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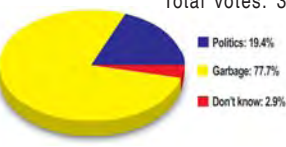
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**Times** nepalnews.com

Weekly Internet Poll # 436

Q. What comes first, politics or garbage?

Total votes: 3,450



■ Politics: 19.4%  
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Weekly Internet Poll # 437. To vote go to: [www.nepaltimes.com](http://www.nepaltimes.com)

Q. How would you describe PM Dahal's address to the nation?

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KIRAN PANDAY

## Wait and watch

### India wants to stay the course in Nepal policy

PRASHANT JHA  
in NEW DELHI

India is getting increasingly concerned about the slide in Nepal, but doesn't think it warrants a policy shift just yet.

Indian officials admit that they are unhappy with the Maoists: "They have not delivered on their promises," one official told us, "their commitment to democracy seems doubtful. They are warming up to China. Not good signs."

But sources insist India continues to support the peace and constitution writing process and will not destabilise the present arrangement. "It will be good if non-Maoist actors add pressure on the Maoists. But we

will not back any effort to topple the government right now," one senior official told *Nepali Times*.

Delhi's cautious approach is probably because any policy rethink will require a top level decision and politicians are in election mode. Neither the political leadership nor the senior bureaucratic establishment has time for Nepal. Prime Minister Manmohan Singh is in hospital, the MEA is busy with Pakistan and keeping Richard Holbrooke's hands off Kashmir. The endgame in Sri Lanka is the other key regional issue.

"Nepal is not on the radar, do not expect any move till after our elections unless something drastic happens," a former diplomat said.

Add to it the sense that domestic politics in Nepal has not played its course yet. "If we jump in, the Maoists will say they did not get a fair chance and blame us. Let them get more discredited and see how other parties respond," said a security official.

PM Special Envoy Shyam Saran, who no longer handles Nepal, says India's classic dilemma in Nepal is to figure out when to get involved and when to withdraw. "The same people tell us come and help, and then they say give us space," Saran told us, "we have intervened earlier. But the present mood is to step back."

India's options are limited, it feels the NC can't mount a

credible challenge, the UML is too unreliable and the Madhesi parties are too fragmented. A major policy shift would also be an admission of failure of India's own policy. This week, Minister Pranab Mukherjee boasted to *Al Jazeera* how India had "persuaded the Maoists to give up violence and participate in the mainstream national political activities".

Even so, sections of the Indian establishment are telling the Maoists to behave, NC to clean up its mess, the army to resist the Maoists and are encouraging the anti-Maoist faction in the UML. What all this will add up to may be clear in a few months. Till then, India will wait and watch. ●

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## GUERRILLAS IN OUR MIDST

It's difficult to find fault with the contention of Defence Minister Ram Bahadur Thapa that the army should be under civilian command. However, confusion arises because the newly-renamed United Maoist party that leads the government has yet to dissolve its own army.

The party has a band of former guerrillas that it uses to strong-arm opponents and inserting the adjective "democratic" does nothing to soften its modus operandi. A complete dissolution of the YCL is the only way the Maoists can prove their non-totalitarian credentials.

And then the treasury still pays for the upkeep of another bunch of ex-guerrillas in the camps who do callisthenics, play football and study Marx, Lenin, Stalin and Mao to exercise their brains. Nepal can hardly afford one army, paying for two is not viable. A solution has to be found to accommodate and rehabilitate these youngsters. But the Maoists' indoctrination has been so effective that the party is finding it difficult to de-indoctrinate them. Some of them have begun to develop deep grudges against their own leadership.

Minister Thapa may, from time to time, need to show the Chief of Army Staff who is boss. But his real worry is that the present situation is becoming untenable for his own party. This issue can't be brushed under the carpet or sensationalised by public spats between leaders of coalition partners in the government.

One way to break the deadlock could be for the prime minister to ask his coalition partners-particularly UML and MJF-to suggest time-bound alternatives to rehabilitating former guerrillas. That can then become a basis for further negotiations. The Maoists' insistence that all their combatants should be inducted into the army and UML saying that they should actually be behind bars are both inflammatory. But before taking up the issue of combatants' future with opposition parties in the constituent assembly, coalition partners must sort it out among themselves. The future of the peace process depends on it.

Regardless of whether one likes the ex-guerrillas or hates their past, the fact is that their satisfactory integration into the mainstream is a vital element of the Comprehensive Peace Agreement. Leaders must learn to take this issue seriously as the countdown of yet another extension of UNMIN's monitoring role in the camps begins.

# "Army integration

**Nepali Times:** What is your overall assessment of the way the peace process has gone?

**Ian Martin:** When I came to Nepal in May 2005, with the armed conflict going into its tenth year, no one had predicted that within a year it would have ended and within three years an inclusive Constituent Assembly would have been elected and a republic implemented peacefully. That is an extraordinary achievement, by any standards. But it remains important not to underestimate the challenges still ahead, of determining the future of the armies and reaching sufficient consensus on an inclusive federal constitution.

**Just in terms of the fragility, how does the situation of Nepal compare to your other tours of duty like, let's say, East Timor?**

I don't find comparisons between radically different situations very helpful. East Timor is a small country only recently emerging from successive foreign occupations. Nepal was never colonised but has extremely complex internal dynamics, which carry the risk of new conflicts if they are not successfully addressed.

**In what ways is the UN mission in Nepal unique?**

UNMIN's work in supporting the Election Commission was not so different from that of other UN missions, but the 'monitoring of arms and armies' with a small number of unarmed arms monitors, rather than thousands of armed peacekeepers, has been very unusual for the UN. I think it is a model which could be followed elsewhere, at a time when peacekeeping seems to be reaching an upper limit.

**How frustrating has it been to see the process being delayed time and again, or do you see that as a given?**

I don't see this as a process that has moved

At the end of his three-year assignment in Nepal as the Special Representative of the Secretary General of the United Nations, Ian Martin speaks to *Nepali Times* about UNMIN's future role and remaining challenges to the peace process, including army integration.

slowly—in terms of international comparisons, it has moved quite rapidly. But the parties often set themselves unrealistic deadlines, which they then failed to meet. That said, I do think that a weakness of the process has been the absence of a multi-party mechanism for implementation of commitments. The JMCC (Joint Monitoring Coordination Committee) convened by UNMIN has been the only body meeting regularly and its mandate is limited to military issues.

**What are the potential pitfalls you foresee in the constitution-making process?**

Despite the consensus that the new constitution will be a federal one, there are very different views as to what this should mean in the context of Nepal, and a danger that mutually contradictory demands will be advanced without the flexibility and willingness to compromise that will be needed for agreement.

**What would be the way to find that spirit of compromise among pressure groups on the various models of ethnic and regional federalism without the issue spilling out into the streets?**

I wish I had a good answer to that. It is part of a larger problem, which is a culture of pursuing objectives through disruption and threats of violence not as a last resort but all too often as a first resort. Nepal can't afford this, now that it has chosen the

# Red takes on black

The Maoists learn that getting citizens to pay income tax isn't the same as extorting money from them

Among various sugar-coated promises Prime Minister Pushpa Kamal Dahal made in his Panchayat-style state of the nation address this week was a resolve not to accept "unnecessary foreign loans".

A few days later, Rameswor Prasad Khanal, a secretary at the Ministry of Finance, said that 40 per cent of the total national economy was "black". The Maoist-led government will have to learn that getting citizens to pay income tax isn't the same as extorting money from them. The



**STATE OF THE STATE**  
**C K Lal**

response to the government's Voluntary Income Disclosure Scheme (VIDS) has been spectacularly lukewarm despite dire threats.

Taxmen are doing the rounds, trying to cajole regular taxpayers to save the scheme by paying token sums into the kitty. Most laughed it off. The government had planned to increase revenue by raising the capital gains tax from 10 to 15 per cent. It bombed badly: collection actually plunged by almost 21 per cent, mainly due to the tumble in the

NEPSE Index.

Overall revenue is still stable, but unless it improves, how will the government make do without foreign aid and loans? The repercussions of a steep fall in aggregate tax collections now stare us in the face due to the impact of the global recession on remittances.

It's easy to understand the anxiety of Finance Minister Baburam Bhattarai. Donors are liberal with promises but stringent about disbursal, and he has to find the cash to for his ambitious projects. The mid-hill East-West Highway, the Kathmandu-Tarai Fast Track Highway and railway can't be built by the YCDL.

Secretary Khanal knows more about how much black money there is floating around, but even that may be on the lower side. In the crony capitalism and vulture culture of commerce that Nepal has inherited from Rana-Shah years, nobody considers

paying taxes an essential value of citizenship.

Perfectly respectable people are heard asking: why should we pay taxes, what has this government done for us? Taxes aren't fees to be paid for services provided by the state but tributes to the treasury of the country that guarantees everything its citizens have. Ability to pay is the criteria of being a taxpayer, not benefits received from the state.



Tax evasion is an impediment to development. But somehow, dodging taxes is considered a lesser crime than bribery or embezzlement. That could be because there are highly paid professionals whose main job is to invent ways of escaping the tax net. Bhattarai will have to find ways to flush out chronic tax evaders first and then bring new taxpayers into the system.

Civil society too needs to help create public opinion in favour of better taxation. As it stands, highly respected professionals find it easier to pay ransom, contribute to YCDL extortion and bribe revenue officials than to file an income tax return. Part of the reason is ignorance. There is widespread perception that only businesses are required to pay taxes and noble professions—accountancy, consultancy, education, law or medicine for example—are somehow above the laws made for merchants.

Another cause is the

provision that makes for tax deduction at source—it lets off big renters rather lightly. Let's say someone earns Rs 300,000 a year from house rent, another Rs 600,000 from an INGO as salary and Rs 600,000 from his car rented out to a donor-funded project. He may be bringing in some more by way of interests from his fix deposits in various banks. Everywhere, taxes are deducted at source and the person probably feels squeaky-clean. In aggregate, he has paid only half of what should have been paid in the form of income tax.

