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**VIEWPOINT:**  
**Dr. Tilak Rawal**



**INTERVIEW:**  
**Rajendra Kishore Kshatri**



**ARTICLE:**  
**Dharanidhar Khatiwada**

New

# SPOTLIGHT

May 10-30, 2013

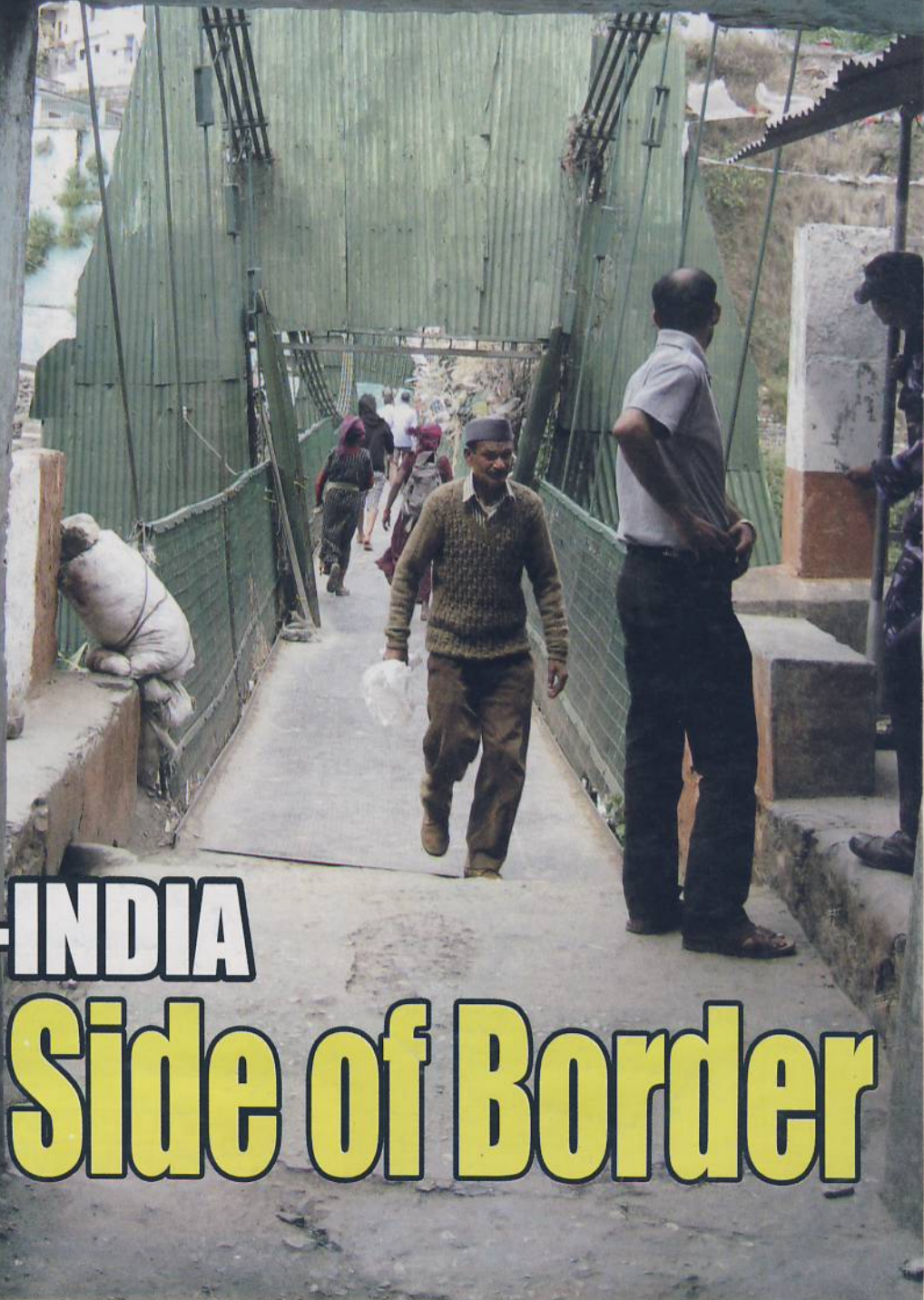
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# NEPAL-INDIA This Side of Border



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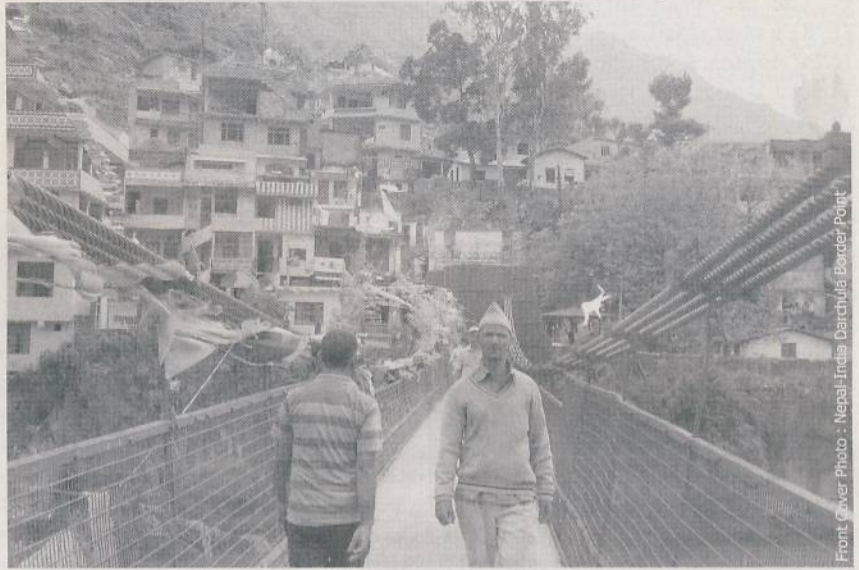




**From The Editor**

Nepal-India open border often appears in the public discussions in the context of Indian fake currency transactions, terrorist movements and other such illegal practices. However, rarely reported are the social, cultural, economic, individual and human dimensions. Nepal-India open border is porous and it is difficult to man it completely because the boundary of both the countries is natural and it is divided by rivers, forests, lands and streams. In many places, Nepalese nationals living in the border point cannot go through Nepal even if they want, but they have to sneak through the Indian territory, before entering Nepal. Similar case is for Indian nationals who need to come to Nepal to get to their home in India. From humans to wild animals and cattle, tens of thousands individuals cross the border every day making it one of the world's unique open borders of human movement. Recently, I visited a border point of the far western region. On the basis of my visit and interactions with people from both the countries, we are looking at the entire dimensions, including human, cultural and social, of Nepal-India open border as a cover story.

*Keshab*  
Keshab Poudel  
Editor



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## Nepal: first EIB loan for renewable energy

The European Investment Bank (EIB) has granted a EUR 55 million (NPR approx 6.41 billion) loan to the Federal Democratic Republic of Nepal to finance the construction and operation of the Tanahu Hydropower plant. The finance contract was signed today in Kathmandu by EIB Vice-President Magdalena Álvarez and Nepalese Finance Secretary, Shanta Raj Subedi.

EIB Vice-President Magdalena Álvarez Arza, who is responsible for the Bank's operations in Asia, highlighted that the EIB "is delighted to see that its first loan to Nepal will eventually provide clean power to the country allowing households to enjoy electrical light, children to read after dark, hospitals and schools to function and entrepreneurs to invest and create jobs." She added that "this loan shows our firm commitment to contribute to a stronger



and sustainable dynamism of the Nepalese economy".

Dr. Alexander Spachis, Ambassador, Head of the European Union Delegation to Nepal, emphasised that the involvement of EIB in Nepal's economic development will yield positive results in the long run, allowing citizens to experience a significant improvement in their living standards. "Since energy is the key to speeding up social and economic development, the present EIB loan will contribute to help Nepal achieve its development goals in the next couple of years", he added.

