba who patched up differences with the party president Sushil Koirala over the selection of the vice president Ram Chandra Poudel and general secretary Krishna Prasad Sitaula.

The rapprochement took place close on the heels of a three-day visit of the Indian external affairs minister, S.M. Krishna, who had had hard talks with the Maoist supremo, and a very soft dialogue with the former Nepali Congress prime minister.

According to sources, Deuba is emerging as the front-runner to captain Nepal's baby republic in widely-forecast turbulent weather.

The search for the successor to Jhalnath Khanal is already on. Never in the driver's seat, Khanal will not be surprised to see himself boarded off — anytime.

As power games take the centre-stage, the constitution-making and the peace process are sure to be pushed to the backseat. ■

FUELING CONTROVERSY  
On Slippery Track

By SANJAYA DHAKAL

Facts are disconcerting. A decade ago, Nepal could foot the entire petrol bill by using one-third of the foreign exchange it earned through its exports.

Today, the total foreign exchange earned through entire export is just enough to pay for petroleum.

There couldn't be clearer case of unsustainable journey.

The serpentine queues that one



Finance Minister Bharat Mohan Ahikari

witnesses in front of petrol pumps in the capital city are a product of decades-long policies that have been misguided, at best.

The problem is that of the total indifference toward building manufacturing base and promoting exports.

For the last one decade or so, Nepal has dangerously become over-dependent on the remittance income it earns owing to hundreds of thousands of its workers overseas.

The hard-earned money they have sent home has resulted in availability of disposable income and, consequently, pushed consumption, and thereby, imports.

The total imports are already around five times total exports.

The rise in revenue from imports has made the government rest easy.

Worse, even when the oil price increases in the international market, the government is unable to correspondingly raise the domestic price.

Despite repeated calls from the experts, the government has not been able to put in place the automatic price mechanism that could have averted the problem. ■

## Janet Cooke – A Nepali Version But Anuja's Witchhunt Is Unfair

By YUBARAJ GHIMIRE



It was no doubt a meticulously invented fraud to establish herself as an epitome of honesty, and she succeeded to become famous overnight. President Ram Baran Yadav personally called her to congratulate how proud the nation was over her honesty. Chief Justice Ram Prasad Shrestha did not lag behind. Media 'broke the news' and wrote editorials one after another eulogizing the honesty she displayed at a time when it has almost become extinct in the public life.

Anuja Baniya, a 22-year old girl from eastern Nepal's Dharan, became an overnight 'Hero' when two dailies: Kantipur and Kathmandu Post of the Kantipur Publications, featured her on their front pages, relating her story of how she found an unclaimed bag containing 9.1 million rupees, and promptly handed over the bag to its rightful owner. The news said she also declined to accept Rs. 200,000 that the grateful owner gave her as a reward for her honesty.

But subsequent developments unfolded what was reported was only a much cruder version of Janet Cooke episode, a total fiction, re-invented in Nepal. Cooke who was associated with The Washington Post had received Pulitzer Prize in 1981 for her write up 'Jimmy's world' printed a year earlier portraying the plight of an 8-year old heroine addict with gripping details of his suffering that inspired the then mayor of D.C and other public spirited people to explore if anything could be done for Jimmy. The drive was abandoned when they realised Jimmy was non-existent. Cooke returned the Pulitzer prize within days of her receiving it. The Publication and Bob Woodward—a celebrity in U S journalism—apologised for publishing the feature, and recommending her for the prestigious award 'in good faith'.



Anuja Baniya

Anuja was not a journalist, but the fiction that she was able to plant and circulate with herself at the centre through the media won her kudos from everywhere. She said she found the bag lying in the bus, traced the real owner, and returned 9.1 million rupees as well as 'diamond necklace'. Investigations have revealed like Jimmy, Purusottam Pokharel of Sitapaila in Kathmandu just does not exist. Nor is there any witness to the lost, found and handed-over episode. She said, the media reported, and the world believed. But in the same manner that she was eulogized, she is being vilified now. She is portrayed as a compulsive liar within less than a week. The questions that should have been asked before the publication of the report are being asked now: why would someone with that much amount of money and diamond necklace travel in a public bus? Bank officials say that much amount in 1000 rupees currency notes will weigh 14 kilograms, and not fit in a bag as claimed by Anuja.

In his telephone call on April 21, a day after the dailies carried the story, President Yadav asked, "Nani Anuja, Malai Chineu?, Ma Nepal ko Rastrapati Ram Baran Yadav." (Daughter Anuja, do you recognize me? I am Ram Baran Yadav, president of Nepal). He said, "the exemplary honesty that you have shown will take you much higher in your life." Yadav also asked her to come to Kathmandu and meet him.

To save the President and many high officials who believed

the story initially and congratulated her in good faith, the local administration has begun to dig the whole truth and motive behind the 'plant'. And for a change, the two dailies came with an apology, something they have avoided doing in the past, although blunders—deliberate or inadvertent—demanded it many times. However, it is not the Kantipur group alone, but other media including dailies which followed up the event subsequently failed to detect the fraud. Most of them printed the story of President and the Chief Justice congratulating Anuja with the background information that the two dailies had come out with while 'breaking the news'.

Apology for such blunder should be welcomed, and certain lapses considered not unusual in the profession. But the current chapter has not been closed yet. It would bring in debate the way people in high position should be responding purely on the basis of media reports, and media would continue to be 'ridiculed; despite apology, that was not unconditional.

It will continue to be ridiculed for 'false reporting', and many wrong-doers, exposed by the media even rightly, would take shelter with the plea that 'media' does 'misreport'.

It will be worth mentioning a recent happening here. On March 5 morning, former King Gyanendra called Amita Giri (Kapali) to express condolences over the death of Kishun Ji. He said he deeply mourned the death of Kishunji, a big loss for the nation as well. Gyanendra declined to go to Dashrath Rangashala or Badegaon Ashram to personally pay homage when some of his advisers put forth the suggestion. "I have high regards for him, and I should not be seen as trying to take any kind of advantage over his body." Yes, Bhattarai had demanded revival

of the 1991 constitution and that of the constitutional monarchy. But looking back, was that not a decent response or non-response from a former head of the state? After all, was not Nepali Congress criticized for having kept the body at its party headquarters despite its having dumped the policy he pursued or believed in, and despite Bhattarai having called it a 'fake Congress' that he had nothing to do with? Yet, one hopes that Kantipur's apology—not unconditional though—should be the beginning of accountability exercise by the media. That would be a great contribution from Anuja to the Nepali media's professional growth. But at the same time, her witch hunt would be counter-productive. After all, nothing happens to our leaders and others who lie to the public and the media day in and day out.

Has any thing happened to our leaders who said publicly "we will not repeat the past mistakes, that we will carry forward the politics of consensus and that we will deliver the constitution by May 28, 2010?" Treating her differently, or as an exception—there are reports of police interrogating to avenge the embarrassment the President, the Chief Justice and other high dignitaries went through—will amount to applying law selectively. Let her realize the damage a lie can cause to herself, to the society and the country, and let her reform. ■

SUGAT RATNA KANSAKAR

# Welcome Return

*The Special Court gave a clean chit to Nepal Airlines executive chairman Sugat Ratna Kansakar and his team involved in an aircraft purchase deal*

By A CORRESPONDENT

**A** Special Court verdict acquitted Nepal Airlines chairman Sugat Ratna Kansakar and five of his senior colleagues, who were put behind the bar by the Commission for the Investigation of Abuse of Authority (CIAA) on a corruption charge involving a deal to purchase two wide-bodied Airbuses. But it does not meet the cost of their humiliation and pain.

Following the CIAA decision, Kansakar and one of his colleagues were admitted to local hospital for treatment. In a similar incident before, then Nepal Rastra Bank Governor Vijayanath Bhattarai and Surendra Man Pradhan were suspended and sent to prison in a CIAA case. The Special Court later acquitted them, but, in the meantime, Pradhan's mother had died.

Executive chairman Kansakar, acting deputy general managers Raju Bahadur K.C and Ganesh Thakur, acting director Gyanendra Purush Dhakal, Deputy Director Mayur Sumsher Rana and acting deputy director Keshav Raj Sharma received the clean chit from the court.

Nepal Airlines employees gave a reception as they joined office.

"I really appreciate employees of NAC who supported us during the difficult time," said Kansakar.

In this case, even the credibility of Nepal Airlines, which is facing a crisis because of lack of aircraft to operate in the international sector, was damaged.

Known as a man of vision, Kansakar expressed his desire a long time back to build the tallest building in Kathmandu for Nepal Telecom and his plan modernized the company.

"The CIAA's understanding of our work has appalled us. The special court has saved our dignity. My only aim was

to enhance the production capacity of NAC which was delayed by all these hindrances. It really counts what the government has to say about this problem as it has projected Nepal's image into the international business arena in a negative way," said Kansakar.

After the verdict, Kansakar declared

## 'The Court Gave Us Justice'

SUGAR RATNA KANSAKAR

**How do you look at the decision of the Special Court?**

I have always dedicated my life to the overall development of the country. When CIAA filed the case against me, many said that there is a future in the country in people like me. The decision of the court shows my strong belief that I will get justice was correct. I am an honest civil servant. The court recognized my honesty and integrity. I will complete my responsibility in the tourism sector.

**Whom do you give the credit in all this?**

The whole credit goes to the court which examined all the evidences and finally took the decision. The credit also goes to the 1400 employees of Nepal Airlines. Ninety percent of them stood strongly behind us. These employees opposed the wrong steps of CIAA. Media persons and other intellectuals also backed us during the hard time. I think all 30 million people were with us. All Nepalese were united in the cause to strengthen the national flag career for the tourism sector. There is no alternative to a strong national career to develop tourism in Nepal.

**How do you view the state of NA now?**

All the employees of NA are united

that their victory is a victory of justice but he and his colleagues have nowhere to go to claim compensation. The physical as well as mental tension they suffered remains unaddressed. The case has also made den to the reputation of Nepal Airlines and its staff.

Most importantly, Nepal's target to bring a million tourists is going to be impossible now as the country has spent four months in a dilemma. Nepal Airlines' Boeing 757 has also gone out of operation, hampering its international flights.

Kansakar is a dedicated visionary who has taken up his job of executive chairman after getting the clean cheat from the court. ■



for the cause. The employees have shown that they are not going to be a silent spectator in case any harm is done against Nepal Airlines.

**How will you precede with your plan to purchase the aircraft?**

I cannot proceed with the old purchasing process. But I am sure that Nepal Airlines needs aircraft. You cannot keep airlines without new aircraft. This should be the priority.

**How do you find the response?**

I am very proud that if somebody does a good job honestly, all the people stand solidly behind him. In my case, I found love, courage and care from all.

## OPINION POLL

# Majority Against Federalism

*A majority of people express their opinion on whether to make Nepal as a federal state*

By A CORRESPONDENT

Three major Madheshi Parties, Madheshi Janadhikar Forum (Loktantrik), Terai Madheshi Loktantrik Party and Nepal Sadbhavana Party handed over a memorandum of understanding to prime minister Jhala Nath Khanal threatening that they will revolt in case the CA rejects their demand of one Madhesh and One Pradesh and does not promulgate the new constitution by May 28.

"If Constituent Assembly does not accept our demand of one Madhesh and One Pradesh, we will call a mass revolt in terai," said Rajendra Mahato, chairman of Nepal Sadbhavana Party. "We cannot compromise on one Madhesh and One Pradesh."

