



OPINION:
Dipak Gyawali



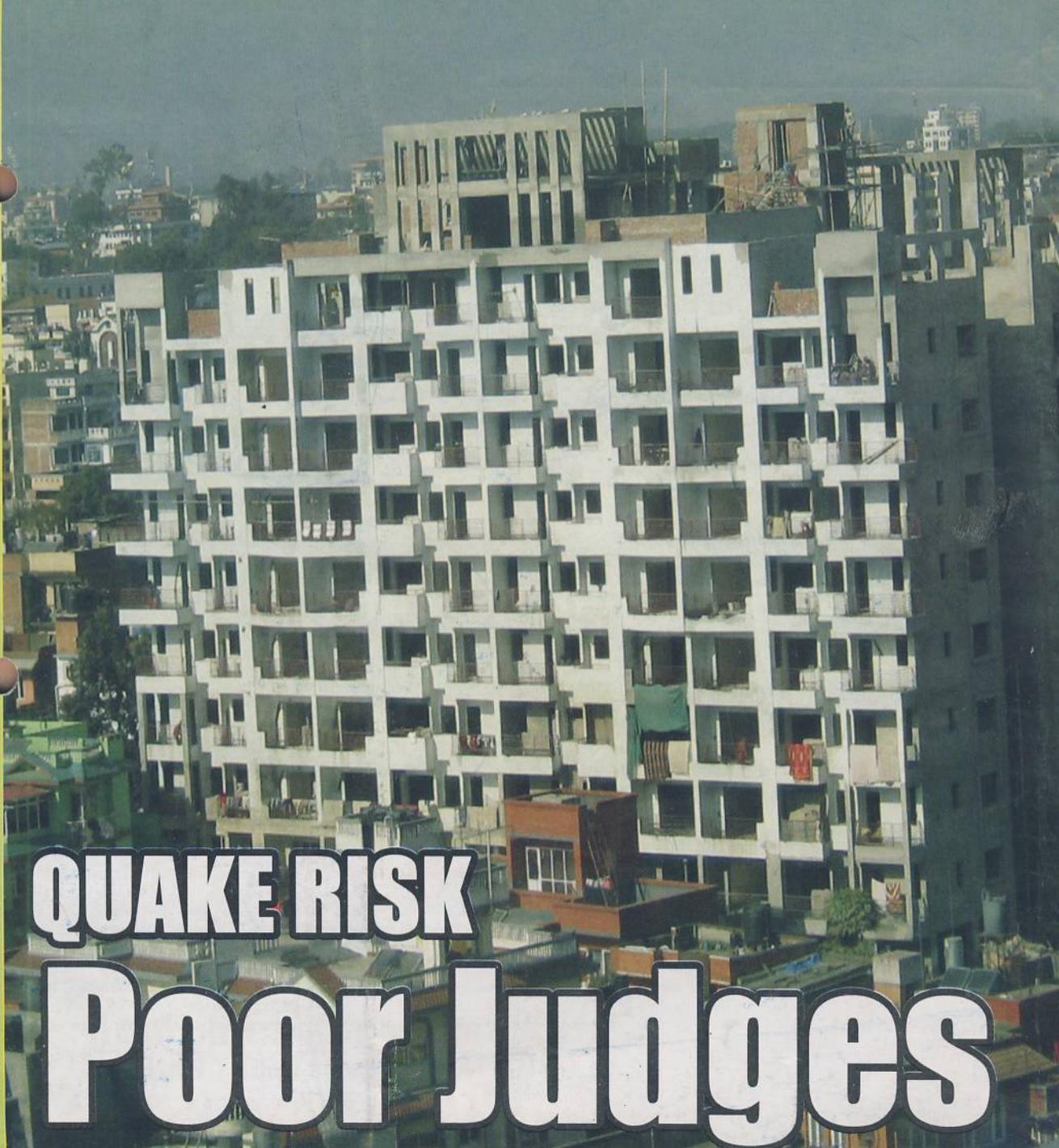
INTERVIEW:
Amod Mani Dixit

New SPOTLIGHT

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From The Editor

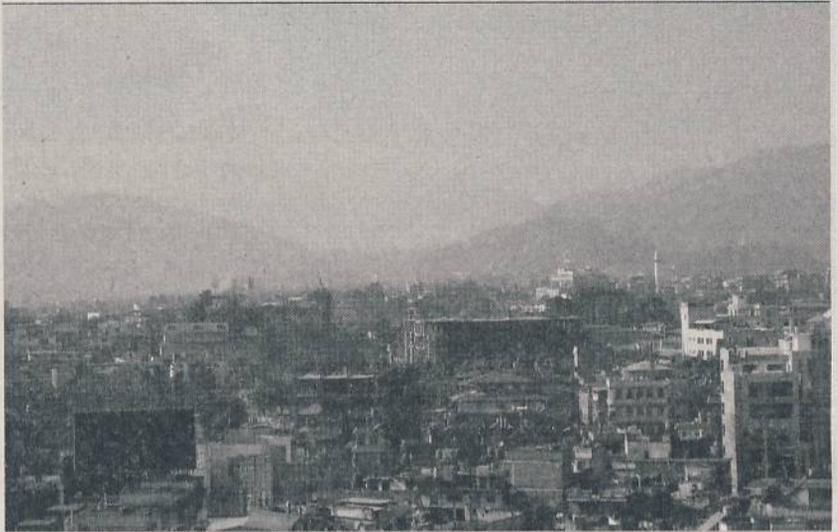
Despite nominating the legislators for the Constituent Assembly under the proportional representation system, the dispute over who will summon the CA session is yet to be settled. As the elections for the CA were held with the political decision, which got implemented through the order of the President, another political decision is clearly needed to settle the fresh row. Constitutional provisions are activated only when issues attracted the constitution. We have been advocating for long that Nepal's current crisis has nothing to do with the constitution and we believe that no constitution can guarantee Nepal's political stability. So for this edition, we have decided to cover earthquake as the main story. Nepal has been celebrating the Earthquake Day to recall the devastation caused by the great quake of 1934. Although Nepal has made a lot of progress in the last fifteen years to minimize the damage, it is not enough to prevent the damage in case of a major earthquake such as that of 1934. Scientists have already predicted that a major earthquake is overdue in Nepal, including the crowded capital of Kathmandu. With the population of over 5 million, Kathmandu is likely to face the biggest risk. Although the government has already announced building codes for new constructions, the decision still needs a wider and stricter enforcement to prevent haphazard constructions. Our disaster preparedness is still at a level below what we would desire to have. The earthquake of September 2012 showed our weaknesses in dealing with major disasters. Although Nepal is one of the most vulnerable countries in terms of disaster, including earthquake, our approach to the disaster management focuses on rescue and rehabilitation. The Home Ministry is given a major role in post disaster management. Natural disasters like earthquake need multiple responses and arrangements. The time has come to change the practice. In this issue, we have decided to look at the level of awareness and steps taken by various agencies to minimize disaster. Our regular columns and interviews are going to be there as well.

Keshab Poudel

Editor

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COVER STORY: KATHMANDU VALLEY QUAKE: Real Risk

9



POLITICS: The Maoist Mess

6



CA II: Mayhem Over Meeting

7

NEWSNOTES

2

BUSINESS BRIEF

3

OPINION: Dipak Gyawali

4

COMMENTARY: Yubraj Ghimire

8

INTERVIEW :Amod Mani Dixit

12

BOOKWORM : Bipin Adhikari

15

ART : Meet This Mithila

16

WATER & SANITATION: Clean Call

17

ARTICLE : Dhana Prasad Pandit

18

TOURISM : Dismal 2013

19

REVIEW : Conflict & Democratic Movement

20

ENTERTAINMENT

21

TRANSITIONAL JUSTICE

22

HEALTH: Buddha Basnyat, Md

24

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CoAS Inspects Pre-Deployment Training

CoAS General Gaurav SJB Rana inspected the Pre-Deployment Training of Shree Bajra Dal Battalion (20th Batt) to be deployed in MONUSCO Mission, Congo at Birendra Peace Operation Training Center at Panchkhal on January 2, 2014.

During the inspection, CoAS Gen Rana conveyed the message of Supreme Commander of Nepalese Army, President Dr. Ram Baran Yadav. In his message, the President has highly applauded the determination and dedication of the Nepalese Army in maintaining peace, stability and order in various conflict ridden countries across the globe. He also believed that the peace troopers would exhibit their professionalism of highest standard in respecting and promoting universal tenets of human rights and democratic norms and values.

While addressing the peacekeepers, Gen Rana expressed his



strong belief that the troops will leave no stone unturned to enhance the long established glorious image of the Nepalese Army by successfully accepting the responsibility entrusted upon them in order to establish international peace and order. Currently there is a battalion of 850 peacekeepers, 20 Military Observers and 4 Staff Officers in MONUSCO mission. A Company of Engineers with strength of 175 is also stationed in Bunia, Congo. Meanwhile, an Explosive Ordnance Disposal (EOD) company of strength 140 is being deployed to Mali under United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) with 2 Staff Officers already in the field.

Embassy Marks ITEC, Maulana Azad Day

The Embassy of India, in collaboration with the Indian Culture Centre, organized a Joint Celebration of Indian Technical & Economic Cooperation (ITEC) Day and Maulana Azad Day at Hotel Radisson on December 26, 2013. Vice President of



Nepal Parmanand Jha was the Chief Guest. Ranjit Rae, the Ambassador of India to Nepal, also graced the occasion. The program was attended by dignitaries, senior bureaucrats from Government of Nepal, alumni of Indian educational institutions, media & prominent Nepali & Indian citizens. Students of ICC gave an endearing cultural performance on the occasion.

The event marked the 125th Birth

Anniversary of the first Education Minister of Independent India and founder of ICCR, Maulana Abdul Kalam Azad. He was posthumously awarded with India's highest civilian award, Bharat Ratna in 1992. His birthday is celebrated as National Education Day across India. As India's Education Minister, Maulana Azad oversaw the establishment of the Indian Institutes of Technology and the foundation of the University Grants Commission, an important institution to supervise and advance higher education in the nation. It is through the efforts of eminent people like Maulana Azad that India has been a center for learning with ever growing number of universities and colleges. These universities and institutes of higher education and research have made significant contribution to transmission of knowledge in fields ranging from Science, Technology, Traditional arts, Humanities, etc. These centers have been sharing their expertise with the students of friendly countries like Nepal through ICCR and ITEC programs.

World Bank Approves Financing for Rural Transport and Irrigation

The World Bank has approved US\$ 150 million in financing for two projects designed to help improve connectivity and raise agricultural productivity across rural Nepal.

The Project for Strengthening the National Rural Transport Program intends to enhance the availability and reliability of transport connectivity for communities in 33 participating districts. Participating districts include Arghakhanchi, Banke, Bara, Bardia, Bhojpur, Dang, Dhading, Dhanusha, Gulmi, Kailali, Kanchanpur, Kapilvastu, Kaski, Mahottari, Makwanpur, Nawalparasi, Nuwakot, Palpa, Parsa, Pyuthan, Rasuwa, Rautahat, Rupandehi, Salyan, Sakhwasabha, Saptari, Sarlahi, Siraha, Surkhet, Syangja, Tanahu, Tehrathum and Udaypur. It will help these districts upgrade, rehabilitate and maintain rural transport infrastructure for all-weather movement and promote closer monitoring by beneficiaries as well as civil society and private sector organizations. The project will benefit more than half of Nepal's population. Nepal's Central Bureau of Statistics estimates that nearly a quarter of the population in these districts is poor. The Bank approved US\$ 100 million in financing for this project, which is the Bank's third operation in support of Nepal's rural transport sector in the past 15 years.

The Bank also approved US\$ 50 million in additional financing for the Irrigation and Water Resources Management Project, under implementation since December 2007. The new resources will help rehabilitate 80 additional farmer-managed irrigation schemes (FMIS) in the 40 districts of the Western, Mid-Western and Far-Western Regions of Nepal and maintain support for the management transfer of four agency-managed irrigation schemes (AMIS) to Water Users' Associations. The AMIS include Kankai, Sunsari-Morang, Narayani and Mahakali Stage I. It will also support agriculture extension services to help farmers benefit from better water management and the development of four river basin plans. These include West Rapti, Babai, Karnali and Gandaki rivers. To date, the project is on target to rehabilitate 130 schemes covering about 20,000 hectares by June 2014. It has achieved productivity increases of between 25-75 percent in rice, wheat, maize and potato crops. The 80 additional schemes will cover another 6,900 hectares.

Himalayan Bank Announces 15% Dividends

Himalayan Bank Ltd has announced a 15 percent dividend — 5 percent as bonus shares and 10 percent as a cash dividend — to its shareholders from profits of Fiscal Year 2012/13.

A meeting of the board of directors made the decision, according to a statement from the bank.