Another anomaly to address concerns with the very fundamentals of free-market fundamentalism where fraudsters go farthest in real life. But that's a bridge that will have to be crossed once basics of tax collection are in place. Economist Gunnidhi Sharma, the new Vice Chairman of the National Planning Commission, has his work cut out from him: improve the system of taxation before planning anything else. ●



# won't be easy"



MIN RATNA BAJRACHARYA

democratic path: there is a legitimate elected body subject to the pressures of an active civil society, and that is where issues should be argued out and compromises struck. Yet even there parties block the rostrum and impede its proceedings. Peaceful protest is a fundamental right, but bandhs depend on the threat of violence and infringe the human rights of others. Trade unions have the right to strike, but even that right should be exercised after industrial relations machinery has been exhausted and they do not have the right to use force or threaten violence. Armed groups in the Tarai assume they can go on killing people up to the day when they enter into negotiations, and then expect all charges against the killers to be dropped. I hope that Nepal can build a genuinely democratic and peaceful culture, but it has a long way to go, and democratic forces should demonstrate a lead by ensuring that they and their supporters act only democratically and peacefully.

**Do you see a way out of the impasse over army integration before UNMIN's extended mandate expires in July?**  
I don't know how quick progress towards key decisions will be now that the Army Integration Special Committee is beginning its work. I don't think it will be easy, but at least it is beginning, after months of fruitless public exchanges, when what has been needed has been to get the process agreed by the parties under way.

**How difficult has it been for UNMIN to maintain its neutrality between the two former fighting sides?**  
UNMIN's role has been defined by agreements negotiated between the parties and this gives a clear basis for our impartiality. There is a problem of perception of neutrality when commentators misunderstand that mandate, and the problem has grown as cooperation among the political parties has eroded and some seek to involve UNMIN in partisan debates.

**Is it then the choice between status quo and change that makes UNMIN vulnerable to accusation that it leans a little more on the side of the Maoists?**  
As I said, UNMIN's role is grounded in the agreements and these involve commitments to change, including change on the part of the Maoists to full commitment to democratic norms and values.

**Some say the UN needs Nepal as a 'success story' more than Nepal needs the UN to oversee the peace process.**  
If Nepal doesn't need the UN, don't ask UNMIN to stay! That kind of cynicism really misunderstands the way the UN works. The UN is faced with overwhelming demands for peace operations, and Nepal is not high on the international agenda, so from the outset those of us who thought it important that the UN should respond to Nepal's request have had to argue the case—sometimes in the face of concern that the UN's involvement was high-risk, and certainly not a guaranteed success.

**Your critics also say that your leaving UNMIN may actually make it easier to get the Maoists and the army to agree on issues like integration.**  
If the issues of integration are rapidly resolved after my departure, no one will be happier than I.

## LETTERS

**TOTAL CONTROL**  
Everyone knows that the NC has been wolfing down ultra leftists who don't commune to their ideas of nationalism and patriotism. This left an ideological vacuum, which was filled by an ultra-leftist force inclined to fascist nature. Ironically, Narayan Khadka ('Total control,' #335) never asks for intra-party democracy. There are always those in Nepal who are trying to define freedom of speech according to what suits them. In the west, students of political science would enjoy reading Khadka but in Nepal, where people suffer moral and political oppressions and extreme poverty, his opinions regarding communists make no sense, except for few anti-communists and neo-liberals with rightist tendencies.  
Nepali Times may be proud of him but for the masses it's

hard to digest that instead of building confidence amongst all, one could prefer the politics of fear and reactionaries. Lastly, the educated and sensitive international community should not align with outfits whose commitments and efforts to social justice and equity have proven to be inefficient. The Maoists may not be prepared to govern and their base appears to be extremely violent but the NC and the UML were failures. This is the truth that all Nepalis know.  
Nirmal Ghimire, email

- You can disagree about what Khadka wrote about Mao, Lenin, and Marx but his analysis of Maoist policies are spot on. Unfortunately, the Maoists are not hiding their intentions either. Their aim is total control of the Nepali media. These media attacks are attacks on democracy. Newspapers that supported the Maoists cause are

the ones who are getting this latest whipping. It is unfortunate that they refused to listen to their well wishers who warned them of these consequences. Khadka is right about the Scandinavian countries still supporting the Maoists. One can only hope that they will wake up and see the true totalitarian intentions of the Maoists.  
Kamal Kishor, email  
FOUL CRY

- There is no point in human rights activist Krishna Pahadi crying foul now ('My heart breaks to see the country's state,' #435). When we were saying that the Maoists can't be trusted, people like him branded us royalists. They derived a lot of benefit from the international community for appearing to be ultra-liberal and promoting the Maoist agenda. I blame people like Pahadi for the state our country is in today.  
Bhuwan Sharma, email

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# The view from India

NEW DELHI—There has always been a difference between stated and unstated positions in diplomacy. This is particularly true when reporting on the labyrinth that is the Indian establishment and its Nepal approach.

The official stand is that Delhi respects Nepal's rights to build relations with other countries, including China, and it is only natural to do so. In fact, on Saturday evening, Shyam Saran told a select gathering that Nepal is located in a unique position with two booming economies both north and south and it must exploit this advantage.

The very next day, senior officials told us they do not like the growing Chinese role. "It is all adding up, high level visits, military

ties, backing the PLA, business interests, developing a dry port," said one.

A few emphasise the booming Sino-India trade ties

with Beijing and see it as an opportunity. Most others focus on the conflictual nature of the relationship, highlighting the security aspect and China's 'encirclement' of South Asia.

Or it could be a result of mistrust for Maoists. Apart from Baburam Bhattarai, no other Maoist has a real sense of how Nepal can accrue economic advantages by advancing ties with both countries. All other leaders see China's role as increasing their political leverage vis-a-vis India. It is then natural there will be a backlash from the security wallahs here, who also hint at a possible Maoist involvement in fueling unrest in Darjeeling and propping up Maoists in Bhutan.

## Delhi is wary, but the solutions to our crises must be found domestically

On the bilateral front, the stated position is that joint mechanisms have been revived post September and there is progress. But the mood of frustration is clearly apparent.

"Prachanda comes and talks about 10,000MW, Pancheshwor, Saptakosi and Sunkosi projects. As soon as we broach it with the Nepali bureaucrats, they say they do not have the mandate to move ahead on these issues. Why doesn't the PM deliver on what he says?" questions a diplomat.

The Indians have mixed feelings about the peace process. It is their baby and they want it to succeed, a position they have reiterated often. But they do not want it to become an excuse for the Maoists to push their agenda and expand control over what they see as the only possible institution that can provide resistance: the Nepal Army.

What this translates into is a nod for integration, but preferably in other security organs, at only low levels in the army, scattered across regions and battalions, without any space in the command structure. This may not be acceptable to the Maoists.

But Indian officials feel the Maoists are isolated on this issue. "There is no political support from other quarters. And while it appeals to their cadre, the issue does not have a widespread public resonance. So they cannot play the victim card either," one official said, adding that Maoist insistence on this raises doubts about their gameplan.

"If they want to be a normal party, why would they want to shove soldiers in the army? Shouldn't they want to use them in normal politics?"

The undercurrent in all these issues is growing doubts about Maoist intentions. The former rebels are seen to be backtracking on democratic commitments ("There is no progress on property return or YCL dismantling. They want maximum control."), fueling anti-Indian nationalism ("They are playing the same old game.") offending security sensitivities, and not delivering on economic promises.

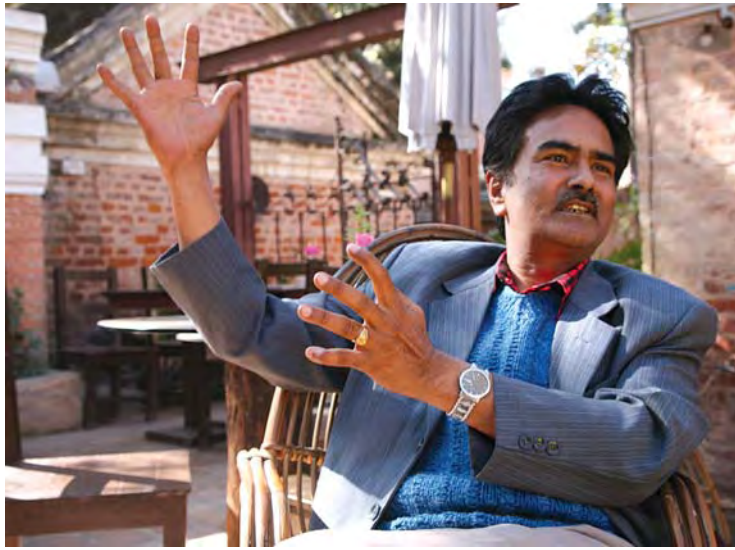
This also has something to do with the fact that Delhi's heart is still with the Nepali Congress. There is uncanny similarity between what one hears from NC leaders worried about Maoist "totalitarian ambitions" and the position of Indian officials. When NC-Maoist ties approach freezing in a few months India-Maoist ties catch a chill. This may be why the Maoists have been making an effort to reach out to the NC.

But everyone here recognises that NC is a sinking ship, and are frustrated with Girija Koirala for neither doing enough to revive the party nor giving others a chance. Add to this the key policy lesson Indians learnt from the elections: if you strengthen the Madhesi parties, the NC will get weaker. Then you are left only with Maoists if you want a centre that can hold.

The root of all our crises, and possible solutions, however will have to be found domestically. Despite all the concerns, India still wants this process to succeed. It is up to Nepal's political class to make the most of that. ●



**PLAIN SPEAKING**  
Prashant Jha



MIN RATNA BAJRACHARYA

## "Thimphu will not get away with expulsion"

**Nepali Times: What are your feelings as you depart?**

**Ratan Gazmere:** I spent 17 out of my 51 years here. These were the prime years of my life. My family and I have friends here, we will miss Nepal.

