



VIEWPOINT:
Dr. Tilak Rawal



INTERVIEW:
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FACE TO FACE:
Purushottam Ghimire

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From The Editor

NEW SPOTLIGHT FORTNIGHTLY

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The current political stalemate shows no signs of ending soon. Given the state of politics, no any major breakthrough can be expected at the moment. Following the suggestion of President Dr. Ram Baran Yadav, leaders of four parties have agreed to hold the negotiations with the disgruntled parties to go for Constituent Assembly elections on November 19, 2013. Although the dissenting political parties have agreed to hold talks for the scheduled elections, the uncertainties remain as they were, raising concerns over whether Nepal will get the opportunity to make its own representatives rule the country with the needed accountability. Even as the political confusion is continuing, the Election Commission has announced its election program for November 19. Whether one likes it or not, the EC's election calendar will speed up the election process. In this context, we have decided to look at the various aspects of election preparations as our cover story. At a time when the country fails to achieve political consensus, the National Planning Commission has been able to bring the 13th National Plan as a consensus document. It has averted a possible chaos in Nepal's development sector. Similarly, we also cover various other development agenda and economic issues.

Keshab Poudel

Editor



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China Supports Lumbini Development: Envoy Wu

At the invitation of Nepal-China Friendship Society in Lumbini, Chinese Ambassador to Nepal Wu Chuntai attended the celebration of the 58th Anniversary of China-Nepal Diplomatic Relations and the 86th Anniversary of Foundation of the Chinese People's Liberation Army on July 26. As the chief guest, Madhav Prasad Ghimire, Minister of Foreign Affairs and Home, was present at the function.

During Wu's speech, he recalled the traditional friendly exchanges of two countries, especially the great achievements of bilateral exchanges and cooperation in all fields made by China and Nepal since the establishment of China-Nepal Diplomatic Relations over past 58 years. Ambassador Wu said that, as the friendly neighbor of Nepal, China always supports the preservation and development of Lumbini's cultural



heritage. In the future, China is willing to give continuous support and assistance to the culture preservation and economic development of Lumbini, to enrich the China-Nepal Comprehensive Partnership of Cooperation featuring everlasting friendship.

Ghimire, Minister of Foreign Affairs and Home, extended his congratulations on the two equally important anniversaries and extended his thanks to Chinese government for supporting the development of Lumbini, the holy birthplace of Lord Buddha.

Japanese Assistance For Livelihood

The Government of Japan has decided to extend financial assistance of 260,452 US Dollars; equivalent to approximately 25,131,013 Nepalese Rupees to GLM Institute, in Japan's Fiscal Year 2013 under the Grant Assistance for Japanese NGO Projects Scheme of the Government of Japan. GLM Institute, in close coordination with a local NGO called Srijansil Welfare Society, will implement the Project for Improving Livelihoods of Farmers through Environmentally Harmonizing Agriculture in the Hill Areas of Sindhuli District (Two years).

A Grant Contract relating to this project was signed and exchanged between Kunio TAKAHASHI, Ambassador of Japan to Nepal, and Wakana NISHIYAMA, Project Manager, GLM Institute.

Speaking at the function, Ambassador TAKAHASHI reiterated the importance of agricultural development in rural Nepal. At the same time, he expressed his belief that this project will benefit local farmers and contribute to improving the

livelihoods of the people in the area, and, in addition, will play a significant role to strengthen the friendly relationship between Japan and Nepal.

Investigative & Electoral Journalism Campaign

British Ambassador Andy Sparkes and Giles Thomson, a visiting senior diplomat with the British foreign ministry (FCO), launched a competitive campaign on Investigative and Electoral Journalism.

According to the press release of British Embassy, the five month long competition funded by the British Embassy and jointly implemented by the Centre for Investigative



Journalism-Nepal and the Thomson Foundation, London, is being run for the third consecutive year.

Addressing a group of editors and journalists at the British Embassy, Kathmandu, Ambassador Sparkes said: "I am delighted to open the competitive campaign for investigative and electoral journalism. A free, vibrant and professional media is essential to democracy and to the conduct of free and fair elections. The elections scheduled for 19 November are absolutely necessary for Nepal to move forward."

Giles Thomson, Director South Asia, Foreign and Commonwealth Office, UK said: "It is crucial that elections happen on 19 November. UK committed to supporting free and fair polls. That is why we are providing £14m to support Nepal for these elections."

Last year's winners- three reporters from Himal, Kantipur and Nagarik- went to London a couple of weeks back to attend a summer course and visit British newsrooms. Two reporters from Nagarik and Nepal won the first year's competition.

KOICA Advisers, Volunteers Arrive

Korea International Cooperation Agency (KOICA) has sent two KOICA advisers and eight volunteers to work in Nepal for one year and two years respectively.

Two advisers will be dispatched in Tikapur Hospital in the health sector. And among eight new KOICA volunteers, six are from health background and are assigned to work in Korea Nepal Friendship Hospital, Thimi; Kathmandu Model Hospital, Kathmandu; District Hospital Dhading and Lamjung District Community Hospital, Lamjung. Similarly, one of them is early childhood development teacher who will work in District Education Office, Dhading and one at Piple Model Village Development Committee, Chitwan in community development sector.

HBL Opens Branch In Rasuwa

Prachanda Bahadur Shrestha, member of the Board of Directors of the Himalayan Bank Limited, inaugurated the bank's Betrawati branch amidst a function. This is the 40th branch of the bank. Local businessmen, distinguished persons, board members and senior executives of the bank were present at the function.



Addressing the inaugural function, member Shrestha highlighted the current activities and achievements of the bank. According to him, as of Ashadh end 2070, the deposit base of the bank reached the size of Rs. 53.07 billion and loan and advances portfolio is Rs. 41.05 billion.

Shrestha stated that the Betrawati branch will focus its activities on boosting the economic conditions of the local people through banking service related activities. He also stressed that the Himalayan Bank has committed to further its participation in the economic development of the country.

FNCCI Selects Best Brand Award Nominees

The Federation of Nepalese Chambers of Commerce and Industries (FNCCI) has announced the nominees for the Best Brand Award — 2013 to be organized for the first time in Nepal on August 19.

The apex body of Nepali private sector is presenting the award in two categories — best Nepali company and best multinational company. According to FNCCI, the brands nominated in Nepali company categories are - Chocofun, Jagadamba Steels, Pashupati Paints, Tokla Tea and Wai-Wai noodles.

Similarly, Coca-Cola, Fair & Lovely, Asian Paints, Ncell and Standard Chartered Bank are the nominees in the multinational company category.



The Best Brand Award — 2013 is a part of FNCCI's National Excellence Award. The FNCCI has been honoring business organizations with the National Excellence Award since 2001 with the aim of promoting quality goods and services.

"Based on a fixed set of criteria and performance indicators, we have shortlisted these 10 nominees (five from each category) from among 30 companies through multiple and scientific parameters," Saurav Jyoti, chairman of the FNCCI's productivity and quality committee, said.

Jyoti added that the award would inspire organizations to make their products competitive by enhancing their quality. According to Jyoti, the awards are being organized in order to promote quality goods and services among companies in operation in Nepal. "The main aim of the award is to encourage business organizations to improve the quality of their management and deliver customer service excellence," said Jyoti.

Experts Demand Law On Food Rights

South Asian governments must enact a special and comprehensive law on rights to food immediately in order to battle the region's prevailing and chronic hunger that left more than 304 people going to bed hungry every day, food security experts and policymakers from five SA countries said.

Despite Nepal's Interim Constitution that guarantees food sovereignty, Pakistan's Zero-Hunger Action Plan, Bangladesh's massive investment in social protection, or Sri Lanka's constitutional change, it is hard to see poor people have three meals everyday with existing legal loopholes and many related issues missing," he said, adding that the rights to food bill in India could be an inspiration for other SA governments.

Lilian Mercado, Deputy Regional Director of Oxfam Asia, noted that South Asia has experienced the second fastest rate of economic growth in the world, enjoying an annual growth rate of six percent on average in the last two decades. Yet poverty has gotten worse as inequality has risen and become more severe.

"All those laws the region have in the past, though now outdated, were very good in those times, many still working well now. Except they're good and effective in the papers because they are either not implemented or fully enforced," said Dr. Ratnakar Adhikari of South Asia Watch on Trade, Economics and Environment (SAWTEE), Oxfam's research partner in South Asia. Participants urged the governments to come up with a Comprehensive Agrarian Reform Program (CARP). ■



Uncertain Polls

By DR. TILAK RAWAL



Notwithstanding smart work of the Election Commission and preparedness shown by the current dispensation to organize polls in November, people are still uncertain about it because no meaningful positive political development has taken place to reduce their level of skepticism. On the contrary, CPN Maoist officially launched a campaign to disrupt the polls, which began with the destruction of a mock ballot box by the party's general secretary in Kathmandu and mobilization of its cadres in nook and corner of the country to obstruct election related activities. In a democracy, an individual or a party can boycott elections but an attempt to forcibly foil the election is a crime to be taken very seriously by those in charge

Election Commission has made public the two-month long election programme and the government also seems to be making necessary arrangements and provisions for the new polls to C A.

The government on 14 July passed a full budget with a total outlay of Rs.517, which includes Rs.16 billion for the polls. The most disturbing aspect of our economy has been the deteriorating trend in the external sector and this is not likely to be arrested soon. It may be mentioned that Nepal's total trade deficit last year (around Rs.450 billion) exceeded that year's annual revised budget of Rs.370 billion. Low growth, high level of inflation and huge trade deficit will continue to persist in our ailing economy. In tandem with the

and India will have to be satisfied with 5 percent growth in 2013. Likewise, the remaining two countries will have to settle at around half (2.5 percent) of what they achieved during the boom. The emerging giants such as China and India have slowed sharply now, but the fact to be noted is that during the boom period these countries have achieved considerable progress in alleviating poverty and creating wonderful physical infrastructures, especially in China, making good use of the wealth created. While China is said to have reduced its extreme poverty rate from 84 percent in 1980 to 10 percent now, India has also made commendable progress on this front taking out some 137 million Indians out of poverty in recent years. Although very much doubted and questioned within India, planning commission there claims that only 22 percent of India's population of more than 1 billion is below poverty line. The remarkable growth enabled authorities there to bring out annual budgets with a brighter human face each year. Interesting to mention here is the fact that the success in lifting 1 billion people out of extreme poverty during 1990-2010 was accounted for in large parts, 75 percent, by China. India is expected to perform much better economically in achieving the global target of getting one more billion people out of extreme poverty in the next twenty years. Ailing US economy grew better (1.7 percent) than expected (1.1 percent) in the second quarter of this year and significant number of jobs were created in July to reduce the level of unemployment to around 7 percent. With exports to EU and China increasing significantly, US trade gap currently is at its lowest since October 2009. In our case, however, it seem we have put on hold economic progress of this country pending resolution of political problems.

Although Nepal is not likely to get into the kind of turmoil that Egypt is in today neither Panchard's YCLs are likely to soon battle Baidya's poll-disrupting militants in the manner and fashion that ousted president Morsi's supporters and

Many would be inclined to agree with Mr. Nepal's assertion that thorny issues left unresolved within the timeline of one year should be put to referendum, but there could be differences on the issues to be tested. It would be difficult to exclude issues related to Hindu religion and monarchy because RPP, Nepal and its chair Kamal Thapa is likely to get support of many others, belonging to other political parties also, who subscribe to the belief that the religion practiced by overwhelming majority Hindus has been sidelined under external pressure and the institution of monarchy unlawfully done away with.

of maintaining law and order in the country. Having experienced their use of force in the past to attain their short and long term goals, helpless Nepal's have no reason not to take seriously their threat to disrupt the November polls by hook or crook. In addition to this threat of the firebrand Maoists, the commission charged with the delineation of constituencies could not complete the task on time and has already been granted extension twice. Not much time is left for the polls and people do not know how much time will be required to short out technical matter as well as inter and intra-party wrangling. These are the reasons for growing skepticism. However much may people remain doubtful, the

budget, Nepal Rastra Bank unveiled its annual monetary policy, which intends to spur growth through availability of liquidity at reduced cost for productive ventures. The point to be noted, however, is that unproductive poll expenses and a pay hike of 18 percent are likely to further fuel already high level of inflation making it difficult for the monetary authority not to mop up liquidity from the market. Growth this year also is likely to remain below 4 percent. After the global meltdown of 2008 even emerging economies such as Brazil, Russia, India and China, registering impressive growth for several years, have suffered a setback. It will be difficult for China to achieve the officially announced target of 7.5 percent

POLITICS

The Prez's Prod

By KESHAB POUDEL

Although national and international actors have been making efforts to ease the political tension that existed among the country's major political forces over the holding of elections, one is yet to see tangible changes in the stand of major political parties.

Although talks were held on Tuesday between HLP and Maoist led alliance, it failed to break deadlock after agitating CPN-Maoist led alliance of 33 political parties has demanded the postponement of all election-related activities including the calendar of events announced earlier by the Election Commission (EC) for the polls scheduled for November 19.



They still lock horns over the issue over holding the elections on November 19. CPN-Maoist argues that the postponement of election of November 19 is the prerequisite to hold the negotiations. Similarly, four parties have been saying that they can negotiate on any issue other than postponement of the elections. The deadlock is likely to continue given the present circumstances.

At a time when the country's major political parties are heading towards a confrontational course making elections uncertain, president Dr. Yadav's initiative is likely to prevent clashes and is likely to pave the way for elections.

Nepal's development partners, particularly western countries, are pursuing the elections, hoping that they will end the era of unaccountable government. Even the Chinese are backing the elections in hopes that the new elected government will handle China's concerns strongly than the present government.

In its meeting with Nepalese leaders, Indian leaders are also stressing elections. Indian prime minister Dr. Man Mohan Singh and other Indian political leaders urged Nepali Congress leader Sushil Koirala to hold the elections.