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The decision is subject to approval from the bank's upcoming annual general meeting and Nepal Rastra Bank.

Global IME Marks 7th Anniversary

Global IME Bank has celebrated its seventh anniversary by organizing a rally in the Kathmandu valley. According to the bank, the rally was aimed to collect financial assistance for an old age home, the Nisahaya Sewa Sadan, located at



Shantinagar. Bank staff from all the branches of Kathmandu participated in the event. The bank will add NRs 600,000 to the collection and donate money to the old age home, according to its press release.

Chaudhary For Indian, Chinese Investment

Binod Chaudhary has said Nepal could bring in Indian and Chinese investment for reviving its economic growth by restoring a favorable business climate.

In an interview published in 'The Independent' newspaper of the United Kingdom, Chaudhary, the president of Chaudhary Group



(CG), said Nepal needs to completely revive investment climate to make it an investment destination by taking advantage of many opportunities in the country.

Chaudhary, who has invested in different sectors, including tourism, manufacturing, service and hydropower, said there was no alternative to investing in the economy.

"You will have to cut deals with India and China. The time of playing one off against the other has to end," Chaudhary said.



NIBL Crosses NRs 4 Billion Mark

Nepal Investment Bank Ltd (NIBL) now is the bank with the highest capital base, which is twice the minimum capital base directed by Nepal Rastra Bank (NRB), amongst the private sector banks in the country. The paid-up capital of the bank crossed the 4 billion mark to NRs 4.14 billion, according to the bank.

The bank's annual general meeting (AGM) approved the bank's decision to distribute 25 per cent cash dividend and 10 per cent stock dividend to the existing shareholders. Last year, the bank had distributed 30 per cent dividend.

NIBL reported an operating profit of NRs 3.10 billion for Fiscal Year 2012/13 while its net profit grew by 84.3 percent to reach NRs 1.91 billion against the previous fiscal year's figures of NRs 1.03 billion.

NIBL serves more than 500,000 customers through its 44 branches and 73 ATMs throughout the country. NIBL has been rated 'A' grade by the Indian Credit Rating Agency (ICRA) for the past four years for its creditworthiness as the leading bank in Nepal.

CAN INFO-TECH 2014

The 20th edition of CAN Info-Tech, held at the Exhibition Hall of Bhrikutimandap from January 2-7, 2014, saw an overwhelming response from visitors. It had showcased a variety of technological products. The mega event started with a target to attract more than 400,000 visitors. It did disappoint the organizers.



IPTV was big draw for the visitors. IPTV allows people to watch television at high definition (HD) and only with the help of internet connection. People can enjoy HD TV on their television sets, or their mobiles or tablets, according to Subisu. ■

Sinkholes Of Loktantra



By DIPAK GYAWALI

As you read this column, it will be well into the second month after elections for CA-II with the doldrums *continuing*. Not only is there no newly mandated and freshly minted government, there is no sign that the CA-cum-parliament can even convene anytime soon. Among other contradictions lurking under the carpet, an unseemly row has erupted into the open about who should summon this body to convene for its first sitting: the past "sell-by" date-expired president who has successfully given the impression that he belongs not to all but to only one faction of the Kangressor the incumbent "acting" prime minister and chief-justice-in-

styled "international community" that backs them, a sign of their belated (but publicly unadmitted) realization that this Loktantrick adventurism of theirs is yielding nothing but political miscarriages and inherent instability.

Globally, if 1989 ushered in the Age of Democracy and human rights, 2014 is ushering serious questioning of what effective governance means, and where individual human responsibilities have to compromise with societal rights. It is not just Nepal where this Westminster model of democracy is showing fatigue and failure. Bangladesh and Thailand are also showing that "elections at all costs" without addressing the flaws in their

AamAdmi Party in in urban Delhi, can stem the rot without Indians asking deeper questions about traditional values, how they underpin good governance and why ignoring them will only create faulty foundations on which no new architecture can be erected. Only Mao in China (who, Marxist garb notwithstanding, in effectre-crafted the Confucian system) and King Mahendra in Nepal (whose creations still underpin Nepal's badly mauled governance) managed to successfully bring about indigenous systems of governance, of which only Mao's survives in the neighbourhood. Mao's 'Dash' acolytes in Nepal, who reject the Westminster model as "a butcher's shop that puts goat's head on display and sells dog's meat", have strengthened their "We told you so!" position with the current doldrums; but it is doubtful if they can come up with a viable model without accepting and coming to terms with Nepali history and traditions.

A chance was missed in 1990 when leaders still with some political gravitas chose the easy route of replaying 1959 instead of learning lessons from thirty years of Panchayatistability and re-crafting a suitable system. Human rights activist Kapil Shrestha ironically blames King Mahendra for it: he dismissed that system too quickly in 1960 without letting the Kangress and Communist leaders appreciate its flaws, which they remained blind to right up to the end of the 20th century. A bigger chance was missed in 2008/2010 because that change – it is nakedly obvious now thanks to the likes of S.D. Muni and the author of *Prayogshala* or *Chakrabhiu ma Chandra Surya*—was brought about through devious international machinations while Maoist and Seven Party Alliance leaders functioned

A chance was missed in 1990 when leaders still with some political gravitas chose the easy route of replaying 1959 instead of learning lessons from thirty years of Panchayatistability and re-crafting a suitable system.

suspension universally hated by his legal fraternity? As they say in Bollywood, this is only the "trailer" (preview) of the circus that awaits Nepalis in the months ahead.

When it finally does convene, the new revolutionary MPs, from Cash Maoists to Kangressis, will be sworn their oath of office by the oldest among the MPs, the former MahaPancha Surya Bahadur Thapa, a many-times prime minister under both the direct and constitutional monarchy dispensations who opportunistically switched to revolutionary republicanism. It will be a sight to watch, these strange bedfellows legitimating each other. Stranger it has been to watch the confused silence among otherwise loquacious self-

foundational architecture fail to provide any governance at all and only tear the social fabric apart. Even in India, touted as the beacon of this mode of governance, not all is well. Grassroots Maoist insurgency in half of its districts, a mood of alienation in its Himalayan rim states from the Indus to the Brahmaputra and a colonial legacy administration that further impoverishes the poor and enriches its rich and the middle-class "green card" holders are bitter realities that do not quite make the world's "largest" democracy more attractive to the former non-aligned countries.

And it is doubtful if the middle-class frustration with blatant corruption, expressed through the maverick populist politics of

astheir loyal political bureaucrats genuflecting before the “*badhyata*” of external political dictates.

There is a need for serious stock-taking following the November elections and the sinkholes that are opening up in Nepali politics that indicate some deeper subterranean caving in. Some important lessons quickly need to be learnt from the “peoples’ verdict”. The first is that, in the absence of a run-off system between top two contenders until one emerges with over 50 percent of the votes, the winners don’t really represent the people. In an average electoral constituency of some fifty thousand voters, the ones that actually turn up to vote and whose vote is not invalidated are about 35 thousand. When there are over a dozen candidates in the field, the winner that is ‘first-past-the-post’ could win with as little some four thousand votes, meaning he or she represents the choice of just a little more than ten percent of the voters, the threshold for them not to forfeit their deposits. In the current situation where the remedy of proportional representation stands discredited due to the party oligarchs penchant for nominating their henchmen, this lacunae in the directly elected system is a serious challenge to the legitimacy of the overall Loktantrick system, and one that the energized “excluded” ninety percent will not take kindly.

Take the case of Mahottari-4 where an irony has played out. Independent candidate Chandreshwar Jha won the elections with 3062 votes but that being less than ten percent of the votes cast, he (together with all other candidates) forfeited their deposits. He will thus represent the people of Mahottari in CA-II and, if it ends up making a new constitution with his help, it will be termed a “peoples’ constitution”. Unfortunately, Vaidya’s Dashists will use Jha and his case – a deposit-forfeiting candidate is a

winning MP – as a “poster boy” for their campaign of boycott and delegitimizing of CA-II.

The case of Kapilvastu-2 is just as bizarre. It is a constituency with some 44 thousand voters, of which some 32 thousand cast valid votes. Akhtar Hussein Kamal was a popular Nepali Kangress social worker, but the party denied him an official ticket. He stood as a rebel independent candidate with the lock as his election symbol. During the voting, he displayed his ballot paper publicly showing he had voted for the Kangress symbol of the tree and not his lock. However, his admirers voted for him and he emerged first, winning some 4674 votes. The other candidates forfeited their deposits, including the Nepali Kangress’s official candidate who came ninth! What this highlights is the utter lack among big party oligarchs of any touch with the grassroots sentiments or a feel for the pulse of the people. Initially, the Kangress and UML leaders were in awe and shock at the scale of their victories and the decimation of the Maoists as well as the regional parties. Now, before the House has even convened and the government even formed, they are gloating and fighting for political spoils of office.

When one combines these deep contradictions of Loktantrick politics and the sub-optimal level of vision among the elected and selected representatives to the CA-II with the burden of unimaginably high

expectations on a new constitution they are supposed to draft, one ends up with a toxic impasse. The party oligarchs have made the constitution the mythical elixir when it is just a charter of rules for civilized relations between the citizens and those who hold public office to serve that compact. It cannot be a magic wand to solve all the ills of society, but the political hype since the start of this century has been that the CA will make it even more magical than the erstwhile “best in the world” 1990 constitution.

How can the wisdom of what the philosopher of freedom Karl Popper said be brought home to the political oligarchs of all big parties– that one cannot create a perfect Platonic republic, that it will always be imperfect, and that the task of all freedom loving people is to constantly strive to improve it by minimizing misrule and misuse of power by those who rule? Indeed, would that not be a simpler and more profound agenda than the current quixotic pursuit, and one that would allow the rest of the country to get on with the business of individual and collective development? And where best to start for the majoritarian Kangress and the UML than with the constitution they framed in 1990 calling it the “world’s best”, and now with the wisdom of hindsight – and hopefully the humility of self-criticism – to improve upon it with piecemeal practice? ■

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POLITICS

The Maoist Mess

Weeks after crying foul over election results, the UCPN-Maoist finds itself in greater mess with old wounds opening up in the leadership

By A CORRESPONDENT

For a few weeks after the election results, the leadership of the Unified Communist Party of Nepal - Maoists was able to divert attention from its failure by raising the bogey of mass rigging and international conspiracy.

The untenable position taken up by the leadership is only just beginning to unravel.

And the main leadership is bearing the brunt of the wrath.

The painful defeat at the polls has seemingly created fissures within the party.

The knee-jerk reaction by the party after it was pushed to third position in the election had covered up the fissures but only for a while.

At the first opportunity the old wounds have opened up exposing deep mutual distrust among the top leadership.

The choice of candidates under the Proportional Representation (PR) system was the visible bone of contention.

The former vice chairmen duo Baburam Bhattarai and Narayan Kaji

Shrestha were angered when chairman Prachanda's hand-picked the PR members.

The row would have been nothing unusual since all the rest of the political parties from the largest Nepali Congress to the smallest ones have faced similar internal dissensions over PR selection - but, for the fact that such bickering for positions used to be unheard of in the 'revolutionary' party in the past.

'The current row is only the visible aspect of deep-seated divisions in the Maoist leadership,' said leftist analyst Mumaram Khanal.

As a former senior Maoist leader himself Khanal would know.

'This division can only grow worse,' he said.

The party has called central committee meeting from January 10. And the focus of the agenda is likely to be the poor poll performance and the responsibility of leadership.

Since last year the party removed all executive positions except chairman following then vice chairman Bhattarai's resignation from the position, Prachanda

will find himself in the eye of the storm if the debate takes that direction.

'It is likely that the focus of the debate will be the competence of main leadership,' Khanal said.

Baburam Bhattarai has already given indications that he will put the chairman on notice at the upcoming central committee meeting.

'I had hoped that he would correct the list of PR members. Unfortunately, he did not,' Bhattarai told journalists.

To strengthen his voice, Bhattarai has also tried to rope in another former vice chairman Shrestha.

Pangs of War

Analyst Khanal believes that the root of the current problems in the Maoists lie in their inability to transform the party into an organization fit for peaceful politics.

'Their style of leadership and their organization up to local level are all the same as they used to be when it was leading the insurgency. Naturally, such an organization would not succeed in the open politics of multiparty competition.'

The Maoist leaders have agreed that they need to review their organizational structure.

'We do have problems in organizational structure. There are local committees with over one hundred or two hundred members. One cannot imagine that such cells can function well. We certainly need to transform them and make them efficient,' said Devendra Poudel.

What Next?

Less than two years after the vertical split in the UCPN-Maoist, the party is again rattled by divisions.

But this division is not something that is totally new. It has had a long history behind.

Ever since they launched the 'people's war' in 1996, then CPN-Maoist always moved from one crisis to another.

But those crises were overshadowed because the party was underground and involved in bloody conflict.