A front led by Laxman Singh Tharu called indefinite strike in Tharuhat area opposing the move of Madheshi party to make their province under one Madhesh and One Pradesh.

"We have our own identity and there is now question to live under Madhesh Pradesh as there is no history of such Pradesh. We want Tharuhat autonomous state with right to self determination," said Tharu.

Similarly, Limbuwan Parties in eastern region have issued a threat to launch armed struggle if the CA does not declare eight districts of eastern Nepal as Limbuwan. "Historically, eight districts east of Kosi river are part of Limbuwan," said leader of joint front Kumar Lingden. Another ethnic group Khumbuwan wants separate state in eastern hills.

Along with the demands of regional parties, the major political parties are yet to agree on modality and geographical areas of federal Nepal. Although State Restructuring Committee of CA has already proposed 14 provinces in federal Nepal, Nepali Congress is pressing for a Constitutional Experts committee to take a decision.

At a time when there are wider disputes over the federal model among the major political parties and regional

groups, a recent opinion poll conducted by Nepal Interdisciplinary Analysts (Nepal-IDA) between 31 January to 22 February 2011, showed a majority of Nepalese expressed their views against federalism.

The findings on the whole point to the negative associations of federalism in the minds of the common man and women. Majority of the people (62 percent), however, professed ignorance which need not come as a surprise since 51 percent had said either they have not heard of it or they do not know/ cannot say.

According to the Survey, various questions pertaining to federalism were asked in the opinion poll. In a question 'have you heard about federalism?' about

The opinion poll showed that majority of people are against the main value of Interim Constitution proclaimed as major ingredients of 12 point agreement between UCPN-Maoist and seven parties alliance. Along with federalism, people rejected democracy without monarchy and secularism.

## Vote For Monarchy

The majority of Nepalese are against the current political trends, according to the survey. The main findings also showed that majority of people have lost faith in Constituent Assembly.

In the poll, 48 percent respondents said that they will vote for monarchy with democracy and 43 percent said they would vote for democracy without monarchy. Only 8 percent population expressed they don't know.

## Hindu Vs Secular

On the question of Hindu or Secular state, people expressed that Nepal should be a Hindu state rather than secular state. Majority of the people consider that the CA would not able to promulgate the new constitution by May 28. "The fact that more than half

professed ignorance need not come as a surprise since 51 percent had said either they have not heard of it or they

## Public Level Trust

The highest average level of trust is for the media in general newspaper 7.1, TV 6.7 and radio 6.1. The lowest average level of trust is for political parties in general 3.6 and Maoist combatant 3.6. The average level of trust is relatively high for Nepali Army 5.9, civil society/NGOs 5.8, Election Commission 5.8. The average level of trust is relatively low political youth organization.

half, 49 percent, reported that they have heard about federalism. However, around 34 percent reported that they have not heard about it. A significant percent 17 percent, said they didn't not know. Among 49 percent of all respondents, 68 percent cited Radio and television as main sources.

In the question what do you think are the most important responsibilities for state under the federal system? Mostly 60 percent were unable to respond to the question. About 12 percent reported that Nepal should not be a federal state. Asked to the 32 percent people who reported having heard federalism what should be the basis for the establishment of federalism? 13.4 percent said it should be based on ethnicity and 26.7 said Nepal should not be a federal state.

don't know. The findings on the whole point to the negative associations of federalism in the mind of the common man and woman."

Despite declaring Nepal as a secular state, 57.3 percent respondent thinks that Nepal should be Hindu state against 33.7 supported secular states.

## On CA Members

One of the other interesting revelations is that 61 percent of people participated in the public opinion expressed negative views on the activities of CA members and a much higher proportion, 65 percent, thinks the country is moving in the wrong direction.

On public perception of political parties, UCPN-Maoist has gone down by 8 percent and those who reported Nepali Congress has increased by 5 percent points and those who are reported

CPN-UML has also increased by 4 points.

At a time when leaders of major political parties have been saying that it is almost impossible to promulgate new constitution by May 28, large number of population also expressed similar views in a nation-wide opinion poll.

#### CA and Constitution

According to opinion poll, only 9 percent think that the CA would be able to formulate the new constitution by

May 28, 2011 while a big majority 57 percent thinks that the CA would not be able to. Promulgation of constitution by May 28 is impossible. "Political leaders must sit together and take a decision to prevent the crisis," said chairman of Constitutional Committee Nilamber Acharya.

On public perception of political parties, UCPN-Maoist has gone down by 8 percent and those who reported

Nepali Congress has increased by 5 percent points and those who are reported CPN-UML has also increased by 4 points. But, 47 percent people have reservation over whom they will vote in case the elections are held now. Among respondent 13 percent said they will vote for Nepali Congress, 10 percent mentioned that they will vote for Maoist and 8 percent for CPN-UML. About 1 percent reported RPP-Nepal and MJF. ■

#### Counter View

## Conspiracy Afoot To Check Change

By KHIMLAL DEVKOTA

The current political situation is fluid as major political parties which brought the change are divided over minor issues. Had we had the courage; we would have solved the country's problems a long time ago by promulgating the new constitution. The country has been passing through a transitional phase, which is always painful. During this time, some may make efforts to fish in troubled waters. This has been happening now. At a time when the country's major political parties are divided over several constitutional matters, reactionaries thrive. People may have to sacrifice a little bit but nobody can reverse the change and transformation brought by the people through their long sacrifice and struggle. It took us almost 60 years to realize the people's wishes to turn Nepal into a federal democratic republic with secular credentials.

As in the past, Nepal's major political forces, UCPN-Maoist, Nepali Congress and CPN-UML need to come together for the cause of democracy and rights of the people. If they continue to get divided as now, counter revolutionary and revisionist forces will get fertile ground to reverse the change. I am certain that our leadership has the capability and culture to sit together and find political solutions. Our party UCPN-Maoist has a clear stand on constitutional issues. We want the constitution for a secular, federal People's Republic. I think other two parties will also come to this term.

UCPN-Maoist is ready to face any situation. It is almost certain that in case efforts are made to reverse the situation, there will be a bloodshed. Our party will launch another intense struggle as in the past to defeat the enemies of the people and democracy. Our party will fight tooth and nail to foil any attempt of conspirators and enemies of the country.

Our party is committed to the peace process and wants to conclude it. Given the present political situation, we cannot integrate our combatants into the security forces. At a time when conspirators have been making all out efforts to reverse the present transformation, our combatants need to remain alert. After the promulgation of the new constitution, we will integrate our combatants.

I don't think monarchy will ever return to Nepal. Somebody may dream to restore the monarchy but the people will not accept it. We fought more than 12 years of armed struggle to make Nepal a federal, democratic and secular republic. We signed the peace agreement with parliamentary parties so that



they would accept our demands. The twelve point agreement is a result of consensus among the country's major political forces. The people's movement II was finally launched with an aim to abolish monarchy and Hindu Kingdom. This was done after 40 days of violent struggle.

From the day one of abolition of monarchy and establishment of Nepal as a federal republic, some reactionary and regressive forces have made their efforts to reverse the changes and return the country into the old feudal order. Such efforts were foiled by the people, the sinister moves of foreign, reactionary and regressive forces. But now I am confident that no one can reverse the changes. That is our reality. If there is a need of another revolution, our party is ready for that too.

After our decision to form the government on the basis of majority, a conspiracy against the federal, democratic republic Nepal has begun. Following the formation of UCPN-Maoist government, the conspirators and reactionaries joined hands to disturb the peace process, hoping that they can restore the old system and old constitution, which the Nepalese have already put in the dustbin of history. Of course, we are unable to promulgate the new constitution in time but we have made a lot of efforts to institutionalize and establish a new value system. We are successful in these efforts. We have turned this country from an exclusionary state to an inclusive state giving special privileges to all downtrodden, dalits, ethnic groups and marginalized communities. This is a great success of last four years of transformation. As a member of revolutionary party like UCPN-M, it is a pride for me to speak about the success achieved by the country. In the past, the country was just a part of privileged and feudal class and a large number of people were out of the mainstream politics. The situation has changed now from politics to civil service, judiciary and schools. Their status has changed. Women's right is established and religious rights of minorities including Muslims and Christians too are established. This is one of the good signs.

Of course, one cannot bring about a complete transformation without sacrifices. Change is not easy and we need to prepare to face counter revolutionary acts of previously defeated feudal and reactionaries backed by foreign forces.

Recently, monarchist and anti-federalist regressive forces have come out with various false reports showing that a majority of Nepalese are against the political change and transformation. I don't know what kind of things people are saying but one thing is almost certain that nobody can reverse the present state of Nepal. Federal, republic, and secular democratic Nepal is the New Nepal.

Ethiopian experience has also shown that there no alternative federalism to the country like Nepal.

*Devkota is CA Member of UCPN Maoist (As told to New Spotlight)*

# 'There Are A Number Of Problems'

-DR. KARAN SINGH

A senior leader of India's leading coalition partner Congress, DR. KARAN SINGH had been involved in New Delhi's Nepal-policy in the past. During the final days of monarchy, he was sent as Indian Prime Minister Manmohan Singh's special envoy to hold a secret meeting with the then King Gyanendra. The son of Kashmir's Maharaja Hari Singh who had signed the Instrument of Accession to India in 1947, Singh was married to Yasho Rajya Lakshmi from Nepal. He spoke to NAVIN SINGH KHADKA of the BBC Nepali service as Indian Foreign Minister SM Krishna was wrapping up his Nepal-visit last week. Excerpts of the interview:

**What is India's main concern in Nepal at this point?**

Our real concern was the peace process and the constitution but that has been somewhat delayed, I am not quite sure what is the position today but it is in our interest that there should be a stable government, there should be a constitution there and the peace process should continue to move towards its logical culmination. And also that, there have been some rather disturbing reports that Indian businessmen were being targeted or being squeezed out, I am not quite sure how true those are, but that sort of thing will not be acceptable and we will be very concerned if that happens.

**By mentioning that, you might be referring to the Maoists. But people say that the Maoists were brought into the mainstream with the help of India and now there is this tension between the two sides, which means New Delhi's Nepal policy has failed and it needs a review.**

Well, I would not like to comment on that. I was also involved as you know I had go up one day and talked to [the then] King Gyanendra, just before he handed power to the seven parties. But certainly it needs a review. And I think we have to very carefully reconsider the whole situation and decide what it is that is going to be in our interest and in the interest of the people of Nepal. We have by the way a large number of Indian army ex-servicemen in Nepal, about 200,000. So you see the relationship is so close that any kind of hostility or tension is going to be counter-productive.

**You mentioned your meeting with former King Gyanendra, people are still curious. What did you tell him then?**

That I am not inclined to tell you on [the] BBC (laughs). I know you are a bright young man but you won't get any secret information from me.

**But then what is also said is those were the days when India was the sole player in Nepal and you had direct access to the then king like that. But now, in this changed scenario, there are so many players – the western powers, Chinese influences and so on. So don't you think things have gone worse?**

Well I don't know, you know when you move into a democracy from any kind of a absolute regime whether it's a dictatorship or a monarchy, there is always certain amount of turmoil. You can see what is happening in West Asia, for example. The transition to democracy is never a smooth one. But yes, you are quite right there are a number of problems. But I am sure you are going to tackle them and address them satisfactorily and I am hoping that the foreign minister's visit there (Indian Foreign Minister SM Krishna's visit to Nepal) will lead to a solution of many of the problems.