Likewise, the four parties' high level committee has also agreed to talk with two other parties, Federal Socialist Party and Madheshi Janadhikar Forum Nepal. They too are demanding the resignation of present Khil Raj Regmi led government and conciliation of 11 point agreement as a pre-condition to take part in the elections. Although the demands are too difficult to fulfill, President Dr. Yadav's current move is likely to ease the political tension.

Consequences

The recent move of the President is likely to create a conducive environment for negotiations. However, it is unlikely to change the political situation or force the disgruntled parties to take part in elections.

The publication of the election program by the Election Commission is helping spur the election campaigns in the districts, although political uncertainties will continue for some time to come.

The report of the security committee is likely to give a bargaining strength to the government and four political parties in negotiations with the disgruntled political parties.

The arrest of Chinese citizens will increase the engagement of China in Nepal. This will further sensitize the Indian security establishment. It is likely that the longer this government lasts and Nepal fails to hold the elections, the more the irritation will be to Nepal's neighbors as well as the western community. ■

opponents are clashing in Cairo, political problems do not show any sign of easing in Nepal, too. Even the November polls that many thought would provide solution is looking very uncertain with CPN Maoist and its allies (33-party alliance) torching copies of the Election Code of Conduct on 1 August in all the electoral constituencies and urging people to boycott the polls. Even if polls are held and the new CA is put in place, no one can guarantee that the major issues that created impasse in the last CA would be resolved soon. As a precautionary measure, therefore, a very apprehensive Madhav Nepal, Senior Leader of UML, wants the Interim Constitution to be amended to provide a time frame of just one year for constitution writing. Alternatively, parties could attempt to resolve contentious issues prior to polls basically to economize on time. Many would be inclined to agree with Mr. Nepal's assertion that thorny issues left unresolved within the timeline of one year should be put to referendum, but there could be differences on the issues to be tested. It would be difficult to exclude issues related to Hindu religion and monarchy because RPP, Nepal and its chair Kamal Thapa is likely to get support of many others, belonging to other political parties also, who subscribe to the belief that the religion practiced by overwhelming majority Hindus has been sidelined under external pressure and the institution of monarchy unlawfully done away with. Note worthy is NC leader Sasanka Koirala's opinion, in a recent interview with BBC Nepali programme, that doing away with monarchy in haste was a mistake and it could be reinstated should the people so decide. Should not the people get a chance to give their verdict on this sensitive issue? This is a question difficult to answer at the moment. Let us hope all complicated issues are handled sensibly so that the sufferings of this nation come to an end soon. That the 33-party alliance of dissident group has begun talks with the High Level Political Committee is undoubtedly a positive signal and the concerned should not hesitate to show maximum flexibility to ensure effective participation of all disgruntled forces in the political process. Let us not forget we cannot move ahead politically and economically isolating established and recognized forces in the country.

Dr. Rawal is a former Governor of Nepal Rastra Bank

'RPP Attracting Youth'

-SUNIL BAHADUR THAPA

SUNIL BAHADUR THAPA is not a new name in Nepali politics. Son of veteran Nepalese politician Surya Bahadur Thapa, junior Thapa served more than 22 years in various 11 conflict-ridden countries. Thapa joined politics last year and he is now elected central committee member of Rastriya Prajatantra Party. Excerpts of his interview:

How do you see the role of youth in RPP?

First of all, I am extremely glad to learn and to see that there has been a lot of attraction of youth population towards RPP in the recent times and this has been proven by two major events that happened in our party. Before the general convention, we had among 2,000 delegates and out of them 1,800 were youth and new faces. That showed that there has been increasing interest of youth towards our party. Among the members of the executive body, that was elected, approximately around 72 percent are youth and 60 percent represented the younger generation. It showed that there has been a great attraction to this party and one of the main reasons is its policy. Whenever RPP was in power, the party introduced youth friendly programs.

How do you differentiate RPP from other major parties?

Our party was born in Nepal in 1990. RPP is a home-grown and home-based party. That is one of major principles we have adopted. We happened to be Nepal's foremost conservative party, which represents all segments of the population. Because Nepal is a very traditional based country, we have a lot of tradition to follow and we have always appreciated and respected different traditions and cultures of the people.

Nepali Politics is still dominated by first generation leaders in all political parties. What is the future of youth in Nepali politics?

We must admit that the things are changing. I want to give an example of my party. I have seen that the younger generation people are coming in even Maoist party led by Prachanda. Coming elections will give a clear message in this regard. I think younger generation people will take over most of the party.

If party nominates you as a candidate, will you contest the coming elections?

Right now we are on the eve of elections and we got less than three months for November 19. My standing in the coming CA elections depends on two basic things. My constituency is in Dhankuta, where I was born. I joined the party from Dhankuta. I would like to seek the opinion of the people of Dhankuta. What they want me to do, contest or just work at grassroot, I'll do that. If the party asks me to contest, I will definitely contest the elections. In that case, I will not run away from elections.

After working over two decades in the international arena, what inspired you to join Nepali politics?

I was born in a political household of Nepal. Political interest always remained with me. One of the reasons why I chose the job in the international arena was because I thought that I would earn a lot of experience. Going and working for humanitarian organization, the skill and experiences I have, from over 22 years, would be a great asset to the country. I know the role of youth and what the role youth can play and to change the traditional functioning style in the party. That is very important to utilize my experiences in the country.

How do you see the possibility of holding the CA election without the participation of major political forces like CPN-Maoist, Federal Socialist Party and Madheshi Janadhikar Forum-Nepal?

I have very different thinking on



this. First of all, we had the first CA elections which was very non-productive. That is one of the causes of its failure. Now we are talking about the second CA elections in which major issues still remain the bone of contention. Failure of the first CA and continuation of the same four parties, Nepali Congress, CPN-UML, UCPN-Maoist and Samyukta Loktantrik Madheshi Morcha, in the helm are still there. We must make people's constitution. We cannot write such a constitution by isolating a few parties.

How do you view the media reports on foreign intervention in Nepali politics?

Advice of foreign countries is important as it can help us. At the same time it is also very important for us to take advice but it is up to us to decide what to do with things in the interest of the nation. As long as you work for the nation, taking national interest as priority, the advice of foreign countries is nothing wrong. However, once you deviate from the national interest of the country, that becomes a problem.

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CA ELECTIONS

Building The Mood

By publishing the election program, the Election Commission has shown that it is committed to the crucial Constituent Assembly polls slated for November 19, 2013.

By DEBESH ADHIKARI

Although political parties are yet to prepare themselves for the coming elections, the Election Commission has already made it clear that it cannot backtrack from its program schedule set for holding the Constituent Assembly election on November 19, 2013.

As the country is passing through uncertainties over whether the election will be held, by publishing the election program, the Election Commission has made a strong statement in favour of the slated elections.

"There is no way other than to publish the election program. Our work is to hold the election on November 19 and we cannot change it," said Chief Election Commissioner Neelkanth Upreti. "Election is one of the best exercises for democracy and all political parties who believe in democracy will participate in the elections."

Despite the threat by CPN-Maoist, its 33-party alliance and other parties to disrupt the elections, the poll momentum is gradually building. With the publication of the election program, four major parties have already started preparing their agenda and candidates.

"There must be elections on November 19. We cannot compromise on that as no country can go for a long time being hostage to threat politics," said Nepali Congress leader Arjun Narshing K.C. "Our party has already started the homework."

However, CPN-Maoist, Federal Socialist Party and Madheshi Janaadhikar Forum are opposed to the elections without showing flexibility for an agreement on certain fundamental issues. "We have to analyze the reason behind the failure of the Constituent Assembly last time. Then only there will be meaning to hold the CA election," said Upendra Yadav, leader of Madheshi Janaadhikar Forum Nepal.

Amidst the differences, the two-month election program for proportional representation and First-Past-the-Post (FPTP) electoral systems, unveiled by the EC, starts from September 23.

"We must hold the elections on the scheduled date of November 19. The EC is paying the due seriousness if it can respond to the request of various political parties to provide some additional time for voter registration," Upreti said.

From registering the political parties to publishing the voters' list, the Election Commission has already performed some of the major election tasks. Similarly, the government is also working to make the security arrangement for the coming elections. "Election must be held at any cost. There is no other way out," said Khil Raj Regmi, chairman of the council of minister.

As election observer groups have already started election monitoring, the activities related to the elections are growing. However, the last hour



Upreti

obstacles may appear on things such as printing the ballot paper with 169 different signs.

The EC has registered a total of 12.3 million voters with photo and biometrics as of July 16. This is 5.5 million fewer than the total number of voters registered for the Constituent Assembly (CA) election held in April, 2008. The number of political parties registered with EC has already doubled from that of the previous elections.

Election Program

Fewer than ninety days before the Constituent Assembly (CA) election, scheduled for November 19, the Election Commission (EC) approved its election program for seats under both the proportional representation and the First-Past-the-Post (FPTP)

electoral systems.

The two-month long election program would start from September 23. According to EC Spokesperson Bir Bahadur Rai, political parties will file nominations under the proportional electoral system on September 23 while the EC will publish the name list of political parties on September 24. As per the election program, political parties that want to withdraw nominations can do so on September 25 and the commission will publish the final lists of parties and allocate them election symbols on September 26.

The political parties should submit a closed list of their respective candidates to EC on September 27 though they may correct the list from September 28 to October 4. According to the election program, political parties should submit the closed list of their candidates with correction from October 5 to 11. EC will make the closed list of candidates public on October 17. The commission will provide time for claim and objections regarding qualification of nominated candidates from October 18 to 24 while it will probe claim and objections and take decisions on them from October 25 to 31.

As per the election program, EC will publish a notice about removal of candidates from closed list on November 1, while candidates who want to be removed from the closed list can file applications from November 2 to 8. The commission will then inform concerned political parties about removal of such candidates from the closed list on November 9.

As per the program, EC will publish the final list of candidates for proportional election system on November 9, while the voting will be held on November 19.

Although political uncertainty remains, the Election Commission has shown the determination to hold the elections on November 19. This is a good sign in the midst of uncertainties. ■

“We Have Started Election Monitoring”

KRISHNA MAN PRADHAN

With the experience of observing three national parliamentary elections, two local elections and one Constituent Assembly election in Nepal to his credit, KRISHNA MAN PRADHAN, general secretary of the General Election Observation Committee (GEOC), and executive director of the Nepal Law Society, is now preparing to organize observation for the upcoming election. As the country prepares for second Constituent Assembly elections on November 19, 2013, Pradhan shared his views about election observation. Excerpts:

As a civil society member, who has interacted with various stakeholders, how do you see the possibility of holding the elections in November 19, 2013?

Given the present political development, I am quite optimistic that the elections will be held as per the published schedule. Nepal's major political parties are preparing to go for the elections. They have launched election campaigns and are strengthening their party organizations. The Election Commission has already published its calendar. All these efforts show that the nation is gradually moving towards the elections. During my interactions, the political leaders at the center as well as at district level have expressed their commitment to the November 19 elections. Most importantly, the people are looking forward to the elections.

How do you see the efforts from the government?

Along with allocating over 16 billion rupees for the elections, the government is making necessary security and administrative arrangements. The government has also started negotiations with various disgruntled political parties. This is a good beginning.

What is your impression about the preparations being made by the Election Commission?

While updating the voters' list, the Election Commission has also conducted the training for officers and other employees. Similarly, the

commission has also completed the registration of political parties. It has already prepared the calendar and is already equipped with necessary election laws. With less than three months to go, the Election Commission is working in a fast pace to complete all necessary preparations for free and fair elections.

What assures you when you say that the elections will be held on November 19?

Activities of the political parties, the Election Commission and the government are adequate indications to assure a person like me that the elections will be held in November. Even the Election Observer groups, like ours have already started monitoring the elections. The move towards the November 19 polls is definite. I don't think it is easy to reverse that now.

However, some political parties are opposing it. Will they join the elections?

One of the positive parts of the present political scenario is that all political parties are in favour of elections. Even the Mohan Baidya-led Maoists are not opposing the elections. They are threatening to boycott the elections on certain other grounds. As all national and international forces are in favour of the election, it is difficult for them to oppose it.

How do you say that?

The recent announcement of the Baidya-led Maoists and other disgruntled parties to take part in the negotiations has indicated that all political parties are likely to take part in the November 19 elections. Baidya himself has said publicly that his party is not against the elections, but it is just against certain processes leading to the elections. Federal Socialist Party, led by Ashok Rai, and Madheshi Janadhikar Forum-Nepal, led by Uprendra Yadav, are also positive about the elections. In this context, the forthcoming elections are sure to be held.

How can organizations like the GEOC help the EC to create a congenial environment to hold free and fair elections on November 19?

We are working side by side with the Election Commission (EC). We are supporting the EC in monitoring the implementation of its code of conduct. Similarly, we will also help the EC during the elections. We submit our monthly reports to the commission.

What do you say of the international perspective?

The international communities are also in favour of Nepal's coming CA elections. The United States of America, European Union member countries, India and China have already expressed their full support to the coming elections. There is a strong international commitment for the CA elections.

What is the role of the Civil Society?

Civil Society organizations, like ours, are actively pursuing the cause of elections. We are now working to develop effective modalities for election observation. Just holding the elections by the election commission is not sufficient. There must be necessary and sufficient conditions for holding free and fair elections. That means an appropriate observation mechanism. Our previous elections have shown that free and independent observation and monitoring of elections are crucial in ensuring that the elections are free and fair.

How will the GEOC work?

With a network of 11 different organizations, the GEOC has already started monitoring the elections just the day after the implementation of the Election Code of Conduct. Similarly, other national organizations, like National Election Observation Committee (NEOC) have also started monitoring the elections. GEOC is preparing to mobilize 2,500 observers (About 110 long term observers and 2400 short term observers) during the elections. International observers are also coming to observe the election process. Similarly, the The Carter Center, the Asia Foundation and the European Union are also likely to monitor the elections.

How many areas will you cover?

GEOC and, NEOC are preparing to monitor 20,000 polling stations of 240 constituencies. In the last CA elections, over 30,000 national and 500 international observers were involved in

the monitoring. Similar number of observers are likely to be there in the coming elections.

Who are supporting the monitoring?