## UK Funded Bridge Connects Eastern Nepal

A UK funded bridge was inaugurated by Vidyadhar Mallik, Minister for Federal Affairs and Local Development, and Alan Duncan MP, UK Minister of State for International Development.

The bridge built over the Saḅha Khola River will safely link thousands of isolated communities in Sankhuwasabha District in Eastern Nepal for the first time. The bridge, completed on 29th January 2013, is set to bring an economic boost to families in one of Nepal's most remote regions.

The 120m steel truss bridge - the longest of its type in Nepal, will connect hundreds of kilometers of strategic and local roads, the region's only all weather airport and a landmark hydro-electric power project. It will ensure the flow of trade and goods to the east of the country bringing business, tourism and jobs so the people living around Tumlingtar can work themselves out of poverty.

## Indian Assistance Of NRs. 32.6 Million

Ambassador of India, Jayant Prasad, inaugurated the renovated/restored sites of historical and cultural importance located in and around Napichandra Mahabihar, Lalitpur

The project includes the renovation/restoration of (i) Napi Chandra Mahabihar (ii) Daubahal Gate (iii)

Farmer's Society House (iv) Pavilion at Indrayani Park (v) Garden at Machhindra Bahal (vi) Flower Pots at Nabahal (vii) Paties and Gates at Machhindra Bahal and (viii) a Crematorium at Shankhamul. The function was well - attended by representatives of local administration, community leaders and members of Society for Development of Lalitpur and large number of people from the area.

## Ambassador Bodde Commends Bhutanese Resettlement

Ambassador Peter Bodde commemorated the 80,000th Bhutanese refugee to depart for third-country resettlement. Since December 2007, when third-country resettlement started, more than 66,000 Bhutanese refugees have emigrated to the United States, settling in nearly all the fifty states, with the remainder settling in Australia, Canada, Denmark, Netherlands, New Zealand, Norway, and the United Kingdom. The Ambassador praised the government of Nepal for its generosity in hosting over a hundred thousand refugees over the last twenty years, noting the excellent coordination between the government, the United Nations High Commissioner for Refugees (UNHCR), and the International

Organization for Migration (IOM). Finally, the Ambassador commended the refugees themselves for their resilience and courage in choosing to start a new life overseas.

## Roll Out Clean Energy Technologies, Suggests ADB Study

Nepal's ability to meet its future power needs and to curb a rapid rise in greenhouse gas emissions will hinge on the rollout of clean energy technologies which are highly cost-effective in the long run, says an Asian Development Bank (ADB) study.

"Replacing 50% of all kerosene lamps with solar powered lighting, for example, would result in a substantial reduction in emissions for relatively low cost," said Mahfuz Ahmed, Principal Climate Change Specialist with ADB's South Asia Department, who presented the Economics of Reducing Greenhouse Gas Emissions in South Asia report at a dissemination seminar held in ADB Nepal Resident Mission. "It also has the benefit of improving the quality of lighting and reducing exposure to indoor smoke which causes respiratory problems."

## Nepal Govt, World Bank Sign Agreements

The Government of Nepal and the World Bank have signed two new project agreements for a combined value of US\$ 77.6 million. The agreements were signed by Finance Secretary Shanta Raj Subedi and Ms. Tahseen Sayed, World Bank Country Manager for Nepal. The US\$ 46.6 million Nepal Agriculture and Food Security Project (NAFSP) targets the poorest and most vulnerable population groups in the mid- and far-western regions of Nepal with a view



to improve food and nutrition security as well as livelihood opportunities. It recognizes that unlocking the challenges of food security lies not only in increasing food availability but also in addressing health issues, particularly of pregnant and nursing women.

"Strengthening climate resilience, building adaptive capacity and improving food and nutrition security, especially for at-risk women, are key pillars of the World Bank's development partnership with Nepal," said Ms. Sayed.

## "Policy Will Distinguish Bankers"

NRB Governor DR YUBA RAJ KHATTIWADA

**What is NRB plan at the moment?**

We are framing a policy to draw a clear line between bankers and businessmen. Such a demarcation will be set within the next three years. It is not possible to separate bankers and other businesspeople in a year. Yet we are trying to formulate a policy that will draw a line between them.



**How do you plan to control the malpractices in the banking sector?**

The practice of the same person running banks and other businesses has flourished due to the haphazard issuance of operating licenses to banks and financial institutions (BFIs). We will formulate a policy that will bar such issuance of banking licenses to those who are involved in other businesses in the coming days. Businesspeople cannot run banks.

**What is the state of financial reforms?**

NRB is designing a program to speed up the financial sector reform process by taking the donor agencies into confidence. Unlike in the past, the new financial sector reform program will serve our interest, rather than that of the donors.

**What is the priority sector?**

High priority has been given to create an environment to run banks and financial institutions smoothly. NRB completed on-site inspections of 21 commercial banks, 84 development banks and 38 finance companies until the mid-March.

**How is the credit ratio?**

Though the growth rate of credit disbursement is higher than deposit mobilization, banks and financial institutions have been able to retain 80 percent credit to core-capital-cum-deposit ratio.

Based on his address at a program organized to mark the 58th Anniversary of NRB.

## Saurabh Jyoti Chairs South Asian Forum

Industrialist Saurabh Jyoti has been appointed the chairman of the South Asian Young Entrepreneurs Forum (SYEF) under the SAARC Chamber of Commerce and Industries.

The annual general meeting of the SAARC Chamber of Commerce and Industries that concluded in Kathmandu recently appointed Jyoti for two years. The previous chairman of the Forum was Shahrukh Malik and Jyoti served as a vice-chairman.

After being appointed as the chair of the Forum, Jyoti expressed his commitment to work for the development of young entrepreneurs in the SAARC nations.



## CNI Chair Meets Czeck Ambassador

Office bearers of the Confederation of Nepalese Industries and Ambassador of Czech Republic Miloslav Stasek discussed a wide range of bilateral trade relations. Led by chairman of CNI Narendra Basnyat, Nepalese and Czech envoys focused on matters related to trade and industrial relations and



technology transfers. CNI Chair Basnyat said Nepal needs to expand its economic and trade relationship with the newly emerging Czech republic. He stressed that such a cooperation is in Nepal's favor. Basnyat proposed to set up a joint committee to expand bilateral engagement on economy, diplomacy and business. Basnyat stressed that such a committee will facilitate Czech investors to invest in alternative energy sector.

During the discussion, Czech Ambassador Stasek said the Czech republic wanted to further strengthen economic and business relations with Nepal. Ambassador Stasek stressed the need to sign Double Taxation Avoidance Agreement-DTAA with Nepal so that Czech investors can invest in Nepal in alternative energy and hydro power sector.

During the meeting two vice presidents, Hari Bhakta Sarmal and Satish Morko, were also present.

## ADB Loan For Valley Water Supply

The Asian Development Bank (ADB) has approved an \$80 million loan to modernize and expand the wastewater network and treatment facilities in the populous Kathmandu Valley.

"Better and broader sewage and wastewater systems will improve health and living conditions and reduce river pollution in the Kathmandu Valley, where the population has vastly outgrown the existing wastewater network," said Manoj Sharma, Senior Urban Development Specialist in ADB's South Asia Department.

This project continues work that ADB has been doing with the Government of Nepal since 2000 to improve water supply in the Kathmandu Valley. This includes the development of the 27.5-kilometer Melamchi tunnel, which will bring an additional 170 million liters of water per day into Kathmandu Valley from 2016 when the tunnel is due to be completed. Currently, the valley only receives around 100 million liters per day.

## DoED Issues 13 New Hydro Survey Licenses

The Department of Electricity Development (DoED) issued 13 new survey licenses for different hydropower projects with an installed capacity of 715.15 MW in the last six months. The licenses were extended after the department revised the survey license fee structure from a range of Rs 50,000 to Rs 200,000 in the past to Rs 1 million to Rs 6 million in October 2012.