**So does Krishna's visit come as a review if India's Nepal-policy?**

Well, the review is a constant process you know. Foreign policy is not a one time thing, it's under constant review depending on the circumstances on the ground. And so, I presume that it is being reviewed regularly and updated and upgraded. And perhaps this latest visit (of SM Krishna) is the latest element in that review.

**You pointed out the latest visit. But what is often alleged by analysts even in India itself is that Nepal is left for bureaucrats to handle and politicians are busy with something else and therefore you have this mess. Do you agree?**

Is that so? No, I would rather not comment on that.

**What do you say about allegations that China is also becoming active in Nepal now?**

The interview is about Nepal and not about China. But I must reiterate that our ties with Nepal is indissoluble. Anybody who tries to break it or who tries to muddy the water ultimately will not succeed.

**Former Indian Foreign Minister Pranab Mukharjee was on-the-record that India brought Maoists into the main fold in Nepal. And so, people argue: now that you have a problem with the force that you once claimed to have brought to the mainstream, why should Nepalese suffer?**

Yeah, you must ask Pranab Mukharjee that (laughs). ■





## Mini Upper Tama-Kosi Hydropower For Quick Relief From Load-Shedding Crisis

- DR. AB THAPA

The 456 MW Upper Tama-Kosi Hydropower Project proposed to be built by the NEA in remote part of the Himalaya is a very attractive project. Unfortunately, under present circumstances the implementation of this extremely large project could push the NEA further into deep financial difficulties. It also could not be completely ruled out that as a result of it even the economy of the entire country might be put in jeopardy.

### Mini Upper Tama-Kosi Project

For quick relief from the present power shortage crisis relatively a much smaller alternative of the NEA proposed 456 MW Upper Tama-Kosi Project would be best suited for implementation in near future. The proposed alternative to NEA's 456 MW project would involve insignificantly less risk of damages to structures at the time of glacier lakes outburst floods (GLOF). Similarly, the possibility of substantial drop in generation of electricity resulting from the seepage of water through the highly porous floor of the reservoir particularly in dry seasons, when the demand for electricity is the highest, would be almost totally avoided.

Considering the nature of the present demand for electricity in our country and also the vulnerability of main project structures, the installed capacity of the Upper Tama-Kosi Project must be limited to just over 100 MW. Even after such drastic reduction in installed capacity the total generation of electric energy during the dry season period would still be equal or even exceeding the generation by the NEA proposed 456 MW project despite the fact that the cost of such mini-project would be only about one third. As the demand for peaking energy grows in future the installed capacity could be raised with ease by providing additional structures.

### Nature of Loadshedding

At present during the wet season

months quite limited areas are affected by load-shedding lasting only for a very short period in the evening. Even such limited disruption in supply of power might have been to a certain extent the result of transmission lines congestion coupled with the NEA's power purchase agreements biased in the IPP's favour. One of the executives of the NEA Keshav Upadhyay has painfully written in the NEA Bulletin dated Falgun 2067 touching on the subject of power tariff "...energy rate of NEA plants would have further lowered but for stiff conditions in power purchase agreements like *take or pay* which forces the system operator to



**Kosi River**

shut down NEA owned run-off-river plants...". During the dry months the load-shedding is now reaching up to 16 hours a day. Even the midnight hours when the electricity demand is the lowest are not excluded from load-shedding. It is quite obvious that the NEA is now facing acute shortage of base load energy which could have been produced at exceptionally low cost. Thus, the NEA proposed Upper Tama-Kosi hydropower with a huge peaking capacity of 456 MW, which would be mostly generating high valued expensive peaking energy, could not be an appropriate project to resolve the present power shortage crisis.

The Mini Upper Tama-Kosi hydropower would be relatively a very small project which could be implemented within a short period to provide quick relief from the present severe load-shedding. The generated electricity would be very cheap and thus

it might not be necessary to raise the electricity tariff within the coming few years.

### Misuse of Existing Projects

All the NEA owned hydropower projects, like the Kali-Gandaki, both Trisuli, both Marshyangdi, both Kulekhani and others are capable to run at full capacity even during the dry season periods. They have been built at enormous cost to supply electricity to meet the demand for peaking. Obviously, the generation cost of such peaking energy is always very high. Unfortunately at present the full capacity of these hydropower projects

built to generate high valued peaking energy has not been fully utilized during the critically important dry season periods. They are now operated to produce a very large proportion of cheap energy to meet the demand for base load. Thus, the reservoirs, high barrages, turbines, generators, transmission lines and civil structures provided to generate and transmit peaking energy have not been utilized to the full extent. It is one of the reasons why the generation cost of the NEA produced electricity is high.

The generation cost of the peaking energy is about two to three times more expensive than that of the energy supplied to meet the demand for base load. A fifty percent proportion of the base load and the peak load capacities of the power stations operating in a power grid is normally considered to be optimum mix. It implies in our case that the overall firm generating capacity of our power grid should have already grown very high on top of the existing 450 MW firm capacity (400 MW peaking capacity and 50 MW base load capacity) in order to effectively use the additional peaking capacity of the NEA proposed 456 MW Upper Tama-Kosi project. Thus, it would be too uneconomic under present circumstances to implement a

hydropower project suitable to produce excessively large peaking power such as the 456 MW Upper Tama-Kosi project. **Danger of GLOF**

There are several rapidly growing glacier lakes near the project site in Tibet. The great risk of glacier lakes outburst floods (GLOF) to high gated barrage and other structures of the NEA proposed Upper Tama-kosi project should not be underestimated. We already have a bitter experience of the 1984 Digcho GLOF when the Namche hydropower built on the upper reach of the Dudh-Kosi river was completely washed away.

The reconstruction cost could be too much if the barrage and intake structure of the NEA proposed Upper Tama-Kosi project would be damaged by big GLOF. Power supply would be suspended for a very long time which would have terrible consequences for the economy of entire country.

The Mini Upper Tama-Kosi project would be having only ungated simple weir across the river. The GLOF would cause only limited damage to the weir. The damage can be repaired within a short period at a relatively small cost. **Seepage through Reservoir floor**

It is reported that the reservoir of the NEA proposed Upper Tama-kosi project to be built on the flat reach of Tama-kosi is made of 300 meters high fill materials from landslides over the original river bed that had dammed the river. There is a great possibility of excessively large seepage of water from the reservoir. As a result of such seepage, there can be significant reduction in electricity generation in dry season.

The mini Upper Tama-kosi project would not require the provision of a reservoir. The question of energy losses resulting from the seepage through the floor of the reservoir does not arise.

#### In Conclusion

The Mini Upper Tama-Kosi project can play pivotal role in bringing about quick relief from the present load-shedding crisis and also in holding down the electricity tariff. ■

## DARJEELING ELECTIONS

# Stronger Gorkha Hopes

*Voters in Darjeeling are hoping that the fresh assembly elections will support their cause for Gorkhaland*

By UMA KANTA KHANAL in Jhapa

The Gorkhas of Darjeeling hills are optimistic that their demands for Gorkhaland will be stronger in the Legislative Assembly of West Bengal state this time.

They hope their representatives will raise their demands for a separate state for the Indian Gorkhas. They took part in the April 18 elections to send their representatives to the assembly. The Gorkhas of Darjeeling felt that they did not have their real representatives there before.

One said, "If they had been the real representatives of people of Darjeeling, they could have taken our voices to the state's assembly more strongly."

Darjeeling Gorkhas think that their main obstacle is the ruling Left Front. The ruling Communist Party of India (Marxist) has been opposing the formation of a separate state of Indian Gorkhas. The leaders of the party say that the first thing is the need to maintain peace in Darjeeling.

Once, the chief minister, Buddhadeb Bhattacharjee, had said in Siliguri that the Gorkhaland state was not possible.

Since then, the party agitating for a separate Gorkhaland state, namely, the Gorkha Janamukti Morcha, and other non-communist parties have been considering the option to go against the ruling left front parties.

The result is an alliance against the ruling parties with Gorkha Janamukti Morcha being the principal party.

Agitating Gorkha Janamukti Morcha has its own three candidates for the Darjeeling hills and two for the Dooars area. It has supported Congress and Trinmul Congress in the rest of the terai.

Morcha had supported the candidate of Bharatiya Janata Party in the last Lok Sabha elections. "But why did we support the candidates of Congress and Trinmul Congress?" one of the supporters of



**Voting in Darjeeling**

Gorkha Janamukti Morcha Bijay Bhattarai said, "BJP doesn't have its strength in West Bengal. So, we supported other parties like Congress and Trinmul Congress."

He said that everyone is fed up with the ruling left front parties.

Another supporter of GJM, Yadunath Sharma said, "Now we hope that the left front parties will not form the government in West Bengal and we are hopeful that we will get a chance to conduct our programmes as per our rights."

One of the leaders of the ruling CPI (M), Saman Pathak said, "We are still hopeful to form the government although all the opposition parties are on one side."

He claims that CPI (M) has got the organised votes.

The hope of raising a stronger voice for Gorkhaland is rising among the people. A journalist working with a Nepali newspaper, Sanjaya Pradhan said, "The people are eagerly waiting to see their voice raised up in the state's legislative assembly."

Congress and Trinmul Congress still keep mum regarding the issue of Gorkhaland so, it is premature to say that the representatives of Congress and Trinmul Congress will raise their demands in the assembly. And it is estimated that the ruling party of more than two decades will not be easily replaced in the state's government. ■

## LABOR MOVEMENT

# Lockup Mode Pang Of Protest

With the nation seeing daily power cuts for more than 14 hours a day, and yearly public holidays, strikes and lockups for over a hundred days on average, Nepal's industrial sector is virtually on the verge breakdown. Heavily politicized and faction-ridden, Nepal's labor unions have been worsening the problems by locking up the industries as they wish. As Nepal's labor unions celebrating the May Day, the question before their leaders is if they can change the modality of their protests

By KESHAB POUDEL

The tea workers in eastern part of Nepal locked up tea gardens demanding pay increase and other facilities. Similarly, labor disputes in Hotel Fishtail in Pokhara was settled after the management side accepted the demand of labor unions.

These two labor unrests have shown that Nepal's industrial sector is prone to unrest and nobody can predict the situation. Many thought the tripartite agreement between industrialists, trade unions and the government would end the incidents like these lock ups for a few months. The hope were dashed in less than two weeks.

Although the Fishtail Hotel resumed its operation, the lockup of the hotel showed that no one can be safe from labor

unrest. Tea garden management is yet to negotiate with the labors. The cost of labor unrest has already run into millions of rupees in tea gardens. However, it has not made any difference to protestors.

Wherever one sees, Nepal's labor union has one basic character. Backed by political parties, Nepal's trade union leaders know how to lock up the establishment in protests. It seems that Nepal's modern trade union leaders still follow the modality of Nepal's two pioneer labor leaders Congress leader late Girija Prasad Koirala and communist leader late Man Mohan Adhikary, who led the protests in 1949 in Biratnagar Jute Mill. The two leaders launched the agitation by locking up the industry.

Despite providing several trainings,

experience sharing interactions and field visits to different countries, Nepal's labor leaders, often use the harsh method of protest instead of going for negotiations for different stages.