Nepal's development partners like DFID, European Union, Swiss Embassy, Norwegian Embassy, USAID and Danish Embassy have already expressed commitment to support the monitoring process along with supporting the EC and other election related agencies. Besides, others have also expressed their commitment to offer support.

As the Constituent Assembly election is coming closer, how is Nepal Law Society helping?

Nepal Law Society is working in 75 districts through Constitution Information Centers in 14 zones. The centers are running with the support from International IDEA, UNDP, Embassy of Switzerland in Nepal, ESP/DFID and in close collaboration with the Constituent Assembly Secretariat. We have already mobilized people through CICs in 14 zones.

What is your impression about how people are taking the elections?

I have recently visited some centers where there is a momentum for election campaigns. There is a growing demand from the people that the elections be held. The people want to see an inclusive, federal and republican constitution written by the Constituent Assembly. This is also a major demand of People's Movement II. Political parties have already launched their nationwide campaigns. Political leaders have already started visiting nooks and corners of the country.

What role have the centers been playing?

They have been playing the role of a bridge between the people and the Constituent Assembly. In the present context of holding the elections, the centers have been organizing civic dialogue on major constitution issues to inform the people about the achievements and progress made by the previous CA. Every month, centers have been organizing over 120 civic dialogues on constitutional issues. These centers have held meetings to discuss the points of the past agreements and the issues of differences.



How important is the role of the election observation groups in ensuring free and fair elections?

The election observation is not just limited to merely watching votes cast on the polling day. It starts right from the collection of voters' list. This goes on during all the processes, including registration of political parties, determination of polling booths and so on. We have been holding the meetings in the name of civic dialogue on constitutional issues. We invite resource persons from the center and we also mobilize local resource persons for the program. Under this program, we are giving the message of importance of CA and procedures of making the constitution through the CA. Along with focusing on the works of the previous CA, we also discuss the issues that need to be taken up by the coming CA. With such programs, I believe people will be more inclined to meaningfully take part in the elections.

Has GEOC actually started the monitoring?

The GEOC has already started monitoring, soon after the announcement of implementation of the Election code of conduct. We are now monitoring the activities carried out by political parties. We monitor the election activities as being in favour of and against the elections. We also monitor the activities made by election commission and the government. We will publish our monitoring report after the completion of the election and will also submit the report to the EC. We will submit the preliminary reports to the government and EC on a monthly basis. ■

Samsara Of Two Democratic States

By LALA NARA DADCI

One only has to ask a French traveler to get the current viewpoint about Nepal in France. "Himalaya, Sherpa...?". But the most noteworthy prejudice comes later, when that traveler looks for more information regarding the country. Along with geographical and historical information are described economic particularities. "Nepal, one of the poorest countries in the world". Nonetheless, what if we focus on the political level and try to put the economic field apart, for once?

Well, France and Nepal do not seem so different. In both countries corruption affairs are disclosed on a regular basis. Ongoing efforts to endeavor political representation of every citizen have been implemented in order to struggle against discriminations of all kinds. A Nepalese project called Rights, Democracy, Inclusion Fund was lead between 2006 and 2012 to assert equal political participation of everyone. French associations as "Les Mariannes de la diversité" very active over the last two years, or "Les Sans Voix", are willing to stop gender-based discriminations and call for more rights of oppressed minorities. Finally, Nepalese local governance structure through provinces and districts looks like the French one with its "regions" and "départements".

Needless to mention exhaustively all the similarities both countries have in common to notice that those democratic states definitely share much between each other. Therefore, what would be the main point distinguishing them? That may be tough to find out. Starting with which represents the fundamental basis of democratic system, that means elections, might allow making it raising up.

Unlike the French electoral system characterized by a president elected through universal suffrage and a bicameral parliament, the Nepalese electoral system encourages proportional representation within

elections of deputies. The president is then elected by those deputies. One may ask why opposed choices have been made in terms of elections in two representative democracies. It appears obvious while looking at respective historical and cultural backgrounds.

Nepalese farmers fighting for the improvement of their life conditions increased the number of Maoist proponents, which provided consistency and greater power to the Maoist ideology in opposition to the Monarchy. Moreover, existence of numerous ethnic groups located in precise areas made proportional representation the best means to express "people's voice". In France where immigrated minorities from diverse countries are scattered all



around the country, and after political instability of a parliamentary political regime, a uninominal majority electoral system was supposed to meet the needs of a stable democratic state.

Is there any best way to match the perfect democratic system, to represent at most citizen's voice?

At a time when social networks have drawn an image of horizontal governance, vertical political governance remains strong. Most of the French senior officials come from prestigious schools with a solid reputation inaccessible for common alumnus; not so much for the workloads but for the specific knowledge of aristocratic tradition required for passing the first step and being accepted in those schools. This is what point out the French P. Bourdieu and J-C Passeron in a book published in 1964.

Similarly, today, in a state

dominated by elected Maoist political parties that advocate equal representation among "the people", could political representatives have possibly become the new monarchs of the state?

Once again the issue would require years of research. Nevertheless, findings can be revealed through simple observations. Local bodies have not got elected representatives since 2002. Elections were indeed replaced with an All Party Mechanism that consists of governmental political parties appointing representatives without holding any elections. That system was phased out in 2011. The first political institution to prevent political elite from emerging is consequently inefficient. Another observation of precedence related to local bodies regards a critical organ in the democratic political organization: political parties. Recently more concerned about ethnic conflicts and constitutional matters than practical issues, political parties seem unable to address the needs of Nepalese people for daily life concerns. Improvement of the waste management sector or water sanitation is for instance often the consequence of civil society organizations. First because more and more local initiatives have been developed (projects as PRISM lead in partnership with INGOs for the first one; work undertaken by Volunteers Initiative Nepal for the second one). Secondly because the Nepalese government sometimes faces necessity of a large consensus at the national level or the obstacle of international laws (water resources being for example shared between India and Nepal).

France and Nepal still look similar after second thoughts. Politicians, on whom many French people have been complaining about (what few scholars call the "crisis of representation"), have a long way before being seen on the heaven side of the life wheel.

Lala Nara Dadci is an intern from France

SANITATION AND WATER

Campaign Agenda

At a function organized by WaterAid Nepal and FEDWASUN, leaders of major political parties agreed to make water and sanitation their agenda for the forthcoming elections

By KESHAB POUDEL

Annually, over 10,000 children die of diseases, including diarrhea. The cause often goes back to water and sanitation. Similarly, thousands of others get admitted at hospitals to treat water-borne diseases. According to the Department of Health Services data, 11 percent children get diarrhea within two weeks. Six percent of population receive their treatment in the health posts, after infection of the water born and sanitation related problems.

Due to lack of toilets, many young girls remain absent from classroom during their monthly periods. Despite success in the area of drinking water supply, the coverage of sanitation is yet to improve. Although the government of Nepal has expressed its commitments to universal coverage of sanitation and water by 2017, it is yet to start making serious investment in this sector. To meet the MDGs, Nepal needs to provide sanitation facilities to 53 percent of the population by 2015. For this the government needs to allocate 20 percent of its total budget in this sector.

The basic Guidelines of Sanitation Master Plan 2068 stress the need to declare areas free of Open Defecation. These also include hundred percent perfection in water and sanitation facilities and changing the behavior of people on hand washing by soaps.

Nepal's current situation is worse than what the master plan says. The coverage of sanitation is lower; the drinking water supply by the government is yet to be safer. An overwhelming number of people don't wash hands.

According to the study of Wateraid Nepal, 97 percent of richest had toilets in 2008, whereas 60 percent had them

in 1995. However, the poorest people's coverage is yet to improve. Compared to 1995, the situation has improved a little. Poorest quintile of population had no toilet in 1995 and now 4 percent of such population has access. Similarly, the first quintile has zero and now 11 percent. Second quintile has zero in 1995 and now 29 and third quintile of population has 9 percent in 1995 and 57 percent now.

While the government has set 2017 as the deadline for meeting the universal target for access to basic sanitation by all the citizens of Nepal, the present achievement rate has been sluggish. Nepal government has to declare all 75 districts as ODF areas in four years. But, only 915 VDCs, among the total 3,915, have become ODF till now, which is only 24 percent of the total VDCs.

Although water and sanitation issues, including promotion and public launch of Open Defecation Free (ODF) toolkit, is always sidelined in political agenda, WaterAid Nepal together with Federation of Drinking Water and Sanitation Users Nepal (FEDWASUN), carried out an interactive session with political leaders on 29 July 2013.

In the presence of huge public, leaders of various political parties agreed to raise the water and sanitation as a major issue in the coming CA elections. "The purpose of this program was to sensitize political leaders on the importance of their role in promoting sanitation in Nepal.

Facilitated by former minister and leader of Nepal Communist Party United Ganesh Shah, and Kasturi Pradhananga of Sashakti Nepal Party, the party leaders Jitendra Singh of Tarai Madhesh Loktantrik Party and



Bishnu Raj Aryal, leader of Nepal Communist Party, Marxist-Leninist, were among others to express the political commitment. Rajendra Aryal, president of FEDWASUN, opened the program.

"We will put the sanitation and drinking water as a major agenda in our party manifesto," thundered Nabindra Raj Joshi, former CA member and Nepali Congress leader.

Civil society leaders expressed dissatisfaction with the political parties for ignoring this important agenda.

"When people die due to conflicts or disasters, this is taken as a serious issue, but around 10,000 children are dying due to lack of sanitation and this has not been taken seriously. It is the right time for all political leaders to bring sanitation to the agenda. Hopefully the commitments made today will be fulfilled," complained Rajendra Aryal, national president, FEDWASUN.

During the program an ODF Toolkit was also launched. "The launch of this ODF toolkit is definitely a big step forward in sanitation. However, the broader picture is still bleak; the national target states that Nepal will achieve universal sanitation coverage by 2017, however this is not possible until all 75 districts of Nepal are declared ODF. Till date only 9 districts (Kaski, Chitwan, Tanahu, Myagdi, Pyuthan, Parbat, Accham, Kalikot, and Makwanpur) out of 75 districts have been declared as ODF," said Ashutosh Tiwari, Country Representative, and WaterAid Nepal.

Upper Trishuli-3a Controversy In Hindsight The Case Of Throwing The Baby With The Bathwater

- By SB PUN

It is important that the two basic issues raised by Upper Trishuli-3A (UT-3A) controversy should not be clubbed together. One is the morality issue of '*len-then and chalkhel*' that the media extensively covered with a fine comb. The other is the technicality issue of 60 to 90 MW upgrading that has also been combed but more to suit one's arguments only. Thus, the danger to mistake the trees for the forests is created in such a heated environment.

With the five NEA Unions¹ up in arms against the 90 MW upgrading and the *gyapan patra* to the Chairman of Interim Election Council by five former Ministers² fanning the controversy, the controversy took an ugly turn. The NEA unions armed themselves with the unlawful authority to disconnect the electricity supply of the Ministers at their Pulchowk quarters. For the rag-tag Interim Election government, this was the last straw on the camel's back. The government buckled to its knees and ate the humble pie by retracting its 12-days old 90 MW decision back to 60 MW. The Energy Ministry Secretary³ was made the lone scapegoat.

Basking in the immediate glow of hindsight, the writer enumerates below some of the cardinal sins in Upper Trishuli-3A's 60 versus 90 MW controversies:

- Unwittingly, NEA committed the first cardinal sin by planting the '*Alternative Proposals by Bidders*' seed in the February 2009 EPC Tender Documents. The 2009 August annual report of NEA mentions that the 2007 DPR of UT-3A envisaged it as a 60 MW, 460 GWh project at an estimated US\$ 125 million cost with a US\$ 120 million concessional loan from China. Why NEA asked for this alternative proposal could be an interesting debate in itself. If NEA had not committed this sin, it is likely the 60 MW UT-3A would have been

commissioned by now. Of the four bidders, only China Gezhouba Group Company (CGGC) offered the alternative proposal.

- CGGC committed the second cardinal sin. The contractor quoted US\$ 111.00 million for the 60 MW and as requested by the tender document offered the 90 MW option for an '*additional 25% cost*'. Media reports that, CGGC finding that its competitor, Sino Hydro, had bid US\$ 90 million for 60 MW, offered, on the last tender submission day, a discount so that its bid price for 60 MW became US\$ 89.1179 million. Thus, whether the '*additional 25% cost*' for the 90 MW option was on US\$ 89.1179 million or US\$ 111.00 million became a moot point.

- NEA's 2009 August annual report states that tenders were submitted on May 5, 2009 and evaluation was in the final stages with work envisaged '*to start in the dry season of 2009*'. But NEA gave the commencement of work order to CGGC only on 1st June, 2011. It took two long years from tender submission of May 2009 to finally give the commencement order in June 2011. This two year delay is the third cardinal sin. The excuse for this two year delay is that the loan agreement between the governments of China and Nepal plus a subsidiary loan agreement between the Finance Ministry and NEA required to be signed. Inevitably, this lengthy period incubated and bred the '*chalkhel and len-den*.' The Ministers manning the *Urja mantralaya* during that period are responsible for this cardinal sin.

- The NEA Board committed the fourth cardinal sin by approving the incongruous inexplicable contract amount of US\$ 132.00 million for the 90 MW. Any layman would interpret the '*additional 25% cost*' for

the 90 MW option as being that of either the discounted US\$ 89.1179 million or the undiscounted US\$ 111.00 million. When this additional 25% cost is added, one arrives at the figures either of US\$ 111.398 million or US\$ 116.868 million. So when the NEA Board awarded the 90 MW upgrading at the round incongruous figure of US\$ 132.00 million, it is but natural for the '*chalkhel and len-den*' charges to be hurled at the Board.

- Finally, the fifth cardinal sin was committed by the five former Ministers and NEA Unions in demanding that the government retract its decision to 60 MW. They should have, instead, demanded for a transparent neutral enquiry on how the incongruous US\$ 132.00 million was arrived at. UT-3A's 90 MW at Q52 means 90 MW generating capability for over six⁴ months a year. The beauty of this upgrading was that the lower cascading 37 MW Upper Trishuli-3B, which is about to go into construction⁵, would have also been upgraded to 55 MW. A nation always optimizes her resources. Such optimization meant more royalty⁶ from electricity into the scarce development coffers of Nuwakot and Rasuwa districts.