# Confusion Still In Abundance

By Dr. Tilak Rawal



Although fresh poll dates for elections to CA are yet to be announced, people have more or less understood that polls will not be possible on the politicians' publicized date of June 21. They have also realized that this date was made public just for mass consumption and people now are seen skeptical about the intention and ability of the concerned authorities to organize polls even on the second best option of November. Even politicians who until recently talked about the need and possibility of having elections in June have stopped their ranting now. Despite criticism from many about government's inability to announce poll dates even after weeks into the office, the Regmi team seems to have done a good job by not announcing a date in June for elections, saving themselves of the accusations of failing to hold polls on the specified date. In the mean while, however, what this so called nonpartisan government cannot afford to ignore for long is the inquisitiveness of the confused people of this country about polls. They are not sure whether polls would be held even in November because some politicians of late have begun to speak about

its impossibility even on the four party's second preferred date. What Regmi should not forget to note seriously is the fact that his team is not going to be blamed about the

event(polls) not occurring in June, but if they prolong this silence for long without announcing a particular date in November, they are going to be attacked from every quarter, which could even pave way for their disgraceful exit. Therefore, it would be unwise to take too long to announce the day/s of the polls, the only major responsibility these people currently in power have been charged with. Regmi simply cannot stay on like Bhattari who even after repeatedly failing to hold polls stayed on with the solid backing of his party and his power-enjoying coalition partners. More importantly, Regmi cannot afford to act and behave like politicians of this country because he has his image to take care of. With major issues of contention such as federalism and system of governance still alive, one wonders whether the CA to be created would be any different from the dead one as far as resolution of issues making an optimal use of time and other resources is concerned. Not many people now seriously object to the proposal of federating Nepal into several states/provinces but their numbers, geographical division and type (such as language, ethnicity based) are still being debated and will definitely attract serious attention of the new CA. Further, the question related to Hinduism, religion practiced by majority Nepalese, and issues related to Brahmins and Chhetris, together constituting more than 30 percent of Nepal's population and often falsely

described as exploiters, will have to be addressed. These are, however, issues that need sincere attention of top leaders of this country more than that of the current government put in place mainly to organize polls. Being the chair of the largest political party in the country and also a strong propagator of ethnic federalism, Prachanda will have to shoulder the major responsibility of addressing these issues without letting the concerned further harm the nation and its ailing economy.

Prachanda seems to have realized, albeit little late, that the long-ignored ailing economy of Nepal should not now be left unattended to. His concern for the economy reportedly figured in his discussion with top leaders of India and China during his recent trip to these two countries. Disappointed by the ever increasing trade deficit, expected to reach a historical 30 percent of the estimated GDP of Rs 1700 billion this fiscal, rising prices of essential commodities and highly unsatisfactory growth rate of the economy, he might have decided to urge the captains of these great economic power to help Nepal prosper economically. Interestingly, he wants

**Pachanda may have tried hard to mend his Party's and his personal relationship with India, but what cannot be brushed aside is the fact that he tried to attract the attention of our neighbors to Nepal's serious economic problems, which is quite uncharacteristic of our politicians. Our leaders have to learn to talk trade, aid and allied economic problems as do major political leaders in the world today.**

both countries to help Nepal harness its vast hydro power potentials. Reportedly, tourism was also touched upon at the bilateral meetings held in Beijing and Delhi. With the

seriousness of our leaders in garnering support from our resourceful neighbours, hydro power and tourism can easily lead this country towards prosperity without taking too long a time. A tripartite arrangement involving Nepal as a supplier of raw material (water), China organizing capital and India providing the market should be initiated at the earliest. China and India are emerging as global economic and political powers and their intervention is sought all over the world for resolution of political as well as economic issues. EU, in trouble since long, expects these two Asian giants to help them at this time of need. It may be noted that jobless rate in Spain, fourth largest economy in EU, leapt to 27.16 percent, which is just little less than the 27.2 percent level of bailed-out Greece. Employment situation even in France, second largest economy in EU, is deteriorating. French President Francois Holland during his recent trip to China urged his counterpart Chinese President Xi to help rebalance his country's unsustainable-looking trade deficit (\$34 billion last year) with China. Chinese leadership obliged Holland by agreeing to buy dozens of Airbus planes worth billions of dollars. In return, China got the much-sought assurance from France that it will do the needful to clear impediments to promoting Chinese investment in that country. President Xi will definitely sign a deal to buy Boeing aircrafts from the US at the earliest opportune moment

to address US concerns about trade imbalance. Although China's global trade surplus is on a decline, leaders of major economic powers have not left taking up trade issues with Chinese authorities whenever there is an opportunity to do so. China and India are also helping their energy suppliers with generous package of assistance and doing everything possible to keep the sea lanes disturbance-free to secure uninterrupted availability of it to meet the ever increasing demand of their economies which have slowed a bit in recent times. When great economic powers are turning towards the two nations to help them correct their economic woes, a poor nation Nepal with rising per capita debt, estimated at Rs 19748 in 2011/12, should waste not much time in approaching these nations with concrete proposals. Prachanda may have tried hard to mend his Party's and his personal relationship with India, but what cannot be brushed aside is the fact that he tried to attract the attention of our neighbors to Nepal's serious economic problems, which is quite uncharacteristic of our politicians. Our leaders have to learn to talk trade, aid and allied economic problems as do major political leaders in the world today. Representing our politicians, Prachanda has made the debut on this front and let us hope some other leaders, instead of unnecessarily commenting on his visit, prepare and pursue economic agenda more seriously and show concrete results as well to the confused people. They may also refrain from making meaningless statements such as "the country did not get a constitution because our party did not get the majority in the last CA." Who should the people listen to and trust when top leaders belonging to different parties repeatedly make these senseless remarks in public gatherings. There is no harm in asking people to give them majority but it is also their responsibility not to confuse people time and again, be it in relation to election or appointment of Lok Man Singh as chief of the Commission for Investigation of Abuse of Authority (CIAA). For now, let us all help Regmi to announce and organize polls.

*Dr. Rawal is a former governor of Nepal Rastra Bank*

## PRACHANDA IN FOREIGN TOUR Whose Representative?

*Although UCPN-Maoist leader Puspa Kamal Dahal's visit received a wide coverage, all undermined the visit of former prime minister and Maoist leader Dr. Baburam Bhattarai to Australia*

By A CORRESPONDENT

At a time when UCPN-Maoist leader Puspa Kamal Dahal's recent trips to Nepal's two neighbors, India and China, has been getting prominence, the visit of UCPN-Maoist leader and former prime minister Dr. Baburam Bhattarai to Australia is outside of the limelight.

Since a leader like Bhattarai paid such a visit to Australia, one cannot deny the fact that he too might have met certain important personalities from

behalf of Nepal's state?" asked a former Nepalese diplomat on condition of anonymity. UCPN-Maoist chair Prachanda met Indian Prime Minister Dr. Man Mohan Singh, foreign minister and national security advisor during his stay in India and Chinese president, vice president and other government officials in China. "I don't think India and China as states made any official commitment with Prachanda."



Indian PM Dr. Manmohan Singh and Maoist Leader Prachanda

various countries. Interestingly, all the populist media maintained a tight lip. So far as Prachanda's visit is concerned, it received much publicity.

As Maoist leader Prachanda paid the visit under the invitation by both the neighbors as a leader of UCPN-Maoist party, he tried to present his visit as a visit of Nepal's high officials. "I talked about a whole gamut of bilateral issues with the leaders of both the countries. If they support us, we can guarantee their security," thundered UCPN-Maoist leader Prachanda.

Prachanda doesn't represent the state of Nepal and is in no position to take any official decision on any bilateral matter. Indian and Chinese sides can understand only the state representatives of Nepal. At present Dr. Ram Baran Yadav, president of Nepal, Khil Raj Regmi, chairman of council of ministers, and Madhav Prasad Ghimire, foreign and home minister, can give assurances on bilateral national issues.