Although the labor movement has seen drastic change in the global level with traditional definitions faded out, Nepal's labor movement is still divided in orthodox model of labor and owner or feudal and worker. They still champion politically driven slogans. Thus, labor often uses violent protest to press the owners. Instead of harmonized negotiations, physical power is the rule for them.

"This is our compulsion. Had industrialists increased the salary as agreed by them, nobody needs to go to

strike. It is not the labor but industrialists are responsible for the present state," said Saligram Jammal Kattel, former president of Maoist affiliated Nepal Trade Union Federation (Revolutionary).

After locking up industries for a week at the end of March and first week of April for about 11 days, labor unions agreed to return to work and open industries. The controversial tripartite agreement reportedly signed between the government, industrialists and labor unions is already in trouble. Newly elected president FNCCI Suraj Vaidya has called for renegotiations on the agreement.

### Division in Trade Unions

Nepal's trade union organizations are also divided on the basis of ideology of country's major political parties. Some trade unions split on the basis of party's factional politics. There are three major trade unions belonging to three major political parties, Nepali Congress, CPN-UML and UCPN-Maoist. Similarly, regional Madhesh based three political parties have their own trade unions. Each trade union is divided on the basis of party's internal factions.

For instance, All Nepal Trade Union Federation, a UCPN-Maoist affiliated organization, has three factions close to three leaders, Prachanda, Kiran Vaidya and Dr. Baburam Bhattarai. Nepal Trade Union Congress, affiliated to Nepali Congress, is also faction ridden. CPN-UML affiliated trade union and trade unions affiliated to Madheshi parties too are faction ridden.

This is the reason every agreement lands in controversies and disputes. For instance, the agreement signed by Saligram Jammal Kattel led trade union of UCPN-Maoist was rejected by other faction led by Kiran Vaidya creating more problems.

No trade union movement may have divisions and splits like Nepal's trade unions but they too have some unique characters in agreeing whenever they call a strike and go to lock up the industry. There are about dozens of trade union movements and all of them have their own strategies and demands.

FNCCI's newly elected president Suraj Vaidya also holds the view that his team's priority will be to take the issue of



Labor Show

labors. As a former head of labor cells of FNCCI, newly elected president Vaidya knows the crux.

"There are two major problems that need urgent action — labor problem and power crisis. FNCCI is already in dialogue with major trade unions and has forged understandings with the leading unions. But I believe short term remedies will not address our concerns. I will try to find a long term solution. Hence, I will press the government to revise existing labor law and try to seek support of trade unions for the same. Creating jobs and raising income opportunities by enhancing labor productivity are my top priorities. I will also put emphasis on raising skills of outbound Nepali workers," said Vaidya.

The Federation of Nepalese Chambers of Commerce and Industry (FNCCI) has urged leaders of major political parties, including the UCPN (Maoist), to maintain unity among their trade unions to ensure smooth industrial operations.

The Maoist-affiliated trade union factions led by Badri Bajgain (close to Maoist Senior Vice-chairman Mohan Baidhya) and Lal Dhowj Nemwang (close to another Vice-chairman Dr Baburam Bhattarai) have been supporting the indefinite shutdown of 500 industries called by Madheshi trade unions in the Sunsari-Morang Industrial Corridor from Friday.

Nepal's organized labor force is not too large but one cannot ignore their

presence also. Major political parties are backing the trade unions because there is money as well as voters. According to International Labor Organization, out of a total labor force of 11,111,000, agriculture employed 76 percent, service 18 and industry mere 6. According to an estimate, about 600,000 workers are employed in industrial sector, and 2 million in service sector.

### Full of Holidays

Nepal's industrial output is gradually declining due to growing number of holidays. The power cut of over 14 hours is a pressure on industries and a growing number of public holidays are another concern. Similarly, the strikes and lockups cut the working days.

Out of 365 days, there are more than 80 public holidays including 52 Saturdays. The formal sector employee gets another 54 days leave, including sick leave. There used to be about dozens of strikes. Nepal's industries are operating by fewer than 100 days a year.

In such a scenario, the industrialists say they are not in a position to increase incentives to their employees. Here begins the unrest. Whether there is money or no money, laborers want hike in salary.

"My point is that if the unions want industrialists to double the minimum wage (instead of simply adjusting existing wage with inflation), they should also guarantee that labor productivity would also double. Else, why double the wages when the industrial

## Labour Plight Pathetic

SHALIGRAM JAMMAR KATTEL  
Former President of Maoist Trade Union

What is the present situation of labourers in Nepal?

Their situation is very pathetic from every angle: social, economic, and political. A recent report of ADB also states so. Many industries have been shut down while others are economically critical. This has a direct effect on the labourers.



What about the clashes over the trade unions among your party members of late? Won't that worsen the labour market situation?

The main problem of Nepal is about the transformation of the state. The clash among the party members was due to misunderstanding of ideologies. The problem has now been solved. Yet we have many things to sort out but that won't hamper the commoners and the industry.

Was the clash of the trade unions seen in your party an effect of the ideological differences of the three biggies?

Well I don't think so. Our party has solved the problem and those kinds of incidents won't happen in the coming days. Those hooligans were small groups, not of All Nepal Trade Union Federation (ANTUF) and even the party itself has taken a decision that All Nepal Trade Union Federation (ANTUF) is the only legal union.

Is the trade union movement in Nepal politically motivated rather than working for the welfare of the

sector is losing competitiveness and is in a downturn?" writes Chandan Sapkota, a researcher at SAWTEE, in his article in Republica.

The recent agitation came to an end following signing of 11 point pact between the Federation of Nepalese Chambers of Commerce and Industry (FNCCI), the Confederation of Nepalese Industries (CNI) and the agitating trade unions. Under the pact, employers agreed to raise the remuneration of workers, besides committing themselves to social security for the workers.

The trade unions also committed themselves to increasing worker productivity for the betterment of the business enterprises. The three major trade unions in the country — Maoist-affiliated All Nepal Trade Union Federation (ANTUF), UML-affiliated General Federation of Nepalese Trade Unions (GEFONT) and the NC-affiliated Nepal Trade Union Congress

(NTUC) staged the protest demanding a pay hike. Salikram Jammam Kattel, president of ANTUF, expressed his organization's commitment to extending full cooperation for implementing the agreement. "We have called off all programs of agitation in the industrial estates. We will abide by the spirit of the agreement," he said.

With the fresh agreement, workers' basic remuneration and dearness allowance will be raised by Rs 50 and Rs 1,450 respectively per month. This has increased the minimum remuneration to Rs 6,100 a month, from Rs 4,600.

Employers and workers have also agreed to contribute 20 percent and 11 percent of their respective basic remunerations for implementing different social security schemes for workers.

A bilateral permanent mechanism comprising representatives of the Employers' Council of FNCCI and the

## Labour Law Implementation Lax

- BISHNU RIMAL

President of the General Federation of Nepalese Trade Union

Please share your views on the state of labourers in Nepal.

Nepal's labour market is a mismatch while comparing it with that of other countries. Here, we have a group of unskilled and underpaid people lacking job opportunities while there are others who are skilled, have a plenty of opportunities and are paid handsomely.



But we have fewer job opportunities within the country which is perhaps why the people have to go abroad for jobs. Similarly, the labour law is there but, leaving some exceptions, its implementation aspect is weak.

Is the present trade union movement in Nepal an outcome of political motives or a fight for the welfare of the labourers?

In recent days, it seems that many people affiliated to trade unions are here for political motives. But we are a bit far from the political motivation and indeed have focused on the wellbeing of labourers. And we condemn those who have used labourers for fulfilling their political needs.

Many say that CPN-UML's labourers are not satisfied and are changing unions swiftly. Is this true?

Satisfaction and dissatisfaction are relative terms. Yet, the present internal clash between the Maoist trade unions, which even resulted in physical assaults, and the modesty shown by the UML affiliated labourers is a testimony as to whose labourers are satisfied.

Are you a politician or a trade union worker?

I am a trade union worker. Of course, I am a member of CPN-UML but I always abide by the principle of labor. I have never mixed politics with labor the movement.

trade unions will be set up at central as well as district levels to foster industrial harmony and create a favorable production environment.

Similarly, the workers have committed themselves to fully cooperate with the employers to increase industrial productivity, which has been eroded due to long-running labor unrest. They have also agreed not to take part in any political activities during working hours.

The three trade unions are all set to go for further protest, if the demands are not fulfilled.

As long as Nepal's trade unions are guided by politics, one cannot see any modesty and modality in negotiations. Violent protests and lock ups will be used for a long time to come when the labourers press the industrialists to agree to their demands, thereby discouraging investment in the country. ■



UN Permanent Representative Gyan Chandra Acharya (Left) Addressing LDCs Meet

LDCs

## The Lost Voice

*Civil Society activists call upon the international community to listen to what the least developed countries say*

By BHAGIRATH YOGI in New York

In the first week of March, civil society representatives from around the world had gathered in the United Nations headquarters in New York to press for stronger action to transform the plights of poor nations of the world, collectively known as the Least Developed Countries (LDCs).

"As the developed countries are busy to keep their own houses in order, the crisis, in fact, has shifted to the LDCs," said Mohiuddin Ahmed, a civil society activist from Bangladesh. "It's insulting to see that poverty still remains a catchword. If the military budget of major economies is cut by 10 percent annually, there would be no poverty in the world," he added.

Said Ms Nura from Niger, "Most of the Sub-Saharan countries are suffering from drought, famine and desertification. We want that food sovereignty be given prominent status in any future negotiations."

In order to review the progress made by the LDCs over the last decade and formulate a Programme of Action (PoA) for the new decade, the United Nations is going to organise the IVth LDC Summit in Istanbul from 9 to 13th May, this year. The New York meeting provided an informal forum for civil society activists and government representatives to share their concerns and draw the attention of the international community towards common issues.

### 'Structural Constraints'

Ambassador Gyan Chandra Acharya, Nepal's permanent representative to the United Nations, who was also chairing the bureau of LDCs, said that LDCs were suffering from structural constraints created by low level of economic development. "The Green Revolution has by-passed the LDCs. Now, the international community must come forward to support them to increase their food production and develop rural infrastructure."

In 1971, the United Nations identified 24 countries as the LDCs that had per capita income of less than 750 US dollars. The idea was to help these countries graduate from the LDC status. But four decades later, the number of LDCs has just doubled. Out of 48 LDCs, 33 remain in Africa, one (Haiti) in America and the rest in Asia and the Pacific.

"All 33 LDCs in Africa are living in crisis," said Ms Odale Faye, a civil society activist from Senegal. "In order to change their plight, we need new rules of the game based on new social contract," she added.

From climate change to debt cancellation, from technology transfer to improving the capabilities of human resources in the LDCs, civil society activists highlighted the agenda that were most important for them. "The Istanbul Programme of Action must

commit to halve the number of LDCs over the next decade," demanded Dr Arjun Karki, international coordinator of the LDC Watch, an advocacy group comprising civil societies from around the world. "The international community has failed the world's most vulnerable countries. The time has come now for course correction," he added.

The UN officials insist that the LDCs – with the combined population of over 800 million – pose next big challenge for globalisation. "The last two decades have witnessed a surge in the emerging-market countries such as Brazil, China, India and Indonesia. The millennium development goals' target of reducing extreme poverty in the world has already been met, ahead of schedule. Because of this surge, the final group of countries to remain mired in endemic poverty now have a fighting chance of moving up – perhaps their best chance in recent history," said Cheick Sidi Diarra, the UN under Secretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States. "Seeing the LDCs emerge from development stagnation is a humanitarian challenge that is also in the interests of all of us. It is a forward movement that can also be an effective rearguard action, potentially sealing off global threats brought on by regional instability, extremist violence, transnational crime and infectious diseases," he added.