**Why have you now decided to leave for Australia?**

Whatever we tried to do from Nepal for two long decades was not enough. Our fight for our right to return to Bhutan was not effective, so it is better to continue the battle from elsewhere. Australia has a record of concern for human rights, the environment will be more conducive to our struggle. Whatever we did here in Nepal was the best we could do.

**What were your problems in Nepal?**

We are grateful for the refuge provided to us, but the government here never got a handle on the Bhutan refugee issue. Kathmandu could never confront Thimphu, its biggest blunder being the acceptance of the four categories through which Bhutan sought to divide the refugees in the joint verification exercise. The relentless political instability here really affected our fight. In the first few years, the Lhotshampa issue at least provided an emotional tug. But after the start of the Maoist conflict, we disappeared from the radar screen.

**What should Nepal have done?**

The attempt at a bilateral engagement was a mistake, and this was done at Thimphu's behest. Nepal could not have succeeded in repatriating the refugees on its own, with India steadfastly behind Thimphu. Accepting the failure of its policy thus far, Nepal must now seek to become part of an internationalised effort for Bhutanese refugee repatriation. I find the Maoist-led government even less interested in our issue than previous ones.

**How will Maoist activism affect the fight for democracy?**

We cannot compare Nepal and Bhutan, and we must prevent the import of Maoism into Bhutan. The fight for change must be carried out from within Bhutan. The rise of Maoist activism among the Lhotshampa refugees would be very dangerous. Among other things, it would push New Delhi even closer towards Thimphu.

**What would be Thimphu's own responsibility for what will happen?**

Continuing to disregard the frustrations of the citizens of Bhutan will lead to an explosive situation, and there will be movements inside and outside. Thimphu has been cruel towards the refugees, whom it still refuses to term 'Bhutanese'. It continues to do so even though the trial verification at the Khundunabari camp, carried out according to the Bhutanese government's own requirements, proved that far more than 80 percent were Bhutanese citizens.

**What were your last experiences in Bhutan?**

When I saw the horrors of the Driglam Namza son-of-the-soil policy as it was imposed on the citizens of the south, I became active in the underground in the late 1980s. I helped prepare the main proclamation, 'Bhutan: We want justice'. I was taken in on 8 October 1989, kept incommunicado for two years, in handcuffs and shackles. But this was nothing compared to what some of the other prisoners suffered, including Tek Nath Rizal.

**In the years that followed, were there weaknesses in the refugee leadership?**

The biggest weakness of all was the misconception that democratic change can be implemented from outside our country. The political parties, like BPP and BNDP, insisted on no return without democracy, while some of us felt that we must seek a return regardless, to fight for human rights, citizenship, return of property and a repeal of Driglam Namza policies.

**There was resistance to resettlement among the refugee leadership, wasn't there?**

This is because the political leaders were committed to repatriation and because some felt resettlement in Western countries would weaken the cause. But later they understood the humanitarian urgency of allowing people to leave the camps, and some also came to feel that the fight for repatriation would actually be strengthened. Most of the political leaders—leaders of the BPP, the DNC, and associated organisations such as HUOB—are not going to resettle. They are going to stay back in Nepal, and the pressure from here will remain on Thimphu.

**Will refugee activism weaken after resettlement?**

Bhutanese refugee activist leader and one-time Amnesty International Prisoner of Conscience, Ratan Gazmere, leaves on Monday for Adelaide as part of the Lhotshampa resettlement program initiated by five Western countries. He spoke to *Nepali Times* before departure after 17 years of exile.

Resettlement will be a strength and not a weakness. It does not take away our right to repatriation. Overseas, we refugees will be even more organised than here in Nepal, and we will prevail upon Thimphu. Of that I am sure. We have not left behind our property in Bhutan as a gift to the elites of Thimphu. We will return and claim it. Thimphu will not get away with their expulsion.

**What is the situation of Lhotshampa and other minorities within Bhutan?**

The situation is bad. Already, the Lhotshampa in southern Bhutan are facing so much pressure and so little protection. There is still a need for security clearance for every activity, and the settlement of northern Bhutanese on the lands of those evicted from the South is making the situation tense. Kuensel has ominously referred to 80,000 stateless among the southern population. All indications are that there will be further harm done in the near future. It will be like slow poison, and no one will know when the Lhotshampa exit to Bengal and Assam. If this second, silent exodus does take place, Bhutan will have succeeded in creating a monochromatic state.

**How does the refugee resettlement programme affect the Lhotshampa who remain within Bhutan?**

It may in fact have dangerous repercussions within Bhutan, as the regime seems bent on using resettlement as a means of further repression, to push people out. The governments offering resettlement must be mindful that with a reduced UNHCR presence and a closure of the refugee camps, a second exodus will be silent and unremarked. That is what Bhutan wants, so we must all be vigilant. The international community is morally bound to monitor conditions in southern Bhutan.

**How do you evaluate the resettlement programme thus far?**

While we are grateful to the governments that have reached out to us, there is a serious lack of transparency in IOM, which is the contractor engaged by UNHCR. The poor, confused refugees are being treated as if they were commodities. They are harassed and provided with inadequate information; their sense of dignity is affected.

*Interview by Himali Dixit*





MIN RATNA BAJRACHARYA

## Flying high

**W**hen the national airline of UAE, Etihad, launched its Kathmandu-Abu Dhabi service a year ago, its seats tended to be filled with migrant labourers.

But with the Middle East being a major business destination as well as a transit hub for those travelling to Europe, Africa and the US the mix has gradually changed, bringing steady business for the carrier, which flies the route four times a week.

"When we started out, our customer base was more inclined to labourers," says Kumar De Silva, Etihad Airways' country manager for Nepal, "but now I would say that we have a good mix of business travellers as well."

Joost den Hartog, Etihad's regional general manager for Asia Pacific North and Indian Subcontinent, says that the economic ties between UAE and Nepal was the major reason for bringing Etihad here. "It has been an excellent year," says Hartog, "and as our network expands I see huge potential for growth."

## Etihad completes its first year of operation in Nepal

De Silva too is positive about Etihad's future in Nepal. "The seat factor has been 70-80 per cent," says De Silva, "The officials at the airport, the agencies and the tourism board have been very supportive." Etihad has been pushing for 24-hour opening of the international airport as well as improved lounge facilities and better services in general.

Etihad's growth has bucked the trend in a time of global economic downturn, serving more than six million passengers in 2008 alone—a 34 per cent increase from the year before. "We try to bring in the best practices from all fields into our services," says Hartog, "that is what gives us our competitive advantage." But as airlines slash their ticket prices to new lows, it might be difficult for the company to maintain its pace.

In just five years of operating Etihad has become one of the fastest growing airlines, increasing its fleet from six to 42 aircrafts. It currently flies to 50 destinations and will add Melbourne and Belarus this year.

Hartog says: "Our aim is not to be the biggest but the best airline in the world." ●

Paavan Mathema

# Taxation blues

**A** voluntary tax scheme is one that is very difficult to implement for the government for the simple reason that people resist paying their taxes as much as possible even when they accept the government's need to extract as much as possible to pay for



**ECONOMIC SENSE**  
**Artha Beed**

public services. If a tax was something that people wanted to pay, then the tax havens of the world would not have flourished.

Historically taxation systems in Nepal are seen as feudal rulers trying to squeeze the last penny from citizens. Therefore, resistance has been always a way of responding to any tax proposals the government comes up with. Till the early nineties, the taxation policy was similar to that of India and it involved highly taxing those trying to make an honest living. On the contrary, governments in the UAE and Dubai reduced taxes close to nothing—thereby encouraging trade, commerce and industry.

Nepal's tax collection figures have been weird from inception. There is no co-relation between

the value of assets and the taxes collected. The total income tax in 2007/08 of around Rs 15 billion equals the value of 2 hectares of prime land around Darbar Marg, considering land there costs Rs 20 million for about 100 square metres. Further, going by the last top tax payers records released for 2006/07, the top ten corporate houses including Nepal Telecom contributed more than one third of the total taxes collected. The government never seems to figure out where is the catch.

The tax collection machinery has never been viewed as something that really made money for the state or to invest in public

revenues for the government. The Indian experience of self regulation for most of the tax processes—which means practically no interface with humans when dealing with tax issues - has created an unprecedented increase in tax collection. What Nepal also requires is not an occasional knee jerk reaction like VDIS or having party cadres checking income reforms in the collection process.

For the business community also, there is lot more to do than to come up with impetuous protests. It needs to get together and demand a tax system that works. Like this Beed had

## The long path of resistance

services. At the beginning it was created to make money for the ruling classes or families and later on for the political class. The Nepali saying always went that '*kar ma basyo bhane ghar banincha ra bhansar ma basyo bhane sansar banincha*' meaning that a job in the tax department gives you a house and working in customs gives you access to the world.

Experiences all over the world have shown that liberal tax policies bring about better

suggested in an earlier column, perhaps, the large tax payers need to group together and really push for reforms not only of the tax laws but the entire gamut of reforms to encourage investment. The government must also treat people who actually pay them to run the country with respect and bring out real tangible schemes that encourage people to come out and pay taxes. ●


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# A question

Yashoda Timilsina in Nepal, 29 January

नेपाल

I reached Janakpur the day after Uma Singh was murdered. Her body was kept inside the premises of the district development committee. Media workers from there gathered alongside locals. Huddled in a corner were women journalists who were working in Dhanusa. Monica Jha, a media employee, had tears in her eyes. She had been a close friend of Uma's and she too had been dealing with frequent death threats.