Four years after the start of insurgency, the Maoists first realized that they would not be able to establish 'Naya Janabad' or the new people's democracy and started making noises about the democratic republic through constituent assembly.

In course of their peace talks and in course of the internal party deliberations, Baburam had consistently pursued the line of constituent assembly and democratic republic whereas Prachanda and his ideological guru Mohan Baidya were concerned about their strategic goal.

Things got so worse in 2004 that the party's meeting in Phuntibang, Rolpa took disciplinary action against Baburam and adopted the agenda of 'nationalism' as the chief cause of the party.

Less than a year later, it made a 360 degree turn and came back to the agenda of democratic republic and constituent assembly – the line favoured by Baburam. The Chunbang meeting that took place in Rukum, 2005 was also remarkable for how it brought Prachanda and Baburam closer. Bhattarai had praised Prachanda as 'leader of leaders' at the meeting.

The line later propelled them closer to the parliamentary parties and brought about successful agitation overthrowing monarchy.

But the simmering ideological divisions did not go away. Baidya camp, finally, walked away after the dissolution of the first constituent assembly.

This should have settled the ideological fissures within the party. But, apparently not.

The Baburam camp is now putting pressure on the leadership itself.

It is not clear how far Shrestha will be willing to go with Baburam Bhattarai.

Shrestha, who was the foreign minister under Baburam government, had opposed his policy on numerous occasions including during the signing of bilateral investment policy with India.

Shrestha seems to have sided with Baburam this time only to express his resentment at Prachanda for dropping his nominees from the PR list.

In any case, the upcoming central committee meeting is expected to be significant in shaping the future course for the UCPN-Maoists.

'There is no question of any split in party. These things will be settled by the party meeting,' said leader Barshaman Pun Ananta.

Party split may not be in the near horizon, but the Maoists will certainly need to introspect and correct themselves to prevent the divisions from becoming serious. ■

CA II

Mayhem Over Meeting

The row over who should call the first meeting of the newly elected Constituent Assembly gets murkier

By A CORRESPONDENT

The oversight of learned legal experts and draftsmen, of political parties as well as Shital Niwas, when they prepared 25-point order to remove constitutional obstacles, has brought about an unnecessary controversy over the first meeting of the second constituent assembly.

In 2008, the first meeting of the CA I was called by then prime minister Girija Prasad Koirala. The Interim Constitution had vested Koirala with the powers of both head of government and head of state – because the King was gone and the president had not been elected yet.

That constitutional provision has not been changed in the umpteenth constitutional amendments nor in the 25-point order prepared to pave the way for the formation of election government.

It has now turned into a bone of contention between Shital Niwas and Singhdurbar.

Shital Niwas feels that

in the new context, the provision should be changed and president allowed to call the first meeting. Singhdurbar says it has to abide by interim constitution and so the executive chief be allowed to call it.

The political parties have given out confusing signals. While upholding the international practice of head of state calling such meeting, they have said that they will take a decision about it only after a case related to it is settled by the Supreme Court.

As such, a seemingly nonsensical debate is threatening to overshadow the first meeting of CA II.

In fact, many feel that it is unnecessary to drag this issue for too long. "If the parties, the president and the interim election government head sit together and discuss, they can easily find a way out. They can either let the president call it or let the government head call it this time. It is so simple," said a political analyst. ■



Dr. Yadav and Mr. Regmi

The Need To Include

By YUBRAJ GHIMIRE



The legitimacy of the constitutional process might be questioned in the absence of the breakaway Maoist party. Indian Foreign Minister Salman Khurshid told a visiting group of Nepali editors that it would be wise on the part of major parties to bring the Communist Party of Nepal-Maoist (CPN-M) — which had boycotted the polls — into the constitution-making process by nominating some of its leaders to the Constituent Assembly (CA). Khurshid also explained how India viewed Nepal's affairs post election: Delhi was not closer to any party, but would be guided by the wishes of the Nepalese people, and that it wished success to the constitution-making process.

CPN-M chief Mohan Baidya reacted swiftly, asserting that it was not for an outsider to recommend "our nomination" to the House. Baidya's anger was understandable, as India is largely perceived as the key international player behind the chief justice-led government that oversaw the election, something that the CPN-M had opposed on the ground that it would violate the principle of separation of powers and compromise the independence of the judiciary. The exclusion of the CPN-M, part of the decade-long Maoist insurgency, and the radical political changes that followed, has now triggered fears and debate: can the changes be legitimised if the CPN-M is kept out? Khurshid was not the only external actor to realise what the CPN-M's exclusion would mean.

Ai Ping, the vice minister for Asia Pacific affairs of the Communist Party of China, lobbied intensely not to keep the CPN-M out. But unlike Khurshid, he didn't plead for the symbolic inclusion of the party in the House. During his meetings with top leaders of various parties, including the CPN-M, Ai suggested Nepal's actors together frame the constitution, and that China wanted a politically stable and economically prosperous "independent" Nepal.

Despite China and India's concern, there is little reason to hope that the leaders will act in unison and not let the second CA end in failure too. The Unified Communist Party of Nepal-Maoist (UCPN-M) has lately agreed to be part of the CA, but the Nepali Congress and the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) have together rejected the UCPN-M's precondition of an independent and "credible" probe into "the largescale manipulation of poll outcome". "There will not be any committee formed except that the issue can be

raised in the CA," former prime minister and UML leader Madhav Nepal said. Meanwhile, bitter factional feuds in the Nepali Congress and UML have delayed the selection of their legislators under the proportional representation system.

The delay has come as a "bonus" as it helps continue the electoral government led by CJ Khil Raj Regmi, who would otherwise be preparing to return to the court and face an angry bar. The House will be duly constituted in three weeks after the election commission submits to the president the lists of legislators. The cabinet will also nominate 26 members on the parties' recommendation.

Despite their differences, the Nepali Congress, the UML and the Maoists — who call themselves the forces of change

— have so far treated the Rastriya Prajatantra Party Nepal (RPP-N), the fourth largest party, which wants constitutional monarchy and Nepal's Hindu status restored, as a political pariah. The foreign mission chiefs, including India's, have called on the three big

parties and other smaller ones, but have made it a point not to call on the RPP-N. "Our strength is the Nepali people and we will be guided by their and our country's interest," asserts RPP-N chief Kamal Thapa. He also announced that his party will sit in opposition and keep mobilising people in support of its twin agenda.

With the three largest parties battling intra-party feuds, and with the CPN-M in the mood for revenge, it is too early to conclude that the election has brought Nepal's politics back on track.

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Ai Ping, the vice minister for Asia Pacific affairs of the Communist Party of China, lobbied intensely not to keep the CPN-M out. But unlike Khurshid, he didn't plead for the symbolic inclusion of the party in the House.

कल इण्डिया...

मात्र रु. २.९० प्रति मिनेट

साथै कतार, साउदी अरेबिया, यू.ए.इ., बहराइन र कुवेतमा फोन गर्दा अब मात्र रु. १२ प्रति मिनेट ।

फोन गर्ने तरिका:

१४२४+कन्ट्रिकोड+फोन नं.:

थप जानकारीको लागि:

नोटिसबोर्ड नं.: १९१८ ०७०७ १११११ मा डायल गरी सुन्न सक्नु हुनेछ ।

उल्लेखित महशुल दरमा नेपाल सरकारको नियमानुसार लाग्ने कर समावेश गरि एको टैन ।



नेपाल टेलिकम

KATHMANDU VALLEY QUAKE

Real Risk

Despite several warnings issued by the national and international experts, the Nepalese are yet to be fully prepared for the consequences of inattention to a looming earthquake. As Nepal is celebrating the Earthquake Day, remembering the horror of 1934 earthquake, the time has come for policymakers, civil society and people to work and minimize the damage in life and property if an earthquake hits

By KESHAB POUDEL

Along with haphazard building constructions, Nepal's telecom companies are installing big towers over the roofs of houses in Kathmandu Valley, irrespective of the safety standards adopted in terms of the size and strength of the buildings.

Similarly, Nepal Electricity Authority is yet to take any safety measures in installing its electricity transformers in various parts of Kathmandu Valley. Almost all transformers are likely to fall if a major quake shakes the valley.

The construction of buildings continues even as enforcement of the building codes is very weak in Nepal. Although Kathmandu Metropolitan City introduced the building code a few years back, its full implementation is far from realized.

"Kathmandu Metropolitan City is now strictly enforcing the building code," said Laxman Aryal, its chief. Given the present situation, there will be a heavy damage in case an earthquake measuring over 8 in the Richter scale or something equivalent to the great earthquake like of 1934.

General secretary of National Society for Earthquake Technology-Nepal (NSET) Amod Mani Dixit holds the view that a major earthquake will be devastating for the valley. "Despite making certain improvements in safety against earthquakes, Kathmandu valley's more than 60 percent houses will be destroyed in case of a major quake. There will be over 100,000 death and 300,000 injuries," said Dixit (see interview).

According to the seismologists, a major earthquake is due in the fault line lying between Kathmandu of Nepal and Shimla of India. Studies have shown that Nepal has no record of a major earthquake in the span of 80 years. As there was no major quake since 1934, the threat is looming large.

Along with earthquakes, landslides, floods and other calamities are creating a havoc annually, making Nepal a disaster prone country. Earthquakes are not as frequent, but they have the potential for causing the greatest damage.

As a country in the high risk seismic zone, earthquakes are very

likely in Nepal. Past records have shown that Nepal can expect two earthquakes of magnitude anywhere between 7.5 and 8 on the Richter scale every forty years and one earthquake of magnitude of 8+ in Richter scale every eighty years.

The last great earthquake to strike Nepal was in 1934. It had a magnitude of 8.3 on the Richter scale. It caused a considerable damage to buildings and a great loss of lives. Since then, the population of Kathmandu Valley has gone up. Urban development and inadequately planned construction practices have deteriorated the situation further. As Nepal is celebrating the Earthquake Day on January 16, to remember the loss from the great earthquake of 1934, no body needs to predict that such disasters would cause a greater loss of lives and properties now.

Haphazard construction of buildings and other infrastructures has created further problems. Although Nepal lies in an earthquake prone zone, there is yet to dawn enough realization about the safety

measures at official level also. Towers built by Telephone companies and Nepal's electricity offices are two examples of their inattention to the knowledge on disaster. Despite availability of technology to make safe homes, an overwhelming number of people are yet to perceive the real threat.

Earthquakes are inevitable in a regular process of time. According to Seismological Center, more than 500 small and big shocks occur annually. Scientists, government officials and the public can all help to make societies more resilient to earthquakes and other natural hazards by way of some prudent actions. But, despite several efforts, the lack coordination among the authorities is starkly visible at times of disaster.

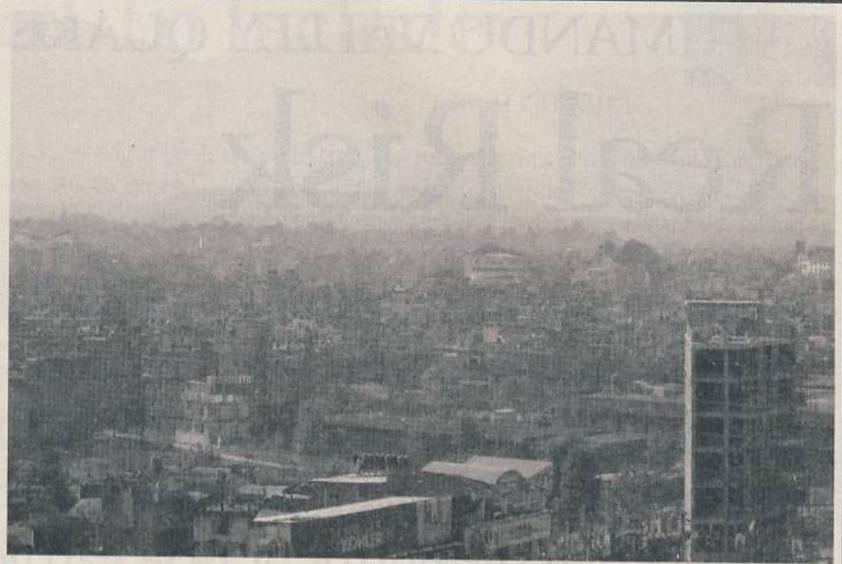
Some have predicted that the level of Haiti's Quake may completely ruin Kathmandu, cutting it from outside world. Deadly earthquakes often occur on fault lines at any time. Nepal is no an exception in terms of its location. Unless it prepares for earthquakes, developing a broad set of tools to make communities resilient, the risks will grow bigger.

The main problem with Nepal is imparting knowledge to the common people. "Scientists must assess and effectively communicate their knowledge about earthquakes. Public officials must admit their mistakes and learn from them," said an expert.