"Who is Prachanda to speak on

"Prachanda's visit is not different than the visit paid by the official visit of party leaders from Nepal from time to time. I don't think there is a need to make any comment on it," said RJP leader Surya Bahadur Thapa in a radio interview.

Prachanda is not the first politician to violate the international convention.

Former prime minister late Girija Prasad Koirala even accepted the credential of ambassador as acting head of state. Such practices were against Vienna Convention.

According to International conventions and practices, only state and person representing state can talk on bilateral issues and sign any agreement. If that is so, what prompted Prachanda to speak on sensitive bilateral issues? His proposal for trilateral cooperation involving India, Nepal and China created a controversy in India.

Indian foreign minister Salman Khurshid said to visiting Nepalese journalists last week: "You [Nepal] are friends and tell them [China] to be good to India also. And if you like to tell us to be good to them, let us all be good to each other. But please do not give them [China] anything that will hurt India."

This will not only ensure political stability and development in Nepal, but also in entire South Asia. Also, it will eventually help realize the trilateral cooperation that Nepal wishes to see. ■

# What Democracy Is Not All About?

YUBARAJ GHIMIRE



Few weeks ago, during a social event, Nilambar Acharya vociferously supported the move to have Chief Justice Khil Raj Regmi appointed as the Electoral Prime Minister. He was dismissive of the argument about such a move violating the principle of separation of powers. 'At a time, when the sovereignty does not lie in the country, such an argument will lead us not know-where', was his counter-argument. The host of the event was a retired Chief of the Nepal Army.

Weeks later, Regmi having been in the saddle for nearly two months now as wished by Acharya and the likes of him including the top leaders of the four 'major political parties', made similar comments when a delegation of the Nepal Medical Association called on him recently. To their appeal that he should resign as the Chief Justice in deference to the principle of the separation of powers, Regmi asked 'does the power really lie in the country?' Let us examine these two dangerous admissions—something that confirms Baburam Bhattarai's infamous statement that the key (to run the country) lies somewhere else—coming from two people who were in their position (Acharya as head of the Constitutional Committee and Regmi as CJ) under a constitution that says sovereignty lies with the Nepali people.

We need to debate this point seriously and see if sovereignty and Democracy have any direct relation in Nepal's context. In the past six years, especially after 2006, almost all the parties and their leaders including the Maoists claim to be campaigning for a 'democracy' that will remain forever. But the period—judging by these leaders version—has seen erosion, if not disappearance of sovereignty, an assumed source of democracy. If that is the case, it is time that the accountability for this disappearance should be fixed. The question then arises; can we have democracy without people's sovereignty?

American Constitution's may not be as bulky or big as the interim constitution here, or like voluminous 'constitution' that donors and their Nepali friends have brought about recently as a model of the Nepali constitution they envisaged, but it has a very strong core message that gives a sense of belonging to its people. 'We The People' —is at the core of everything

that makes a nation and the constitution in American concept right from the time its constitution was formed. But we are practicing a system—all in the name of democracy—that denies any role to the people. Our Abraham Lincoln in our present day context will define democracy 'By the Leader, of the leader and for the leader'. And such leaders never felt the need to be accountable to the people. We have seen and experienced this in our country during the past six years.

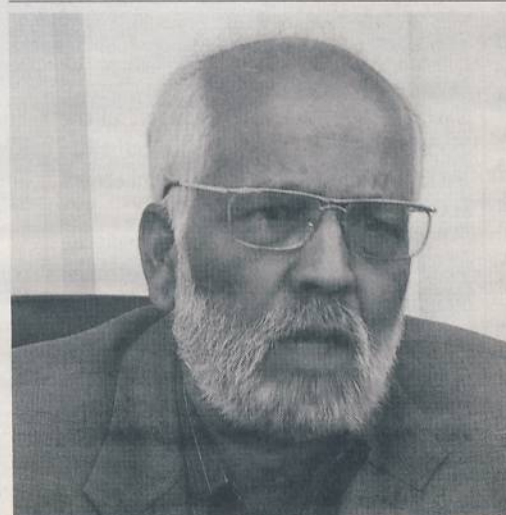
Exit of the Monarchy in 2008 May gave birth to a dangerous euphoria—a sort of cacophony—in favor of democracy in Nepal. It was clearly an agenda first mooted by India as back as in September 2005 (wiki Leaks September 12, 2005), then transferred to 'Nepalese actors' through 12-point agreement two months later, and implemented in May 2008 unconstitutionally as the bill in the constituent assembly was piloted by an unconstitutional government led by G P Koirala. Why was the issue not taken to the people? Clearly, our actors took the order from the author of the move. They turned towards larger international community for the endorsement of an illegal act. They did not care much about what 'we the people' in Nepal would have wanted on this issue. That role that the leaders of the 'bigger parties' snatched from the people has not yet been restored to them. Gradually, it has moved to Shital Niwas and Baluatar with no accountability, responsibility or loyalty to the Nepali people, the source of Nepali sovereignty.

BP Koirala therefore, advocated for a fine balance between Nepal's independence, sovereignty and democracy. He envisaged that Nepal will remain an independent country

only so long as the Monarchy as Constitutional Head of the state and Pro-democracy forces worked together with a conciliatory approach. Nepali Congress post 2006 rejected that theory that BP had all along advocated. No nationalism, no sovereignty, no independence, but only democracy seems to be the new slogan that the Nepali Congress has come to own. That is where the fallacy lies. Nationalism, independence and sovereignty are interlinked with Democracy. In all these people have the right to decide freely, independently and without any outside interference? ■



Chairman of council of minister Regmi



Nilambar Acharya





CIAA Chief Karki Taking Oath from Acting Chief Justice Damodar Sharma in front of President Dr. Yadav

## POLITICAL ROW

# Regular Coincidence

*The recent political controversy is nothing more than a regular coincidence in Nepali politics known for controversies and political upheavals as its basic characteristics*

By KESHAB POUDEL

As the appointment row of former chief secretary Lok Man Singh Karki as chief of the Commission for the Investigation of the Abuse of Authority flares up, the Nepalese society, which is looking forward to the new elections, is bitterly divided. There is division among media, civil society and political parties over it.

President Dr. Ram Baran Yadav appointed Karki on Wednesday (May 8) morning following chairman of council of minister Khil Raj Regmi's clarification that the process of recommendation was made through constitutional and legal way.

On the other hand, from the street to the court and from the media to the entire political spectrum, the dominant agenda is not the forthcoming elections. Student unions affiliated to 13 different political parties have already announced an agitation. Nepali Congress leader Sushil Koirala and CPN-UML leaders, who recommended Karki's name, have issued a statement asking president Yadav not to accept the recommendation. UCPN-Maoist leader Prachanda, however, is still sticking to his recommendation of Karki.

Former minister and member of the dissolved Constituent Assembly Nilamber Acharya writes in his face book

wall, opposing the move as against the spirit. Even known royalist Dirgha Raj Prasai has opposed the appointment of Karki as the chief of the CIAA him terming corrupt. Leading civil society member and senior journalist Kanak Mani Dixit is leading the agitation against the appointment.

Although this new row seems somewhat strange, as a development arising with a new agitation, verbal war, or division, it is a regular feature of Nepalese society. One of the characters of Nepalese political and social spectrum is continuation of instability.

At a time when political parties are pressing to announce the elections date, the appointment row of former chief secretary Karki has overshadowed the process. If political parties continue to indulge in the appointment row, it will definitely hamper the election process.

"Nepali Congress and CPN-UML do not want to go for elections. This is the reason they are diverting their aim by denouncing the decision taken under their own consent," said UCPN-Maoist leader Prachanda. "Actually, UML leaders proposed the name of Karki and all four political parties unanimously agreed on that."