Unfortunately, in the heated '*chalkhel and len-den*' squabble, the 90 MW baby was thrown out with the bathwater. That, as of this writing, is the story of Nuwakot's 90 MW 612 GWh Upper Trishuli-3A. Perhaps, to conclude, Dolakha's 456 MW 2,281 GWh Upper Tamakoshi story needs to be recapitulated here. With an exceptionally high 820 meter head, the 309 MW 1,739 GWh Upper Tamakoshi in Dolakha was very much in the roving eyes of private sector. The scramble for the project intensified when Finance Minister, Dr. Ram Sharan Mahat, publicly opined that

such a commercially viable project should be developed by private sector. With such utterances from the serving Finance Minister, NEA's attempt to get the loan from Employees Provident Fund reached a dead end. This is when the people of Dolakha (*left, right and centre politicians along with businessmen*) literally 'ganged up' to press the government for the formation of Upper Tamakoshi Hydropower Company⁷, a joint venture of NEA. For the first time in the power sector history, they managed to acquire 10% equity of the company for the people of Dolakha. Not only that, they pressed on to upgrade the 309 MW project to 456 MW, adding an additional 542 GWh of energy. This 456 MW at Q32 means a capability to generate 456 MW for less than 4 months a year. Hence, time, that great healer and truth teller, will judge who the victors and the vanquished are in Upper Trishuli-3A's 60 to 90 then back again to 60 MW controversy.

- 1 i) Rashtriya Karmachari Sangathan NEA, ii) Nepal Rashtriya Karmachari Sangathan NEA, iii) NEA Karmachari Kalyan Parishad, iv) NEA Karmachari Sangh and v) NEA Karmachari Union.
- 2 Dr. Ram Sharan Mahat, Dr. Prakash Chandra Lohani, Surendra Pande, Dr. Prakash Sharan Mahat and Gokarna Bista.
- 3 Secretary Hari Ram Koirala was given marching orders to the exalted Office of the Vice-President.
- 4 Former Finance Secretary, Rameshwar Khanal, in his interview to Kantipur daily stated that 90 MW from UT-3A will be available for only one month. Secretary Khanal was either misquoted or he was misinformed.
- 5 Trishuli Jalvidyut Co. Ltd. as a joint venture of NEA and Nepal Telecom. Equity structure: NEA-30%, Telecom-30%, general public-15%, residents of Nuwakot/Rasuwa-10%, VDCs & DDCs of Nuwakot/Rasuwa-5%, financial institutions formed by Nuwakot/Rasuwa residents-5% and employees of NEA/Telecom in proportion to employee ratio-5%.
- 6 A back of an envelop calculation of 250 GWh of additional energy per annum (150 GWh from UT 3 A and 100 GWh from UT 3-B) at present royalty rate means an additional revenue of about Rs 2.5 crores in first year to Rs 13.5 crores per annum after 15 years even at the present sale price of Rs. 5.40 per kWh. This is a handsome recurring annual income for the scarce coffers of Nuwakot and Rasuwa districts.
- 7 The company's equity structure: NEA-41%, Employees Provident Fund-17.28%, Nepal Telecom-6%, Citizen Investment Trust-2%, Rashtriya Beema Sansthan-2%, general public-15%, Dolakha residents-10%, NEA&Company staff-3.84% and staff of financial institutions providing debt-2.88%.

Pun is former MD of NEA

NATIONAL COLLEGE

Social Science Focus

By A CORRESPONDENT

At a time when the demand for people with a Bachelor's degree in social sciences is growing in the country, National College, Center for Development Studies, has come up with a new program in Social Sciences: Bachelor of Social Science.

Affiliated to Kathmandu University School of Arts, National College, Center for Development Studies, has already produced high quality students in the areas of development studies since 1999 and Bachelor's in Development Finance since 2006. "This new program will provide opportunities for professional career in development practices in socio-economic sectors like I/NGOs, government offices and private institutions.

This program is focused on the dynamics of social change relating primarily with sociology, politics, anthropology, economics, psychology and philosophies. This program will give a new perspective addressing various issues of social sciences, especially on Sociology, Politics, Anthropology, Economics, Psychology and Environment. Complementing the contributions in various fields of social sciences, it will have a holistic approach to address the dynamics and complexity of social challenges," said principal Madhav Neupane.

Future Perspectives

Upon the successful completion of the program, BoSS graduates would develop a deeper understanding of the social change process from social, psychological, cultural and political perspective. Along with this BoSS graduates would be equipped with the research skills, both qualitative and quantitative, as well as field techniques including GPS and GIS for the

application in social sciences. They would also be prepared to mobilize communities using various motivational strategies for development projects at the grass root levels. They would also be skilled enough to carry out policy analysis for the conceptualization and project formulation. Moreover, they would be qualified with competencies, having strong foundations in various aspects of social sciences for advanced studies in the fields, such as Sociology, Anthropology, Culture, Psychology and Gender.

"It is the program of Kathmandu University. This program is conceptualized and developed by National College, Center

for Development Studies. It will be run in National College, Center for Development Studies, from this academic year," said Madhav Neupane, Principal National College.

At an event participated in by academicians, and professionals from the related field and representatives from the concerned institutions, university faculties and dignitaries, the curriculum was finalized with inputs of the workshop organized on May 18, 2013.

In order to ensure that the students receive the best learning experience, the college provides services of qualified, experienced and dedicated faculty members, who come from both academia and various governmental and non-governmental, national and international organizations. Constant seminars, dialogues and interactions with key resource persons from respective areas help students develop deeper understanding of development issues and prepare them to face future challenges in development. ■



The George Bogle's Mission

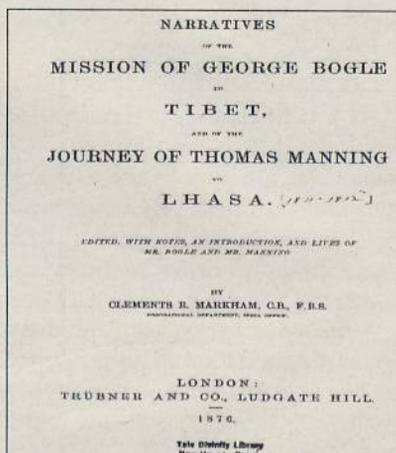
By BIPIN ADHIKARI



Clements R. Markham, the then president of the Royal Geographical Society of Britain, did a marvelous job when he started editing the largely unpublished accounts of the first British voyages to Tibet of George Bogle (1747–1781) and scholar Thomas Manning (1772–1840), who followed him.

In the preface to the book *Narratives of the Mission of George Bogle to Tibet, and of the Journey of Thomas Manning to Lhasa* (London: Trubner & Co., 1876), Markham clarifies: "In the long period that has intervened, since the first Governor-General [Warren Hastings] retired, no greater advances have been made towards the establishment of friendly commercial intercourse between [British] India and the countries on the northern side of the Himalaya than in the time of your Lordship [Northbrook's] administration." Markham decided to work on the book, because till that time, "no full account of this important mission [of George Bogle had] been given to the world." This is what happened with the remarkable journey of Thomas Manning also. "These two gaps in the history of intercourse between [British] India and Tibet have now been filled up." The book that Markham edited is based on these newly discovered information and knowledge.

George Bogle, a Scottish national, visited Tibet in 1774 as the leader of the first British diplomatic mission to Tibet, the country previously being generally unknown to the British. The objective of the visit was to establish friendly relations with Tibet and open trade links between the two countries. However, Thomas Manning, an adventurous traveler, who visited Tibet long after Bogle, was the first English national who ever entered the city of Lhasa. Manning also spoke with the then Dalai Lama in 1811. But it was Bogle who spent six months in Tibet, going around several places learning about Tibet, its culture, and politics. Bogle also established relation with Teshu [Panchen] Lama in Shigatse who was the ruler of Tibet at that time. This became a point of departure for the start of official relations between the Governments of British India and Tibet.



The Bogle's mission was appointed by Governor Lord Warren Hastings following an appeal for help from the then king of *Cooch Behar* (the state on the north of West Bengal) whose territory had been invaded by *Zhidar* the *Druk Desi* of Bhutan in 1773. He agreed to help the *Cooch* king on the condition that *Cooch Behar* recognize British sovereignty in return. The king agreed and with the help of British troops, they pushed the Bhutanese out of the Duars and into the foothills in 1773. The British became more interested in the region following this incident. Consequently, the mission that Hastings constituted on the leadership of George Bogle was to undertake a diplomatic and fact-finding assignment to chart the unknown territory beyond the northern borders of Bengal and *Cooch Behar*. The main objective was to explore the prospect of commerce for the British and opening up of Tibet, and subsequently China's Qing Empire. The mission was viewed as a success.

As an introduction to the book, Clements R. Markham provides a general account of the region including a more recent history of Tibet, Nepal, Sikkim, and Bhutan, with a view to put this region in perspective. Coupled with his introduction, Bogle's comments on Nepal make the book interesting for Nepalese readers. Apart from the Himalayan system, as far as Nepal is concerned, the 558-page book deals with the Gorkha conquest of Nepal, the Chinese invasion, the Kirkpatrick's mission to Kathmandu, and the present state of Nepalese affairs. There are also

descriptions on river system of Nepal, Nepal's tribes and international trade. This book has some references on Nepal's *Vakils* (consular officials) based in Tibet. There are some points of reference to Edward Garden, Brian H. Hodgson, and Herbert Maddock – the three consecutive British residents in Kathmandu. There is very clear emphasis in the book on the importance of removing trade barriers in Nepal. The book also produces the available maps of Nepal at that time. In general, the book carries on what has been described as Brian H. Hodgson's effort at making Nepal – "a concealed and dangerous enemy" – into a friend.

In its overall make up, the contents in the book do not present the Gorkha King *Prithi* Narayan, who conquered most of the Nepal Himalayas and its southern slopes, positively in any context. The formidable presence of the Gorkhas in the Himalayas was not something that was an appreciable fact for the emerging British establishment in Calcutta. *Prithi* has been described as the ruler who circumscribed the trade between the plains of India and Tibet and also between the countries in this Himalayan region, in the post unification context. Going beyond *Prithi* Narayan, "in the time of the regency [of Prince Bahadur Shah], the Gorkhas conquered the whole of Nepal, and so persecuted the merchants by their enormous tolls and other exactions, that the once flourishing trade between Tibet and [British] India, by the Nepal passes, was almost annihilated. The misconduct of the Gorkha *Rajah* was a constant subject of complaint in the conversations of the Teshu [Panchen] Lama [of Shigatse] with Mr. Bogle." The Lama also thought "Deb Judhur [the Bhutanese Chief] strove to form a coalition against the English, and the *Rajahs* of Nepal, Assam, and *Sylhet* promised to join him, and would certainly have done so if any success had attended his arms."

The book mentions about the Sino-Nepal War, which Nepalese refer to as the second invasion. It states that the Nepali government suddenly decided to invade Tibet, tempted by stories of the great riches in the Teshu Lama's palace,

brought by a refugee Tibetan monk named Sumhur Lama. As the book notes, "the pretext of war was that the Tibetans insisted upon circulating base coin, and refused either to withdraw it or to establish a fair rate of exchange." But Nepal had a bad performance in the war. The Qing Government of China came forward in defense of Tibet, demanding the restitution of all the plunder taken by the Nepal army at *Teshu Lumbo*, where the Teshu [Panchen] Lama traditionally lived in his monastery, and the surrender of Sumhur Lama. "The reply was an insolent defiance." The Chinese fought well. They advanced gradually and made a final stand in a strong position, on the banks of the river Tadi, just above *Nayakot*, and only 20 miles from Kathmandu.

As the narrative goes, "at this point the two armies faced each other for some time, until the Chinese general, in a fury, turned his own guns on his own men from the rear, and drove them forward in a mass upon the Gorkhas, sweeping great numbers, and still more of the Gorkhas, into the roaring torrent. Thus a decisive victory was gained within one march of the enemy's capital, in September, 1792. The Nepal Regency then sued for peace, which was granted on very humiliating conditions."

The book emphasizes that despite possibilities of open trade with Bhutan, Nepal, and Lhasa, the jealousy of the nations however "prevents this being obtained on pacific terms, and the natural strength and situation of these countries render it extremely difficult, if not impracticable, to do it by force." Going further, it maintains that although the wealth of Nepal "furnished the Gorkha King with the means by which he rose, he neglected to cherish the source from whence it flowed." It was not acting wisely when the new establishment spent most of its riches to make itself formidable in terms of arms and armies.

"The ordinary revenue of countries where a standing army had hitherto been unknown, was unequal to these extraordinary expenses; and the Gorkha *Rajah*, among other expedients, had recourse to imposing high duties on trade in order to defray them." The character of the powerful Gorkha king is described in the book as tyrannical and faithless. This was a cause of worry for the business-minded British in India. ■

"Monarchy Is History"

DR. BABURAM BHATTARAI
Former Prime Minister



Do you think the possibility of revival of monarchy?

Monarchy is now history. No one can restore monarchy any more. Nepal remains a federal republic. The ousted monarchy has been a poison for the country. Pro-monarchists are trying to thwart the forthcoming Constituent Assembly elections.

How do you look at the former's king's visit to different parts of Nepal?

Former King Gynendra Shah's visits across the country is intended to retain power, reorganizing regressive forces in the name of religious activities. Former king is trying to garner the international support to regain power.

Some people are trying to bring back monarchy in Nepal for their self-interest. Monarchy is a feudal and anti-national institution. This is the reason people overthrow monarchy through the street in 2006.

How do you see the present debate over revival of monarchy?

Some domestic and foreign forces are conspiring to revive monarchy in the country. Foreign forces were hatching a plot to reinstate monarchy in the country. The signatories of the 12-point understanding to foil conspiracies aimed at the revival of monarchy.

What is your view on monarchy and nationalism?