The public are generally poor judges of their own safety. They think they are safe until a disaster occurs. More public awareness of the need to prepare for disasters is needed. There is the need to make annual earthquake drills to sensitize the people.

Following the earthquake of 1988, seismology related technology has improved in Nepal and certain precautionary methods have also been taken. The government has disaster contingency plans and programs.

With support from development partners, Nepal has already formulated a number of programs. But problems may remain over the quality of data and research. "We need to improve the



Kathmandu Valley

research and quality of data to prepare for Disaster Risk Reduction.

In the wake of a series of large earthquakes, the country's scientists are debating how technology might help limit the devastation caused by future disasters.

Although the scientists have been used technology to successfully identify the direction of movement and major cracks in faults in different parts of world, Nepal is yet to build its own capacity to get this routine information.

Academic research was being hampered by a lack of seismic technologies. Productive research in this area needs old and new seismic data but, unfortunately, Nepal's old seismic data is either not reliable or of poor quality.

The need to speed up work on a reliable system for predicting potential aftershocks in the days following a strong earthquake has become more urgent

A report has showed the number of earthquakes worldwide of more than [magnitude 5.5] increasing by some factor.

History of Earthquakes

Not many people in Nepal realize that Nepal is among the high risk countries in terms of earthquake occurrences. On the other hand, there is the need to find out more about the reason behind this and what the

damages might be if Nepal is hit with a devastating earthquake.

The first recorded earthquake in history of Nepal took place on June 7, 1255 AD. According to records, one third of the total population of Kathmandu were killed, including Abahya Malla, the King of Kathmandu valley. Numerous buildings and temples of the valley were entirely destroyed while many of them were severely damaged. The magnitude of the earthquake is said to be around 7.7 on the Richter scale.

Around 1316 BS/1260 AD, the next recorded big earthquake occurred during the reign of King Jayadev Malla. Many buildings and temples collapsed and many more were severely damaged. Although the exact number of fatalities cannot be confirmed, we know from the facts that there was a heavy loss of lives resulting from the earthquakes and from the subsequent epidemic and famine said to be widespread which arose in the aftermath of the disaster.

In 1408, another major earthquake hit Kathmandu in the month of August/ September. The temple of Rato Matchendranath was completely destroyed while many other temples and buildings collapsed and were damaged. Cracks on land appeared in many places.

The 1681 AD's earthquake was another major quake that occurred

during the reign King Sri Niwas Malla. Although very little information is available on this particular earthquake, there was a heavy loss of lives as well as many buildings, including temples, that were either damaged or destroyed.

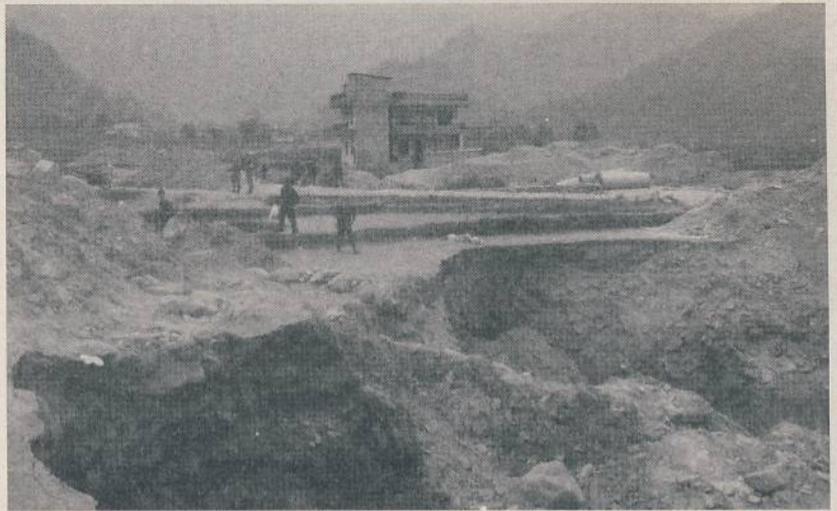
In months of June and July of 1767 AD, another significant earthquake seemed to have hit Nepal. Twenty one shocks and aftershocks of this particular earthquake is said to have occurred in a span of twenty four hours. During the reign of King Girban Yudha Bikram Shah, in the months of May or June, twenty one shocks of earthquakes in total were felt in Nepal in 1810 AD. In 1823, another earthquake hit Kathmandu Valley causing a heavy loss of life and property. Similarly, in 1883, two major earthquakes struck Kathmandu Valley. According to records, houses, temples, and public shelters collapsed. The tower of Dharahara was also severely damaged.

Four major earthquakes were felt in the months of June and July of 1834 AD. These earthquakes destroyed or damaged many buildings and temples. However, the extent of damage was much less than the previous ones (i.e., 1833 event).

In 1934 January, a major earthquake, Known as the Great Nepal-Bihar Earthquake struck the Kingdom of Nepal and its surrounding areas. The magnitude of the earthquake was 8.4 on the Richter scale. Casualty figures were the highest for any recorded earthquake in the history of Nepal. In total, 8,519 people lost their lives in Nepal. A total of 126,355 houses were severely damaged. Some 80,893 buildings were completely destroyed.

Disaster Risk Reduction

Although Nepal has been struck by several earthquakes in the past, the history of Nepal's earthquake Risk Mitigation and Management is comparatively new. People were unaware about disaster risk management and only recently the government has started some measures



in light of the new developments.

After the Udaypur earthquake of 1998, Nepal woke up to the risk of such disasters. It killed over 721 people, affecting life in 22 districts. Nepal has made several efforts since then, but they are still inadequate. Nepal has started the building code and disaster resilience management efforts, but the job is still too short. Instead of focusing on prevention, Nepal's disaster management relies on rescue and rehabilitation. The earthquake of 2011 has shown that relief and rehabilitation alone is not enough. What is required is a preventive method based on the involvement of the community.

With the establishment of NSET, a non-governmental organization, in 1993, Nepal has made several studies and campaigns against the earthquake. Community awareness programs were launched nationwide.

In 1998 Nepal, government declared 16 January as the National Earthquake Safety Day (ESD). NSET launched the School Earthquake Safety Program (SESP) in 1999. All these helped to enhance the capability of the country.

Since the realization of the effects of earthquake on the population, various international non-governmental organizations have also been working in the area. Save the Children Fund, World Vision International Nepal and Practical Action have already initiated a number

of program targeting schools. Similarly, UNDP has also supported several programs and projects.

All these efforts are laudable but little compared with the risks. Kathmandu Valley is still vulnerable and a major earthquake like that of 1934 will destroy it badly.

As Nepal sits across the boundary between India and southern Tibet and the two tectonic plates are still moving towards each other by 2 meters per century, this movement creates pressure within the Earth, which builds up and can only be released through earthquakes. This is how earthquakes can happen in Nepal.

Based on the seismic records of the number of earthquakes that occurred since 1255, earthquakes of magnitude greater than 8 occurred on average once every 80 years. The last great earthquake of magnitude 8.3 occurred in 1934.

As Kathmandu Valley is located on the site of a prehistoric lake which has been filled with soft sediments that make up the valley floor, there will be more damage here due to quake than in many other places. The population in the Kathmandu Valley has significantly increased in the recent times. As the population of Kathmandu valley is over 5 million and it is increasing at a high rate, the looming earthquake is likely to be devastating for the people and their life and property. January 16 should remind us how we should work to stay safe. ■

Drop, Cover, Hold – It Works

AMOD MANI DIXIT

AMOD MANI DIXIT, general secretary and executive director of Nepal Society for Earthquake Technology (NSET), has been working in the risk reduction sector for over last two and a half decades. Dixit led the Nepal's expert team in the eastern region's 1998 earthquake and this scribe also went with him up to the epicenter in Udayapur district. Dixit has been actively involved in earthquake preparedness and risk reduction since then. A lot of water has flowed in the Kosi river since that earthquake. Nepal has already coped with a couple more earthquakes, including the one of September 2012. As Nepal is celebrating the Earthquake Safety Day on January 16, marking 82 years of Nepal-Bihar Great Earthquake, Dixit spoke to NEW SPOTLIGHT at NSET's office in Bhainsepati on various issues related to earthquakes. Excerpt:

What do you suggest for making it safe when there is a major quake?

Drop, cover, and hold is the only effective way to protect yourself against an earthquake. In earthquakes and disasters, it is the individual who is going to suffer and face the consequences. The first direct impact of the earthquake is on the individual. Thus, there is the need to focus on making the life of individuals secure. The suggestion about making mandatory building code and others are directed towards the future. However, the immediate focus should be on individuals.

What is the focus in an earthquake?

The focus of any risk reduction needs to reduce the individual casualty or rescue individuals. How to save individuals is important. Earthquakes come and go. The quakes cannot grab you and kill you if as an individual, you follow adequate safety measures. That will give less chances for casualty. Individuals will be killed and injured

only after something hits them.

How can individuals survive?

If you want to survive in an earthquake, you must learn how not to die. We need to know how people normally die or get injured in an earthquake. After the earthquake of September 2011, we had dispatched various teams in earthquake affected areas of eastern Nepal, including Indian state of Sikkim, to conduct a study on how people died and got injured during the earthquake. It helped establish the cause of death and injury during the earthquake. Our team studied the epidemiology of earthquake to know the exact reason of the death.

What are the main causes of death in earthquake?

After studying the nature of casualty and death in eastern Nepal as well as in Sikkim, we are confident to say that our method of drop, cover, and hold is the best way to save the people during quakes. Since centuries, we have been following the method. Our recent studies have also proven that this is the best available way for individual protection during the quake. We need to make our body's dimension smaller. If someone holds a particular place, he or she can easily avert being hit from the object. We are asking individuals to go beneath the door, table or something when the place is rocked by an earthquake. If you don't have anything to drop, put pillows or books or hands on your head during the cover. This will drastically reduce casualty. When you drop, you need to cover your head by some objects. This idea comes from west and we have followed it. Since we have not done any study or research about the safety measures, this has generated confusion.

But there are questions over the present methods of safety. How do you look at this?

Some raised questions on the

current safety methods, of drop, cover and hold, saying that this method is not made for a country like Nepal, but it is more effectively applicable in the developed countries where taller buildings exist. Doug Coup, a fire fighter, claimed that upon his experience in looking at various earthquake zones, including Gujarat, Indonesia, China and other places, triangle of life is more effective than the drop, cover and hold method. He has been creating noise in developing countries where earthquake have hit. Even in Nepal someone questioned our experiments accusing us for promoting traditional unsafe methods. They too pursued "Triangle Method." Even some Nepalese scientists, some international organisations, are also lobbying for Triangle method, saying the other method is not the right way.

Now, how safe is Kathmandu?

I can undoubtedly say that Kathmandu is unsafe and it is prone to a major earthquake. However, we can make Kathmandu safe by increasing safety measures. Although Nepal has taken certain steps, Kathmandu is yet to be safe. In the 1998 earthquake scenario; we found that over 60 percent of the houses in Kathmandu Valley would be destroyed if the valley had been hit by the earthquake of a magnitude of 1934's Nepal Bihar Great Earthquake. Even after taking certain measures, the level of risk has not gone down as over 50 percent of houses will be still destroyed.

What have you achieved then over the years?

We have achieved certain success in changing the construction style to make houses safe. We retrofit some school buildings, houses and hospitals. Only 7 percent of the houses are built under the supervision of engineers and remaining 93 percent are still constructed with the advice of petty contractors and foremen. We

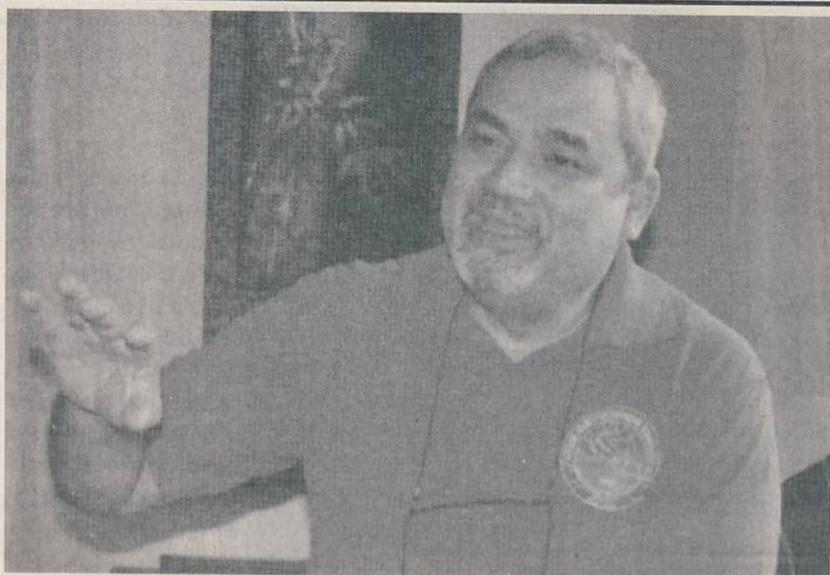
have trained only 5,000 masons. However, only half of them are actively involved in construction. Of course, we have made certain progress but it is not enough to claim that we have drastically changed the overall scenario. Kathmandu still is unsafe to cope with a major earthquake.