Everyone looked scared, but the women journalists seemed, unsurprisingly, the most shaken, thinking about how they would

continue their careers in the media. Most of their families wanted them to leave their jobs. Their sense of loss was deepened by the fact that Uma had been such a campaigning, courageous reporter.

A local of Dhanusa, an active journalist and the chairman of the Journalists Umbrella Organization, Dharmendra Jha was doing his best to lift the spirits of the local journalists. Asking them not to be too affected by her murder, he said, "We will make the

government hunt down the murderers of Uma. We must continue our work without fear."

I had met Uma at a discussion program about violence against women in Lahan. At that time, Uma had warned a friend and me to stay safe as people were attacked there for no reason other than for being in the public realm. It makes me wonder: was Uma's murder purely an attention seeking play?



# Addressing the address

In his address, Prime Minister Dahal admitted the administration's weaknesses and pledged new commitments. But the fact remains that the present alliance is mired in many internal problems. New commitments that address these problems and also incorporate the meaningful objectives of the previous 12-point agreement will take the country in a positive direction. But the main goal should be to write the constitution in the stipulated time. Just as Dahal has said, if the economic, political, social and other reasons that caused the Maoists' revolution continue to exist, there is no saying that another revolt will not begin. If the Maoists fail to run the state then they themselves will become the reason for another movement. And this time they will be at the receiving end.

- Kantipur, 25 January

It is positive that the prime minister understands the situation but what's more important is the implementation of what he has promised. In the past leaders announced policies and seemingly showed insight and understanding. Then failed to implement the policies. This trend should not be continued. Playing politics from every angle has to be stopped. Everyone should move ahead with a single purpose. We need commitment to implementation.

- Nepal Samacharpatra, 26 January

PM Prachanda has warned that if the imperialists, expansionists and status quo forces do not let the writing of the constitution begin and conspire to overthrow the Maoists, who are working to write the constitution, the people will not keep quiet. They will use their freedom to revolt and take power in their own hands. But status quo forces have been quick to twist this and accuse him of a totalitarian statement. This is nothing but childish behaviour on their behalf. People have the supreme power and are well capable of revolting if they feel that their rights are not secured. If they had not risen, would we now be able to dream of a new Nepal?

- Janaadesh, 26 January

The Maoists had tempted the people with big hopes and dreams but now we question their ability to run the country. The people are disillusioned with deteriorating security and the troubled business and industrial sector. The people feel let down, thanks to the conflict between leading political parties and the blame game within them. The address's objective may have been to restore the people's confidence but the effect has been opposite. Now they know the government is in trouble.

- Rajdhani, 26 January

The Nepali people had a lot of expectations for the Maoists. But since gaining power, the Maoists have done nothing substantial. Murders, kidnappings, blockades and threats — all their old ways — remain unchanged. The initial enthusiasm with which people cast their votes is almost dead. The Maoists had an important role to play in ending the Monarchy and forming a republic. But they have forgotten the UML and NC played a role in bringing them into mainstream politics. If the Maoists continue ruling with violence, underpinned by their youth cadre, it's not just their party but the notion of a democratic republic that will be in trouble.

- Drishti, 27 January

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If what the prime minister has promised in his speech is fulfilled, history will judge this as a positive turning point. Prime Minister Dahal is now facing a difficult political situation. The NC is in opposition and there is an environment of distrust within the coalition partners. The situation in the Tarai is showing no improvement. Even the MJF has announced that it will join the struggle in the Tarai. It is unfortunate that the very people who are in the government are pointing out the loopholes in the PM's address. If Dahal is not able to improve relations with the other parties the objective of this address will not be achieved.

- Annapurna Post, 26 January

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# Going Up

As horizontal space becomes a premium, housing goes vertical

Kathmandu's traditional silhouette of ramshackle brick buildings is changing so fast, people returning after a few years abroad can't recognise parts of the capital. As land values soar and space becomes a premium, Kathmandu's housing companies are going vertical with apartment and office blocks over ten stories high. There was a time when people preferred standalone villas or townhouses, but the ease of apartment-living seems to have caught everyone's imagination. High rise condos are suddenly the rage.



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“With the growing trend of nuclear families where both spouses work and most need to travel, an apartment may be easier to lock up and leave for long periods of time,” explains Hitesh Golchha, executive director of Mercury Housing, which is building Sterling Patan in Sanepa.

There has been a profound cultural and demographic shift. With urbanisation, there is also a tremendous demand on residential quarters. As new migrants rent rooms in the city core, inner city residents are moving out to apartments in the outskirts.

Adding to this trend is that apartments are hassle-free: no need to worry about buying bricks, cement, steel rods, water

connections, phone lines and security. So, the added cost of buying an apartment is not just worth it, but it is also seen to be a great investment.

“The high rises maximise the utilities of scarce fixed resources and make them an important part of our available housing choices,” says Kamlesh Jain, director of Parkview Horizon that has luxury apartments and penthouses in Dhapasi Height.

Udaya Shrestha, vice president of Sunrise Apartments says flats are more compact, take up less urban space and conserve green space. “They can use municipal infrastructure more efficiently. They have less impact on infrastructure and public amenities are easily accessible,” he says. Sunrise has already sold

## STANDING TALL - STERLING PATAN BY MERCURY APARTMENTS.

With a view that the housing industry requires a strong backup of a trusted organization to ensure the safety, security and meet the anticipated lifestyle of thousands of aspiring home makers, Golchha Organisation has strategically decided to stride into the property development arena through Mercury Apartments Pvt. Ltd. and its first project ‘Sterling’ Patan.

‘Sterling’ is one of the most acclaimed luxury residential apartments in Nepal, where a new trend in Super Luxury lifestyle in Apartment Living will be set.

Sterling is a part of a city with vibrant character and rich history that traces back to a prosperous Malla regime, and now amongst the most desired places to live in Nepal. The city is an incomparable blend of rich cultural life and access to modern living and lifestyle. The number of business houses, apartment buildings, international organizations and elements of city and social life justifies the growing desire of those who want to live in Patan.



Sterling has been designed by Delhi-based designer, Sushil Sharma, whose team includes multinational architects and designers, and has over 1500 innovative designs under his belt. His projects are personalised to meet the needs of his audience and are thereby highly praised

by those living in his designer apartments. Each floor at Sterling has been carefully planned and supervised by master engineer V. Gopalan whose understanding and knowledge of high-rise building projects has won the hearts of thousands of people looking out for the home of their dreams.

“Define Living”, holds true for Sterling, where you would be introduced to an enchanting lifestyle in the most serene, mystical and peaceful residential area within the City, Patan.

Safety features like earthquake resistance certified structure, electronic access control for higher level security, fast lifts (Two - 13 persons elevators), European marbles and designer bathrooms are some of the standard features offered by Sterling.

Sterling's quality living has also been built around features like Earthquake resistant structure (IIT certified), Provision for central air-conditioning, round the clock security with electronic system, each apartment is Equipped with a land line number, Uninterrupted water supply, 24 Hours power backup, ample parking, Common terrace space for get together, Large balconies and utility area, Living and master bed room south facing with winter sunlight Serene surrounding and large open area with panoramic views

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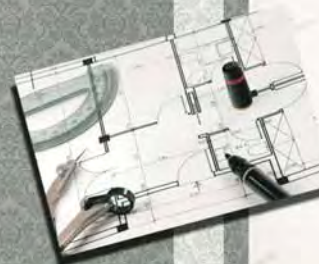
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individual houses at Balkumari and the apartments of Sunrise Tower at Dhobighat are almost sold. Now, it has launched Sunrise Apartment at Nakkhu which will have 200 units.

The emergence of residential real estate developers is itself an indicator of the changing trend in the housing preferences of the public. Housing developers are scrambling to outdo each other with amenities once reserved for five-star hotels and resorts.

As crime rises, most buyers say they are attracted by apartment living because of security. Electronic access control, motion controlled perimeter lighting and 24-hour guards are standard features for apartment blocks. "Security is one of the main-selling points," says Golchha.

Uninterrupted power and regular water supply are the other draws. "We have power back up and water supply, which makes living much easier," says Shrestha, "People want to save time and energy and simplify their lives."

Many buyers are concerned about whether or not the high-rises are earthquake resistant. The builders claim the design and materials used are designed to withstand major earthquakes.



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Living in high-rises will require a new set of social etiquette and new home owners will have to learn the skills of living in what amounts to a human bee-hive. Once the apartments are handed over to owners, the blocks will be administered by a board made up of owners and residents. Maintenance and other expenses are shared, which brings down living expenses even more.

“People want the easy-living lifestyle that a city has to offer,” says Shishir Nahata, executive director of Uni-World Infrastructure, which has started constructing Ashirbad Apartments in Gyaneshwor. “If one wants to live in superior locations in the core city area, there is no option but to opt for high-rise condos.”

A rapidly growing middle class with a strong culture of home-ownership caused the demand for housing, but the government introduced a new provision calling for real estate buyers to declare their income source for purchase of property worth more than Rs 5 million. “This has had a negative impact on real estate business,” says Nahata.

Cityscape, in Hatiban, is coming up with 16-storey apartment blocks with 577 units, the country’s largest so far. The flats all have airy rooms, individual balconies and large windows to allow in the sun into every room. Cityscape’s Arun Chaudhari says: “Our emphasis is on affordability, safety and comfort. If I were to buy an



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apartment, this is what I would want."

IR Tamang, executive chairman of Civil Homes thinks the real estate business is thriving because it is a relatively safe area to invest in as the number of households is increasing. "The real estate business will continue to thrive as it is driven by demand," he says.

The Nepal Land and Housing Developers' Association, with the Housing and Physical Planning Ministry, has finalised a draft of the Real Estate Act to regulate and monitor the quality of buildings. It estimates that 6,000 residential units worth about Rs 60 billion are being put up annually by real estate developers.