CPN-UML leaders dismissed the charges. "It was UCPN-Maoist leader

Prachanda who proposed the name of Karki," said CPN-UML leader Pradip Gyawali.

At a time when Nepal's major political parties are busy in launching a nationwide campaign, the political controversy has diverted their attention from elections to the appointment. Nepali Congress, CPN-UML and UCPN-Maoist leaders have already returned to capital from districts to clarify their stands.

### Election Process

Disputes over the appointment are heating the streets of Kathmandu. The strike called by CPN-Maoist led front, representing 33 political parties, crippled the life in nine districts of eastern part of Nepal, thereby, disturbing the elections process.

Despite such disturbances, chief election commissioner Nilkanth Upreti is confident about holding the elections. "The election date will not go beyond mid-November. He also urged the people not to doubt the EC's ability to conduct the polls," said Chief Election Commissioner Nilkanth Upreti "We are technically prepared to hold election so I also urge the parties to remain prepared for polls. UCPN-Maoist has proposed to the government to announce November 13 or 14 as the election date."

### Implications of the political disputes

The appointment row will have severe ramifications in the political process. It is likely to weaken all the institutions involved in the process. It will create a division among major four political parties, which will render the Four Party Political Mechanism defunct.

As workers of political parties have already raised a question about the capability of senior leaders, political parties will lose their legitimacy too. Bitterly divided political forces and civil society are likely to have impacts in the coming elections. The court's legitimacy will also suffer.

As the appointment row has already put the political forces in an odd situation, Nepal's politics will continue to go as it was. Although it may seem unnatural on the surface, the row is natural. Eminent constitutional lawyer Ganesh Raj Sharma, who is retired now, used to say that frequent political upheavals, unusual for common people, are a regular coincidence in Nepali politics. So, nothing is impossible in Nepal. ■

## No Meaning Of Such Poll

MOHAN VAIDYA



CPN-MAOIST leader Mohan Vaidya holds the view that there is no meaning to participate in the coming elections.

**How do you see the possibility of holding the elections?**

In the present circumstances, I don't think it is possible to hold the elections. Not only us, many other political parties are opposing the elections in November.

**Do you mean elections cannot be held in November?**

Elections cannot be held in coming November. I mean the elections participated in by all the political forces. They can hold the election as it was held by Gyanendra in 2005.

The party registration and voter registration processes have already resumed and people and political parties have been showing strong enthusiasm towards the elections. How do you look at this?

You cannot guarantee the election just by opening the process for registration of political parties at the Elections Commission or resuming the voter registration process by arresting our cadres. What is important is whether there is a conducive environment for it or not.

**Will you participate in the coming elections?**

There is no question to take part in the elections in the present circumstances. We want correction on the agreement signed by four parties, including the resignation of present government.

However, other political parties have been saying that your party will take part in the elections. What do you say?

Everyone likes to see us in the elections. This is their statement. However, I want to make you clear that our party will not take part in the elections until our demand is addressed.

**As the government has already sent a formal request to your party for talks, what is your reaction?**

We have been demanding the resignation of this government from the day one and cancellation of the 11-point agreement signed between four parties. We have also expressed strong objections over the formation of High Level Political Mechanism of four parties. Until our demands are fulfilled, there is no question to take part in the elections and negotiations.

**It is reported that visiting British Minister asked you and your party to take part in the elections. What do you say?**

Yes, I met the British minister and I told him of our conditions to take part in the elections. We will boycott the elections if our demands are not fulfilled.

**Your party has been saying that you will negotiate with the president. Have you ever received any indication from the president for talks?**

It is unfortunate that president Dr. Ram Baran Yadav has not responded to our demands. Had he invited us, we would have gone for the talks.

**On what conditions will your party take part in the elections?**

First of all, there is the need to dissolve the government. After dissolution of the government, there is the need to call an all-party roundtable meeting, which will decide the formation of the government and the elections date. ■



## No Option To Polls

SHARBENDRANATH SHUKLA

Sharbendranath Shukla, leader of Terai-Madhesh Loktantrik party

**How do you see the possibility of holding the elections in November?**

There is no option other than to hold the elections for the Constituent Assembly in November. I am pretty sure that there will be election in November and all political parties will take part in it.

**CPN-Maoist leaders have already made it clear that they will boycott the election.**

CPN-Maoist leaders will not take such a non-political decision. We have already opened informal channels to discuss this with CPN-Maoist. I think they will join the elections.

**CPN-Maoist has put forth so many demands, including the resignation of the current government and dissolution of the High Level Political Mechanism. How do you look at this?**

It is natural for any political party to put forth a number of demands. We have already made it clear that we are ready to discuss their demands. If CPN-Maoist agrees to participate in the elections, we can accommodate them in the political committee also.

**As the last Constituent Assembly got dissolved without promulgating the constitution, do you see any chance for the new constitution to come through the new CA?**

It is unfortunate that the previous Constituent Assembly failed to promulgate the new constitution. You cannot deny the right of the people to write the new constitution through the CA by showing the failure of past experiments. There are instances in other parts also where several elections were held for CA. Even some countries scrapped the constitution made by CA. In the case of Nepal, people struggled for more than 60 years to write the constitution through CA.

**You have said there will be elections in November. However, the Election Commission is yet to send its team for voters IDs. How do you look at this?**

Political parties have already launched their election campaigns by registering their parties in the Election Commission. Some political parties have even launched other related activities. Looking at the various activities, there is a congenial environment for holding the elections. Of course, CPN-Maoist cadres have been disrupting the election process in some areas, but there are no obstructions in large areas. So far as distribution of IDs is concerned, it is going on at a good pace. If the Election Commission cannot issue the IDs to all, people should not be denied the right to vote.

**How do you see the possibility of electoral alliance between Madhes-based parties and UCPN-Maoist?**

I outrightly reject the idea of electoral alliance with UCPN-Maoist. There is the need to develop a leadership in Madhesh. If we contest the elections on the basis of alliance, UCPN-Maoist will dominate the elections. As Maoist party is a communist party, which believes in a central rule, we cannot make any alliance with the party which does not believe in federalism or devolution of power. ■

# CHAMELIYA In Deep Water

*Chameliya Hydropower project has already been delayed for four years, causing a huge financial loss for Nepal as well as for the far western region*

By KESHAB POUDEL  
in Balanch, Darchula

Although one may disagree with the various costs involved in Chameliya, no one will dispute about the value of the project as the first mega hydropower project under construction in the entire far western and mid-western region. Once the project starts power generation, it will naturally be a money minter in the region.

With a capacity of average 184.2 GWh hours annual generation, Chameliya, 30 MW project, will bring over Rs.1. 20 billion in Nepal Electricity Authority's coffers. Known for low Human Development Index, the far west will see Chameliya, with the 131 KM long, 132 KV transmission line from Balanch of Darchula to Baitadi, Dadeldhura, Doti and Attariya Kailali, transforming the entire life in the area.

The contract agreement was signed with China Gezuwa Water and Power Group Company in December 21, 2006 with an aim to complete the civil works by May 2011. Due to political trouble and major geological disturbance, squeezing of over 800 meter tunnel, the civil work was delayed and it was rescheduled for June 2013. Experts hold the view that this is the first kind of geological hazard any hydropower project faced in the South Asian region.

As the technical solution for the geological hazard has already been identified, it is just a matter of time to complete it. Similarly, the geological hazard appeared in the whole of the penstock increasing the estimated cost and time.

Along with the zoological hazard and other technical problems, removal of Keshab Raj Bhatta as a project manager,

who had been involved in the project for 15 years by Energy Minister Prakash Sharan Mahat in 2010, also created certain managerial problem. Interestingly, the person who replaced Bhatta as a project manager returned from Baitadi Patan looking at the danger on the road.