How do you visualize the scenario?

We estimate that over 100,000 people will be killed and 300,000 will be seriously injured in case of a major earthquake here. The risk scenario has not changed much compared to 15 years ago. I myself asked the question then about what we have been doing for the last one and a half decade. What I can say is that we were unable to reduce the risk drastically but I can claim that we have not done anything to increase the risk.

It is true that we are unable to contain the risk factors. What I have realized is that when we promote the idea of risk, our aim should be not to increase the risk. One cannot reduce the risk in a day or so. It needs a long time or at least twenty years. We need to focus our efforts to reduce the risk in twenty years. We have to teach the people a way to survive. For this, we need to work to make more safe houses and the building code should be implemented strictly in the construction of new buildings. The houses which were built without taking building codes into account, should be strengthened through retrofitting. We are encouraging people to go for retrofit to make their houses safe. We need to have earthquake preparedness programs. We need to mobilize police and army in rescue. We have been taking several efforts to reduce the risk. We have been teaching women at the community level on the risk reduction measures. Of course, the risks will be there in our houses, but we can reduce them through appropriate steps.

We can reduce the risks. The buildings like ours constructed through the mud is little riskier than the big concrete buildings. Our



studies have shown that only 15 percent people will die in the building collapse. Our efforts should be now to reduce the rate of casualty. We can reduce it to 10 percent. After spending almost two and a half decades, I am confident to say that we are able to increase the awareness level. From urban to remote parts of Nepal, everyone speaks about the risk reduction. This is a major achievement. People talk: drop, cover, and hold.

You have been saying for a long time that there will be an earthquake. When will it hit?

I cannot say the exact day and time but our calculation is that enough energy has already accumulated to have a major quake like that of 1934 in this part of the region. According to scientists, the Indian plate is pushing our plate beneath the Tibetan plateau annually by 2.5 centimeters. In one hundred years, it will be 2.5 meters. In two hundred years, it will be five meters and it is 7.5 meters in 300 years. Scientifically, it has already been proved that there is already a big hole beneath the earth capable to rock this region massively.

How do you say that there will be quake?

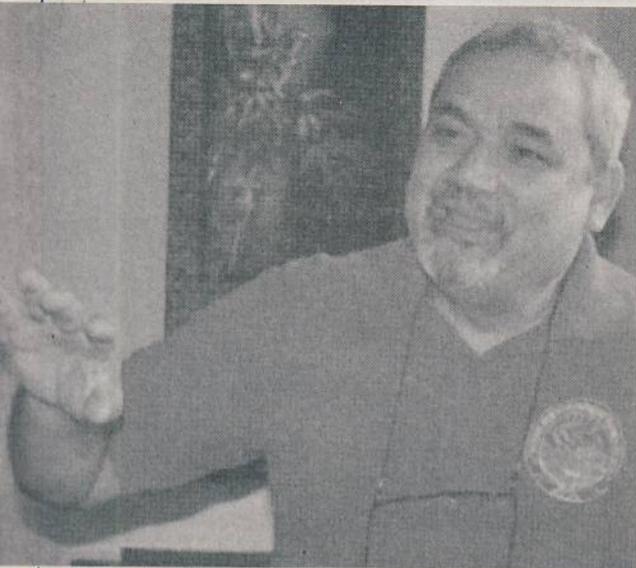
There was no major earthquake in east of Kangda and west of Kathmandu in the last three hundred years. A major earthquake occurred in this part of tectonic plates five

hundred years ago. In every hundred years, there is a vacuum of 2.5 meters early. Just 3 meters' gap will cause a great earth quake. Whether there is a big hole or not, we are likely to see a great earthquake any time soon. Nobody can predict but the time has come we care. The accumulation of energy can burst out any time.

It is certain that there will be great earthquake in any time any day. It is already overdue. If we look at the history of earthquakes, it has been recorded since the period of Avaya Malla. Over 750 years, Kathmandu faced 10 earthquakes like that of 1934 great earthquakes. In every 75 years, an earthquake rocks Kathmandu valley badly.

Despite your warnings and efforts, little has changed. How do you look at this? Numbers of houses continue to increase and constructions are violating building codes?

Some efforts have been made from all sides, including the government. Yes, we can still to do a lot of work before making our country safe from earthquakes. We have disseminated the knowledge at all levels. But, it rarely works. As long as we don't internalize the knowledge, it does not have any result. As long as risk perception does not go to the inner heart of the people, nothing will work. Earthquake is dangerous but people



hour due to quake, then why are people ignoring your warning?

When you build your house and industry properly, following the building code, it does not matter if your workers live in poor localities. We have good example from Gujarat where industries survived but they could not run because of lack of buildings. Kobe has also been a

forget it. Our body never permits to talk about earthquake.

How do you see the priority of the government in disaster risk reduction?

Our government's priority is in health, education, communication and poverty. However, disasters have rarely got the priority. Disaster management is taken as part of health and it is under the Home Ministry. In our national economy, we rarely think about including disaster risk. Our perception is whether to give priority to earthquake or development? We have never thought earthquakes is part of development process. There is a feeling that investing money in disaster preparedness is regarded as a waste. We are arguing that there is a need to give equal priority to disaster and development.

Are you satisfied with present success?

We are unable to do as per our capacity. We failed to create a conducive environment. Since building code was implemented 15 years ago, only a few municipalities have executed it. There are enough flaws in its implementation, just look the buildings around Beshantapur and New Road, although there is a restriction to construct the houses over 5 stories.

As you have somewhere a millionaire will be pauper in an

good example of how local industries collapsed and if they are to sustain. After 1995 quake, there has been a lot of investment in infrastructure. However, due to the collapse of local construction industry, construction companies from other parts are getting benefits. Local companies are unable to make any money. If there is a quake without any preparedness, Nepal's industrialists and investors will lose competitiveness and opportunities. There is a need to have contingency programs. There is a need to have contingency plans for industry.

I don't know how safe infrastructures, including towers constructed by NCELL, Nepal Telecom, UTL and Nepal Electricity, are to make these function smoothly. They might have contingency plans. I can say that safety is not adequate. We can see a lot of towers built at the top of the houses in Kathmandu. When 60 percent houses are reportedly vulnerable to quake, you cannot say how these towers will survive. What is the status of the towers? I can say over 60 percent of houses will be destroyed but I cannot say how stable the towers will be. This prediction is based on the government report or Ministry of Urban Development.

You were also part of restoration of school buildings in 1998 earthquake. What have you learnt from it?

We constructed a number of schools. Outline of the buildings are strong. However, the walls have collapsed. The decision was half good. There is the need to go with the government side by side in the period of reconstruction. The government needs to provide all technical support along with cash. There is also the need to send knowledge along with other support. Along with cash and knowledge, law should be taken and management. Just sending management is meaningless. This is also a major lesson Nepal has to learn.

What do you suggest for future?

Only sending money cannot help. We can make buildings but not safety. Money, knowledge and law enforcement must go together. The government provides relief materials and knowledge but people are still living in cracked houses in eastern parts of Nepal. A lot of work has been done but there is still lack of law. Now Ministry of Home is regarded as nodal body to relief, rescue and rehabilitation. Home Ministry alone cannot do it.

How do you see your experiences in the last two decade?

Twenty years ago, we lacked knowledge. Now Nepalese are capable enough to handle all quakes and disasters. Nepalese can save people. There is no rule in the country. There are Ministry of Home and Department of Mine. Department of Mine can do scientific research and Home Ministry can handle the rescue well. They cannot save people. There is the need to internalise the disaster and decentralize the disaster by districts, people, schools and students. One of the major challenges now is the indifference in various bodies.

One of the positive thing is that political parties are now taking disaster as agenda. It is good to see that political parties at least put disaster in their election manifesto. We talked this issue with all political parties. Disaster needs to be considered as a factor in the political process. ■



Alberuni's References on Nepal

By BIPIN ADHIKARI

Edward C. Sachau's two volume book *Alberuni's India* [London Kegan Paul, Trench, Trubner & Co., 1910], which was first published in 1888, is an outstanding work on

Abū Rayhān Alberuni (also known as Abū Rayhān al-Birūnī) and his writing about India and Hinduism. The book has only a couple of references on Nepal. However, these references are important in Nepalese historical context.

Alberuni was a famous medieval Islamic scholar. He is described as well versed in physics, mathematics, astronomy, and natural sciences. Alberuni also distinguished himself as a historian, chronologist and linguist. He accompanied Mahmud of Ghazni [971-1030], the ruler of the Ghaznavids empire, when he started to conquer kingdoms of Nagarkot, Thanesar, Kannauj, Gwalior and Ujjain in early 11th century. Alberuni spent about ten years in the South Asian subcontinent and widely travelled this area exploring its religion, history and culture.

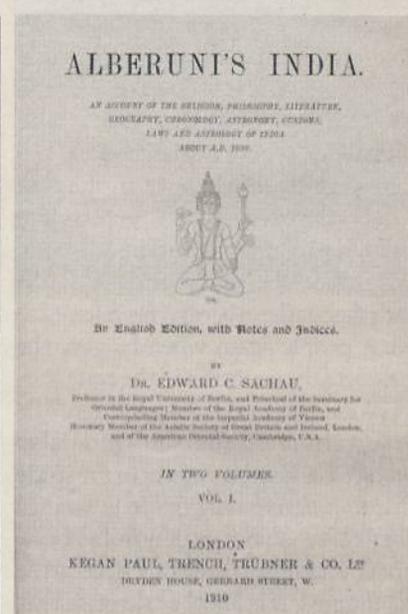
According to Edward C. Sachau, even though Abū Rayhān Alberuni enters the sub-continent accompanied by Mahmud of Ghazni, there is little similarity in their tastes. Alberuni's interest was deeply intellectual. However, Ghazni was a conqueror. He wanted either to convert the Hindus, the conquered subjects in this part of the world, or to kill them. Alberuni had nothing to do with this agenda. In fact, even when he was writing the book, the fight between Ghazni's forces and the local subjects were going on. However, there is little in his book that discusses the ruthless war between Islam and the local kingdoms, "during which it had been prepared, and by which the possibility of writing such a book had first been given."

Sachau also praises Alberuni for his independent analysis of what he saw in this sub-continent. His book is like

a "magic island of quiet, impartial research in the midst of a world of clashing swords, burning towns, and plundered temples." The object which the author had in view, and never for a moment lost sight of, was to afford the necessary information and training to 'any one [in Islam] who wants to converse with the Hindus, and to discuss with them questions of religion, science or literature, on the very basis of their own civilization.'

Alberuni did not visit Nepal, or any place close to it. However, he mentioned about *Kanoj*, Nepal and *Bhoteshar*. *Kanoj* used to be a focal point for the three powerful dynasties, namely the Gurjara Pratiharas, Palas and Rashtrakutas, between the 8th and 10th centuries. It is not apparent what the modern name of *Bhoteshar* is. It is clear, however, that the word 'Bhote' in Nepali means people of the trans-Himalayan region. On the east of *Kanoj*, Alberuni mentioned of places called *Badi*, *Dugum*, and then the empire of *Shilahat*, and the town *Bihat*. None of these places exist now. He located *Tilwat* [Tirhut] farther on the right of these countries. He described the inhabitants of Tirhut as 'Taru' [Tharu], and as "people of very black colour and flat-nosed like the Turks." Farther South of the Tirhut is the mountains of Kamru, which Alberuni described as stretching away as far as the sea. It is on the northern side of Tirhut, or the country on the left, is the "realm of Nepal." Referring to a man who had travelled in those countries, Alberuni gave the following report:

"When in *Tanwat* [again misspelt for Tirhut], he left the easterly direction and turned to the left. He marched to *Naipal*, a distance of 20 *farsakh* [60 kilometer], most of which was ascending country. From *Naipal* he came to *Bhoteshar* in thirty days, a distance of nearly 80 *farsakh*, in which there is more ascending than



descending country. And there is a water [course] which is several times crossed on bridges consisting of planks tied with cords to two canes, which stretch from rock to rock, and are fastened to milestones constructed on either side."

"People carry the burdens on their shoulders over such a bridge, whilst below, at a depth of 100 yards, the water foams as white as snow, threatening to shatter the rocks. On the other side of the bridges, the burdens are transported on the back of goats. My reporter told me that he had there seen gazelles with four eyes; that this was not an accidental misformation of nature, but that the whole species was of this nature." Alberuni describes *Bhoteshar* as the first frontier of Tibet. His informant informs him of a different language spoken there. The costumes and the anthropological character of the people are also not the same as in the southern slopes.