While the civil society activists are demanding that the developed countries and multilateral agencies write off all debt to the LDCs and help them adapt to the effects of climate change, among others, developed countries are citing their own adverse economic conditions. They are also calling upon the LDC governments to improve their governance and promote accountability.

While agreeing to such concerns, civil society activists said that everything must be done so as not to lose the latest opportunity. "We want a new global development paradigm that is people-oriented, rather than profit-oriented. We want a world without LDCs," said Amadou Thal, a civil society activist from Gambia.

But, translating these lofty goals into reality through a concerted action would be no less challenging. ■



# A Shahi Aayog For India?

By ABIJIT SHARMA

Early this month, the famous Jantar Mantar at the heart of the Indian capital was abuzz with bustling movements of the Delhites, social activists and even celebrities. The 18<sup>th</sup> century monument which sees large protests and *dharnas* round the year, witnessed a rather large and an unprecedented sort of mass this time around. No points for guessing, the people had gathered there for the anti-corruption campaign of social activist Anna Hazare. Exceeding even his own expectations, Anna's fast unto death until an anti-corruption bill was passed was to create uproar in the country in the coming days and establish this feeble looking septuagenarian retired soldier as a cult personality.

But as the Gandhian's movement picked up momentum throughout the country, and hundreds of thousands of Indians flocked to the streets to lend their support for Hazare and demand for drafting a Jan Lokpal bill, it started to raise as much eyebrows as it had raised hopes earlier. Questions regarding the campaign's legitimacy and claims of it being a mass movement started to pop up. Commentators also wondered if the movement and its demand would really help in eradicating the age old problem of corruption in one of the world's worst-ranked countries of the Transparency International. Add to that, controversial figures turning up in Jantar Mantar to lend support to Hazare and controversial remarks by the activist himself, forced people to look at the other side of the story.

Hazare's method has been criticized for being anarchic, a sort of blackmail and has even been blamed for disregarding the parliamentary democracy. Wrote a columnist in *The Economic Times*, 'The much-glorified Gandhian leader and his much-hyped anti-corruption movement seem to have no patience with democracy.'

True, in a democratic system one has the right to express his discontent, but forcing the government to meet the demand by blackmailing can never be legitimate. Just imagine what will happen if a big crowd, following in Hazare's footsteps, sit for a hunger strike to press for particular bills of their liking to be passed by the parliament. In a parliamentary form of system, it is the job of representatives of people in the house to decide the bills – not the crowd or, for that matter, the mob. It cannot simply be done through coercion, as in Hazare's case. No doubt, the Lokpal bill has been pending in the parliament for 40 years and the representatives the people sent to the august body failed in their duty possibly because many of them were not immune to the corruption virus. That however does not give license to the Hazares to hold the parliament and the elected government to ransom. If the parliament did get the good and honest people's representatives, it is the fault of the electoral system. Ana Hazare should therefore have pressed for

comprehensive electoral reforms to ensure that incorruptible politicians got elected to the parliament.

There was another flaw in the movement; the much touted 'non-violence' element. Yes, you might argue that the movement was peaceful with the participants holding candle vigils and rallies, but what about the psychological and mental violence the popularly-elected government has been put through? How ethical or moral is it to use such violence against others to fulfill one's demands?

The claim of the whole movement being mass oriented is also debatable. If you watch carefully, you will notice that the gatherings primarily consisted of the urban middle class: university students, intellectuals, government officials and social activists. But very few voices flew in from villages to lend support to the movement. Uttar Pradesh Chief Minister Mayawati even slammed Hazare for not including a Dalit member in the drafting panel of the Jan Lokpal bill. Further, use of Hindu religious symbols, welcoming of RSS leader Ram Madhav and the yoga guru Swami Ramdev by Hazare himself, has been largely condemned, bringing into question whether the movement was being backed by right wing Hindu elements. The movement also failed to attract participation from minorities including the Muslims. Although some small organizations like Muslim Students Organizations did voice their support, there was a lack of a broader Muslim participation.

Hazare's praise for Gujarat Chief Minister Narendra Modi, one of the alleged culprits of the 2002 Gujarat riots, and calling him the 'ideal' CM, was another blow to the whole movement. Although, the activist later clarified that he was praising Gujarat's development and strongly denounced any communal animosity, the damage had been already done.

As the people remain euphoric over the 'success' of the campaign, the main question that needs answer now is: will the Jan Lokpal Bill help to eradicate or even control corruption? The answer in my opinion is a NO. Firstly, a politics free from corruption cannot exist in any form of system. The level of corruption might differ in different countries, but eradication of corruption from politics is hard to think of. The Jan Lokpal Bill as proposed by Hazard and the company is also a threat to democracy. They want to vest in it the authority of investigation, prosecution and judgement a la the notorious Shahi Aayog formed – and subsequently disbanded on the orders of the supreme court – by the ousted royal regime of king Gyanendra in Nepal. This simply can not be accepted in a functionary democracy with a mechanism for checks and balances. The Shahi Aayog, among others, did the royal regime in. The Hazare-proposed Jan Lokpal Bill could do the same to the Indian democracy. ■



Anna Hazare

DOCTOR WALLY BROWN

# Ready To Help

*Doctor Wally Brown takes satisfaction in that he has been able to serve the poor people*

By SHRADHA GYAWALI in Utah USA

**A**t 78, doctor Wally Brown is an active member of Rotary Club. Brown upholds the mission and motto of the Rotary International as he shows his willingness to help people in anyway he can.

Paul. P. Harris, the founder of Rotary International, started his secular

organization with the purpose to bring together business and professional leaders to provide humanitarian service, encourage high ethical standards, and help build goodwill and peace in the world.

Rotarians like doctor Brown have helped keep this organization alive over the years by upholding the organization's motto: Service above Self.

An American living in Utah of the United States, doctor Brown spoke to Shradha Gyawali in his residence. Excerpts:

**Who inspired you to study dentistry and how satisfied are you with your professional life?**

I did not have any good role model in dentistry. My family had never gone to college. I had two good friends whom I really respected; they were both doing pre-dental studies and they were the ones who inspired me. But that wasn't enough; I was still not fully convinced to study dentistry. So, I took a few requirement classes for dentistry which encouraged me in going ahead in this profession.

**Are you satisfied with your work?**

Well, I am very much satisfied. It gave me a chance to be flexible and it was also very satisfying as I could help people. Not only this, I also got to be my own boss, there was no one to direct me, this made me really happy. I feel satisfied that I was able to help and give service to people.

**Have you always been proactive in helping the less fortunate as you do now?**

I always wanted to be, and yes, I have been pretty active.

What took you to Nepal and what has made you fall in love with the country and the people there as you have continuously been helping the people there with whatever you can?

I went to Nepal first with CHOICE. I had previously got an opportunity to go to Guatemala with them and heard that they were going to Nepal. So, I went along. On my first trip to Nepal, I had been to Lamjung, I loved the place. The people were warm and loving which inspired me to make

a difference in their lives. The six times that I have been to Nepal, I have been to Okhlapani five times.

**What does Rotary mean to you? As you are the past district governor and an active Rotarian, what keeps you so involved with Rotary?**

I always wanted to give service and Rotary gives me an organized platform to help people. There are good people in Rotary. It gives me the chance to meet people and work with people with humanitarian interest from all over the world. Rotary is also becoming popular with the Polio eradication program. In 1985, 385 people were paralyzed with polio every year and today the number has dropped down to very few.

**What inspired you to take up projects in Nepal like the regular dental camps that you do and also the many wheelchairs that you have been instrumental in sending to Nepal?**

I just saw a huge need. There are about 27 million people and very few dentists and these dentists are mainly concentrated in Kathmandu. There was such a huge need, I had organizations to work with and also because I love Nepal I really wanted to make a difference. It would be people like the Rotarians from the Rotary club of Kathmandu METRO and few other friends who made things easy for me. I like to do it so I ought to. There are other people to do as well but there is such a huge need.

**What are the things you have sent to Nepal?**

Wheelchair was another project idea. There are a lot of spinal injury cases due to bad working conditions. Each shipping container has 280 wheelchairs which costs a total of \$22,000. I have sent two such

Doctor Wally was born and raised in Salt Lake City, Utah.

Brown was asked to go as a missionary by the church to places like Connecticut, New Hampshire, Massachusetts and a few places of eastern Canada. After returning from the mission, he went back to BYU to complete his undergraduate degree. He later joined the University Of Washington- School Of Dentistry in Seattle.

Victor E. Frankl, the author of the book, "Man's Search for Meaning" has rightly stated, "A man who becomes conscious of the responsibility he bears towards a human being, who affectionately waits for him, or to an unfinished work, will never be able to throw away his life. He knows the 'why' for his existence, and will be able to bear almost any 'how'." ■

containers and in each case Rotary Club of Kathmandu METRO did the arrangement to distribute the wheelchairs to the disabled people. We also visited Chitwan



**Doctor Brown**

and Biratnagar to distribute the wheelchairs. This is something I could not have done without Rotary. Not only this, we also have polio under control in Nepal. Last year we had six reported cases and this year we have none so far.

**What has been your experience with the Rotary Club of Kathmandu METRO which you work with very closely?**

Rotary clubs are different all over the world. Some are strong, some weak, some do a lot of projects while some don't have much to do. In the early years they had a bit to learn because they had never been a part of Rotary. Now they have become good friends and have a good sense of mission.

**As a literacy chair for Rotary, what do you think about the current education system of Nepal?**

I don't know much about the education system but I like the fact that even in rural areas people start learning some English. However, I would very much like to see better trained teachers. In order to do this the economy of the country needs to be strengthened so that they can build better schools, universities and have trained teachers. ■

BRICK KLIN

# Smoky Business

*Launched by various stakeholders, the Brick Clean Network raises the issue of child labor and air pollution*

By A CORRESPONDENT

**K**amala Rokaya, 12, is busy in Sallaghari Bhaktapur to carry bricks to a chimney at a brick kiln. Hired by a local brick kiln owner, Rokaya is paid Rs.1500.00 a month. Sleeping in a small hut with a height of three feet, length five feet and width four feet, her chorus begins early in the morning and ends at late night.

As Nepal's labor unions are celebrating the International Labor Day, children like Rokaya have no option other than to carry bundles of raw bricks to the kilns. Valley's brick kilns are not only exploiting the child labor but they are also the main sources of air pollution.

Along with exploitation of children, the black smoke puffed by the chimney is polluting the air of residential areas



of Nalinchowk and Bhaktapur city. However, nobody seems to have the time to raise the devastation caused by brick kilns.

Although brick kilns are sources of air pollution and child exploitation, only a few raise issue with them. With the growing pollution and exploitation of child labor, Brick Clean Network, a network created by a group of social workers, environmentalists, child rights,

and animal rights advocates working in the brick factories in Kathmandu valley, kicked off its consumer campaign to promote clean and green bricks. The group has already organized a public event to raise the awareness.

Concerned about the plight of thousands of girls like Rokaya who work as a bonded labor, Rendch American artists Karl Knapp, known for his involvement in the Divinity of the common life and Planet Nepal Project conducted a visual performance called Every Brick has a story.