Signed in April 30, 2009 with K.H.N.M.P Consortium Korea for electro-mechanical, hydro-mechanical and Balanch-Attariya 132 KV Transmission line, the contractor should have completed the project by May 2011. Due to political, financial and technical problems, it was extended till June 2013. Although the works in the hazard areas will take some time, the project will be delayed for



Secretary Koirala Inspecting Chameliya Project

oneortwomore years depending upon the timely decision and releasing of fund.

Initially the cost of the project was 99.9 million US dollars, which has now reached

158 million dollars due to political strikes, design change and geological hazard. Of course, the cost of the project has gone up. But it will start to produce the money once it generates the power.

The project was initiated after a strong commitment from Korean government's Economic Development Cooperation to provide a soft loan for 45 million US dollars for electromechanical, hydro mechanical and 132 KV Transmission Line through Korean Exim Bank. However, the recent delay in releasing the fund by Korean Exim Bank will push the project uncertainty.

Due to the delay in payment from Korean Exim Ban, Korean Consultant Saman Corporation staff have not got even their salary of the last 15 months. They are supposed to get the payment of

US dollars 548,452.65 from Korean Exim Bank as per the Interim Progress Report. In case Korean Exim Bank does not release the additional fund of 1.4 million rupees to complete additional penstock soon, the project will be further delayed as the monsoon is close to hit.

Chameliya, which is far from Kathmandu Load center and power center, got prominence when Nepal's political leaders competed to grab Toyota Prado vehicles imported for project sites. However, no one paid any attention to the project, even the leaders from far west, after that rush. The project had to wait for years to see the energy secretary at the site. Hari Ram Koirala, who was also posted as an administrator for far-western region for two years, made a record as the first Energy secretary to make an intensive tour of the project.

"Don't worry about the problems, this project must be completed by early 2014. NEA and country don't want to lose the money anymore," said secretary Koirala. "I am optimistic that the pace of construction will go fast now."

As the project is facing several complications at the last minute, energy secretary Koirala visited the site and extensively discussed about the problems. After discussions, secretary Koirala, who had led a three member team including Nepal Electricity Authority Board members Bibek Tated and Manoj Kumar Mishra, decided on 12 points to speed up the pace of project work. The decision includes working for the fund for additional penstock as demanded by Korean contractor KHNP. The secretary-led team also assured to raise the issue regarding the payment for Korean Consultant with Korean Exim Bank. The prolonged cost is demanded by KHNP consortium. The team directed to settle the issue related to variation II.

"NEA has technical, managerial and other capabilities to deal with all kinds of problems in the project like Chameliya. As a citizen of Nepal and resident of Darchula district, I am hopeful that we will have light from the project soon," said Bhatta.

The sooner the project will complete, it will provide economic benefits to the people of Darchula and the far west. For this, release of funds from Korean Exim Bank is the key. "We are hopeful that Korean-Exim Bank will release the necessary fund," said Ram Chandra Pandey, general manager of NEA. ■

# Nepal In Yuan Chwang's Travel Records



By BIPIN ADHIKARI

Thomas Watters' Book *On Yuan Chwang's Travels in India, 629-645 A.D.* (1904) was put in order from an unpublished manuscript after his death in 1901.

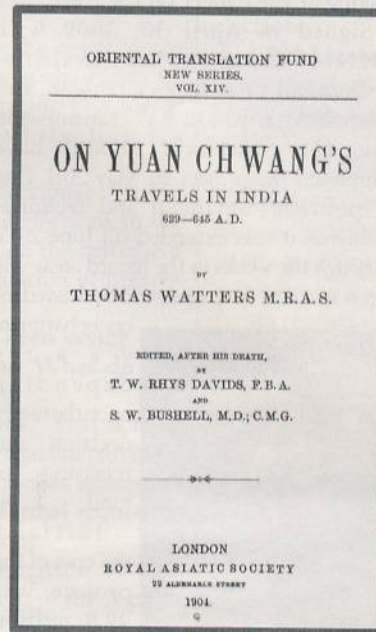
Yuan Chwang, also known as Hiuen Tsang, was a great Chinese monk. His nineteen-year journey through *Chang'an* of China to Central Asia and eventually South Asia is a rich source of information.

Thomas Watters, a British scholar of Chinese Buddhism, describes *Yuan Chwang's* journey which was pursued between 626 and 645 in this book. It includes travel accounts of the monk from Kao Chang to the Thousand Springs, from Taras to Kapis, from Lampa to Gandhar, from Udyana to Kashmir, from Kashmir to Rajapur, from *Cheh-ka* to Mathura, from Sthaneswara to Kapitha, from Kanyakubja to Visoka and from Saravasti to Kusinara. It also describes Chwang's trip from Varanasi to Nepal, and then to Magadh and Sri Lanka. Watter also outlines general descriptions of India as furnished by Yuan Chwang before describing the story of his journey from Lampa to Gandhar.

The *Great Tang Records on the Western Regions* included the original details of Yuan Chwang's nineteen-year journey. The present book is the first sincere work on the great pilgrim's visits to famous Buddhist locations and monasteries of that period.

The preface contributed by T. W. Davids states: "Mr Watters left behind him a work, ready for the press, on the travels of Yuwan Chwang in India in the 7th Century AD. The only translation into English of the *Travels* and the *Life of Yuan Chwang*, the one made by the late Mr. Beal, contains many mistakes. As Mr. Watters probably knew more about Chinese Buddhist Literature than any other

European scholar, and had, at the same time, a very fair knowledge both of Pali and Sanskrit, he was the very person most qualified to correct those mistakes, and to write an authoritative work on the interpretation of Yuan Chwang's most interesting and valuable records. The news that he had left such a work was therefore received with eager pleasure by all those interested in the history of India."



**Thomas Watters' Book *On Yuan Chwang's Travels in India, 629-645 A.D.* (1904) was put in order from an unpublished manuscript after his death in 1901.**

Even though Yuan Chwang's journey was much more explorative, two other Chinese pilgrims - Tseng Tsai and Fa Hsien had already visited Lumbini before him. These visits were held in the fourth and fifth century respectively. On his way to Nepal, Chwang first visited *Sravasti*, traveled through south western Terai and thence to Kapilavastu, his last stop before Lumbini, the birthplace of Buddha.

"The site of the *Sravasti* of the present passage was long ago

confidently identified by Cunningham with that of 'the great ruined city on the south bank of the Rapti [river], called Sahet-Mahet' in which he discovered a colossal statue of the Buddha with an inscription containing the name "Sravasti"! This identification has been accepted

and defended by other investigators, but there are several strong reasons for setting it aside. These are set forth by M. V. Smith who, after careful study and personal examination of the districts, has come to the conclusion that the site of *Sravasti* is in the district of Khajura in Nepal, a short distance to the north of Balapur and not far from Nepalganj in a north-north-east direction. But this proposed identification also has its difficulties, and must await further developments. No discoveries have been made to support the identification, but there seems to be the usual supply of mounds and ruins."

Referring to King Virudjiaka, the book states: "We are to meet with this king Virudhaka again presently in connection with his sack of Kapilavastu. Fa-hsien, without mentioning the dead tree, makes the place at which the Buddha waited for Virudhaka to have been four li to the south-east of *Sravasti* city and he says there was a tope at the spot. In Buddha's reply to the king about his kindred being branches and leaves there was probably in the original a pun on the words Sakkha, a branch, and Sakya. By the answer of the Buddha the king knew that he was speaking from an affectionate interest in his relatives, and the king was accordingly moved to recall his army. The Buddha repeated the interview with the king twice and then left the Sakyas to the consequences of their karma.