Alberuni mentioned about the Khas people, when he talks about the river Ganges, and the population it passes through. He wrote that the river flows through the Gandharva, the musicians, *Kimnara*, *Yakshas*, *Eakshasa*,

Vidyadhara, *Uraga*, i.e. those who creep on their breasts, the serpents, Kalapagrama, i.e. the city of the most virtuous, Kimpurusha, *Khas*, the mountaineers, Kirata, Pulinda, the hunters in the plains, robbers, Kuru, Bharata, Pancala, Kaushaka, Matsya, Magadha, Brahmottara, and Tamalipta. "These are the good and bad beings through whose territories the Ganges flows. Afterwards it enters into branches of the mountain Vindhya, where the elephants live, and then it falls into the southern ocean." He referred to Khas people again when he gave the names of the countries in the east.

Alberuni is the first foreigner to research on Hinduism. He is also credited as being a pioneer in the study of comparative religion. It is strange that there is no mention in his book about Buddhism being practiced in the mountains. It is another surprise that Alberuni had no comment on the Himalayas, separating the plains of the subcontinent from the Tibetan Plateau.

Many early visitors of the subcontinent wrote about many new things that they observed here. Nepal certainly does not go unnoticed even though in parameters not much known today. Starting with Megasthenes (350–290 BCE), a Greek diplomat sent by the Hellenistic king Seleucus Nikator to the court of the Maurya king Chandragupta, then a Chinese pilgrim Fa-Hsien (337–c. 422 CE), then Hiuen Tsang, another Chinese Buddhist monk who traveled to this continent in seventh century, had already visited the sub-continent before Alberuni came here from Central Asia. Some others of his stature like Marco Polo visited the region in the 13th century, Ibn Batutah, the Moroccan explorer of Berber descent, visited in fourteenth century, Athanasius Nikitin, a Russian merchant followed him in the fifteenth century. English traveler Ralph Fitch and Carsten Niebuhr. A thorough research on what they had to say on Nepal of their time would have certainly been an interesting prospect.

ART

Meet This Mithila

Artist S. C. Suman's paintings have depicted the cultural and natural identities of Mithila people through art

By NIKKI SHARMA

Every society has its own medium to project its cultural and natural identities. These communities find art as common to express their identities. The Mithila culture is no exception. As a country of religious, cultural and ethnic diversity, Nepal has various groups, civilizations and ethnicities displaying their diversity in the form of art.

Art is the way of exploring an individual's creativity, imagination, feeling, idea, dream, etc. Artists show the worlds, which cannot be defined in words, with their imaginative work. To Friedrich Nietzsche, "Art is essentially the affirmation, the blessing and the deification of existence."

Some famous artists have adorned the Mithila life through their artistic views. One of them is S. C. Suman.

Suman has depicted the daily life of the Mithila people, human relations and their faith on god and many legendary stories, which carry historical significance. His work is on display at his 14th solo art exhibition, *Mithila Cosmos: Circumbulating the Tree of Life*.

The art exhibition was inaugurated by Indian Ambassador Ranjit Rae, in Revisited, Siddhartha Art Gallery Babarmahal, on December 10, 2013.

The main theme of *Mithila Cosmos: Circumbulating the Tree of Life* is about saving the tree. "Through my art, I have also tried to give the message or to make the people realize that without the life of tree, there is no existence of the human world," mentions artist Suman.

"Besides, I have also portrayed the folk art of Mithila, their traditions and customs and the image of women

working in the house, carrying the water-pot, brooming the house, going to plot the land and many more things," says S.C. Suman.

In the past, household work performed by Mithila women used to be no matter of concern but since the day they came into the canvas, the people have started to create symbols, themes and many other interpretations from it.

In his art there are two main highlighted themes: 'Tree' as a metaphor and semantic element of his art. Not only the symbols, he has revealed the eminence and beauty of Mithila, their tradition, the calm and gorgeous hidden images of Mithila women, at the same time, an artist has used the style and pattern in a figurative and significant way.

In each of his paintings, he has figured out the importance of Kadamba tree which signifies the theme of ecological harmony. In Mithila cosmos, a tree stands for natural power of our existence and as a means of creating cosmogony relation between natural world and human beings.

In a very realistic way, Suman has portrayed the life of Mithila in his art. Neither he has dishonored the simplicity of Mithila women, nor their tradition. In the painting, the artist has cleverly linked the meaningful relations of human beings with environment and their existence, which has been named *Mithila Cosmos*. In one of the arts, he shows a celebration around the tree of life.

By doing so, Suman has shown the richness of the Mithila culture. He has also used diverse colors to explain the meanings. ■



WATER & SANITATION

Clean Call

Despite efforts by the government and non-government organizations, sanitation and safe drinking water continue to be an unavailable in several places.

By NIKKI SHARMA

In 1983, Health Nepal built a 23,000L water-tank for VDC-7 of Lele. But the local people have no proper system in place to use it. The lack of resources prevents them from using safe drinking water. After 30 years, Urban Environment Management Society (UEMS) came with 'Basukhi Water Plan', offering sufficient technical support in providing safe and fresh drinking water for the people of Lele.

UEMS has built two water tanks, each containing 20,000L. Currently, one water tank is being used by 224 houses and another one is under construction which as an alternate option for the people, so that in the days ahead, increasing urbanization will not bring the shortage of water as an issue in the village soon. Water has been brought from the water source of Basukhi Mountain, 5km from the Lele village, for storage in the reservoir.

"In the previous days, due to the lack of access to safe water, it was very difficult to make our daily living," said Suman Nagarkoti, president of the consumers committee. "UEMS has helped us get safe and fresh drinking water, and we are very much grateful and satisfied with UEMS for the effective water plan for our village. We are more conscious about our health, hygiene and sanitation now than before."

Water, sanitation and hygiene are interlinked. Sanitation is the foundation of the country. If a country is weak from its base, the government along cannot do much in terms of developing strong and healthy manpower for the nation. "If Nepal has to be looked at from the development perspective, initially we should look at the status of sanitation and drinking water of our country," remarked Ashutosh Tiwari, country representative, Water Aid Nepal. "In comparison with other developing countries, the status of WASH (Water, Sanitation and Hygiene) in Nepal is very poor. Especially, in the rural areas, the people do not have the idea of proper sanitation, neither do they have the

habit of hand washing."

Tiwari informed that, at the moment, in marginalized areas, Community Led Total Sanitation (CLTS) is at work. But the programmed districts need effective plans to enlarge the coverage, suggested Tiwari, at an orientation, involving Water Aid Nepal.

The first aim of the plan is to bring about changes in the people's habits and assist them to adapt to the habits of proper sanitation, hand-washing practices and drinking water from improved sources. Secondly, it is to make sustainable policies for the Post-ODF stage in a sense to take such habits of people in deep level and provide facility of safe and proper access of drinking water and sanitation, he informed.

Toilet is one of the basic necessities of people, needed for anyone, anytime and anywhere. In Nepal, mostly differently able people and menstrual girls are having problems due to their lack of access to toilet in many public places.

A teenage girl at a time of menstrual period remains absent from school for 4-5 days a month. That adds up to 60 days of absence in a year. With such a humiliating situation, women getting involved in the development sector is challenging, even as they form half of the country's population.

Including menstrual girls, disabled people also face similar sanitary problems. "There are several problems for people like me but toilet is the major one.

"With no easy access to toilet, I finished my graduation through self-study at home," Amrita Gyawali, consultant in Water-Aid Nepal, said. "If the government helps establish more public toilets somehow, changes in the life-style of differently able people will be possible."

While designing the toilets, the government should give priority to problems of menstrual girls and differently able people, making separate toilets for girls and boys. In addition, girls



need appropriate places to safely throw sanitary napkins.

As per its target to meet the Millennium Development Goals (MDGs) by 2015, Nepal government has improved 73% work in the water sector and 53% in the sanitation while trying to declare Nepal as Open Defecation Free (ODF) state by 2020. Looking at the 10% WASH status of Bajhang, Bajura, and Khotang, the total progress on water and sanitation sector will be made by 2031.

Inadequate budget and insufficient mechanism are posing a challenge to cleanliness. From 2009, the government has made allocations to sanitation sector. In 2009-2010, the government committed to provide an improved toilet for each house of the country, but the budget of 2010-2011 remained less promising.

According to the GLASS report, Rs. 360 million is the per annum sanitation budget while one billion will be required for proper toilets in Nepal.

"As Nepal is improving its sanitation status while it is facing crunch of resources and insufficient money, the speed of improving this matter is unsatisfactory. The problem of sanitation will not be solved by 2 or 3 years, yet we are trying our best to meet our aims by 2017," said Ishwori Poudel, Director General, Department of Water Supply and Sewage (DWSS).

From a year ago, Water Aid has been working with various Wash related organizations like, Nepal Water for Health (NEWAH), along with four urban partners. Its constant focus on the marginalized, out of access to water, hygiene and sanitation, promises to change the status for the better. ■

CHAINPUR & CHAUTARA

Desirable Linkages

By DHANA PRASAD PANDIT



Chainpur is the headquarter of Bajhang district in Far West Nepal. Chautara is the district headquarter of Sindhupalchok in Central Development Region. Both are Himalayan districts, bordering with China to the North. Both are remote. Sindhupalchok became the gateway to China through the Araniko Highway, after Nepal got the access to China through the land route in the 1970's. Bajhang is still waiting for the authorities to open the northern border access to Kailash, Manasarobar, through Urailekh Pass. Chautara to China by road is about 80 kilometers. Chainpur to China is also between 80 and 90 kilometers. Now pilgrims from India and Nepal are taking the motorable route for Kailash, Manasarobar, through Tatopanipoint. It takes about one week to go from Kathmandu to Kailash. Bajhang is a point on the shortest route to Tibet from New Delhi, India, and Nepal for Kailash (Shiva Puja). If Chainpur is linked to Urailekh Pass in 3 to 4 years, it will be a great achievement in the development of Western as well as Far Western Nepal. Even without all these reasons, transportation is the key to all modern development.

I visited Chautara to take a test of Nepali Language to American Peace Corps trainees this week. This trip bridged a long gap between the Peace Corps Nepal and myself. I used to be a language trainer with the US Peace Corps between 1986 and 1988. When I started my job with the Peace Corps, it was of course a chance to feel good about having a close relationship with the new system. Last year, I participated in the workshop for LPI testers in Kathmandu, where I became a bona fide Nepali language certified tester. The Peace Corps requested to take a Muck LPI test after 7 weeks of Language Class in different villages of Chautara. Trainees were taking language classes with their teachers and living with local communities under the Family Stay programme. The training style of US Peace Corps has changed since I worked long ago. Back then, the training site used to be a common place where every staff, guest and PCT used to take a day time American or Nepali lunch together every day. When the PCT stayed with the family, breakfast and dinner would be taken with the host family. Now it is different. All PCT's are staying away. Actually I had visited most of the Nepalese districts during my service with the

Peace Corps. This was the additional district headquarter I was visiting through Peace Corps invitation.

Both district headquarters are now congested, though their locations are different. One is on the river bank and another on the lap of a hill, a resting place, that is, Chautara. Both headquarters look beautiful with higher mountains close by. One can get a view of Mount Saipal from Chainpur, for all seasons, and of Jugal Himal from Chautara. There are plenty of valleys and mountains you can see from Chautara. Now both district headquarters are connected with black-topped roads. If the West Seti-I and Seti-II projects materialize soon, the Bajhanghi district headquarter, Chainpur, will be prosperous. The alternative route to China and the main route to Kailash will definitely foster tourism and trans-boundary businesses, as well as trans-Himalayan trade. This will ultimately help develop a backward area of Nepal and Tibet through their New Delhi connection. After Indian Prime Minister's formal visit to China this week, opening new ventures and areas of cooperation among India and China is going to happen. Historical University revival with Nalanda University, as well as Development of the South Silk Road from China, Myanmar, and Bangladesh to New Delhi with better road



ways link hold out immense prospects for the development of the region. Definitely Chainpur-Urailekh-Manasarobar-Kailash will complete this ring road with South Silk to North Silk Road soon. The three-party connectivity, cemented by history, culture, religion, and pilgrimage of the 21st century will be a landmark achievement. For another prospect, link between Chainpur and Chautara through the Northern belt will be possible as well. This can make both the district headquarters prosperous in the future.