Access to finance is another factor that has boosted the trend towards apartments. The banking sector has come up with competitive mortgage loan schemes with various innovative mortgage products and marketing campaigns, which Tamang says have brought about changes in residential living trends.

Because of all these factors, real estate business is thriving. Nepal Land and Housing Developers' Association is organising a first of its kind Real Estate Expo 2009 in March. Trilokeswor Malla of Direction Nepal says it aims at showcasing and bringing the real estate sector of Nepal to public. He adds: "It is also a branding and sales opportunity for investors and buyers to meet developers, agents and service providers." ●

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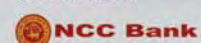
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# New firm pioneers DNA testing

When chicken started dying in poultry farms in Jhapa earlier this month, the government sent swab samples to the UK for tests to confirm if this was indeed an outbreak of bird flu. The tests were positive.

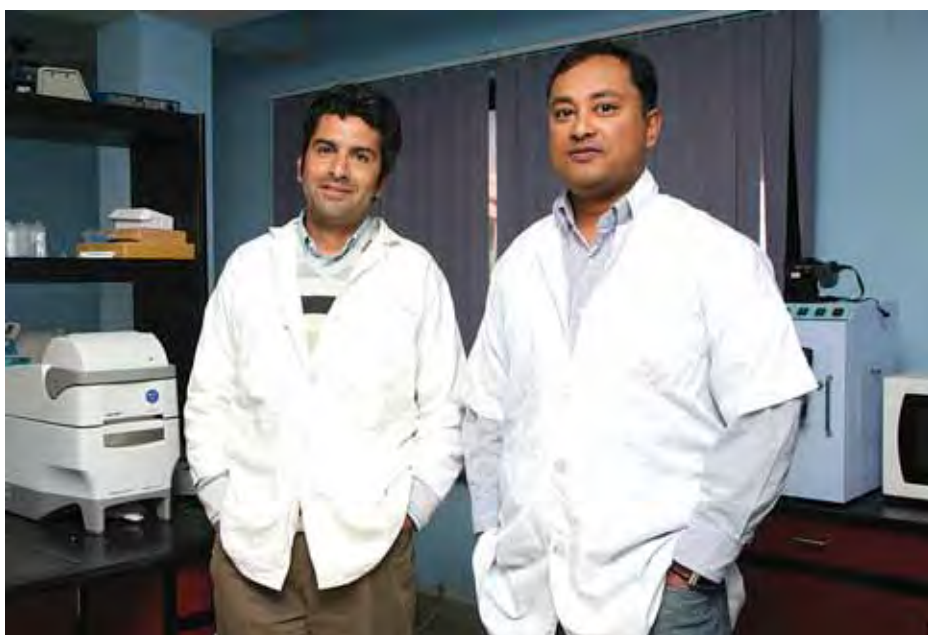
In future, tests for the H5N1 avian flu virus can be done in Nepal itself, saving not just money but also time so emergency services can be deployed faster.

Detection and quantification of viral infections can now be done in Nepal's first private state-of-the-art laboratory that can carry out diagnostics at a molecular level. Intrepid Medtech Nepal, a biotechnology company based in Canada and Nepal, has just set up its facility in Thapthali.

"What happened in India with IT can be made to happen in Nepal with biotech research," says Dibesh Karmacharya, a Canada-based Nepali scientist who heads Intrepid Medtech. "We aim to bring cutting-edge biotechnology tools to diagnose and treat diseases in developing countries."

This is the first time in Nepal that diagnostics can be done at the DNA level for infections prevalent in Nepal, like HIV, TB, hepatitis, leprosy, bird flu and other diseases. Intrepid Medtech can also carry out paternity and forensic DNA testing. The company also works with the non-profit Centre for Molecular Dynamics Nepal (CMDN) to carry out epidemiological research for infectious diseases in Nepal.

One key equipment at the centre can carry out real time polymerase chain



MIN RATNA BAJRACHARYA

## State-of-the-art facility in Nepal for molecular diagnostics

reaction (PCR) that can amplify a specific part of a DNA molecule for testing. The test can more precisely and quickly diagnose HIV, and even indicate the strain and substrains of the virus—making anti-retroviral treatment easier.

At present Nepali patients on anti-retroviral drugs have to send their blood samples to India or Thailand, or go there themselves, to test for viral loads and figure out how well their treatment is

going. Now it can all be done in Nepal.

"No longer do you have to wait for the body to produce anti-bodies to detect a disease we can detect the virus itself. This makes diagnosis speedy and specific," explains Sameer Dixit, Karmacharya's partner at Intrepid. The company can diagnose and quantify most common infections in Nepal, including the Human Pappilloma Virus (HPV) which causes cervical cancer and is the largest killer of

Nepali women of reproductive age.

The Centre for Molecular Dynamics Nepal, meanwhile, has been training communities in detection of bird flu, testing street children for HIV and detecting the strain variation of HIV in Nepal. Working with the Intrepid lab, the Centre will soon be testing a portable HIV monitoring device called CD4 in western Nepal.

Karmacharya is a biology graduate of St Xavier's College in Kathmandu and went on for further studies in the United States. He then worked at Princeton University and for the healthcare division of General Electric. He now lives in Canada.

Asked what brought him back to Nepal when most compatriots are desperate to immigrate, Karmacharya answers matter-of-factly: "It's love of country. I want to do my bit for Nepal."

Karmacharya and Dixit, who both quit their jobs to start the biotech company, say they have both taken a calculated risk. Working on epidemiological research and diagnostics in Nepal has its challenges. "A lot of the baseline prevalence surveys have never been done. We want to find out which diseases are where and which populations are more susceptible so that public health strategies can be planned," says Karmacharya.

But most days, they have mundane worries. "Sixty percent of the time we have to think about ways to work around electricity and water shortages," says Dixit, "but this is pioneering work and it is very rewarding." ●

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# Sixty minutes

Every hour, 22 South Asian mothers die in childbirth

There can be nothing quite as brutal as when a birth brings death, instead of life. Yet this is exactly what happens across South Asia. Every hour of every day 22 mothers die in child birth in the subcontinent—lives that matter, deaths that matter, leaving orphaned babies who in turn face a much greater risk of death themselves.



**COMMENT**  
**Dan Toole**

This is a region bursting with potential but held back by cruel contradictions, where despite the global financial crisis that has bruised the region's economy, growth continues and there are world class medical institutions. Yet every single minute three newborn babies die across the region, the highest neonatal mortality in the world. Linked to this tragedy is another. South Asia has more child marriages than anywhere else in the world, nearly half of all women between the ages of 20 and 24 were married before they turned 18. Early marriage leads to early motherhood and early motherhood can lead to early death of baby and mother. When children themselves have children, their babies' risk of dying in the first year of life shoots up by 60 per cent compared to an infant born to a mother older than 19 years. If that baby does survive he or she is more likely to be undernourished and



MIN RATNA BAJRACHARYA

uneducated. Mothers die in child birth, slowly, painfully bleeding to death because they do not get help when they need it. Women often have no say. In Bangladesh and Nepal about half of all women reported their husbands

make all the decisions about their healthcare. In Afghanistan, astonishingly one in eight women risk death by having a baby, the second highest rate in the world. Women there will not see a male health worker, yet due to the country's recent

## Safer deliveries

Nepal with its mountainous terrain, difficult weather conditions and the scarcity of roads presents very unique challenges in the delivery of maternal health services. This is further compounded by poverty and a lack of skilled human resources. Not surprisingly only 19 per cent of deliveries are aided by a skilled birth attendant and only 18 per cent of mothers delivered their babies in institutions. This is why Nepal's mortality ratio is at a high 281 per 100,000 live births. But motherhood is getting safer, and is likely to get even more so with the government's ambitious new initiatives. Two years ago, the government started providing transportation costs to women who travel to hospitals or health care centres for child delivery. This month, the government announced free delivery services in all district hospitals, primary health care centres, health posts, and sub health posts. More staff are now being given training to become skilled birth attendants at 24-hour birthing centres and plans are afoot to equip hospitals at district levels with equipment and skilled service providers to provide emergency maternal care services. Hopefully, no Nepali mother should die due to not being able to access, afford and receive quality health services.

history, there is only 28 per cent female literacy and a massive scarcity of female trained birth attendants or midwives. To end this horrible pattern, there is no need to wait for a scientific breakthrough. We know now what needs to be done and we know it needs to be done now. Waiting is not an option. A shining example in South Asia comes from Sri Lanka. In spite of three decades of ongoing civil conflict and the devastating effects of the 2004 tsunami, the country has slashed the number of women dying in childbirth from 340 per 100 000 live births in 1960,

one of the world's highest at the time, to 44 per 100,000 in 2005. Latest figures show just 8 newborns dying per 1,000 live births: similar to a developed country. The reason for Sri Lanka's success: since the 60s the country invested in educating girls who were then in no hurry to get married early. Education was free for all. Training of midwives was a priority and they went out to where it mattered, got women to plan the births of their babies, go to health centers and hospitals to give birth, told them how to eat well and significantly, to breastfeed exclusively and right away. Today, 95 per cent of births in Sri Lanka take place in hospitals with a skilled nurse, midwife or doctor attending and immunisation coverage is almost universal.

There are bright sparks of hope stretching across South Asia from Kathmandu, Karachi to Colombo. Nepal has done some great things by making health services free for mothers and has cut child mortality by two-thirds. India gives cash transfers to mothers to give birth in institutions, Bangladesh has cut deaths of its newborns from tetanus down to just one death in 1,000. And in Pakistan 'Lady Health Workers' map and monitor mothers-to-be and their babies in their communities. UNICEF and its partners in government are behind many of these initiatives and we pledge to make even greater strides for mothers and their babies. South Asia will rise or fall on investing and caring for mothers and their newborns. This is the bedrock of any society. Making mothers and their newborns count adds up to a society that matters, a nation that flourishes and a region that starts to reap the rewards of its labour. ●

Dan Toole is the UNICEF Regional Director for South Asia

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# Null and void

On Sunday as Prime Minister Pushpa Kamal Dahal spoke in a 30 minute televised address to the nation, he looked sombre and sounded sincere. This was not the man who was thundering and threatening at Khula Manch to seize power just a few weeks ago. Lest the people forget, Dahal emphasised a few times during his half-hour speech that he was speaking not just as the prime minister but also as a Nepali citizen. The address was reflective



**INTERESTING TIMES**  
Mallika Aryal

as he talked about the challenges his government has had to face and the successes it has achieved so far such as continued international assistance, revenue collection and talks with armed groups in the Tarai.