The ex-king and defunct monarchy had never been supporters of nation and nationalism. This is not the time to look for opportunities to reconcile with the ex-monarch, but it is high time the Congress and Communists worked together for the betterment of the nation. ■



"Return Of Monarchy Inevitable"

PRAKASH KOIRALA
Former Minister

Do you think the monarchy will come back?

I don't think nobody can stop now the return of the monarchy. Monarchy is now India's compulsion. Reviving monarchy is not India's wish, but it is their compulsion now. If Nepal had no border with China, nobody could say what India would have done.

Why will it come back?

Because monarchy was abolished without the consent of the people. It was abolished by India and foreigners with support from Nepal's political parties.

Whose agenda is this then?

Abolishing monarchy and bringing republic were not the agenda of the Nepalese people. They were the agenda of foreign countries. The Indian agenda. WikiLeaks has already made it clear about whose agenda was this. In 2002, Britain, America, India and four Scandinavian nations discussed about secularism, monarchy and federalism. India stressed republic. Indians clearly said that they wanted republican Nepal. Republic was not the Nepalese agenda and it was the agenda designed by foreigners 12 years ago. Whether it is secularism, federalism or republicanism, they are not the agenda of the Nepalese people.

How do you assess Dr. Baburam Bhattarai's view that B.P.'s national reconciliation failed now. How do you look at it?

Baburamji has a compulsion to speak that kind of language. I don't want to comment on what Baburamji said. Many things have already been public about Baburamji's role and sources of power. Actually, the source of change of 1990 goes to B.P. Koirala's national reconciliation policy. B.P.'s national reconciliation stresses for nationalism and democracy.

But, Girija Prasad Koirala also said that he followed B.P.'s national reconciliation. How do you look at it?

Girijababu betrayed B.P. Koirala by signing the 12-point agreement in the foreign land. This the agreement which weakened Nepal's nationalism so much that politicians have to go for blessings in the foreign country. We are witnessing everything and we cannot fool people any more. ■

THE ASEAN TRACK

The Dragon Vs. The Elephant



By ABIJIT SHARMA

The Vietnamese foreign minister Pham Binh Minh says, his country would want to see more of India's presence in South East Asia not only politically but also economically. The region's rising powerhouse is not alone in wanting to see its rising South Asian counterpart to be significantly present in the region. Only recently tiny Singapore called on India to start negotiations on a full air transport agreement with the ASEAN countries. Another key South East Asian nation of Thailand is getting ready to lay red carpets for Indian investment. The government-owned Board of Investment (BOI) has opened its overseas office in Mumbai to lure potential Indian investors by showcasing investment opportunities in Thailand.

It's not that the 10-member ASEAN that is made up of Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam have found a new love for India. They have been doing business for quite long. In recent years, however, there appear to be some kind of

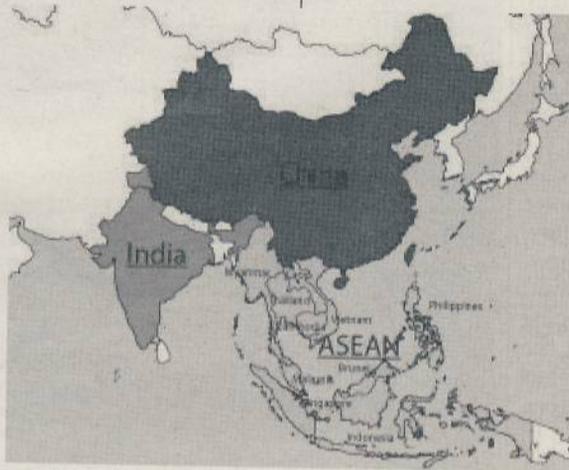
urgency on their part to bring the South Asian powerhouse along their political and economic journey ahead. In fact, they would even wish to forge a strategic cooperation as well. The reason: the perceived threat from the emerging world power China. India has a stake too in spreading its wings to the east as its giant communist rival looks to assert its presence in the region. Both India and the South East Asian nations share common interest vis-à-vis their perceived threat from the roaring Dragon.

ASEAN welcomed China's Asian rival and a potential economic powerhouse India as its full dialogue partner in 1995 shortly after India announced to have begun to Look East. This was apparently in response to the Chinese dream of leading the region. Experts say, India's economic potential is heavily weighed in the region's scheme of alliance-making. Even more important," according to them, is a semblance of strategic balance in Southeast Asia that remains dominated by China's ever-growing military might. Ultimately, the economic and strategic

considerations shouldered India into Southeast Asia and paved its way into ASEAN.

And it is these considerations that had resulted in the growth of cooperation between the two in recent years. The eagerness of the ASEAN and the Look East policy of India have together given an impetus to efforts to bring the two closer in a number of areas. The Look East couldn't have

been better timed for both India and the ASEAN nations coming as it did amidst the growing uneasiness in relations between India's rival China and most of the countries of the region. China has border issues, maritime issues — the most pronounced being the row over the South China Sea — with many of the ASEAN countries. Given the vast potential of joint collaboration to the mutual benefit in the region, China has been prudent enough in seeking not to rock the boat. It has sought to improve relations with the region's countries through dialogue. This has borne fruits as well. The ASEAN-China Free



India has a long way to become competitive with China, especially in economic and trade relations with the region, which are hugely tilted in Beijing's favor.

Trade Area which is the largest free trade area in terms of population and third largest in terms of nominal GDP, is one example. Interestingly, ASEAN has entered into a similar arrangement with India. The setting up of the ASEAN-India Free Trade Area (AIFTA) three years ago has been hailed as a landmark event.

But India has a long way to become competitive with China, especially in economic and trade relations with the region, which are hugely tilted in Beijing's favor. Take the case of trade, for instance. India's trade with the ASEAN is roughly 80 billion dollars and is projected to increase by a quarter in the next two years. This compares very poorly with its Asian rival, China's which stood at 400 billion dollars last year. But the non-economic factors especially the Dragon threat perception that the ASEAN nations hold could give the Elephant a vital edge in the race to win the region times to come.

SHARMA is Research Associate at India Center Foundation, New Delhi. (abijit.sharma@indiacenterfoundation.org)

THE 3-YEAR PLAN

Continuity In Change

Although the approach paper was prepared under a bureaucratic government and a secretary-led National Planning Commission, the document represents continuity in change

By KESHAB POUDEL

For the past four months, secretary of the National Planning Commission Yubaraj Bhusal had a hectic schedule as he continued to work in finalizing the 13th Periodic Plan. By bringing the 13th plan, the National Planning Commission secretariat has proved its own institutional capacity, evolved over the last five decades, its manpower and expertise available within.

When vice-chairman and members, appointed on political grounds, resigned in May, hardly forty percent of the work on the thirteenth plan was completed and even various rounds of consultation with stakeholders were still to be held. Determined to bring the national periodic plan to prevent a plan holiday, secretary Bhusal mobilized his secretariat to complete the remaining task.*

The newly appointed chairman of council of ministers Khil Raj Regmi backed Bhusal's ideas to bring the national plan to prevent anarchy in the country's overall economic development. A group of politically motivated technocrats opposed the idea, saying that it will have a crisis of ownership in the later stage. The 13th plan document appears finally as a consensus document.

Although he has gone through various stages and did almost all hard work to rescue the plan, secretary Bhusal is now the happiest man following the publication of the document. During the preparatory period, secretary Bhusal found well-organized institutional capability in a strong team within the National Planning Commission.

There is reason for him to be happy. Although a group of people criticized the plan as unnecessary in the present context, the plan, virtually endorsed by all different stakeholders and political

parties, recognizes the professional institutional capability of the National Planning Commission.

With the resignation of NPC members, uncertainties had appeared as positions were vacant. Secretary Bhusal decided to carry on the incomplete task with an aim to prevent the country from going to a plan holiday, which may have had a very bad economic implication for the country. Even the present full budget would not have been possible without the Interim Plan.

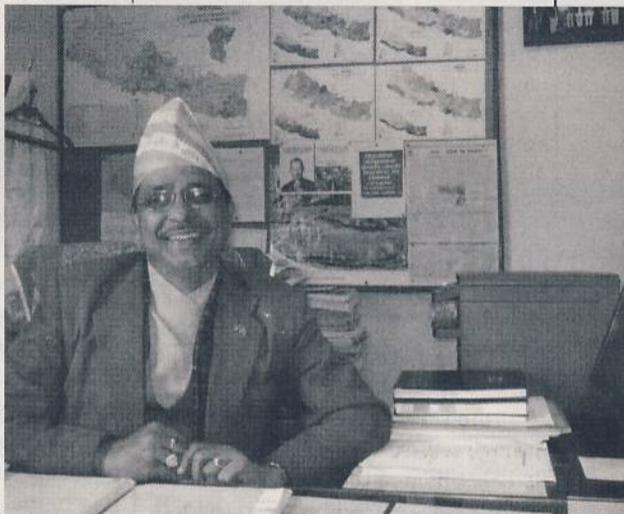
At a time when Dr. Rabindra Shakya, an experienced hand of the National Planning Commission, was appointed as the vice chairperson, the approach paper of the three-year interim plan (2070-2073) was completed.

Now the Interim Plan is already in place and the country can now direct itself towards the targeted development. The 13th plan was prepared after intensive discussions at various levels including district, region and centre before it was finalized under the guidance of National Development Council.

"This is a team work. Our aim is to prevent the development chaos in the country and the National Planning Commission secretariat and its staff, with support from all different stakeholders, made it," said Bhusal. "From the very beginning, I was against the plan holiday. Nepal cannot afford such a plan holiday as it needs to achieve higher economic growth rate to sustain. I am happy that a large number of people agreed with NPC views."

As NPC finalized the approach paper organizing various meetings of the stakeholders at different levels, NPC finally pushed the document for formal approval when Dr. Rabindra Shakya, an experienced hand of the planning commission, was appointed as the new vice chairman.

Having knowledge about the institutional capacity of National Planning Commission, Dr. Shakya did not feel any hesitation to give a nod to



Secretary Yubaraj Bhusal

the document, which later endorsed by the National Development Council meeting participated in by political parties, experts, business communities, Nepal's development partners and people of all walks of life.

One of the positive sides of the current interim plan making is that everyone agreed to have a periodic plan. Chairman of council of ministers and chairman of National Planning Commission Khil Raj Regmi gave a nod from the beginning. Chief secretary Leelamani Paudyal, officio member of NPC, also actively supported NPC's move.

At a time when nobody knows how long Nepal's current state of political uncertainty will go, National Planning Commission Secretariat has given a relief to Nepal's development experts, by producing a document to give at least three years of economic direction in Nepal. Thanks to the approval of the three-year plan, the government found the basis for the current budget and formulated the government policies and programs on the same basis.

Plan Highlights

One of the ambitious parts of the plan is to graduate Nepal from the Least Developed Countries to the Developing stage. The main target is to reduce the proportion of the population below the national poverty line to 18 percent from the present level of 23.8 percent.

"The 13th Plan is the continuation of the periodic planning process in Nepal which was started since 1956. Despite the transition and political instability in the country, NPC has been able to avoid plan holiday and has brought out the Approach Paper of the 13th Plan, which among others, has helped the country to plan achieving international commitments especially MDGs by 2015," said Purushottam Ghimire, spokesperson of the NPC.

Plans to spend a total Rs 1.62 trillion till 2015/16 are formulated in the paper. Of this, Rs 960.69 billion rupees will be spent to cover recurrent expenses, while Rs 277.94 billion will be allocated for capital spending. These expenses, according to the plan, would be met through estimated revenue collection of Rs 1.13 trillion in the three-year period, while the rest would be raised through domestic debt, and grants and loans from development partners.

Development of hydropower and energy sectors, productivity growth of agro sector and its diversification and commercialization, basic education, health, drinking water and sanitation, good governance, expansion of roadways, development of physical infrastructures, tourism and trade are the priorities of the upcoming three-year development plan, according to Shakya.

"The new three-year plan lays emphasis on increasing the economic growth and on agriculture and tourism," said Dr. Rabindra Kumar Shakya, vice-chairman of the National Planning Commission.

As the 13th Plan is prepared by the National Planning Commission, the country's apex development body, with support from technical experts and consultations at various stages, including at the political level, there will not be any question on the ownership of the document. The 13th plan is Nepal's document now. ■

"No Plan Holiday Now"

PURUSHOTTAM GHIMIRE

Despite the political instability and uncertainty, National Planning Commission has finally come up with the 13th Plan, averting periodic plan holiday for the country. This helps to give the much needed stability and continuity in the national planning process. Joint secretary and spokesperson of the National Planning Commission Secretariat PURUSHOTTAM GHIMIRE spoke to NEW SPOTLIGHT on various issues regarding the 13th plan. Excerpts:

What is the significant in the Thirteenth Plan?

The 13th Plan is the continuation of the periodic planning process in Nepal, which was started since 1956. Despite the transition and political instability in the country, NPC has been able to avoid a plan holiday and has brought out the Approach Paper of the 13th Plan, which, among others, has helped the country to achieve international commitments, especially MDGs by 2015.

How were the issues taken from the grassroots level? Can you explain the modalities of finalizing the plan?

The approach paper was not ready in a week, it took more than six months to finalize it. Public consultations, both at the local and national levels, were held to acquire feedback in its formulation process. Altogether, nine consultative workshops were conducted in different parts of the country. In addition, rounds of interactions were done with the representatives of political parties, line ministries, academia, private sector and the civil society. Moreover, suggestions of the development partners were also taken in this process. Thus, the consultations were made at different levels, also engaging people from the grassroots to the national levels. The National Development Council provided valuable inputs in the Approach Paper

and the final version is approved by the Council of Ministers. As such, the approach paper has incorporated major concerns and issues raised during the consultation process.

Will the next government take its ownership?

During the consultation process, both at the regional and national levels, representatives of various political parties actively participated and provided valuable inputs to refine the objectives and strategies. In addition, NPC has briefed the top leaders of the major political parties about the process and progress of formulating the document. They appreciated the efforts carried out by the NPC. So I believe that the elected government, whoever comes to power, will take its ownership and continue with it. Even more, this is a policy document which is dynamic in nature, meaning that there are chances to refine it while preparing the detailed version of the Plan. I would like to quote the Finance Minister that "the programmes proposed in the budget for the current year will be acceptable to the elected government in the future as it was formulated in line with the approach paper for the upcoming 13th plan."