Daulat Karki and Chakra Bishwokarma telephoned to me to conduct Muck LPI test to Peace Corps trainees in Sindhupalchok of Chautara. Four testers, singer Sunita Subba, Parbati Shrestha, Minma Tamang and myself visited Chautara as the testers. It gave me an opportunity to get to know about Chautara as one of the beautiful mountainous district headquarters. I felt, as a Bajhanghi from Chainpur, it was high time we compared our hill districts for connectivity, such as between Chautara with Chainpur, especially as the election of 2013 would promise to do something about it. ■



Dismal 2013

After a sustained growth of the tourism sector for a few years, 2013 proved to be a year for the country that is best forgotten in that context. Nepal's international image got a hit by the European Commission's ban on Nepal Airplanes. Now all eyes are on 2014 with the country hoping for a better tourism year

By DEBESH ADHIKARI

After marking Nepal Tourism Year in 2011, the tourism industry started to take a new breath with the tourist arrivals breaking records. The growth built on a sustained growth from around 2009. But two years later, the tourism sector is back to being dismal. With a plethora of problems at hand, the decline in tourism is not unexpected, however. The recent elections, frequent, and sometimes even violent, strikes, airport and aircraft safety issues, and lack of promotional tourism activities in the international market, are some of the problems that have helped pile on the misery on this sector, according to tourism experts.

The air sector from which Nepal receives a majority of tourists, saw a hit in reputation last year. Nepal's only international airport, Tribhuvan International Airport (TIA), refused to land wide-body aircraft in its runways due to runway issues, which then raised concerns among the aircraft flying to Nepal and restricted their

activities. Then, the European Commission's (EC) ban on Nepalese aircraft raising safety issues, projected an all-round negative image of the country.

"Nepal needs to invest heavily on the aviation sector to improve aviation infrastructure and safety standards should be improved to prevent further damaging Nepal's tourism sector," said Nepal Tourism Board (NTB) Spokesperson Aditya Baral. Due to the issues, the tourist arrivals decreased compared to the year before. "Though not official, our calculations show arrivals went down by around 10 percent during the year," said Pabitra Kumar Karki, president of Nepal Association of Tour and Travel Agents (NATTA) to Republica.

However, Nepal Airlines plan to invest around NRs 10 billion to purchase new airbuses and other aircraft, has shown promises to ease the ever lingering issue of lack of aircraft of Nepal. So, now all eyes are on 2014 with tourism stakeholders believing

the New Year will leave behind miseries of 2013. They are hopeful of having a prolific tourism year next. When will Nepal reach near its actual tourism potential is still very uncertain, but tourism entrepreneurs are hoping for a better 2014.

Arrival down in December

Tourist arrivals through airways went down by 4.9 percent in December, 2013, compared to the same period the year before. The tourist arrivals totaled 42,601 which is 2,173 less compared to the same period previous year, according to Tribhuvan International Airport (TIA).

Except the number of tourists from SAARC region, tourists from other major regions declined. But, the increase from SAARC region was also mere 1.6 percent to 13,521. The increase in the number of tourists from the region mainly rested on the arrivals from Bangladesh (up 40.3 percent) and Sri Lanka (up 49.4 percent) which saw a rise of around 40 and 49 percent respectively compared to the same month of 2012. However, arrivals from India and Pakistan dropped by 1.0 percent and 67.2 percent, respectively.

Tourist arrival from rest of Asia saw a decline of 3.1 percent. Number of tourists from Malaysia (up 10 percent), Chinese Taipei (up 3.2 percent) and Thailand (up 3.3 percent) increased. Arrivals from China not too long back was at an all-time high, but they are also declining. Chinese arrivals dropped by a 9.3 percent in December. Likewise, arrivals from European countries also posted negative figures as they registered a decline of 8.7 percent. The arrivals from Oceania and America also witnessed a negative growth of 16.3 percent and 6.1, respectively.

According to Nepal Tourism Board, the drop in arrivals reflects the volatile nature of international tourist movement which is easily affected by numerous factors such as the traveling cost, situation at the destination country, global economic trends and traveling spirit of international visitors, among others. Nepal can indeed do a lot of things that have been neglected in the recent times to make tourism industry more sustainable and consistent. ■

BOOK

Conflict & Democratic Movement

Pyakurel and Adhikari have made efforts to analyse the state of conflict and democratic movement in Nepal

By A CORRESPONDENT

Although Nepal's democratic movement is just over six decades old, it has seen several ups and downs in its history, including several conflicts. Various authors have tried to look at the state of conflict and democratic movement in their own theoretical persuasions. Few properly analyze Nepal's overall scenario in that particular respect.

At a time when books on Nepal's state of conflict and democratic movement are being written by Nepalese as well as foreign writers, readers continue to find confusing facts and contradictory statements in their interpretation of the political events. Two young Nepalese scholars Pyakurel and Adhikari have also chosen to highlight these events after events.

Divided in twelve different chapters, the book is a narrative of political events. The Pyakurel and Adhikari duo, who completed their Ph.D degrees from Jawaharlal Nehru University, have taken up to tell the tale of Nepali political transition through their own perspectives.

The authors argue that the political transition in Nepal has reached a critical phase. The new constitution is in the making, and with its promulgation, the country will enter into a new phase of democracy, along with a number of structural changes.

"During the last two decades, many a significant issue has emerged on the scene of Nepali society and polity. The process of political transition has unfolded many dimensions of considerable importance. The question of stabilisation of democracy, federalism, ethnicity, regionalism, and gender are becoming the core issues. The issues like causes and consequences of conflict, peace process, and negotiations are gaining rapid

currency demanding immediate attention," write Uddhab Prasad Pyakurel and Indra Adhikari in their preface. They further writes, "The internal and external political players have started acquiring a relevant role in this context. Likewise, the civil society finds itself assuming new shape and role accordingly. On the whole, the State of conflict and Democratic Movement in Nepal is beset with a host of burning issues."

The author duo rationalize the importance of the book in the introductory chapter. They give brief views on various articles included in the book. This has helped the readers know the precise themes of the articles included in the book. The authors were influenced by Nepal's renowned senior political scientist and scholar Professor Lok Raj Baral's argument that Nepal is in a 'permanent political transition'.

In his article, Political Transition in Nepal: An Overview, Uddhab Prasad Pyakurel discusses at length Nepal's more than six decades of political developments. He tries to point out the flaws in the overall political system and its nature and socio-economic dynamics. As Nepal is in the process of constitution writing, the country may see many structural changes in the coming days. In this context, Pyakurel's article will help us understand the change Nepal is heading for.

Indra Adhikari's Conflict Transformation: A Nepali Perspective is an interesting article. It helps us understand the various phases of conflict in Nepal and its transformation. Author Adhikari opens with a theoretical background of conflict and conflict transformation and, based on the background provided, evaluates Nepal's experience with Maoist conflict and the conflict transformation that started after the

**State of Conflict and
Democratic Movement in Nepal**



Uddhab Pd. Pyakurel
&
Indra Adhikari

**State Of Conflict & Democratic
Movement In Nepal**
By Uddhab Prasad Pyakurel and
Indra Adhikari
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12-point agreement was reached. Adhikari discusses the contradictory characters of Nepalese society.

Among other things, the book also includes a very interesting article, Women in Conflict: The gender perspective in Maoist Insurgency. Author Adhikari analyses the Maoist insurgency through the gender perspective. Although there are several books and articles that have already been published, this is the first article which extensively discusses the role of women in the Maoist conflict. The author tries to analyse what women got from the conflict for their greater sacrifice for the liberation of women. Compared to the contribution made by women, they didn't gain much within the party or hierarchy.

Uddhab Prasad Pyakurel and Indra Adhikari have chosen different perspectives from other authors who have written about the theme earlier. Along with looking on the political structure, they explain social, economic, ethnic and gender perspectives in the political transition of Nepal. Although one can find many points of disagreement with the authors, this book has something different to offer the readers. ■

MOVIE REVIEW

Sholay 3D

★★★★★

What can one convey or enlighten about a film that has the word 'Classic' written all over it? One of the most appreciated and admired movies... also, one of the most discussed and analyzed movies ever, SHOLAY, directed by one of the finest storytellers of India [Ramesh Sippy], now unveils in a new avatar — 3D. Watching the film in 3D is truly an experience. And for those who haven't watched the original version, all I'd say is, watch it pronto, for you cannot replicate a film like SHOLAY. Ever.

The 3D version of this all-time classic should work for two reasons: One, the simplicity on display, when one compares it with the recent releases that are infested with VFX. Two, the invigorating and revitalizing drama [writers: Salim-Javed] that leaves you awestruck, even though you may have lost count of the number of times you've watched this incredible entertainer. The icing on the cake are the well-defined characters — Thakur, Jai, Veeru, Basanti, Radha and of course, Gabbar.

Not many are aware that SHOLAY did not take off the way it should, when it first released in theatres. Gradually, a few weeks later, SHOLAY attracted audiences in hordes and ran for more than five years non-stop at Mumbai's Minerva theatre, besides celebrating Golden Jubilee and Silver Jubilee in several cities and towns then. Furthermore, the film set new records across the country, immortalizing the characters, the songs and the dialogue... just everything associated with the film.

Having grown up on SHOLAY and the masala films of yore, the 3D version of the film helps you relive the moments associated with it. Especially the evergreen, iconic dialogues delivered by Gabbar and Thakur.

With 3D, every pivotal character stands out [quite literally!] in the film. A special mention ought to be made of the train sequence, the climax scene where Amitabh Bachchan blows the bridge with the last bullet and when the goons chase Basanti, who is on her tonga...

SHOLAY was truly the biggest film of its times and having stars like Dharmendra, Sanjeev Kumar, Amitabh Bachchan, Hema Malini, Jaya Bhaduri and Amjad Khan in a frame was magical. Also, who can ever forget the supporting cast — A.K. Hangal, Satyen Kappu, Asrani, Sachin, Viju Khote, Mac Mohan, Jagdeep, Leela Mishra, Iftekhar... Every performance was beyond perfect!

On the whole, there are films and there is SHOLAY. Frankly, it would be sacrilegious to miss this classic. Watch it. Now.

(Courtesy: Bollywood Hungama)



MOVIE PREVIEW

DedhIshqiya

Genre : Romance, Thriller

Release Date : 10 Jan 2014

Director : Abhishek Chaubey

Cast : Arshad Warsi, Naseeruddin Shah, Madhuri Dixit, Shraddha Kapoor

Khalujaan (Naseeruddin Shah) and Babban (Arshad Warsi), the two romantic thieves are back in DedhIshqiya, sequel to the acclaimed and successful Ishqiya with their romantic adventures. And this time love will take them through the SEVEN STAGES OF LOVE... with the beautiful and dangerous Madhuri Dixit as Begum Para and Huma Qureshi as Munniya.



Yaariyan

Genre : Romance

Release Date : 10 Jan 2014

Director : Divya Khosla Kumar

Cast : Himansh Kohli, Serah Singh, Nicole Faria, Dev Sharma

Yaariyan is a contemporary young film that takes audiences through the trials and tribulations of the best years of their life. Set in a boarding school of Sikkim, 'Yaariyan' is a story of close knit 5 friends who are exploring the best moments of their lives in college, experiencing different relationships and learning new values every day. Yaariyan is about different characters, their bonding, their friendship, their problems, their fun, their mistakes, their relations. It is about their yaariyan during good and bad, thick and thin. Yaariyan is about all your first - first love, first challenge, first outbursts, first strong bonds of friendships

The Secret Life Of Walter Mitty

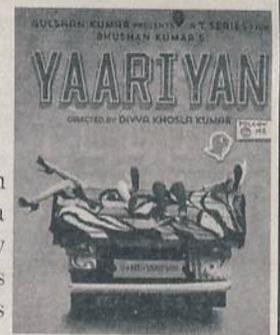
Genre : Adventure, Comedy, Drama

Release Date : 17 Jan 2014

Director : Ben Stiller

Cast : Ben Stiller, Kristen Wiig, Adam Scott

A day-dreamer escapes his anonymous life by disappearing into a world of fantasies filled with heroism, romance and action. When his job along with that of his co-worker are threatened, he takes action in the real world embarking on a global journey that turns into an adventure more extraordinary than anything he could have ever imagined. (Courtesy: QFXCinemas)



A Short Review Of The Criminal Procedure Code: Provisions Related To The Prosecution Of Cases Where The Government Is The Complainant.

Introduction:

After the implementation of the Government Cases Act (1960) – which aimed to utilise officials from the executive branch of government for investigation, and to appoint government officials for representation in the court of law – the investigation and prosecution of cases in which the government is the complainant became procedurally separate. The Government Cases Act (1992), which replaced the 1960 Act, placed direct or indirect responsibility on the government prosecutor to deal with such cases. For all offences listed in schedule-1 of this Act, the responsibilities of deciding whether or not to proceed with a case, preparing the charge sheet, and filing the case lie with the government prosecutor. For cases under schedule-1, the government prosecutor is given direct responsibility. For cases in which the government is the complainant, but the offense is not listed in schedule-1 of the Act, the government prosecutor is not given the responsibility of litigation, but is given the responsibility of deciding whether or not to file the case. Under such condition, the government prosecutor is given indirect responsibility.