Some serious declarations were also made: banning the dowry system and criminalising caste-based discrimination, strong enforcement of law on equal property right between sons and daughters, committing to fight corruption, reforming public administration and discouraging foreign loans for small projects.

## The PM's speech was rich in rhetoric but otherwise empty

On the issue of electricity he said that load shedding would be reduced to a minimum within the next fiscal year and the government would use any/all kinds of energy—thermal, solar and other alternatives to bring an end to this problem as soon as possible. Dahal agreed that the country was sliding towards anarchy and appealed to all to join forces to end all bandas. He also called for comprehensive political understanding and requested parties to give up their traditional ways of working.

Dahal said he is not trying to blame anyone for the failures but then went on to say that the reason the government is not able to meet the expectations of the people is due to the clash in ideology between his party and others in the coalition government. He said that besides his party others haven't quite understood what diplomacy in modern times is supposed to mean. The fact that there is no coordination between the ruling parties in

the government was proven the next day as Minister of Commerce and Supplies Rajendra Mahato told the press that the PM's address was made without consultation with his coalition partners or the council of ministers.

This speech came at a time when the government has come under fire from all sides for not being able to deliver and meet the Nepali people's expectations. Dahal's address requests Nepali media to also highlight positive stories. This is odd considering the fact that those who attacked media houses are still not behind bars, when journalist Uma Singh's murderers have still not been caught and journalists are being threatened and assaulted every day. The government hasn't done much to end impunity and ensure that the environment in which Nepali journalists can work is safe.

Dahal's Sunday address doesn't make any new policy commitments. The bans, the appeals, the commitments he



BIBHUSAN RAJ SHAKYA

refers to are already part of the government's strategies—they have been mentioned in our national budget and were a part of the promises made to the people by the governments of yesteryears. His 30-minute speech simply was hot air.

Like the previous governments this one has also not understood that Nepali people are tired of listening to people in power speak. Addresses like these only work when the government is actually delivering on the promises made in the past. Abolishing the dowry system, ending the caste-based discrimination are all commendable commitments but they don't require urgent action. When the country is reeling under a crippling power crisis, when there is lawlessness in all spheres of society, indulging in issues that require long-term solutions is just a way of distracting from the real issues at hand.

Five months may not be a long time to start implementing all the policies the Maoist-led government has committed itself to but precious time is being lost in the power struggle between the political parties. During the 2008 CA election campaign, Nepalis were promised that their lives would now begin to improve, that the new government in new Nepal will not make the mistake of ignoring peoples' grievances. Nepalis have been watching and waiting—when they see that the politicians they trusted are consumed by the greed for power, that the system is slipping back to the old way of doing things, that there's no hint that the promises made to them are being implemented, five months becomes a very long time. ●



## अब हप्ताको सातै दिन फरक विशेषाङ्क सहित





**ऐन त गजब!**





KIRAN PANDAY

# Power to people

The constitution needs to ensure that the lion's share of executive power resides with central government

There is a need for an extensive debate to decide where the executive power will reside in the new Nepal.

Under a federal system, the number of provinces, its structure and the relationship between the central and provincial government determines the executive power.



**COMMENT**  
Tikaram Bhattarai

The central government—be it federal or unitary—of a sovereign country, in principle has the responsibility for national integration, national identities, the rights of indigenous people and the general populace as a whole. Therefore, there has to be constitutional provision that the central government should be given the major share of executive rights.

The structure of legislative and executive bodies in the centre and provinces are the same in a parliamentary and presidential system. The constitution should specify the duties of the centre and provinces to avert debate between them in future.

Although the centre should be relatively stronger than the provinces, there has to be a balance in dividing power between the centre and provinces. In the US, for example, the executive and legislative rights have been divided between congress and the president to achieve a balance of power.

In a parliamentary system, the formation of the government - or the cabinet - reflects the lower house majority and ministers are also nominated by the legislative. If there is a clear majority in the lower house, it becomes easy for the government to pass budgets and other bills in the house. The government needs the support of the legislative to stay in power, which can also make the government vulnerable.

In a presidential system, the president is elected directly and thus can stay in power without support from the legislative. The president nominates ministers although there are certain procedures to be followed which need the support of the legislative. For instance, Russia elects its president but the cabinet is finalised with the support of the lower house. The UML and the NC have proposed adopting the parliamentary system with a president without executive rights while the Maoists have proposed a presidential system. The majority of the world's federal countries have opted for a president without executive power.

The prime minister is not always elected by the parliament. In the British model, parliament elects the PM while in Israel the PM is elected by the people. The UML has proposed the PM should be directly elected, which has merits and demerits. The elected PM is considered to be more accountable to the people but this risks prompting a power struggle between

government and the PM.

Provisions can be made in the constitution regarding an elected PM, such as offering a no confidence motion more than once a year. If the motion is passed, the PM either resigns or dissolves parliament. The same can apply to the ministers. The provision should be made that the same person can not serve more than two terms as the PM.

The council of ministers should be formed with 10 per cent members of the lower house, of which only half of the ministers should be elected parliamentarians.

There has to be a chief of province or governor in provinces, appointed by the president on recommendation of the chief minister of the province. The governor also should not be given more than two consecutive terms and two thirds of the legislative can impeach him.

The provincial government is supposed to engage in local development activities, so it should be formed on the basis of participation rather than majority. The political parties having 10 per cent of seats should have proportional representation in government. There should not be more than 10 ministers in the provinces. The provincial government chief and ministers could be impeached with two thirds of the legislative vote. The chief of the government should not be allowed more than two terms. ●

*Bhattarai is a constitutional expert and president of Forum for Legal Professionals.*

## Jurisdiction of the judiciary

### Nepali Congress

The judiciary shall uphold democratic rights and norms and have the prime responsibility of maintaining rule of law and the supremacy of constitution. There shall be a supreme court at the centre, while appellate and other courts at the centre and provinces shall be provisioned as per a future federal structure.

The judiciary shall not only be independent and accountable but also competent and impartial. The judiciary will stand for justice with prevailing liberal interpretation of the justice system.

The judges shall be appointed by public hearing process through parliament. The appointment of judges shall be recommended on the basis of qualification and their contribution to the field. The constitution shall have a provision for the parliament to impeach judges and decide on it.

To guarantee impartiality, timely and convenient service delivery, a timetable will be provided for the courts to issue a verdict for a case filed.

### UCPN-M

With full commitment to independent judiciary, the justice system shall be made accountable to the people as per democratic norms and values. The justice system shall be restructured with a three-tier court—the supreme court at the centre, high court in the provinces and a district court at the district level. There shall be public courts and reconciliation centres under the district courts.

The Supreme Court shall be developed as a court which can interpret serious legal issues, constitutional issues, inter-province issues and issues regarding the distribution of national resources and their use. High courts shall be made effective by granting them residual powers.

How do the various political parties see the role of the judiciary in the new constitution?

### CPN-UML

The independent judiciary shall be developed as a constitutional body. The Supreme Court will have the right to validate constitutionality. There shall be three-tier judiciary at the centre, provinces and local level as per the federal structure. The judiciary shall be made accountable and public service-oriented.

Appointment of judges shall be made by an independent body as specified in the constitution. The parliament appoints judges through parliamentary hearing.

### TMLP

The judiciary shall remain as an independent constitutional body. As per the federal structure, the judicial system shall have three tiers—Supreme Court, provincial courts and district courts. The Supreme Court shall have the right to interpret the constitution. There shall be criminal, legal, revenue and consumer courts under the concept of community and convenience courts.

### MJF

The Supreme Court shall be the highest court. There shall be constitutional supremacy and rule of law. The constitutional supremacy shall be inviolable. There shall be a Supreme Court, provincial and district courts.

### NWPP

The Supreme Court shall decide on the debate concerning the centre and provinces and constitutional issues. Each province shall have its own court. There shall be district courts under the provincial court. The Supreme Court can constitute labour courts, consumer courts, women's courts and others as per required.

### CPN (Unified)

There shall be four-tier courts with a federal Supreme Court, provincial high courts, regional courts and local courts. The head of the state shall appoint the chief justice of federal Supreme Court and judges of provincial high court on recommendation of the conditional council. Elected judges shall be appointed on the recommendation of the central judiciary council by the head of state.

The Supreme Court shall have 25 per cent judges through election and 75 per cent based on experience and promotion. Except those elected judges in provincial high court and regional courts, the head of the state shall appoint other judges on recommendation of provincial judiciary council and regional judiciary council.



# 60<sup>th</sup> Republic Day of India

## INDIA & NEPAL: PARTNERSHIP FOR PROGRESS AND PROSPERITY

### Making of a Dream



"This was a big question for me and my family. Would I get the same kind of quality of education like the other children in my life after the death of my father? Would my family be able to afford to educate me? My dream was to be a "NURSE" and studying nursing would cost a fortune. My life was in a miserable state until a ray of light came upon me, "THE INDIAN EMBASSY" helped me a lot in my life, especially in educating me with full scholarship in any type of subject, I would want to study. Well, firstly Indian Embassy educated me in Bharatpur, Chitwan "Narayani English Public School" from grade 4th till S.L.C. After that, they educated me in whatever subject I wanted to study, which was of course "Nursing". After completing my PCL 3rd Year Nursing exam, I got myself a good job at the college of Medical Science in Bharatpur Hospital as a Nurse. And through my experience in life, I began to think what would have happened to me, if the Indian Embassy had not been there.