What are the targets of the Plan?

The Approach Paper has a vision of graduating Nepal from the status of LDC to a Developing country by 2022. In line with the vision objective, strategies and targets of the Plan have been set and sectoral priorities have been identified. Thus, all development activities, efforts and resources are focused and allocated in order to achieve the goals. The main target of the plan is to reduce the proportion of the population below the national poverty line to 18 percent from the present level of 23.8 percent in the three-year period. The present government has expressed commitments to achieve the goals and

you might have noticed that the current year's budget is also based on this approach paper so as to contribute towards achieving the target.

Don't you think that vision/target is very ambitious and difficult to achieve?

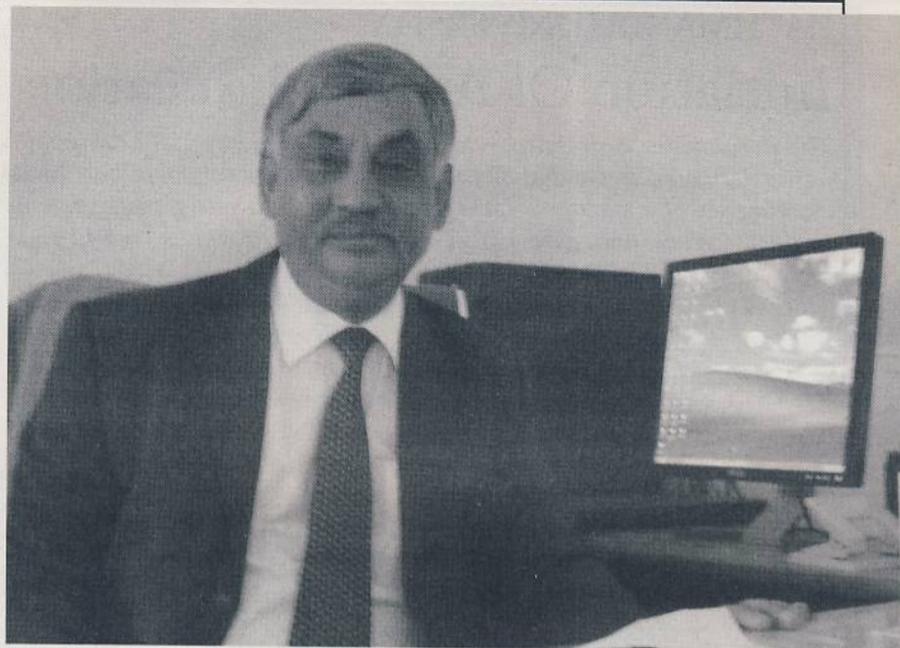
The proposed vision, though it looks like moderately ambitious, is achievable, if high level of commitments is there and sufficient resources are allocated in priority areas. The six percent growth per annum is not an unattainable target if there is political stability and commitment from the political leaders to acquire coherent and cooperative effort of all actors, including the private sector, cooperative sector and NGOs and civil society organizations. Increasing domestic resource mobilization, creating enabling environment for the private sector investment and mobilizing external resources in areas that directly contribute to achieve the goals are extremely important in this regard. Many of our development partners have appreciated and have shown their commitments to help Nepal to achieve the goal. I have not seen the resources constraint but what we need is our commitments to make productive use of those resources.

Has it shifted the priorities?

The priorities are not shifted though it is more focused than in the past. If you see the priorities set in the Approach Paper and those in the budget speech they are consistent with each other. Energy and hydro-power, agriculture, basic health and education are the top priority areas which are according to the needs and demands of the country. Promoting governance is equally important to achieve the goals so that it is also one of the priority areas. The priorities are inter-linked and complement each other. All priorities aim towards reducing poverty incidences and developing the infrastructure.

What is the sector-wise allocation of budget?

Allocation of resources also matches with the priorities set in the



plan. Thus, naturally, education energy, health, rural development are the sectors which get more resources. In addition, if you see the budget speech of the Finance Minister, he clearly mentioned that National Pride Projects are getting top priorities and assured the sufficient budget to timely complete them. There are four new national pride projects added this year and a total number of such projects reached 21. Thus, the budget is allocated according to the need, priorities and demand of the people in order to improve their livelihood and the overall development of the country.

How does the interim plan address what were raised by RIO+20?

The Outcome of the RIO+20, Conference, "The Future We Want" in June 2012 recognized the serious constraints that the LDC's face in achieving sustainable development. Sustainability in all sectors of development is the key concern of the RIO outcome documents. The Fourth UN conference on the LDCs held in Istanbul May 2011, adapted in IPOA for the LDC's for the decade 2011-2020. The overarching goal of the IPOA is to overcome the structural challenges faced by the LDC's in order to eradicate poverty, achieve

internationally agreed development goals and enable graduation from the LDC category. The IPOA also sets ambitious goals of "enabling half the numbers of LDCs to meet the criteria for graduation by 2020. In this background, the Approach Paper of the Plan also focused and have borrowed the concept of its long term vision "Nepal will be graduated from LDC's to DC by 2022 which is in the line of IPOA and RIO Principles.

Has interim plan a special concern over climate change?

Government of Nepal has introduced climate change budget code in this budget which shows that about 5.8 percent of total budget is directly related to climate change adaptation and about 4.6 percent is indirectly related with environment and climate change and other natural conservation and preservation, which comes to about 10 percent of the total budget. This is the great commitment from the government which is in line with the commitments made at the international level on sustainability and climate change issues. Now the international community and development partners should support Nepal on climate change issue which has already started in order to save people livelihood, mountains and water tower of Asia. ■

KATHMANDU UNIVERSITY

Initiation Of A Legal Education

The Kathmandu University, which is a renowned privately-run public university based in Dhulikhel, has planned to add a School of Law to its existing set of six schools (arts, education, engineering, management, medical science, and sciences) in an attempt to provide a "world-class legal education" in Nepal.

By BIDUSHI ADHIKARI

The School of Law is coming as a flagship project of Vice Chancellor Dr. Ram Kantha Makaju Shrestha, who joined the university in present capacity in November, 2012. The Planning Advisory Committee for the School of Law includes the former Chief Justice Govinda Bahadur Shrestha, former speaker Daman Nath Dhungana, Senior Advocate Radhesyam Adhikari, Dr Surya Dhungel, lawyer Surya Kiran Gurung, Professor Ganesh Datta Bhatta, and is led by founding Vice Chancellor Dr. Suresh Raj Sharma.

The preliminary feasibility study, "Towards Kathmandu University School of Law," prepared by Nepal Constitution Foundation (NCF), emphasizes that the School of Law would be focused on the quality of the education provided due to its lack in the country. It states that the objective of legal education is not only "the development of legal knowledge and skills," but also to train a person to solve legal problems in his/her society.

Constitutional Advisor to the President Dr. Surya Dhungel, who is also a member of the Planning Advisory Committee, said, "I think that this initiative will be successful because of effective leadership and support of a dedicated team. The Kathmandu University has maintained its quality and level of commitment, and it will be the same with the School of Law."

The NCF study states that the School of Law is set out to produce graduates with "fact consciousness, a sense of relevance, comprehensiveness, foresight, lingual sophistication,

precision and persuasion," and, most of all, "self-discipline."

Dr. Bipin Adhikari, coordinator of the School of Law Steering Committee, said, "To become a law professional, the primary characteristics to develop is self-discipline, professional ethics, and legal knowledge. This is what the School of Law aspires for."

As for the courses offered, the University wishes to focus on areas of the legal sector that need immediate attention. In the beginning, the School of Law is going to introduce a Five Year B.B.M.L.L.B.

(Bachelor of Business Management and Bachelor of Law) degree at the undergraduate level for 44 students. This will start from the August of 2014.

In order for the University to establish a top-notch law school, the existing committee for the School of Law is looking at the possibility of "getting retired professors of high repute" who will be working closely with the potential teachers available in Nepal. Additionally, the School is planning to include a variety of legal practitioners and judges.

"From the very first year, it is so important that students have the opportunity to interact with judges, prosecutors, private legal

practitioners, and in-house lawyers because these are the areas in which the prospective students of the School of Law will be working," said Adhikari.

"This is a mixed course which will fill the gaps of trained lawyers in the corporate sector of Nepal," said Adhikari. "The graduates of BBA-LL.B are to be quickly absorbed by the Nepal Bar Association and commercial banks, insurance companies, international trading houses, major industries, and commercial outfits of the country." The Two Year LL.M in Corporate Law at the post graduate level will be offered only after the first batch of students graduate.

At the undergraduate level, the course would cover a "traditional curriculum," which consists of jurisprudence, civil procedures, criminal law, property, constitutional



KU School of Law Group (Vice Chancellor Professor Dr Ram Kantha Makaju Shrestha fourth from the Right)

law, among other subjects. The program also incorporates the case method and the Socratic Method, both of which include the study and reasoning of court cases.

The benefit of this curriculum, Dhungel said, is that graduates would "be able to deliver immediately, and apply their knowledge in places like courts and corporate sectors."

The government of Nepal has shown its support for the establishment of the School of Law by securing seed money for the initiation.

Dhungel said, "I think the government is happy to see the leadership by the Vice Chancellor, the steering committee, and the potential

of the people involved. The government sees the shortage of a good law school. Additionally, the involvement of the former Chief Justice in the process gives more confidence."

The building for the School of Law itself would ideally be situated around Dhulikhel, the Nagarkot VDC, or anywhere in the outskirts of the Kathmandu Valley, where it is "tranquil, green, and aesthetically pleasing," as stated in the report. The Steering Committee is trying to find a suitable area.

The goal is a "campus university," one which accommodates students' necessities, teaching and research facilities, and leisure activities together. In the long-run, the University hopes to include in the campus some place for the local police, a post office, a health post, and a bus park, amongst other things.

"This is in an effort to build a complete university campus, where there is everything that a student will need," said Adhikari.

Already, there are half a dozen Law Schools in Nepal but leaders from the Steering Committee still feel that the KUSL has a certain advantage.

"Many people question the validity of establishing a new School of Law. However, our faculty is a mixed one, with teachers both from Nepal and abroad, and the courses on offer will be the best courses in the context of globalization," said Adhikari.

Adhikari is an intern.

HIMALAYAN BANK LTD

Innovative Card Deal

Jointly launching Himalayan Bank American Express Gold Credit Card, Himalayan Bank Limited and American Express have offered the Nepalese customers access to the latest innovation

By A CORRESPONDENT

Himalayan Bank Limited has a long history of introducing new innovative banking system in Nepal. Chief Executive Officer of the bank Ashoke SJB Rana has retained the tradition by launching the Himalayan Bank American Express Gold Credit Card in Nepal.

Chief Executive Officer Rana and Pranav Barthwal, vice president - global merchant service and partner card services, India and area countries, American Express Banking Corporation, introduced the new card service amidst a program in Kathmandu on August 1.

At a time when Nepalese travelling abroad, including India, have been facing various problems, the introduction of the card is likely to ease the traveler's difficulties. Since its establishment, the bank has come out with various innovative banking ideas.

According to a press release, the card is available in two variants - The Himalayan Bank American Express Gold Credit Card Domestic (Nepal and India), offering powerful savings and lifestyle benefits and the Himalayan Bank American Express Gold Credit Card - International (outside Nepal and India), offering attractive travel benefits for Card members in Nepal.

Commenting on the new initiative, Ashoke SJB Rana, CEO, Himalayan Bank Limited, said, we are pleased to partner with American Express in Nepal to launch the American Express Gold Credit Cards. Our partnership with American Express is based on our mutual belief and commitment in bringing unparalleled value to our customers. The American Express Gold Credit Cards will provide customers with a world-class opportunity to extract the best out of life"

Addressing the ceremony Pranav Barthwal, Vice President, Global Merchant Services & Partner Card Services, India and Area Countries, American Express Banking Corp, said "we are delighted to work with Himalayan Bank Limited to bring American Express' rich global experience in providing outstanding credit card solutions to consumers in Nepal," said. "This expertise, coupled with Himalayan Bank Limited's local



strength will make for a very powerful combination and a superior product that will help us meet surging need of affluent consumers in Nepal. We are confident that American Express Cards will be well received by customers in Nepal."

The Himalayan Bank American Express Gold Credit Card (Domestic) offers Card members savings of up to 20% on dining and up to 15% on shopping and hotels and spa. Card members will also enjoy privileged access to world-class golf facilities in Nepal and complimentary access to Radisson Lounge at International airport in Kathmandu and Altitude lounge in domestic airports in Delhi and Mumbai.

The Himalayan Bank American Express Gold Credit Card (International) offers Card members complimentary membership to the Priority Pass program that gives access to 600 VIP airport lounges around the world.

The Himalayan Bank American Express Gold Credit Card is Himalayan Bank Limited's first American Express-branded credit card products on the American Express network. Himalayan Bank Limited will be the issuing banking partner for the Himalayan Bank American Express Gold Credit Cards (Domestic & International) and merchant acquirer across Nepal market. The Himalayan Bank American Express Gold Credit Cards will be accepted at more than 900 Himalayan Bank Limited point of sale terminals and 76 ATMs.

Having established its reputation as bank to bring new innovation, HBL maintains its lead introducing the new credit card. ■

“More Than Fantastic Hydropower Meet”

DEEPAK RAUNIAR

As Nepal has been passing through a severe power crisis, Hydroelectricity Investment and Development Company Limited (HIDCL) is organizing a Hydro Power Investment meeting. Having more than eighteen years of working experience in Employees Provident Fund in the executive positions, DEEPAK RAUNIAR, chief executive officer (CEO) of HIDCL, spoke to NEW SPOTLIGHT on the importance of the meeting. Excerpts:

At a time when Nepal has been facing financial constraints in implementing the hydropower projects, how do you justify the importance of the forthcoming International Hydropower investment meeting?