Provisions for prosecution after the implementation of Government Cases Act (1992):

Ever since the implementation of the Government Cases Act (1992), the police and investigation officials have fulfilled the responsibility of investigating offenses listed under schedule-1 of the Act. Upon completion of the investigation, the government prosecutor delegated by the Attorney General decides whether or not to file a case and takes responsibility for litigation. In this sense, the new Act did not give continuity to the old Act, which makes provision for the direct involvement of government prosecutor during the investigation. After the implementation of the 1992 Act, investigation and prosecution were mistaken to be completely separate

procedures, under the jurisdiction of separate entities: police and government prosecutor. The new Act does – it might be useful to point out – make provisions for the indirect involvement of a government prosecutor in the investigation of a case:

A) The police officer investigating the case must submit a preliminary report including the content of inquiry to the government prosecutor prior to beginning the inquiry. The prosecutor can give direction to the investigation officer as necessary.

B) The government prosecutor can give suggestions and advice to the officer conducting the investigation during the process.

C) The accused must give his statement in front of the government prosecutor.

D) In deciding whether or not to file a case, the government prosecutor can give direction for the gathering of more evidence, as well as conducting further inquiries.

The following are problems currently faced in the implementation of this law during prosecution:

The duration for which the accused can be placed under police custody is the same as the duration within which a case must be filed in court. It is not possible to correct mistakes during prosecution. The investigation ends with the beginning of the prosecution. The above-mentioned problems have not been resolved or addressed properly, as the Supreme Court has refused to review the litigation rights given to government prosecutors. The Court made this decision, despite of requests made by government prosecutors to bring this matter under judicial review.

The proposed Criminal Procedure Code (2010) gives full responsibility for prosecution to the government prosecutor in cases where the government is the complainant:

1) Separate procedures for investigation and prosecution in cases where the government is the complainant: Article 56 of this Code

clarifies that cases shall be filed with the government as the complainant for offences – with exceptions – listed in schedule-1 and schedule-2 of the Code. Police officers will be responsible for investigating offenses in schedule-1 and the appropriate government office or officer will be responsible for investigating offenses listed in schedule-2. But the responsibility for filing the case lies with the government prosecutor.

2) The provision to amend the charge sheet: There is a provision in this Code for making amendments to the charge sheet by making a formal request to the court, with reasons, after the approval of the Attorney General. This provision is applicable and relevant if additional evidence is found before the case is decided.

Once a case is filed, if statements are needed from others that are accused, or if more statements are needed from the accused, the prosecutor can make demands for additional investigation and statements, upon giving clarification.

For offenses listed in schedule-1 of the Code, if the case is not filed because of the lack of evidence, any crucial evidence found later can lead to the re-opening of the investigation and filing of the case.

For cases where more than one person are accused, cases may not always be filed against all individuals. But if the appellate government prosecutor's office finds sufficient reasons to file the case, it may – in coordination with the Attorney General's office – direct the concerned government prosecutor to act accordingly.

3) In the course of the investigation, if it is clear that police custody is unnecessary, the investigation officer, with the agreement of the prosecutor, can release the accused upon accepting security or bail, or in the custody of a responsible custodian on guarantee of attendance, or on parole. The investigation officer can also release the

accused if he cannot obtain the agreement from the government prosecutor, as long as he/she can provide a detailed explanation. This provision can also be implemented for cases where the accused can no longer be lawfully detained even though the investigation has not been completed.

4) If the offense involves theft of less than one thousand rupees, involves first time pick-pocketing, begging, is worth a fine of three thousand rupees or less than one month's imprisonment or both (in the case of a first time offense where it is not deemed practical to file a case), and is not damaging to the overall public good, then the prosecutor with the approval of the Attorney General may choose not to file a case, as per the Criminal Procedure Code. The following are stipulated as further conditions:

A. The prosecutor must make the accused promise not to repeat such offenses in the future.
B. The prosecutor must seize what is stolen or collect the fine and hand it over to the victim, or deposit it into the victim compensation fund.
C. If a case is not filed and the accused commits another offense within three years, the penalty from the last offense can also be added. Additionally, if the victim party cannot be satisfied with such a decision, there is a provision for it to file a case on its own.

5) Provision for preparing a charge sheet with request to reduce the sentence: Under this Code, if the accused assists the investigation officer during the investigation process in any way, his/her legally appropriate sentence can be reduced. A provision has been made for the prosecutor, at the request of the investigation officer, to prepare the charge sheet with the request for a reduced sentence.

6) Provision to not file a case when there is lack of sufficient evidence: This code gives indirect approval to the idea that the government prosecutor can decide to not file a case when there is lack of sufficient evidence.

7) There is a provision for collecting compensation for sentences handed out through prosecution and investigation done in bad faith. The provision for

investigating such complaints is dealt by article 191 of the Criminal Procedure Code (2010).

In the duration of the investigation, the official who decides if the accused needs to be kept in custody can only receive official requests through the government prosecutor's office. This provision mentioned in the Code includes the prosecutor in one additional step on this loop. Another provision in the Code gives continuity to the fact that the accused can only be kept in police custody during the investigation for 25 days. However, of all the offenses listed in schedule-1, the following offenses are likely to warrant police custody for up to 35 additional days if necessary: cases related to attempts on the life of the president, espionage, negative influence on army personnel, war against the state, support to an opposing country's army, explosives, murder, kidnapping, rape, fraudulent medical treatment, fraud, privacy of documents. If the investigation cannot be completed within 25 days, the investigation officer together with the prosecutor can present a report to the official looking after the case, explaining why more time is needed for the investigation.

Drawbacks:

In the current law, there is no provision to help the accused if he/she accepts the charges and decides to assist in the investigation. Consequently, the accused is forced to lie in attempting to escape the punishment. The Criminal Procedure Code attempts to change this. Additionally, the Code attempts to change the existing belief that official legal prosecution is the only way to enforce the rule of law.

The Code divides offenses listed in schedule-1, investigated by the police, and those listed in schedule-2, investigated by government offices and officials. This has created some errors. For example, the offense registration book mentioned in schedule-7 of the Code is only recommended for the police offices. The fact that such registration books are necessary for offenses listed in schedule-2 is completely ignored.

The Code makes provision for releasing a person under police custody on security or bail, or in the custody of a responsible custodian on guarantee of attendance, or on parole. But it is unclear why the same provision has not been made for those who are under investigation but have stayed in police custody for the legally allowed duration. Only a provision for releasing the accused on parole has been made in such cases.

The Code gives continuity to a current provision that requires the investigation officer to take on two-way accountability. He/she is accountable not only to his/her senior officers, but also to the government prosecutor.

Drawbacks:

In the present situation, official prosecution is the only pathway for enforcing the rule of law. In this system, the prosecutor decides whether or not to file a case. For those cases that were filed in the last three fiscal years, the success rate in district level courts has been 70 percent. For cases where the government is the complainant, the success rate has been around 42 percent for appellate courts and around 38 percent for the Supreme Court. These statistics are not satisfactory. In the fiscal year 2066-67, the district prosecutors' offices decided to file 9420 cases and not to file 177 cases. In the fiscal year 2067-68, these offices decided to file 14,142 cases and not to file 484 cases. These statistics reveal that the rate of prosecution is very high but the success rate of cases is really low. The provisions made in this Code can be expected to bring positive changes to the current situation.

This research and recommendation paper prepared by Shree Kiran Poudel for the Nepal Constitution Foundation will be finalised based on the inputs given by various pressure groups: women's, ethnic, Dalit, Madeshi, youth and others.

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The Story Of Cholera

By BUDDHA BASNYAT, MD

Cholera (*Vibrio cholera* is the bacteria) remains a worldwide problem with sporadic cases (as in Nepal) related to contact with fecally contaminated water. Just like typhoid, another common infectious disease in Nepal, cholera is restricted to humans. That is, humans are the only reservoir for this disease. Most cases are reported in Africa or Asia. After the earthquake and breakdown in public health measures, cholera returned to Haiti after more than a century. The Nepali peace-keeping contingent were embarrassingly implicated in the outbreak in Haiti.

made a difference in lowering the death rate in Western countries were people like Joseph Bazalgette, a UK engineer, who in the late 1800s built interceptor sewers along the banks of the Thames that took care of fecally transmitted diseases like cholera. So the credit truly goes to engineers for taking care of many public health related problems even years ago.

But what about the poorer nations around that time? How did they deal with cholera? Unfortunately globally millions of people especially children continued to die even if patients made it to a medical facility because the

sugar as well as salt, effectively a "noon chinipani" as we know it in Nepal. Many people doubted this would work because the victims would have to drink many liters of this solution per day. Amazingly, the patients drank this vast quantity of fluids, and got away without intravenous fluids. Indeed this turned out to be an important breakthrough. The story gets even more interesting.

Three years later in 1971 Dr Dilip Mahalanabis was the medical director in a West Bengal camp of three hundred and fifty thousand refugees from Bangladesh's war of independence when cholera broke out. There were not enough intravenous supplies, so Dilip had no choice but to try the "noon chinipani" Dhaka solution. The results from the oral rehydration were startling, only about 3% died from the usual 70% without treatment. The take home message: If cholera victims are alert, able to drink "noon chinipani" in vast quantities, they can save their own lives. ■

But what about the poorer nations around that time? How did they deal with cholera? Unfortunately globally millions of people especially children continued to die even if patients made it to a medical facility because the intravenous tubing, volumes of sterile fluid, and needles were unavailable or expensive.

The watery diarrhea of cholera called "rice water" ("chaulani") refers to the appearance of water after soaking rice. Because we are voracious rice eaters, most Nepalis will have no problem in recognizing "chaulani". The main reason people die from cholera is volume depletion brought on by the vibrio toxin which triggers a rapid outpouring of fluid into the intestine from the cells lining the gut. Because our bodies are 60% water, cholera diarrhea feels like a sponge being wrung out. Drinking water to replace the loss won't do it because the **intestine won't absorb the water**. As a result the death rate can be 70%.

During the nineteenth century, cholera pandemics killed millions across Asia, Europe, Africa, and North America. Blue Death was the name given to cholera then because of the blue grey colour imparted to the skin due to extreme dehydration. Then, in early 1900s, intravenous fluids administration helped to bring the mortality down to 30%. But who really

intravenous tubing, volumes of sterile fluid, and needles were unavailable or expensive. Engineers like Bazalgette had not started to make an impact in the developing world.

Then in the 1960s two resourceful American researchers based in Dhaka, Bangladesh revolutionized the treatment of cholera. David Nalin and Richard Cash were in Dhaka during a cholera outbreak. At this time other scientists had discovered that sugar helps the gut absorb water. Nalin and Cash decided to test this hypothesis giving patients an oral rehydration solution containing

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- सूचनाको हक भनेको सरकारी तथा अर्ब सरकारी संस्था, सरकार वा विदेशी दातृ संस्थाबाट रकम प्राप्त गरी संचालित गैर सरकारी संस्था, राजनीतिक दल तथा सङ्गठन र नेपाल सरकारले लोके बमोजिम सार्वजनिक निकायमा रहेको सार्वजनिक महत्व र आफूसँग सम्बन्धित सूचना मान्ने र पाउने सम्पूर्ण नेपाली नागरिकको अधिकार हो ।
- लोकतन्त्रको आधार नै सूचनाको अधिकार हो ।

यो पनि याद राख्नुहोस्

- सरकारी कर्मचारीहरूको तलब र सरकारी कार्यालयको खर्च तपाईंले तिरेको करबाट चल्छ ।
- आफूले तिरेको कर के काममा कहाँ र कसरी खर्च हुन्छ भनी जान्ने (सूचना प्राप्त गर्ने) लगायत सूचनाको हक सविधान प्रदत्त नेपाली नागरिकको मौलिक अधिकार हो ।
- सूचना माग गर्ने निवेदनमा कुनै पनि दस्तुर लाग्दैन ।
- सूचना प्राप्त गर्दा पनि १० पेज सम्मको सूचना निःशुल्क पाइन्छ ।
- तपाईंले कुनै सार्वजनिक निर्माण कार्यको लिखत, फाईल हेर्न र निर्माण कार्यको निरीक्षण गर्न सक्नु हुनेछ ।
- सार्वजनिक महत्वको कुनै काम, कागजपत्र, अभिलेख हेर्न/जाँच गर्न सक्नु हुनेछ ।
- कागजपत्र वा रेकर्डको टिपोट, प्रमाणित प्रतिलिपि, मुद्रित डिस्क्रेट, पेन ड्राइभ, टेप, भिडियो, क्यासेट वा कुनै पनि इलेक्ट्रोनिक वा मुद्रण रूपमा सूचना प्राप्त गर्न सक्नु हुनेछ ।
- अतः सार्वजनिक महत्वका विषयहरूमा सूचना लिने दिने बानी बसाली र खुल्ला सूचना संस्कृतिको विकास गरौं ।



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