The book has many interesting references. A couple of the facts in the book have also been contested by other recent writers. ■

## SCHOOL EDUCATION

# Choices Galore

*With such a wide array of choice schools, guardians find it difficult to choose the one that will fit and benefit the students*

By ARYAA RAJOURIA

The exams have been over, yet the most stressful part of being a post-10<sup>th</sup> grader remains. It is that time of the year again, overstuffed with applications and interviews. The final results come in, and it is time to make a decision. Some higher education institutes of Nepal are now offering programs that meet international standards. High schoolers now have many alternatives to pursue: they can choose among the General Certificate of Education Advanced Level (A level), Advanced Placement (AP), International Baccalaureate (IB), All India Senior School Certificate Examination (CISCE/AISSCE) and +2 (The official higher secondary education in Nepal).



With such a large array of choice schools and certificates, the guardians find it difficult to decide which one will fit and benefit their wards the most. There are many differences between these 11<sup>th</sup> and 12<sup>th</sup> grade boards. The only obvious similarity is that they all count and are taken into account on the student's transcript.

The General Certificate of Education Advanced Level is better known as the A-level. The A-level is internationally recognized, especially in European countries, such as Britain. It is a two-year course for 11<sup>th</sup> and 12<sup>th</sup> graders, where most students study 3 to 4 subjects per year. A student can sit exam either every year, or altogether at the end of the 2<sup>nd</sup> year. It is known for its flexibility. In Kathmandu, there are 42 schools that provide the A-level program. The tuition cost ranges from Rs. 10,000 to Rs. 40,000 per month. The subject choice of the student varies from business studies to philosophy, with many more in the middle. About four thousand students attend the A level

program every year.

Samridhi Rana is one of these A level students. Rana's choice was Malpi Institute. She says she chose A-level because, "It is a flexible course designed to suit the requirements and match the interests of the student. It is internationally recognized and the fact that it is challenging emphasises its high standards."

Advanced Placement (AP) is available only in Nepal at one educational institute, the Lincoln School. The College Board created it in order to offer college level courses to high school students. It is internationally recognized, while being preferred in the United States of America. The number of subjects that are offered within this board happens to be less than those offered in A level. However, there is still a wide selection ranging from Calculus to Music Theory. There is a wide range of opportunities that come with AP. If a student receives a 4 or 5 in an AP exam, he may acquire college credit in high school. AP is on the more expensive side, with the tuition being \$20,775 per year.

International Baccalaureate (IB) is only available at Ullens School. Ullens is a certified world school, and the teaching style differs drastically from A-level or the traditional +2. IB focuses on not only the academic areas, but also on other faculties like research, social work and sports. It is internationally recognized. The IB program has two parts, the Certificate and the Diploma. Every child starts out in the Diploma program, which is very rigorous. If the child has a hard time, he does the Certificate. Apart from regular classes, the IB has 3 cores. They include the Theory of Knowledge, the Extended Essay, and the Creative, Action, Service area. These cores help students become independent, life long learners. IB is also expensive, with the monthly fee being Rs. 4800.

The 11<sup>th</sup> and 12<sup>th</sup> graders in India must give the All India Senior School

ULLENS SCHOOL



Certificate Examination. The board, upon which they do this, has many names. The most common ones are CBSE and ICSE. There are many minor differences between the two. For example, in CBSE both Hindi and English are thought of as important whereas in the ICSE board, the focus is on English. The Nepali government has begun to regulate the Indian Board Schools, thus they may not be available for much longer. The tuition fee is roughly Rs. 3465 a month in India.

The problem with +2 in Nepal is that it is not globally competitive. Also, the teaching style has not changed much in the last decade, neither has the curriculum. The syllabus remains the same, and that is not a positive thing. Students will not be able to keep up with the times, and this will become a disadvantage. Also, +2 tends to focus on science and math, rather than humanities. Rana, who is to become a humanities student, says, "Doctors and engineers are needed but so are environmentalists, sociologists, and philologists."

Another discouraging factor about +2 is that the teaching styles of the teachers have not developed. Students are taught, yet mugging and blindly memorizing is still required to pass. Memorizing without understanding results in students becoming followers rather than leaders in society later on. The teaching style in other boards focus on situations related to real life. Instead of rote learning, they encourage the student to understand the material. In today's globally competitive world, the +2 education may not be satisfactory. Something must be done in order to improve the quality of education of the institutes that most of Nepal's students attend.

*Rajouria is an intern*

# “Law Plays A Pivotal Role In The Development Process Of Nepal”

-RAJENDRA KISHORE KSHATRI

At a time when Nepal has been in the process of political, social and legal transition, Nepal Law Commission is making efforts to reach to broader stake holders. RAJENDRA KISHORE KSHATRI, secretary at the Nepal Law Commission, spoke to NEW SPOTLIGHT on various issues. Excerpts:

**What Nepal Law Commission does?**

Generally, the Commission advances law reform proposals, systematic review of the law on any aspects of Nepalese Laws and makes recommendations for reform and development of the law. It also recommends on ways to make the law as fair, simple, understandable and accessible to all. The Commission is headed by a Chairman and supported by a Vice-chairman and three part-time Members. Apart from them there are three ex-officio members in the Commission represented from the Cabinet Secretariat, Ministry of Law and Justice and the Office of the Attorney General. The Commission is supported by the staffs of the Law Commission, who are civil servants and led by a Secretary, who works as a Member-Secretary to the Commission. Nepal Law Commission was specially made in 1953 and consecutively thereafter the second, third, fourth and fifth Commissions were constituted in 1960, 1963, 1972 and 1979 respectively as an ad hoc body institute. Nepal Law Commission being a statutory body is established under Nepal Law Commission Act, 2063. It is a non-departmental public body which gives it a degree of autonomy; nonetheless it is a part of the family of the Government of Nepal.

**What is the basic objective of the Commission?**

The Commission is responsible to take the lead on legal drafting of the sectoral legislations of the government line ministries and departments in order to make coherent and principle based laws to have confidence in the integrity of our legal system. The prime objective of the Commission is to improve the

quality, relevance and effectiveness of Nepalese law. The Commission believes that an interesting way to begin with is to collect and consider views and priorities from all stakeholders affected.

**What are the mandates and functions of Commission?**

The Commission has been given explicit mandate for its required functioning as a permanent law making body. The principal statutory functions of the Commission under Section 10 of the Nepal Law Commission Act, 2063, among others, are to: initiate proposals for the review, reform or development of any aspect of law in a systematic way; initiate, sponsor and carryout studies and research for the development and reform of laws together with contemporary issues of justice; conduct and initiate public debate and consultation in the law reform process; give priority and focus in setting and applying standards for quality legislation; advise and assist government departments for review, reform and development of sectoral legislations; undertake to consolidate areas of law and integrate statutory laws; suggest the government for the inclusion of covenants of international treaties and agreements, on which Nepal is a party; recommend and advise the government for development and reform of laws; provide and submit certain draft legislations along with explanatory notes before the government; and deliver its annual progress report to the Government of Nepal within sixty days of the expiry of every fiscal year.

Apart from the above, the Commission is also responsible for follow-up action on its delivered recommendations. In addition to the above, the Office of Prime Minister and Council of Ministers, responding on the request of Nepal Law Commission to activate and implement the provision of Section 21 of the Nepal Law Commission Act, 2063, issued a circular on 21 November 2012 to all its functional line agencies to acknowledge the status of Nepal Law Commission, as an independent law reform organization and to mandatorily consult the

Commission for all related law reform project if that fall within one of the following criteria:

- i. If the subject is related or would be related to various government agencies and professional groups' benefit and interest;
- ii. If the subject is substantively lies with long term government commitment or has long term effect;
- iii. If the subject is related to the requirement of fundamental review of any prevailing laws;
- iv. If the subject is of complex legality or requires extensive public or professional consultation;
- v. If the subject of law is to be devised independently from any ministry or any central level organization of the government; and
- vi. If the subject is fairly legal and juridical or that requires to be made within the basis of independent role.