We are organizing the International Hydropower Investment meeting on 28-29 August in Kathmandu to attract investment for the medium and large hydropower projects in Nepal. The meeting is very important to bring stakeholders of the hydropower sector together at this juncture as the government has identified hydropower development as the priority development agenda in its plan and policies. Ministry of Energy, Ministry of Finance, Investment Board of Nepal (IBN) and Asian Development Bank are jointly supporting this initiative of HIDCL.

How will it be different from other meetings?

This meeting will also mark as a more focused and a long overdue follow-up activity of the Investors Forum of 2011, and a reflection of Asian Development Bank's continued commitment to the development of the power sector of Nepal. The main focus will be to showcase specific medium and large scale hydropower projects and to attract investments for such projects. The meeting will provide participants an opportunity to discuss about the potential projects in detail with concerned stakeholders and their inputs.

Why will investors come to invest here?

What we see is that there is a renewed interest in hydropower sector in Nepal. There is a domestic market as well. Hydropower, if it is supposed to be a business, it requires markets. As we have been going through a painful power crisis of up to 16 hours of load-shedding, the experience has shown us that there is a market as well. With cross-border transmission lines coming in, it has also opened up the possibility to export power. The electricity can go to India or other country through India. So there is a renewed interest in regard to the hydropower projects in Nepal, both in the domestic and international sectors. The good thing is a number of projects are already identified for both purposes. If we want to pursue these projects in construction, we require investment.

What is the aim of HIDCL?

HIDCL as a company was established in July 2011 by the government of Nepal. We should know why the government of Nepal came up with the idea to establish the company. Nepal has immense hydropower development potential. However, the country has not been able to harness it. There are a number of factors that have contributed to this situation. The capacity of funds financed for the projects is one of the main factors. At a time when there is a lack of institutional capacity to finance the major projects, the government of Nepal has decided to set up this company. To remove the financial constraints, this company has been structured as one of the biggest capital financing company.

What is the financial position of the company?

Our authorized capital is Rs.16 billion and issued capital is Rs. 10 billion. This is one of the biggest financial institutions to look at the hydropower sector. With that capital, we intend to operate and raise funds required for middle to mega projects. The second thing we want to do is to develop the technical capability. Traditionally, the banks and financial institutions were also involved in financing hydropower



projects. However, the core job of financial institutions is banking, not hydropower financing.

Why is this required?

Many of these banks do not have the technical capability required to finance the projects. We intend to develop that. Our mandate is to raise finances both from domestic resources as well as some international resources. We are doing that. We already have a number of projects coming to us for financing. Each project requires finance. As of now, we have the sufficient capital. However, we may need more capital in the future. Our issued capital is Rs.10 billion, which belongs to various institutions, including the government of Nepal.

How many projects do you have now?

We have already committed to a number of projects like 42 MW Misti Khola project. We have already decided to invest Rs. 1.2 billion in the project as debt financing. We are also equity partner to Dhalkebar-Mujaffarpur Cross Country Transmission Line Project. A number of promoters come to us along with other banks to be a partner in the consortium. We have four projects that have come to us, ranging from 20 MW to 27 MW. We are doing our homework now. Besides that a number of projects have directly applied with us, some asking for investment and others requesting to invest on us.

For detail Logon www.spotlightnepal.com

ENERGY

Power To Prosper

Practical Action's initiative to provide energy to the poor can make a difference in the rural parts of Nepal

By A CORRESPONDENT

If there is an appropriate technology, there is a way out of poverty. This is what Practical Action has shown in Nurpang Village of Bhulichowk VDC of Gorkha District. Under its support, the villagers are now getting electricity from solar power.

Among many people living below the absolute poverty line, Lukman Praja, a chepang farmer residing in Bhumlichowk VDC of Gorkha district, is has a reason to rejoice. After installing electricity lines, everything has changed in the village, including the literacy rate. As an indigenous ethnic community with lowest level of literacy, the villagers have seen a drastic rise in the literacy rate.

"Along with supplying electricity, poor people need quality energy all the time. The experiences have shown that supplying electricity can change education and health services. Access to affordable and clean energy is critical for delivering adequate health services and increase the literacy rate," said Min Bikram Malla, project manager.

For Nurpang village, the supply of electricity is a boon now as school-going children can read till night. In many villages like Nurpang, where there is no possibility of getting electricity from the national grid and micro-hydro, the solar and wind power will be the only way out. For a village of five households, micro-hydro is too costly for Nurpang. To solve this problem several technological options were considered and a wind & solar hybrid panel was installed.

Earlier, villagers remained skeptical about the scheme. When it started to generate the electricity,

people are happy. Practical Action choose this system because it is affordable and sustainable for these villages.

"Along with supplying quality energy, affordability is a key factor in electricity supply," said Min Bikram Malla, project manager of Practical Action. "The renewable energy is also safer for public health."

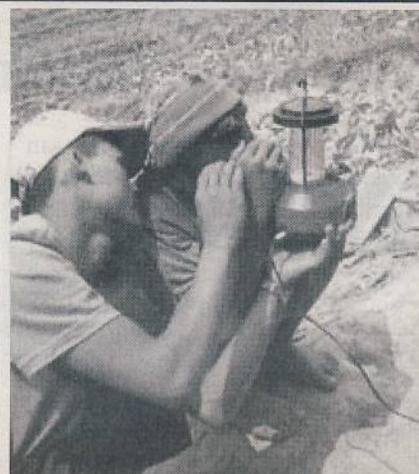
According to Poor People's Energy Outlook 2013, energy is an enabler. It improves the quality of existing services and paves the way for new services to be made accessible to poor people.

Through its renewable energy program, Practical Action has already brought the change in the livelihood of many people. "Providing subsidy for renewable energy is not a long term solution. What is important is appropriate technology with ownership of local people," said Malla.

After the installation, the villagers experienced a better quality of life. Children began to study in a better environment and the household sanitation improved. Working in the kitchen was not troublesome for Lukman's wife anymore, as she does not have to use a wick lamp. As a result, the overall health of the village also improved.

Along with Nurpang Village, Practical Action has established an "Energy Village" demonstrating how renewable energy, micro hydro, solar and wind can make an enormous benefit to income generation and local development without increasing carbon dioxide emissions.

Energy is key to eradicate poverty. Nepal's 13 National Plan also stresses the need to improve the overall energy situation in the country. Practical Action's experiences have also shown



that the provision of energy is critical to help people escape poverty.

Working in various parts of Nepal, Practical Action showed that renewable energy technologies offer clean and sustainable options for generating energy. "When owned and managed in the right way they can make a dramatic contribution to poverty reduction," says Practical Action's website.

With over 40 percent of population without electricity and large number of population relying on traditional energy sources for cooking, the majority of the population in rural Nepal still does not have access to basic energy services.

As there is a rampant poverty, they cannot afford commercial fuels such as LPG gas or kerosene. Realizing this, Practical Action has been promoting renewable energy in the places where natural resources such as the sun, wind and water provide potential sources of renewable energy.

Communities generally lack (in addition to the initial funds) the information, knowledge and expertise needed to make decisions about the most appropriate systems and their installation.

Practical Action's Renewable Energy Village in a Chepang Village in Gorkha district has meant that 67 households now have access to lighting from renewable energy sources. These sources include wind/solar hybrid, micro-hydro, pico-hydro and solar lanterns. Chepang village has shown that energy increases income and build capacities of poor Chepangs in development and management of infrastructure facilities.

A Peace Lost



By HEMANG DIXIT

It was many years ago that I was in my bed sitting room at Finchley in North London. One evening, around 4.00 pm, the door-bell rang. When I opened the door, I was surprised to see a policeman there. It disoriented me for a second but then he told me that the television in the house was a bit too loud and that it was 'disturbing the peace of the neighbourhood.'

I told him that I was just a tenant and did not possess a TV set but would pass on the message to the concerned persons. A practice which I noticed was prevalent in the UK was that the motorists there hardly ever sounded their horns whilst driving. Of course they must have done so occasionally for there were signs forbidding horns in a hospital area.

coronations or SAF games that public displays of fireworks were held at the *Tundikhel* or at the Dashrath Stadium. Now the tendency is at the opening of the Olympics or at the time of the New Year. Of course the Chinese, surpass all others in the display and it is a good thing that for it seems to be customary to bring in the New Year with fireworks and bangs. Our only problem is that we have five or six New Years every 365 days. I am all for proposing that the state should provide public displays at the various *Tundikhels* or sports stadiums that are scattered in different parts of Nepal. This will at least provide a 'feast for the eyes' when there is load shedding all around. Those who can't afford the 'Rockets' and the 'Super Duper Bangs'

became more tolerant of others' beliefs, feelings and thoughts.

What one must remember, however, is that prior to the development of sound recording and its broadcast, it was usual in the UK to have the town crier who would periodically ring a large bell that he carried around and shout, 'Hear ye, hear ye, hear ye'. This same system was transferred to Nepal when the 'Jhyali' was employed to go around the villages in the hills and dales of Nepal inviting the young boys to come and enlist in the British or the Indian army.

So far I have been writing about the effect of sound on us. What needs noting is that this can develop into noise pollution and cause damage to our hearing systems. The noises made by planes, cars or trucks and machinery in working places can bring this about. A recent news item from Gurgaon, India has reported that 70% of noise pollution there is due to honking of car horns. As I go around Kathmandu I see young boys and girls walking along with an 'I-Pod' with an ear piece in the right ear of one and another in the left of the other. What these youngsters do not know or are not aware of is that if they have the sound very loud then their hearing will sooner or later be damaged. The continuous bombardment of sound waves on the eardrums will sooner or later take its toll. The points I have raised are examples of noise pollution in our society. The motorist horn, the fireworks and the rock music are sure to have an effect on the young generation of Nepalis. Will the abuse that they are subjecting their ear-bones to lead to them being stone deaf by the time that they are forty? I for one am on the wrong side of seventy and having trouble with my hearing. I console myself with the words of Shakespeare that I am in my second childhood 'sans eyes, sans taste, sans everything'. ■

They seem to have 'schadenfreude' or pleasure at the plight of others when they send off their rockets sharp at midnight. There should be a time limit after which such bangs are totally forbidden.

Our culture is different. Our wedding rituals state that the bride should be brought to the house of the groom with the '*Baja Gaza*' and the blaring of the music so that the whole neighbourhood was aware of this fact. Of course there was always '*Phakaune*' or '*Bhagaune*', but this was invariably a hush-hush affair of elopement. One notes that wedding cultures vary in our different communities - some take out the bridegroom's procession late evening and thankfully bring the bride the next morning. Others are not so considerate and wake up the whole neighbourhood with the drums and the flutes and of course the '*patakas*' whilst going for and bringing along the bride.

But '*patakas*' are something which the government has tried, with limited success, to ban. I have a vague recollection that even during the Rana days and later at the time of the

can at least show their kids some of this ~~celebration~~ can at least show their kids some of this

at no cost at all. As Tihar will soon be upon us, I am advocating this public display at early evening hours.

What really annoys me is that some people who can perhaps afford all this have no consideration for those trying to sleep. They seem to have 'schadenfreude' or pleasure at the plight of others when they send off their rockets sharp at midnight. There should be a time limit after which such bangs are totally forbidden.

Now comes another ticklish subject for me. We are a secular state, although I feel that the Nepali culture is very broadminded. As certain communities started morning or evening prayers with modern sound system it was but natural that other communities would counter this. Is it a sign of the times and the influence of our neighbours? Is it simply a case of one-upmanship with one group trying to outdo the other? It is time we



Biratnagar: Business Capital

By ARYAA RAJOURIA

Located in Southeast Nepal, Biratnagar is known for its staggering development and its sweltering summer sun. As an emerging progressive place, the inhabitants of Biratnagar have managed to achieve the impossible. They have managed to adapt to the culture of the west, whilst practicing their own. They have merged the idea of advancement with the reality of a typical Nepali community.

We live in a world in which asking for a cup of sugar from your neighbor is an extinct act. However, in Biratnagar, neighbors are friends and friends share their slice of cake. The occupants have found a way to economically, culturally, and architecturally develop while holding on to the traditions of the past. Aashna Sharma, a resident, says, "We take community and family seriously. In Kathmandu, most people don't know their neighbors, we do. We keep traditions. That's the best part about living in Biratnagar. We're developed, but not too developed."

Becoming the hub of businesses and industries, Biratnagar has blossomed immensely in the secondary sector. Emerging economically, it will one day be the epicenter of Nepal's industrial needs. This estimated trend is beginning with it's very first shopping center, Nepal Bazar. Munu Mahat, a regular at the mall, says, "Ever since Nepal Bazar opened up, I don't go anywhere else. Everything can be found there! It's great! It should have opened up years ago." In the last 10 years, the promising signs of a small town developing into a large city have shown. Sharma says, "In the last 10 years, many people have moved into Biratnagar. But even more people are gone, they live in Kathmandu now." Overflowing with industries, Biratnagar exports instant noodles, and attires to India and other cities around the country. Products are chiefly imported from India and China. With many small businesses and industries flourishing, a couple of large ones are doing very well.

The largest industries of Biratnagar are the Biratnagar Jute Mill and the Biratnagar Sugar Mill. The products are exported to other cities within the country.

The education sector in Biratnagar, however, seems to need much improvement. Many students attend boarding schools in Kathmandu after 3rd or 4th grade. The ones who complete their SLC exams in Biratnagar, go to Kathmandu for further studies.

With more than 46 well known schools and college in the area, parents still prefer to send their children to the big city. A parent, who would like to remain anonymous, says, "My sons both go to school in Kathmandu. They've gone there since they were young, class four. The schools in Biratnagar don't have a good standard. Yes, the ones in Kathmandu are expensive. But, they are better than the schools here. Here, they do not have a teaching technique."



Biratnagar

Another parent chirps in, "Biratnagar is developing fast. But, the education system is not following the rest of the development."