I just want to say from the bottom of my heart i.e., "THANK YOU". I wouldn't have gone this far without you."

#### Yo Maya Gurung,

Daughter of 5750333 late L/Nk Kumar Singh Gurung  
(Excerpts from her letter sent to the Embassy of India)



### The Manmohan Memorial Polytechnic

Establishment of a Polytechnic in Nepal was a long awaited desire of the people of Nepal. The newly constructed Manmohan Memorial Polytechnic at Hattimuda near Biratnagar with the assistance of Government of India has realized that dream. The construction work for the Polytechnic project started in November 2005. Within a span of three years, the project has been completed and the Polytechnic has started running classes since November 6, 2008. The total cost of the project is over NRs. 410 million.

In the academic session 2008-09, the first batch of 144 students has been enrolled for diploma courses in Mechanical, Electrical and Electronics Engineering. In addition, short-term certificate courses in nine trades have been planned to be launched by March 2009. The course curriculum has been especially designed to serve the requirements of local industrial development and to generate employment opportunities for the students. The Polytechnic epitomizes the long-tradition of friendship and cooperation between India and Nepal and has the honour of being the first polytechnic in Nepal of its kind. It envisages to work closely with the industries to develop as a centre of excellence and a leading light in the sector of technical and vocational education in Nepal.

**Govinda Gajurel**, Executive Director/Principal  
Manmohan Memorial Polytechnic

"I can now see what's written on the blackboard in school and do better in exams – thanks to the Indian Embassy," says a bespectacled **Srishti Rai**, a 6-year old student from Kapan.



"The classrooms were cramped and the school building was far too small to accommodate all the students. Now that the Government of India has built us a new school building – we can impart quality education..."

**Lal Prasad Shrestha**, Principal  
Shree Mahalaxmi Secondary School, Gorkha

Our campus did not have its own building. This was inconveniencing the students coming from far-flung areas. With the cooperation of the Government of India, a new campus and Nurses' hostel are being constructed. We express our gratefulness to Government for India for this. The residents of Janakpur and people of entire Nepal wish to thank Indian government for this. (From the documentary "Nepal-India Economic Cooperation: Enduring Friendship")

**Shanta Shrestha**, Principal  
Janpakur Nursing Campus



"I can't think of a life without the East-West Highway. It means my life - I have eight mouths to feed and they would all have starved otherwise."

**Rogi Harijan**, Farmer  
Banjariya VDC, Nawalparasi

"More than 1500 women of 20 VDCs will be benefiting from the training programme with sewing machines gifted by the Government of India - it will bring them the skills and equipment necessary for becoming self-reliant and help them play more active role in the family and society."

**Sita Devi Yadav**, President  
Chandra Narayan Yadav Memorial Trust, Siraha







**We extend our heartiest greetings & felicitation  
to the government, business community and friendly people of India  
for their continued progress and prosperity.  
We also hail our age-old bilateral relations on the occasion of  
the 60<sup>th</sup> Republic Day of India.**



*The Prime Minister*

**Message from The Right Honourable Prime Minister of Nepal  
Shri Pushpa Kamal Dahal "Prachanda"  
on the Occasion of 60th Republic Day of India  
(January 26, 2009)**

On the occasion of the 60th Republic Day of India, I, on behalf of Government of Nepal, the Nepalese people and on my own, would like to express our hearty congratulations and best wishes to the friendly people of India, the Indian entrepreneurs and the Government of India for their continued progress and prosperity.

I heartily appreciate the world class achievements India has made in various fields including in economy, education, communications, science and technology, health care. I wish that this historic progress may continue and the relations between our two countries may grow from strength to strength for our mutual benefit. As a good neighbour, India has been playing significant role in the socio-economic and infrastructural development of Nepal through various cooperation projects. I thank the Government of India for this cooperation as well as for its endeavours for the enhancement of bilateral trade and the promotion of investment.

Finally, on the happy occasion of the 60th Republic Day of India, I once again would like to convey hearty congratulations and best wishes to the people, entrepreneurs and the Government of India.

*Prachanda*  
Pushpa Kamal Dahal "Prachanda"



भारतीय राजदूत, काठमाडौं (नेपाल)  
AMBASSADOR OF INDIA  
KATHMANDU (NEPAL)

#### MESSAGE

On the occasion of the 60th Republic Day of India, I would like to extend my warm greetings and felicitations to my fellow countrymen as well as to our Nepali friends. We share with them our aspirations for a prosperous India, symbolizing peace and stability in our region.

2. 26<sup>th</sup> January holds a special place in Indian history as it was on this date in 1930, that the people of India resolved to achieve complete independence 'Purna Swaraj' and to carve out their own destiny. Exactly twenty years later, this day heralded the birth of a new republic in an ancient land where Liberty, Equality & Fraternity would reign supreme among its people as envisaged by the founding fathers of the Constitution and the leaders of our freedom struggle.

3. The Constitution of India provides both the stability to the Indian State and ensures the freedom to our people which allows them to flourish. Its unwavering commitment to democracy and pluralism has helped transform a young nation into a vibrant and progressive democracy.

4. India's march in the last sixty years towards self dependence, development and growth has been remarkable and far reaching. As we move down the road of global inter-dependence, we take pride that our efforts to transform this land of a billion people with its cultural, linguistic and religious diversities into a liberal and progressive society within the framework of a functioning democracy have borne fruit. India has always believed in working together with its friends and partners for we believe that peace, prosperity and progress are indivisible.

5. Winds of change for a better tomorrow have been blowing over our Himalayan neighbour, Nepal. The successful completion of the Constituent Assembly Elections and the determination of the Nepalese people to carry the Peace Process forward through peaceful means will ensure the emergence of a democratic and confident Nepal. Let me assure our friends that as you address the challenges facing you, India remains committed to working together with you for peace, prosperity and stability. The multi dimensional bonds between India and Nepal remain strong as ever, and our relations, close and mutually beneficial.

6. My best wishes on the occasion of India's Republic Day to all Indians in Nepal and to all the people of Nepal.

26 January 2009

*Rakesh Sood*  
Rakesh Sood



नेपाल-भारत उद्योग वाणिज्य संघ  
NEPAL-INDIA CHAMBER OF COMMERCE & INDUSTRY

#### Nepal - India Ties: An Epitome of Great Friendship

On the glorious occasion of the 60th Republic Day of India, I, on behalf of the Nepal-India Chamber of Commerce and Industry (NICCI) would like to express my hearty congratulations and best wishes to the nation and her people. It goes without saying that India and Nepal has been sharing intimate, cordial and mutually cooperative relationships since long. The NICCI really upholds the generous, proactive and, of course, exemplary support extended by India to buttress the socio-economic development of Nepal.

In fact, it is also crystal clear that the southern neighbor has also been playing a vital role in both political and economic transformation of Nepal. It would be gross injustice to overlook the conscientious and warm assistance extended by India to Nepali people to consolidate the fundamentals of democracy in their country. Nepali people will also always be grateful to India for assisting them munificently in the time of natural calamities.

It is really a matter of great joy and elation to note that India has made a giant leap in its economic development. Similarly, the southern neighbour has also been achieving a stupendous success in various fields like science and technology, agriculture, software development and so on.

Undeniably, the prospects of enhancing economic relationships between Nepal and India are simply boundless. In a linear fashion, if the existing ties between Nepal and India are characterized with visionary and robust economic cooperation, the two countries can well escalate their development pace in an exemplary manner.

I am also pretty confident that India will not shy away from investing further in various viable sectors like hydropower, agriculture, tourism, service, education and health, and infrastructure development if amenable environment is created to facilitate potential investors.

India alone accounts for 2/3 of total foreign trade of Nepal. There is no doubt that the strategically generous support of India will be pivotal in enabling the economic endeavours of Nepal to see the light of the day.

In this regard, the NICCI, as an organization dedicated to facilitate economic and trade relations between the two countries, strongly believes that India will continue to reinforce Nepal to turnaround various sectors as a true friend.

Furthermore, on this joyous occasion, the NICCI would like to reiterate its commitment that it will always make tireless, meticulous and devoted efforts to give a whole new dimension to the economic cooperation between the two countries.

26th January 2009

*Arun Chaudhary*  
Arun Chaudhary  
President



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&  
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Nepal-India Chamber of Commerce & Industry



## ABOUT TOWN

## EXHIBITIONS

- ❖ **Lunch-hour doodles**, illustrations by Preena Shrestha till 15 February, The Bakery Cafe, Pulchok
- ❖ **Sacred spaces**, an exhibition of paintings by Binod Pradhan at Siddhartha Art Gallery, Babar Mahal Revisited till 5 February. 4218048
- ❖ **Bird festival and exhibition** of winning photographs of the wildlife photo competition from 2-4 February, Koshi Wildlife Reserve.