With the annual transaction of over Rs.10 billion, the brick kiln owners have a strong lobby, even the government and political leaders are afraid to take up the issue. The laborers working at the big factories called a week long stir, but there no trade union raised the issue of child labor in brick kilns.

"Our aim is to end all kinds of violation of rights as well as make the valley's air pollution free," said Usha Manandhar, convener of campaign. "We will urge all to use the brick which is clean from child labor and pollution."

At a time when brick kilns engaging children and violating child rights to animal rights and air pollution, the effort launched by Brick Clean Network is timely. The challenge ahead is how to convince the policymakers and brick users. ■

## Private Schools : Doing Well

Only after the fall of Rana oligarchy could the Nepalese commoners have access to formal education within the country. But, in some 60 years since, educational institutions have mushroomed in number and reach. Private schools and colleges are leading the growth as the government institutions, which thrived for a while, have lost their luster.

Shanti Adhikari, director of the Princeton International Academy, remembers public colleges had their pride of place in his days.

"I was very proud that my college, Patan College, was one of the best institutes of the country," he says, "but now it's not so, the government institutions are nobody's first choice."

Adhikari, son of renowned Sanskrit scholar professor late Radha Krishna Adhikari, learned the value of education from his childhood.

He went to Laboratory School, Kirtipur, one of the finest schools of the time and later developed interest to work in the education sector.

"Public academic institutions have more qualified teachers and resources than private

institutions," he says. "It is hard to figure out why they are below private institutions in reputation."

Adhikari suspects the common people give the government a low rating for not following up on their institutions and seeing to it that they are functioning well.

**Proper management of private educational institutions is the reason behind their success, says Shanti Adhikari, the director of Princeton International Academy**

"Even though they have limited resources, private institutions are thriving due to their strong management," he argues.

There are 2,512 Higher Secondary Schools affiliated with the Higher Secondary Education Board.

"If any of our students or faculties remains absent even for a day we make sure we know why this happened and act accordingly. But the government institutions lack this check and balance system," he says, "Therefore, I believe, a good management

team is vital for running an institution."

Here is how his Princeton Academy works. "We hold regular examinations, and class tests. This makes students alert. We also emphasize extra-curricular activities and even proper counseling for students having problems in their studies."

"Students should feel free to explore their destinations and to foster their intellectual growth. Therefore, we don't hinder their development with ordinances. But if they fail to perform their basic duties, we don't fail to dictate either."

But what about the talks seeking ban on private institutions we hear from time to time?

Furthermore, he adds that if the government is to ban private institutions they should have a concrete plan as to what they will do to the students who are now with the private institutes.

"But, personally, I too feel bad about the dual education system of Nepal. Therefore, there should be a policy that could bridge the gap between students of private and government institutions," he concludes.

By A CORRESPONDENT



CEAPRED

## Fruits Of Dedication

*Nothing is impossible if a person pays dedication to his work. Executive chairperson of the Center for Environmental and Agricultural, Policy Research, Extension and Development Dr. Hari Krishna Upadhyaya has shown that Nepal's subsistence based agriculture can be transformed into an economically vibrant sector*

By A CORRESPONDENT

**T**wo decades ago nobody thought that growing vegetable could transform the livelihood of the poor and marginalized community in hill areas.

However, executive chairperson of CEAPRED Dr. Upadhyaya has proved that transformation in agriculture pattern can be used for sustainable livelihood improvement.

From a pocket program in a village of Dhankuta, Dr. Upadhyaya has passed a long mile and spent his valuable life time to achieve the target to improve the livelihood of poor and marginalized people. Last week when CEAPRED observed its 21st anniversary, CEAPRED's program reached the households of millions of people around the country.

Established in 1991 to develop and institutionalize the concept of participatory development in Nepal, CEAPRED has been able to achieve its objective to reduce poverty and enhance food security through empowerment of deprived and disadvantaged communities of Nepal.

Promoting commercial high-value agriculture, livestock and agro processing activities based on local comparative advantage, CEAPRED has already changed the pattern of agriculture in many far and remote districts of Nepal.

"I am proud that we are able to achieve our vision of high inclusive and sustainable agricultural growth contributing to poverty alleviation and livelihood improvement of the poor in Nepal," said Dr. Hari Krishna Upadhyaya, executive chairman of CEAPRED. "For this, I had to dedicate my twenty years of time."

When CEAPRED launched its efforts to change the subsistence based agriculture into market-led, demand driven and value-chain based micro-enterprises for improving the livelihood of the landless poor and disadvantaged community, every one raised the eyebrow. Its first project launched in Dhankuta district has already proved that the livelihood can be changed through this approach. Land based activities such as production and marketing of off-session vegetables and seeds benefit those who

possess cultivable land.

As climate change is gradually affecting the agriculture pattern of the country, CEAPRED vegetable and vegetable seed program have comparative advantages. When the water level is shrinking and rain pattern is changing, farmers are searching the alternatives. Switching to vegetables is the best option.

"We also support most poor and vulnerable communities who possess marginal or no lands by introducing non-land development services and support to improve their livelihood," said executive director Bharat Prasad Upadhyaya. "We provide the necessary technical, financial and managerial support to initiate micro enterprises that are suitable to local market conditions."

Now the CEAPRED is working in 779 Village Development Committees and 30 municipalities of 52 districts. It has already formed 7856 groups serving 132515 households. By selling the vegetables, house holds' cash income earned through vegetables production goes up to Rs. 4 billion. Similarly, household cash income earned through vegetables seed is Rs.78.06 million and cash income earned through livestock is Rs.26.22 million.

Along with promoting the vegetables production and seeds, CEAPRED has also been supporting rural infrastructure. It has already established 524 cooperative buildings/ collection centers, 68372 micro irrigation systems drips, ponds sprinklers and etc. Along with this, 1335 drinking water, school and toilets were also constructed.

Under the local institutional building program, CEAPRED established 11 multipurpose cooperatives, 72 marketing cooperatives, 46 saving and credit cooperatives, 35 production cooperatives, 458 community based cooperatives and 13 district cooperative Unions.

From establishing local institutions to promoting vegetables as an alternative to subsistence agriculture, Dr. Hari Krishna Upadhyaya's approach is now yielding the fruit to the rural marginalized poor community who are making difference in their livelihood. ■

## KATHAMANDU METROPOLIS

# Parking Row

Whenever tenders are opened for parking lots, confrontation and controversy surface in the Kathmandu Metropolitan Corporation. Leaders of political parties, employees and local goons compete with one another to award the tender to their favorites. In a metropolis where more than half a million vehicles ply daily, the hourly parking charge, upwards from Rs.10.00, totals into a lot of money. KMC has been generating around 15 million rupees annually for the last seven years from parking spaces, but the figure could be several times higher. The parking business is so profitable. Everybody wants to give the business to their people. The biggest loser is KMC

By SAROJ DAHAL

**R**ameshwor K.C. (not a real name) has been collecting the parking toll in one of the busiest locations in New Road. When he was hired by a contractor nine years ago, he was asked to pay Rs.1000.00 a day. Then the hourly parking charge of a motorbike was Rs. 5 and of a car Rs.10 then. Now K.C. is paying Rs.10,000.00 a day in a slot of three hundred meters of the road lane.

Whatever the change in the amount of charge paid by petty contractors like K.C. in a decade, the annual income to Kathmandu Metropolitan Corporation has not jumped as much. For the past several years, the revenue generated from parking remains at around Rs.10-15 million annually. According to the website of GTZ/UDLE, the revenue has remained stagnant.

KMC allocated 35 locations for the parking of various vehicles. It generated Rs. 15.4 million last year from the parking and this year it is expecting to increase the annual income to up to Rs. 20 million. Although KMC records

showed that the land is allocated in 35 venues, Traffic Police has recorded that more than 100 public places are used as parking lots.

#### Rush of the Vehicles

Vehicles entering Kathmandu roads have grown thirteen times between 1989-90 and 2009-10. Some 1.01 million vehicles ply on these roads currently. However, the real growth has been seen in the last two years with 102,570 vehicle registrations in the fiscal year 2008-09 and 201,787 last year. According to the Department of Transport Management (DoTM), until 1989-90 only 78,378 vehicles were on the roads, comprising bus (4,159), car, jeep and van (24,050) and motorcycle (35,776).

Their current number is 2,028 and 6,681, respectively. Of 1.01 million vehicles plying on the roads, motorcycles cover 63.67 per cent, that is 744,727 motorcycles, in the country, followed by 113,391 cars, jeeps and vans, 56,827 tractors, 45,961 trucks and heavy vehicles, and 23,243 buses.

Around 168,707 motorcycles were added to the list in 2009-10, followed by

cars, jeeps, vans, minibuses (14,388), tractor/power tillage (11,460) bus, minibus, truck (5,857) and heavy vehicles (1,335). Only nine tempo and 31 other vehicles entered the Nepali roads during the period.

With a total population of over 5 million, Kathmandu metropolitan city is by far the largest urban agglomerate in Nepal, accounting for 20% of the urban population in an area of 5,067 hectares, or 50.67 square kilometers.

According to the Department of Transport Management (DoTM), in the last five years (2006-10), the number of vehicles registered in the Bagmati zone reached 249,219—more than half of all the vehicles registered in the country.

The more the vehicles, the more the place needed for parking.

“Traffic management should be systematic. Drivers should park vehicles in their right places and the traffic police should manage the situation better,” Suraj Sigdel, senior divisional engineer at the DoR, said.

Department of Roads complains about the traffic police's inability to

allocate parking lots on the Ring Road even after two months of the declaration of the road as a no-parking zone. This has made driving a difficult job for city folks.

The rush in the execution of the concept of alternative parking—which the Metropolitan Traffic Police Division (MTPD) promised earlier—has led to flouted of rules.

“Other managerial works like designating parking spaces are the responsibility of the KMC,” officials said.

Dhanpati Sapkota, chief of the implementation department of the KMC, said studies were going on to fix the parking spaces.

“We are doing homework to find fixed parking spots as the ongoing mission is successful and traffic woes in the Valley have also eased to some extent,” he said.

According to Sapkota, the KMC is also trying to coordinate with the MTPD for suggesting parking spaces. Due to deteriorating law and order situation and weak monitoring mechanism, Metropolitan officials too are helpless to stop such acts as many local clubs with the backing of major political parties are now generating income. For instance, Shankata Sports Club and RCT Clubs collect parking charges from parking lots of Nepal Airlines, Tempo Park and Ranipokhari corner. Legalized by ward offices, local clubs control the resources. Ward offices are helpless spectators in the process as they cannot resist the pressure of leaders of local political parties who have influences going up to the center and the Ministry.

Nepali Congress leader Dhyam Govinda Ranjit, who is also a member of an all-party mechanism, rejected that politicians press anybody to do this or that.

“We have never pressurised any KMC official to do this or that,” said Ranjit.

#### Pay Parking

Pay parking system began in 1994 when the municipality was under Nepali Congress. In the initial phase, the tender was awarded to one contractor which paid the money to the municipality. However, this process changed later. Had the contract been awarded to one party, it would have generated huge resources and the process would have been transparent.

As the big contractors are barred, the duty of collection of parking money has



Motorbikes Parking In New Road

been awarded to local level contractors. In awarding tenders to petty contractors, there is a possibility of nepotism and favoritism. Under the current system to hire petty contractors, politicians and municipal officials can manipulate the process at their wish. The trends to hand over the parking revenue generation to ward office will turn the deal more vulnerable to corruption.