Behind Kathmandu regarding population size, Biratnagar does not fall short in many other ways. With 182,331 people working hard towards development under the scorching sun, Biratnagar is heading places. ■

अनुशासन र नैतिकताविहीन व्यक्ति पशुभन्दा
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नेपाल सरकार

सूचना तथा सञ्चार मन्त्रालय

सूचना विभाग

Gender Perspective On Proposed Report And Draft Of Criminal Code, Criminal Procedure Code, And Criminal Offence Punishment (Control And Enforcement) Act, 2067

Everyone is aware that women have been denied justice and have had to bear added injustice due to certain trends and behaviors that are in common practice aimed at women solely due to the fact that they are women. Equality between men and women is much discussed about, but in general equality has not been achieved because the focus remains on maintaining the official equality based on the principles of equality. Due to the prevalence of patriarchal thought, even the law of the land which is supposed to provide justice is lacking unknowingly in giving gender justice. Unless the legal framework can address the special status and needs of women as a result of their natural characteristics and the biological body processes, justice will not be balanced. In addition if the discrimination created from the social gender is defined as culture and used as a resource or the basis of creating laws, it will not be able to achieve equality. Until a century ago there were provisions in the law that allowed for women who were accused of practicing "witchcraft" to be forced to consume human feces. From the gender perspective it is proof that the laws are completely unjust because discriminatory clauses within currently prevalent laws of Nepal have been clearly identified.

After internationally committing to end all types of discrimination against women, Nepal must try to maintain gender justice from all angles in its state administration. For this it is important to analyze all policies, laws, and regulatory mechanisms through the gender perspective. In this context some of the newly made clauses of the criminal offence Act draft have been analyzed from the gender perspective.

A taskforce to correct, update, and incorporate Nepal's criminal law according to the needs of time, was formed as per the Council of Minister's decision taken on 3 December 2008. Among the methodologies adopted by the taskforce were the review of periodic legal principles by the Supreme Court, international conventions on human rights that Nepal is signatory to. In the changed context of Nepal, the

draft Criminal code, Criminal Proceedings Code, Criminal Offence (Punishment and implementation) Act, is expected to give full justice from the gender perspective. The Criminal Code is a united a substantive law that has related to criminal offence. Criminal proceeding code is the process that should be used in terms of criminal offence. In the context of the changes that have taken place in giving and administering punishment, the Criminal Offence (Punishment and Implementation) Law was made to punish the offender according to the gravity of the crime and the role of the offender.

It is commendable that special Acts have been made to address the serious problem of women and child trafficking, instead of defining the attraction towards such crime, its industry, collaborators, and conspirators within this code. The taskforce, remained within the received mandate and prepared three different draft bills. The taskforce has also presented additional basis for gender justice by analyzing the different clauses and articles in the Crime Code through the gender perspective. The taskforce has also given new legal definitions of crime and proposed that involvement in such be also be defined as criminal offence with the offender liable for punishment, in addition to the ones already defined as crime by the current Nepal law. Various different offences have been listed as crimes and presented in 27 clauses. Among those the clauses discussed for gender justice here are those that especially affect women such as: Offence against public justice, offence against marriage, life, protection of the child in womb, and rape.

Analysis

Identifying other new crimes against women and defining such acts like consciously spreading the HIV/AIDS virus, promoting prostitution as criminal offences would be beneficial to women. This bill made to amend and unite prevalent laws on criminal offences has proposed that those found guilty of murder after rape should be given life imprisonment. In Nepal life imprisonment translates to 20 years. In

terms of gender justice the proposal to increase the maximum time for crimes such as rape can be taken positively. Without denying the right to self protection, there are enough grounds to suspect that an attack has taken place with the intention to forceful rape, or if during forced rape or after the rape, if any immediate action of the victim results in loss of life, such cannot be described as a crime. However the use of the phrase "immediate" is inadequate in describing the gravity of the situation.

In the Article 37 (U) Crime Code, part 1, section 4, that mentions the situations that could increase or decrease the gravity of the situation, the terms "during pregnancy" and "during maternity" should be added after "young age". If such an offence is committed against a woman who is pregnant, such an offence should be taken as one that has increased the gravity of situation, for the use of the Criminal Code. In Article 40 (F) of Part 1, Paragraph 5 regarding punishment and interim compensation, the provision that a person convicted of killing someone after forceful rape, should be imprisoned for life, shows the attempt by the law, at giving gender based justice on such a heinous crime against women.

Part 2 of the Criminal Code has listed the various criminal offences, the timeline to register a complaint, and the punishment for such. Part 2; Paragraph 5 defines offences against public interest, health, security, services, and morality. The provision in Article 107 is incomplete and lacking of clarity in the definition of established sexual relation between husband and wife, and could define the intention of infecting ones' spouse with a disease, as a result of the patriarchal mindset and not carelessness, as a consequence of the husbands love for the wife and of his right over her, even if the husband has infected the wife intentionally. In such a state even if a woman is the victim who has been infected by the husband, she might not be able to have the right to get justice. If the legal provision is more clear and sensitive towards this state it might assist in establishing gender based justice.

In Article 107 (1) the phrase "even

between husband and wife" should be added.

In Article 120 (1) of the same paragraph, adding "teasing" to "assaulting, or molesting, or disturbing" will make the law stronger for women.

In the context of Nepal, research and investigation shows that prostitution happens either due to economic poverty or because of threats, coercion, and fear while those who visit prostitutes do so of their own free will and on the basis of money. Additions should therefore be made in Article 122 and visiting prostitutes be made a criminal offence and provisions made for those found being involved in it to be punished as well.

It has also been proposed that instead of the term prostitute, the term "sex worker" be used.

In Article 168, Paragraph 10 regarding discriminating and demeaning offences against someone, the term "gender" should also be added as a base reason after "caste/ethnicity".

The current sub section 2 of Article 168 should be made to subsection 3 and in 2, "No one may discriminate another individual, or cause them to be deprived of availing of any public service, for being male or female" should be added.

Analyzing the patriarchal system and the current state of women, the policy to keep neutrality between men and women cannot give justice in general. Therefore if policies and laws only remain neutral, equality will only be official (in paper) and the desired equality unachieved, leading to the continuation of the state of violence against women. Taking this into consideration amendments should be made taking caution in Paragraph 11 related to marriage.

While enforcing Article 173, in cases of traditional marriage if the man says that the marriage was conducted without his approval, as per Article 173 (2) the marriage immediately becomes annulled leading to the possibility of the woman's life and future to be in danger in society. Therefore while mentioning offences related to marriage, the process of acceptance should also be clarified. Likewise there is also the possibility of women being forced, influenced, coerced, tricked, threatened to accept getting married.

In Article 176(1) it is better not to

mention the word "dowry". Dowry is asked by the groom side. However if the dowry was given by the woman's family, in a manner that its ownership remains with the wife, this tradition meant to empower women, will itself be blamed and injustice fall on the woman. Therefore if there has been forceful giving of dowry in a marriage that is a crime however prohibiting women's right to parental wealth, gifts or inheritance, is not just. Furthermore the fine for involvement in the offence of forced dowry whether in cash or kind, should not be limited to Rs 30,000 but defined as per the amount involved in the dowry.

Including the protection of the pregnant women, and abortion, within criminal law, while there are demands for separate acts related to these issues, shows the inability to establish gender justice. In paragraph 13 of Article 190 related to "protecting the pregnant mother" it is stated that abortion should not be done. Article 190 (2) and (3) state that anyone found to have been involved in aborting the womb of a pregnant woman through coercion, threat, force, or influence can be jailed for between 1-5 years and made liable to pay a fine of between Rs 10,000-Rs 50,000.

Article 72 regarding the security or bail fixture, clearly states that if the woman is either pregnant or in maternity (with an infant), it should be fixed as per the situation.

Forced rape and its industry have been defined as offences that cannot be forgiven.

This draft is seen to be sensitive towards the physical state of women as well. There are provisions for the court to allow women who are more than seven months pregnant to be freed on bail even if they are convicted. If a woman needs to be arrested, a woman officer should make the arrest as far as possible. However if a woman officer is not present, a male police officer may make the arrest ensuring that the woman's dignity is not degraded and her physical sensitivity is honored. This shows that the draft is attempting to keep up the honor of women.

Thought

The law must be able to incorporate principles of gender based justice if a just society is to be created. To end patriarchal thoughts and actions and

create a more equal society, drafts of laws must be made keeping the gender based justice as the focal point. Awareness must be taken to honorably incorporate issues of the rights of women who have been made victims of discrimination and exploited in the name of tradition and culture, in the legal system. To establish women's rights it is not enough to implement neutral policies and establish an equal state system. Initially while it was felt that to end discrimination it was enough to have neutral behavior and to give equal opportunities to establish equal rights. However this is inadequate to end discrimination and achieve equality. To implement concepts of indiscriminate and equality that have evolved in the field of human rights, it is important to analyze every article through the gender perspective during the law making process.

In the development process till date, women have been directly or indirectly, intentionally, through legal, historic or on structural basis, been discriminated against in behavior, boycotted, prohibited, in the public or within their families and society. To end this discrimination and establish assistive systems that can provide women victims with compensation, there must be provisions for positive discrimination towards women in the constitution, and laws must head towards achieving gender equality.

This investigative suggestion paper was prepared by Prof. Amuda Shrestha for the Nepal Constitution Foundation with inputs from women, Janajati, Dalit, Madhesi, youth, and other related pressure groups. The Foundation is grateful to Yam Bahadur Kisan, Shankar Kumar Shrestha, Dr. Harishanran Chakhu, Ram Subba, Anita Sapkota Chapagain, Niru Shrestha, Dil Kumar Rai, Shriprakash Uprety, Anila Shrestha, Ashok Kumar Basnet, Anita Joshi, Ritu Thapamagar, Sarati Sharma, Kopila Rijal, Bharat Gautam, Shirshal Ghimire, Abhishek Adhikari, PhurpaTamanag, and Dr Bipin Adhikari.

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Placebo Power

By **BUDDHA BASNYAT, MD**



Derived from Latin, the word “placebo” means “I will please”. Hired mourners in medieval times chanted psalms which clearly sounded insincere; so the mourners were called placebos, as they were there just to please. In Western medicine the power of the placebo is now being reevaluated. One of the reasons for this is the burgeoning field of neuroimaging, the science that reveals the structural and chemical brain changes.

If for a neurological illness like seizures or Parkinson’s disease the drug and the placebo pill (which the patient is told will work effectively) is given and the radiological images show beneficial changes with either placebo or the drug, it is hard to refute the efficacy of the placebo. Studies like this have emphasized the placebo effect. If the results are similar, why not explore the potential benefits of the placebo because it comes without side-effects and is cheaper than the chemical drug?

Indeed, even the bastion of mainstream medicine, the Harvard medical school, created a department some years ago wholly dedicated to examine the placebo effect.

Many in Nepal in complimentary medicine could have told Harvard that they have been exploiting the placebo effect for centuries. Conventional medicine has a two-

pronged approach based on drugs or surgery. But the human being, either in illness or good health is a complicated personality and clearly requires other modes of approach even so that the treatment with drugs and surgery will be enhanced. There is no question that the practitioners of complimentary medicine spend more time to win over the heart and mind of the patient so that this approach in and of itself will have a soothing, therapeutic effect.

Recently in a major asthma drug study, patients in the placebo arm of the study did not show any improvement in the objective chemical markers, but they said they felt much better. Based on this study which was published in The New England Journal of Medicine, some reviewers said that objective markers need not be the only criterion to consider. Even to consider such a notion is heresy in established medical circles because we are so tuned in to just chemical or objective markers.

Of course this certainly does not mean that if someone is having a heart attack they should try to find a placebo pill; that would be counterproductive. They need to go to the nearby hospital emergency room. But there are many other non-emergent conditions in medicine where the placebo effect can work wonders. Stay tuned. ■

TIGER POPULATION GROWTH

Joint Efforts Pay

Trans-boundary cooperation between Nepal and India can make a lot of difference.

By A CORESSPONDENT

If tigers of Nepal and India can find free space to roam within each other’s areas along with trans-boundary cooperation between the two countries, there is an immense possibility to increase the population of the tigers in the country.

This is what one can see in the recently concluded tiger census. According to the census, the number of tigers reached to 198, which is more than 77. Although Nepal has been passing through a series of political instability in the last five years, the situation did not make any difference in the growth of tigers. In 2009 when the last census was made, there were 121 tigers in Nepal. In four years, the number of Nepal’s latest tiger census figures released Monday on occasion of World Tiger Day puts the total number of big cats in the Himalayan nation at 198—a 63% increase from the previous count in 2009.

The last nationwide tiger count four years ago had found 121 big cats. The latest figure is however not exact. Data from the census shows the number of tigers in Nepal could be anywhere between 163 and 235.

Due to poaching and loss of habitat, Nepal’s tiger population continued to decline in the past few years. According to census, there were 120 tigers in Chitwan

National Park, 7 in Parsa Wildlife Reserve, 50 in Bardia National Park, 17 in Shuklaphanta wildlife reserved and Banke National Park has 4.

Supported by WWF, National Trust for Nature Conservation and USAID, the total cost spent for census was 35 million rupees.

“This is good news as we have been making efforts to double the tiger population by 2022,” said Ganesh Raj Joshi, secretary to Ministry of Forest and Soil Conservation. “This increase has also showed the importance of cross border cooperation.”

To make it more authentic, 500 cameras were used during the census. It helped to reduce the repetition in the tiger count. According to Ghanshyam Gurung, chief of conservationist in WWF, these cameras took 7691 pictures of tigers.

“The present result is caused by the free movement of the animals in and around their habitats,” Shiv Raj Bhatta, deputy director of the Terai Arc Landscape (TAL) Program-WWF and former chief warden of Bardiya National Park (BNP), said.

Bardia National Park in west Nepal that joins the Katarniaghat Wildlife Sanctuary in India through the Khata biological corridor has been one of the successful initiatives undertaken by the authorities in conserving wildlife, including the endangered tigers and their prey species in the park.

The establishment of the Khata corridor, the only fully functional trans-boundary and ecological corridor in the Terai—a path developed along the protected areas to allow free movement of wildlife along Nepal and India—has been instrumental in wildlife conservation in the protected areas in both the countries, Bhatta added. ■

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