## EVENTS

- ❖ **The Great Debaters**, starts 5.30 pm, 31 January and *Cadillac Records*, 5.30 pm 2 February, Lazimpat Gallery Café. 4428549
- ❖ **Meaning of Money**, a documentary at 10AM on 1 February, Mind and Body Library, Tripureswor, SMS to register. 9841896000
- ❖ **Concert Series**, 31 January, Kathmandu Jazz Consortium premises.
- ❖ **Youth, schooling and citizenship**, a discussion series by Martin Chautari, Thapathali from 3PM, 30 January. 4238050
- ❖ **Call for entries**, for Film South Asia, documentaries made in and after January 2007 qualified. For deadlines, visit filmsouthasia.org. 5552141
- ❖ **Buy & Sell Flea Market** first Saturday of every month, Sangati Museum Road, Chhauni. 9841203646

## MUSIC

- ❖ **Sarangi Ethnic Project** Poeisie and the Fags, Kathmandu Jazz Conservatory, Jhumsikhel. 5013554
- ❖ **Rock with Rashmi** every Friday and Sufi and Raga every Saturday 8 PM onwards, Absolute Lounge Bar, Pulchowk.
- ❖ **Sunday Jazz brunch** barbecue and live jazz music at the Terrace, Hyatt Regency from 12-3.30 PM. 4491234
- ❖ **Jazz evening** at Delices de France Restaurant every Wednesday, 11AM-2PM. 4260326
- ❖ **Strings Band** live every Tuesday at G's Terrace Restaurant and Bar, Thamel.
- ❖ **Wednesday Melody** at Jazzabell Café, Happy hour 6-8PM and TGIF party with live band Epic every Friday at 8PM. 2114075
- ❖ **Some like it hot** every Friday BBQ and live music by Dinesh Rai and the Sound Minds, 7PM onwards, Rs 899 at Fusion, Dwarika's Hotel. 4479488
- ❖ **Happy cocktail hour**, 5-7PM, ladies night on Wednesday with live unplugged music at Jatra Café & Bar.
- ❖ **Live Sensation**, live performance by Yankey, every Saturday, 9PM, the Hyatt Regency. 4491234.
- ❖ **Fusion and Looza** Band every Friday night, Bhumi Resto Lounge, Lazimpat. 4412193
- ❖ **Fusion and Classical Music** by Anil Shahi every Wednesday, rock with Rashmi Singh every Friday, Sufi & Raga with Hemant Rana every Saturday, 8PM onwards, Absolute Bar. 5521408
- ❖ **Ladies night** with free cocktail and unplugged music, every Wednesday, happy hour everyday 5-7PM, buy one get one free, Jatra R&B.

## DINING

- ❖ **Chez Caroline** for French and Mediterranean cuisine, Babar Mahal Revisited. 4263070
- ❖ **Fresh Himalayan rainbow trout** at Rox Restaurant all February 7PM onwards, Hyatt Regency. 4489362
- ❖ **Mediterranean cuisine** every Friday from Greece, Italy and the Middle-East at The Café, Hyatt Regency. 4491234
- ❖ **Strawberry Etagerie** at The Lounge from 4.30 PM- 6.30 PM. Hyatt Regency. 4491234
- ❖ **Nhuchhe goes Thai** at Nhuchhe's Thai Kitchen, Baluwatar. 4429903
- ❖ **Fusion** of Marcela Ragan's new menu and Mannie's new bar at Dhokaima Café. 5522113
- ❖ **Plat Du Jour** at Hotel Shangri-la, Kathmandu, Rs 600. 4412999
- ❖ **Pasta pesto passion** at La Dolce Vita, Thamel. 4700612
- ❖ **Home made pasta** at Alfresco, Soaltee Crowne Plaza. 4273999
- ❖ **Reality Bites**, The Kaiser Café, Garden of Dreams, operated by Dwarika's Group of Hotels, 9AM-10PM. 4425341
- ❖ **Steak escape** with Kathmandu's premier steaks at the Olive Bar and Bistro, Hotel Radisson. 4411818
- ❖ **Cocktails, mocktails and liqueurs** at the Asahi Lounge, opening hours 1-10PM, above Himalayan Java, Thamel.12
- ❖ **Starry night barbecue** at Hotel Shangri-la with live performance by Ciney Gurung, Rs 999, at the Shambala Garden, every Friday 7PM onwards. 4412999

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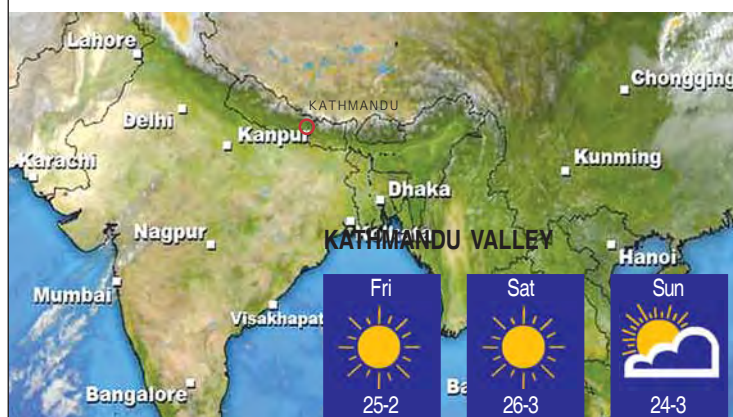
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## WEEKEND WEATHER

by NGAMINDRA DAHAL

This year's winter drought is about to enter into five months this week, already second driest of a decade. As a consequence of cloud sunny days, mercury levels are about 5 degrees higher than the expected maximum of this month. For example, Valley recorded 26 degrees on Wednesday while average maximum temperature of the month is 18 degrees. Satellite pictures of Wednesday evening show no westerly fronts and associated clouds around us to break the persistent drought. This means no change in existing weather pattern—foggy morning and sunny afternoon in the mountain and hills. Most of the Tarai will remain under suspended mist layer.



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by PRERANA PAKHRIN

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ANG RITA SHERPA

**LARGER THAN LIFE:** The residents of Khunde dedicate three chortens in memory of Edmund Hillary on 11 January, the first anniversary of his death and 55 years after he first set foot in Khumbu.



MIN RATNA BAJRACHARYA

**A DAY TO REMEMBER:** Locals pay respect to the martyrs at the Sahid Gate on Thursday to mark Martyrs' Day.



KIRAN PANDAY

**SYMBOLIC PROTEST:** Nepali journalists submit broken pens to the prime minister at the Kathmandu CDO office on Sunday. Federation of Nepali Journalists has been urging the government to take action against the murderers of radio journalist Uma Singh.



KIRAN PANDAY

**DANCING QUEENS:** The Tamang community celebrates Sonam Losar, the year of the ox, marking the beginning of the year 2845, in Tundikhel on Tuesday.

LET'S HAVE CHINESE TODAY!

WHEREVER WE GO I NEED WI-FI HAI!

NAH, LET'S HAVE SOMETHING LIGHT SANDWICHES OR ROLLS.

I PREFER ITALIAN. PIZZA WILL BE COOL!

MAYBE SOME JUICY TIBETAN MOMOS?

NEWARI KHAUN NA YAAR!

IT'S HOT SO I NEED A/C

DON'T WANNA MISS DA GAME. NEED A BIG TV.

NO LET'S SIT OUTDOOR

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# Ass-to ass talk

**B**ad idea to change the YCL's acronym. Just when we were getting used to it, and it had started to strike terror in the hearts of Nepalis, the Maobaddies have gone and added a 'D for **democracy**' and turned it into an ungainly YCDL. Now it sounds like a high-speed fibre optic cable connection and not a name for a dreaded bunch of paramilitary terrorists. But all's not lost, what the YCDL means by democracy is not what we mean by democracy, theirs is the DPRK model of democracy.

Funny how our communist parties like to call themselves "unified" or "united" when in reality they are splitting faster than neutrons inside an atomic reactor. By renaming their party Unified Communist Party of Nepal (Maoist) and inducting Comrade Kaji Narayan, the baddies set off a **chain reaction** within their own party that nearly led to the party splitting as soon as it was unified. Then they totally forgot that there is already another commie faction called Unified Nepal Communist Party, not to mention the Unfed Marxist-Leninists.



The Chinese have made it pretty plain that they don't want all this confusion, they would prefer it if the CP of the PRC could have fraternal relations with just one monolithic party. Which is probably why they have summoned Matrikabhai to the **Mainland** for a man-to-man talk. Matrika, as the more alert among you know who, had just returned from Bangkok after having his head examined and is set to announce a new semi-underground CPN-M to distinguish himself from the UCPN-M. It seems he's got the tacit support of the Gang of Four in the politburo for this move so as to wrest control of the Madhes and pull the rug from under the high-caste tarai parties. If that's so then this is just a pretend-split in the party.



It is when parties in the ruling coalition can't control their youth wings from fighting **pitched battles on the streets** with knives that you know this is just not going to work. In fact it now appears that the Maobaddies are closer to the kangresis then they are with their eh-Maley comrades.

Members of the coalition were mighty miffed that the prime minister went off and addressed the nation live on tv without informing them. One of them even pointedly told PKD to start behaving like a prime minister and not just Comandante Terrifico. But what really **got their goat** was when they found out that the whole state of the nation address was GPK's idea. In fact, Pukada even seems to have got his talking points from the Old Fox (except perhaps the bit about uterine prolapse). And it figures because Awesome didn't mention the word "feudal" even once, even though BRB reportedly gave the speech a final go-over.



Wonder if any of you were there with the Ass to witness the **talk-of-the-town pow wow** between Comrade Rambabu and Comrade Makunay at India House after the flag-hoisting. Laldhoj was ticked off that MKN had called the baddies criminals, and it was just as the exchange had started getting really heated and a crowd had started gathering that Excellency Sood had to call a ceasefire and suggest continuing the discussion at the Reporter's Club, at which Comrade Dhamala was seen to be nodding vigorously.



Recriminations are flying thick and fast about Pukada's aborted take-off for Scandinavia. Nepal's ambassador to Denmark has been complaining privately about Denmark's ambassador to Nepal not pushing the visit hard enough while he had done **all the spadework** in Copenhagen. But what to do when an ambassador who has been **recalled thrice** doesn't want to come back?

One can understand that Durgesh's guru has just had a bypass and he wants to stick around to pay a last courtesy call. Or maybe he wanted to host the presidential visit. Either way, time to let Ram Karki have a go at it, but let's just hope that with his Sikkim connections Comrade Partha will not take us down that particular historical path.



Yes, I did it. Finally a column that doesn't even once mention that dreaded word "**load-shedding**" even once. After Ian raised the issue of Nepal's power cuts even at the UN Security Council last week, however, what is left for us to say?



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