This is the reason the tender is unofficially traded at several levels. The person or firm who officially gets the contract award sells it to other persons for a hefty money.

This is the reason Metropolitan officials and political leaders start lobby in favor of certain contractors months before the time of retender.

Jagat Shrestha (name changed), a collector in Durbarmarg, has worked under four different contractors in the last six years.

“The contractors divide the areas among various boys on the basis of the sub-contract,” said Shrestha.

“I have to pay Rs. 3000.000 a day for the four hundred meters of road side. We don’t know anything about the top level dealing.”

Kathmandu Metropolitan Corporation collected about Rs. 2630,709.00 pay parking till Chaitra 30. In the month of Chaitra, the Municipality collected 172,245.00. According to revenue officer Ram Prasad Paudel, the tenders are called by ward offices and center. With the partnership with ward office, social clubs are also generating money by declaring certain public place as parking zones.

“I get the tender through the open

bidding process. I took part in the open bidding process and my proposal was selected on the basis of amount I agreed to pay,” said Binod Kumar Shakya, who is running the parking in Pako, Photo Concern, Ranamuketshwor, and R.B. Complex. His contract was awarded by ward no 22 of Kathmandu Metropolitan.

Shakaya is not collecting the money and he depends upon local boys who collect the money under the petty contract agreement with Shakya. “We are asked to say that we are Shakya’s employees. That is not true. Actually I am paying Rs. 5000.000 a day in an area of 200 meters.”

The scenario of fiscal discipline among the local bodies in Nepal has not been up to the mark. The effectiveness and transparency of the development grants the local bodies receive annually have failed to be ascertained in the absence of elected people’s representatives. “Mismanagement, corruption and misallocation of resources are a common practice among the local bodies,” said a national vigilance report.

Since the dissolution of the local bodies in 2002, they are functioning without elected people’s leadership and are involved in corruption and misappropriation at a degree never seen before.

The political parties formed an all-party mechanism as a temporary arrangement to fill in the vacuum and carry on service delivery and development works. This existing political mechanism is not an elected body. As a result, it is not accountable and transparent to the people in whose

name it allocates and spends resources worth billions of rupees annually.

### Tender Process

The Metropolitan awards the tender through the Public Procurement Act and Public Procurement Regulations. This is not applied in ward level where the ward secretary awards the tender under the influences. Out of 35 parking slots, 13 are allocated by Ward Offices.

“We are following the due process of law to hand over the parking contract. Our contract basically goes to those who bid on the highest amount of money,” said Ram Prasad Poudel, Tax Officer of Kathmandu Metropolitan.

Parking areas are declared by a committee comprising Traffic Police, Kathmandu Municipality and Department of Roads. This committee allocates the areas. Only after that, authority is given to municipality and wards to make necessary arrangements for parking.

In many places, the contractors who get awards sell their contracts to the second party and the second bidder hands it over to the third party and finally the job of collection of the money and managing parking lots goes to the local boys. There is a chain of bargaining and corruption.

The first bidder is responsible for the payment from the parking lot. In its name, in reality, the bidder is out of the scene once he or she gets the tender. They may be different individuals, groups and companies.

In a study released a few months ago, the NVC found that millions of rupees allocated to the Kathmandu Metropolitan City (KMC) had been grossly “misused” in the last 10 years. The National Vigilance Centre study revealed that a total of Rs. 124.5 million is still awaiting clearance from the respective recipients.

“A total of 46 employees were found to have taken advance payments ranging from Rs. 50,000 to 1,00,000, while 68 employees took between Rs. 100,000 to Rs. 467,500,” the report mentions. Interestingly enough, the 17th Metropolis Council had decided to waive repayment by employees who took payments below Rs. 50,000.

“There is no accurate record of income and expenditure, and the financial irregularities have crossed the limit,” the NVC report mentions.

The 22-page report further reveals



**Kathmandu Metropolitan**

that the KMC officials have not updated even the bank accounts or the name-list of employees who took the advances from the state coffers.

### Contractors Lists

Out of one hundred parking lots, the Municipality has a list of 25 contractors. Nobody knows the remaining persons or clubs which are collecting money from several so called pay parking areas.

“In many such areas, the Metropolitan just ignores the contractors knowing that political leaders have blessings on them. Political parties’ sister organizations, student unions of the colleges and other social organizations backed by political leaders are collecting the money illegally.

According to Metropolitan records, bidder Jaya Banglamukhi Suppliers was awarded the tender to levy parking charge in Babarmahal Tax office by the Municipality. Makhan Mahadev Club is awarded tender of parking in Makhan area by local ward office. Likewise, Jas Bahadur Gurung, with his address, mobile no. 9841179313, was awarded the tender of parking in Shanker Dev Campus, Bina Marg, Kamaladi east and west, Kathmandu Medical College Sinamangal Area, Rabi Bhavan and Kalanki. Nabin Poudel, mobile no. 9851036511, got the tender of parking in Dilli Bazar, Land Revenue Office, Naxal Bal Mandir, Baneshwor International Convention Center below Water Tank, the road to Kumari Hall and Saraswati Marg. Thamel Bikas Kosh was awarded at Thamel Provident Fund and local club was awarded the parking bid in Bagbazaar.

Out of 35 tenders, twenty tenders were awarded by the center and remaining by the wards. Although the bill is issued under these contractors’ name, the actual business is taken by other persons.

As all other municipalities in the country, Kathmandu Metropolitan is governed by employees and a group of nominated political workers having no accountability to the whole affairs. Thus, increase in the misuse of resources and irregularities in all kinds of financial dealings is common. Although it goes unnoticed, the misuse in parking charges is causing a loss of millions of rupees annually to the KMC coffers. Under the Local Self-Governance Act, 1999, Kathmandu Metropolitan is responsible for regulating the parking areas.

According to clause 144 LSGA 1999, the municipality may impose parking charge, as prescribed, at vehicles parking places and manage it.

Under the functions, duties and power of municipality relating to the works and transport, the clause 96 (f) (2) says the function and duties to be performed by Municipality mandatorily in the municipal areas shall be to arrange or cause to be arranged for bus parks, parking places of rickshaws, three wheelers, horse carts, trucks, buses and etc.

The KMC is just a representative case in the cycle of corruption and mismanagement that have spread roots in the local bodies in the absence of elected people’s representatives. ■

*This is the 9<sup>th</sup> of nine investigative stories on politics of local bodies supported by The Asia Foundation. The views expressed by the Author do not necessarily reflect those of The Foundation of founder.*

# Nepal Has Proud Legal History

By MOHAN BANJADE



Nepal is one of the oldest countries in South Asia having a long tradition of independent and sovereign state, run under various laws, costumes, rules and regulations. Nepal has experimented several constitutions and the country is all the time governed under laws, decrees and customs. It is unfortunate that Nepal's century old proud history was overlooked following the Janandolan II and many foreign experts came to Nepal as if Nepal was a state having no laws and rules. Many foreigners shared their impressions about Nepal as if this state was still governed like in 14<sup>th</sup> and 15<sup>th</sup> centuries. But that was completely wrong. To set things straight, Nepal Law Commission launched a website where all the acts, rules, and regulations of Nepal were made available. Nepal Law Commission is collecting laws, regulations, decrees and other such matters that came in force in the country over centuries. We have made acts after passing the phase from religious and customary rules. Nepal has hardly made any efforts to document and archives its own laws. Several translations were made in the interest of foreigners, to meet their needs. To overcome these lapses, Nepal Law Commission has launched a website, trying to put together all the laws, regulations, costumes, and decrees.

Nepal's legal history is rich in traditions, practices and decisions. For example, the first environment act was promulgated by Ram Shah. In his act, he stressed planting trees at the edges of the road. Similarly, his act also made arrangement to fine Rs.5.00 for illegally felling the trees. This is the foundation of Nepal's environment act. We have many foundations of laws. We have already translated many laws. We have 299 laws in Nepali and 253 in English. Now, one can log in to see the Nepalese acts, rules and regulations from any parts of the world.

The website is growing into an electronic legal archive. When we started this website, our aim was to collect just

existing acts, rules and regulations. But, Nepal Law Commission is adding all the acts and regulations available. The commission received some of the documents which were reported to be burnt in the great arson of Singha Durbar. From institutions to the individuals, all are giving Nepal Law Commission their support. Our archive now has legal practices of Jayasthiti Malla, Ram Shah and Prithivi Narayan Shah and other documents.

Our plan is to place all the acts and regulations in the finger tips. Of course, there is a lack of human resources and other constraints in the doing the work as desired. Yet Nepal's evolutionary process of legal system will be easy to figure out once we place all the acts and their amendments of the acts. Laws always change in accordance with the social dimensions or dynamism. In the course of transformations, the progress of society depends. If the ruler is autocrat, the law formulated will be different. If the ruler is liberal, the acts seek to protect the rights of people. One needs to read the laws to know what type of economic, political and social system we envisioned over time. The economic policy of finance ministry helps only so much to know the economic system. One needs to read the economic system differently.

Nepal has many things to be proud about like its natural beauty, culture and traditions. Some of them are natural creations and some of them are created by us. Although it is rarely highlighted, Nepal's long legal history has its own characters and traditions. This is also a matter everyone needs to be proud about. Nepal's long legal history was a creation of our forefathers and ancestors. The country's legal and governance systems are also matters of our pride. British people are proud of their own legal system and Americans are proud about the role played by their Supreme Court. They are proud of their own system because they delivered the outcome. The

British and American legal systems were refereed in our courts. Our court often refers decisions of American Supreme Court, and Indian Supreme Court.

The problems with us was the acts were not archived well. If we read our legal history, it has long traditions and some of them are very progressive. For instance, many foreigners learn from our traditions. In many countries, the new laws, which are in practice in Nepal, are in the process of formulation. India has recently decided to draft anti-corruption act and to establish Ombudsman body like Lok Pal. However, Nepal has already established the institution like Commission for Investigation of Abuse of Authority (CIAA) and anti-corruption act which empowers the investigative authority to file the cases against anybody. Our experiment and exercise will be complimentary to India where the laws are in the process of drafting. In terms of controlling corruption, CIAA Act and Anti-Corruption Act are very progressive and forward. Our act will be one of the examples.

We did not have a well documented history of legal system as it evolved in Nepal. Our laws were confined to Nepal and were in the knowledge of a limited few. After the Janandolan II, foreigners started to pour into Nepal projecting this country as if it had no legal and constitutional history, and practices. The concept to put all legal documents into one website for everybody to log on came into fruition. Confined to book formats for a long period of time, Nepal's legal system is now accessible to all at the Nepal Law Commission's website: [nepallawcommission.gov.com](http://nepallawcommission.gov.com) and it is already a repository of acts, regulations, conventions and decisions. Not only Nepalese, but anybody with interest in Nepalese legal history, including the foreigners who had doubts, can log in to the site from around the world.

(As Banjade, Secretary of Nepal Law Commission, told the New Spotlight) ■

## NEPAL LAW COMMISSION

# Proud Archive

*When the country's legal documents are scattered in various forms, Nepal Law Commission's website makes it easier to see all the laws of Nepal in a single place*

By A CORRESPONDENT

**A**s Nepal is rich in tradition, nature and culture, it is also rich in laws and legal customs. But only a few efforts have been made to realize this. Under a team led by secretary Mohan Banjade, Nepal Law Commission has created a website with an aim to make it a legal archive of the country.

Officially launched in June 6, 2009, Nepal Law Commission's website [www.lawcommission.gov.np](http://www.lawcommission.gov.np) has already been visited by more than half a million people. On an average, 4,000 visitors log on to the website.

The website consists of all kinds of laws in Nepali and English as well as regulations and other documents. It has all constitutions in English and Nepali version promulgated

except the interim constitution of 2007.

It has already added more than 200 laws and constitutions in its website. There are financial acts as well as other acts with amendments. People even from remote parts of Nepal with access to electricity and computer can log onto the website. Similarly, the foreigners can log in from every part of the world.

"This website is completely run by the government. This is an example of how the government can contribute to the rule of law, good governance and accountability," said Udaya Raj Sapkota, under secretary. "We need to do a lot of work and this is just a beginning."

The website is now Nepal's face which can show to the world that it has its own long history of rule of law and drafting of the laws and constitution. ■

## ABRAR UL HAQ Winning Voice

Nobody needs a language to understand music and songs. Nepalese fans have demonstrated this in a musical evening of Pakistani pop singer Abrar Ul Haq. Organized by Embassy of Pakistan, the musical evening was filled with the young crowd who sided with pop singer Abrar's music and sounds.



Abrar Ul Haq is a pop, bhangra and folk singer with a celebrity status. Known as a pioneer of bhangra music in Pakistan, Haq is considered as a King of Pakistani pop. Most of his Pakistani songs are upbeat and lyrics represented Pakistani culture with harmonious touch and clever sarcasm.

In his solo concert, he began the program with Urdu Sufi of Tere Rang Rang. His second performance was Urdu Classical. When he started to sing a Punjabi Pop, his music lovers joined him in the stage of Nepal Army Auditorium.

People enjoyed his two hours long musical concert backing him in his whole program. Packed with the young people, singer Haq's pop music received wide range of support. Hello Hello, Kuriyan Lahore Diyan a sannu Tairay naal are some of the most hits. Urdu Sufi and Urdu classical also attracted the crowd.

Although Nepal and Pakistan share cultural ties through Urdu, only a few efforts are made to highlight them in public. By inviting pop singer like Haq, Pakistani Embassy tried to restore cultural link between the two countries.

Chief Guest and Deputy Prime Minister Bharat Mohan Adhikari also distributed the prize to the winner of Ambassador of Pakistan Essay Writing Completion. Started with the opening remarks of Pakistan Ambassador to Nepal Syed Abrar Hussein, the function saw pop singer Haq winning the hearts and minds of Nepalese music lovers.

By A CORRESPONDENT

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## Game Change In Tuberculosis?

-By BUDDHA BASNYAT, MD



According to the World Health Organization (WHO) there will be ten million new cases of tuberculosis this year in the developing world. But the good news is that effective therapy will prevent the deaths of many of these patients. However, by the time the sick patients are diagnosed and treated, they will have infected many others in their community. Indeed, this failure of interruption continues to keep the global epidemic alive and well. So prompt diagnosis is very important in the treatment of tuberculosis to help fight the spread of the disease.

The most widely used method to test the sputum for the tuberculosis bug is called the Ziehl Neelsen stain which is 125 years old. If this disease was still a major affliction in the Western world, to be sure there would have been new major breakthroughs in the diagnostic techniques, but basically tuberculosis is a poor man's disease. Many people are seen who have a negative Ziehl Neelsen stain of their sputum which means that the tuberculosis bug was not detected in the sample. But it is possible that human error crept into the reading, that is the stain was not good enough and the technician missed the tuberculosis bug. Or the technician was in a hurry and did not read the sample properly. In addition it may be possible that there were so few organisms in the sample that even a good technician would miss this. Hence the Ziehl Neelsen technique is potentially fraught with errors if not carefully carried out.

So it was welcome news when a few months ago the WHO endorsed the GeneXpert device, a rapid test for TB as "a major milestone for global tuberculosis diagnosis".

Unlike the Ziehl Neelsen technique, the GeneXpert does not need anyone to be an expert in making the sputum slide and look for the bug under the microscope. Amazingly this new molecular approach is more straightforward. After the patient spits into a cup, the sample is placed in a "espresso" machine which examines the sample's DNA to see if it contains the genetic signature of tuberculosis. A simple, reliable "yes" or "no" answer is available in two hours. Importantly in this time frame, the GeneXpert can determine if the bacteria is resistant to rifampicin, the most effective of the four drug cocktail prescribed for tuberculosis. This knowledge allows the doctor to know from the start if they are dealing with resistant bacteria and thus tailor therapy accordingly.

However the initial cost of about \$ 30,000 for the machine and at least \$ 20 for the tests are daunting rates for the developing world. Unskilled workers can carry this test out with minimal training, but electricity is required. From hospitals in Bihar to the well appointed Hinduja Hospital in Mumbai, great satisfaction has been expressed about the usefulness and accuracy of the device. But the cost continues to be an important issue, regardless of the scientific enormity of the breakthrough. The WHO and other helpful parties are indeed trying to make the cost more affordable for people in the developing world where tuberculosis is rampant. ■

## Uniting For Universal Access

By SUNIL B PANT



Uniting for universal access: towards zero new HIV infections, zero discrimination and zero AIDS-related deaths, comes 30 years into the AIDS epidemic and just months ahead of a high-level meeting of the General Assembly in June on HIV Aids. I represent civil society and I represent government of Nepal and everything in between.

In Nepal, legalizing homosexuality and recognizing third genders by supreme court in 2007 not only led the dramatic reduction of violence against MSM/TG by security forces but the acceptance of LGBTI by families are growing, more and more MSM/TG are open about their sexuality and defying the forced hetero sexual marriage their families may be imposing on them, who are not heterosexual. Seeking information and health services around safe sex and HIV prevention and treatment if they are HIV positive.

The crematoriums which were excluding MSM and Third-gender died with Aids to be cremated are now open to MSM/TG died with HIV/AIDS, at least ensuring death with dignity. And I must say here that many countries still criminalizing such communities and behaviors will not let us achieve zero discrimination. We must have universal de-criminalization. UN must recognize third-genders (or trans-genders).

We are in the process of drafting new constitution and the fundamental rights committee of constituent assembly of Nepal has come up with a set of draft fundamental rights including, non discrimination on the ground of sexual orientations and free primary health care that includes HIV treatment. Countries like Nepal moving forward with improving our constitutions and laws and even ready to commit more fund on HIV from within the countries. We have probably the best UN general secretary ever who speaks out for marginalized, socially excluded populations and sees the important of greater focus and involvement of young people and push for these 3 excellent Zeros, but until the rich nations and fast growing economies commit enough fund for HIV treatment and HIV prevention programs we will not achieve zero aids related deaths, we will not achieve zero new infection and zero aids related death.

Now only about 6 millions in the south have access to treatment, there are over 13 million people waiting to be saved, despite knowing the fact that these lives can be saved, inaction by our rich nation's government leaders, these lives are facing death that is caused by subtle attack on human dignity or grave humiliation or a degradation of human beings. And that is clearly crime against humanity. Let me remind the definition of crime against humanity.

Crimes against humanity, as defined by the Rome Statute of the International Criminal Court Explanatory Memorandum, "are particularly odious offences in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings."

And, So today's civil society hearing has great importance and we have important role to play to help our leaders from committing these crime against humanity and help them to join hands on saving lives. They can come up with any amount anytime, in the name of defense or in the name of saving banks or in the name of introducing democracy in other countries, why can't they commit fund that save lives of millions?

(Excerpts of Pant's speech on civil society hearing on HIV at the UN on 8th April. Pant is a member of Constituent Assembly and Parliament)



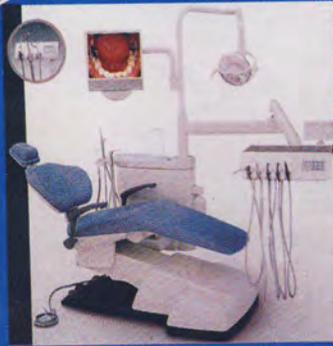
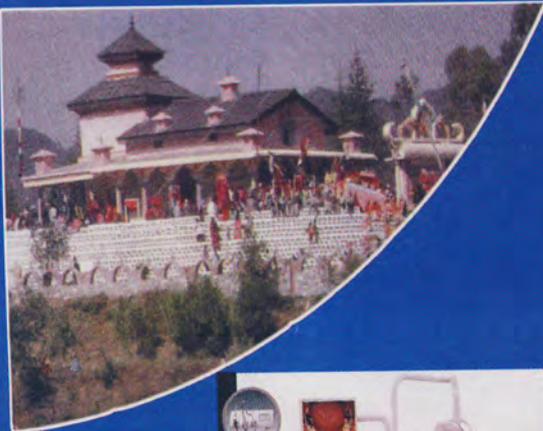
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- २५ हजार को न्यूनतम मौजदातमा खाता खोलन सकिने ।
- वार्षिक ७% ब्याज (दैनिक मौजदातमा)
- त्रैमासिक रूपमा खातामा ब्याज जम्मा गरिने ।
- निःशुल्क ABBS सुविधा भएको ।
- लकर सेवा शुल्कमा ५०% छुट ।
- निःशुल्क Internet Banking सेवा ।
- ATM/Debit Card मा ५०% छुट ।
- निःशुल्क मोबाइल बैंकिङ्ग सेवा ।
- निःशुल्क मासिक टेलिफोन बिल भुक्तानी सेवा ।
- Traveler Checks को Issuance Charge मा ५०% छुट ।

\* शर्त लागू हुने

Service with a personal touch...



**Machhapuchchhre Bank Limited**  
माछापुच्छे बैंक लिमिटेड

कorporate अफीस: लालिम्पाट, काठमाडौं, फोन: ४४२२५५५

URL: [www.machbank.com](http://www.machbank.com)  
SWIFT Code: MBLNNPKA

पोखरा: नयाँबजार, महेन्द्रपुल, रामबजार, बगर बजार, नेकसाइड, लेखनाथ चौक, काठमाडौं: पुनर्जीवडाक, काठमाडौं मल, बालुवाटार, थापाथली, खयम्बु, बीड, पेन्सीकोला, लालिम्पाट, ललितपुर: रवार्को, थापागाउँ, काभ्रे: धनकुटा चौक, सुनसरी: इटहरी चौक, मोरङ: जलजला चौक, विराटनगर, सप्तरी: इशकोटा चौक, वैरहवा, चुटबल बजार, सुस्ता: जोससोम एयरपोर्ट, पर्स: लिक्करीड, विरगञ्ज, ननर्द: अच्युतीरेनी बजार, हुलेगौडा, दमौली बजार, स्याङ्जा: बालिङ बजार, म्याग्दी: बेनी बजार, बाजुरा: बाजुरा बजार, धनकुटा: धनकुटा बजार, इलाम: इलाम बजार, चितवन: नारायणगढ बजार, भक्तपुर: कमलचिनायक चौक, नयाँ टिमी चौक, धादिङ्ग: गजुरी बजार, कैलाली: धनगढी बजार, बाँके: नेपालगञ्ज, सुर्खेत रोड, अर्घाखा: विर्तामोड बजार, बद्रपुर रोड, पाँचथर: फिदिम बजार, मेनरोड