**What other works Nepal Law Commission does?**

Although, the Commission has no specific statutory obligation to collect and disseminate information on Nepalese laws; nevertheless, it took a proactive role to make available the free access on Nepalese laws to the general public through from its website: [www.lawcommission.gov.np](http://www.lawcommission.gov.np). Older reports and consultation papers are also available through the Commission's Documentation Centre or can be supplied electronically on request. The Commission is now working to make its website more secured and reliable. For this purpose the Commission is giving priority to upgrade, update and to make its website interactive to make it readers' friendly. The Commission encourages readers' comments and responses.

**What other roles it do?**

Generally the Commission does not provide any legal opinion. Nevertheless, the Commission as the role entrusted on it, it leads and promotes debate on, and make recommendations for the reform of existing law, through which it promotes and supports quality standards in the development of new legislation and

deliver a broader advisory function to the Government. As a matter of fact, the Commission provides legal and policy advice to the Government following the referral of any specific legislation. The Commission contributes to the development of associated Cabinet papers and draft legislation, with the administering department, and provides legal advice on an ad hoc basis in response to specific requests from Cabinet Committees, specifically to the Legislative Committee in particular.

**What are the challenges before the commission?**

It is now obvious that law plays a pivotal role in the development process of Nepal. The legal reform and its content must be confirmed with the country's needs. Considering the major political shift in Nepal, the Commission has had an essential role in guiding and legitimizing the process of change. Nepal still needs to move strategically and there is an ample area wherein establishment of rule of law is essential. In the absence of law it is just impossible to create a climate of stability and predictability. Only the rule of law can provide credibility to commitments on the part of the Government of Nepal, and reliability and enforceability to applicable rules. The Commission, now therefore, has the lead role to play in order to prove how law may be utilized to achieve economic revival and sustainable development in the country.

**How do you see legal drafting process?**

Every step of the legislative drafting process is about teamwork. It requires multiple analytical tools and capabilities from different disciplines as well as well-rooted skills and values for collaboration, participation and transparency. The Office of Prime Minister and Council of Ministers has a central coordination role to play with respect to the government's legislative agenda, with which the Commission feels it urgent to work closely with it. The Commission has been giving continued priority in setting up a multidisciplinary team consisting of drafters, policy developers, litigators and legal counsel together with required experts specialized in the subject area, to ensure

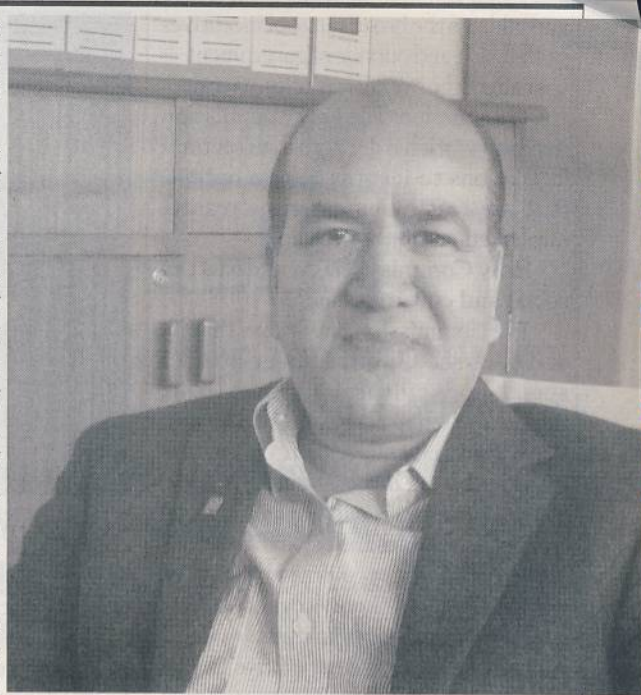
that all aspects of the question of law and policy are duly taken into consideration.

**What are the modalities of Commission?**

The Commission establishes connections with a wide range of professional and community groups that will be interested in a variety of projects. The Commission believes that the process of legal reform must ensure that the content of a law must respond to genuine social needs, reflect a pre-existing or emerging public opinion based on adequate data and studies and result from some form of participation, especially by those likely to be affected by them. If these processes are not considered seriously, confidence in the legal system will suffer.

**How is the relation of Commission with other agencies in Nepal or abroad?**

The Commission focuses and believes on both internal and external working relationship in building appropriate legal regime. The Commission is much focused now to work in a partnership between the Parliament, Supreme Court, Attorney General, law schools, law society and in some instance general public of the country. The Commission is entrusted to recommend law reform measures to enhance the legal system's relevance, effectiveness and accessibility; improve the administration of justice through the clarification and simplification of the law. The Commission may jointly review judicial administration to ensure that delays are eliminated, arrears are cleared and disposal of cases is quick and cost-effective without forgoing the fundamental principle of justice and fairness. The Commission is now working to establish strong links with a wide range of organizations and individuals who have an interest in law reform, and greatly values these relationships. Apart from this the Commission wishes to



establish contacts with the other law commissions in general and law commissions within the SAARC region in particular.

**How is the relation of the Commission with donor communities in Nepal?**

Given the complexity and interdisciplinary nature of the Law Commission's work, a heavy reliance on teamwork and extensive partnerships (in both knowledge sharing, operational and promotional work) with donor communities, INGOs, NGOs, the private sector, and local experts are required. The Commission at this point of time focuses on governance in its on service delivery through enhanced capacity building. For that purpose it may need to even work on reorganizing the present Law Commission to fit for all its delivery including its law reform agenda. The agenda is to continue to foster these changes through the advancement of analytic tools, new approaches to the design of project identification and selection and required stakeholder consultations and expanded emphasis on partnership with donor communities, and progressive shifts in staffing, incentives, and evaluation techniques in pre and post Bill preparation. To be effective, the Commission is ready to work with our potential partners to understand

and address the broad range of incentives both inside and outside of government—that affect the overall law reform work of the Commission. The Law Commission needs to work harder across all sectoral legislations to identify reform options that are feasible and can be readily implemented on the ground.

**How Commission can address the social and cultural issue?**

The Commission now views that its activities should bring about broader social and cultural change. It is important that the approach of the Commission must take account of views and experiences of those affected by law. While devising law reliance only on legal concepts, structures and recommendations will fail and that would not benefit the public at large. The knowledge of external bodies and methods of analysis as well as recommendations are imperative for the Commission if it is to make a contribution to the wider notion of legal system as such. For this purpose the Commission will solicit round the year a written law reform proposal seeking involvement of the Commission for consideration. While doing so the proponent will be asked to identify the specific issue to be studied and explain the adverse consequences of the current law or the effect of having no law. A detail of the solicitation will be developed for the public information shortly.

**How do you see the community law reform program?**

The Commission wishes to launch a Community Law Reform Program as its new scheme to address difficulties and complexities within the community created by the presence or absence of the law. Members of the community and community organizations will be invited to contact the Commission and make suggestions about the area of the law that they think need to be changed or otherwise devised. Apart from this, matters coming to the Commission's attention through the media will also be considered as part of the Community Law Reform Program. The complaints or suggestions received from individuals through the "HELLO GOVERNMENT PROGRAM" could be referred before the Commission by concerned authority, if the complaints or suggestions so received are related to the issues of law



reform. It will also link this scheme to contribute to an ongoing societal conversation about law reform. We do not, however, deliver our services directly to the community.

**What role the Commission has been playing in the context of legal research?**

The Commission is the only one permanent legal research academia in the country. However, the functioning to that direction was not that apposite. In fact, the Commission itself or with joint effort can stimulate critical legal debate; and study areas that are underserved by other research. The Commission looks to the stakeholders and their expert knowledge to assist it in ensuring that all the relevant issues are identified and that the problems that exist would be resolved in the most appropriate way. For this purpose consultation papers will be prepared by the Commission to solicit input for possible reform of the law and distributed to stakeholders for comment, as well as posted on its website. Based on the Commission's independent research, including the responses from the stakeholders, the Commission will prepare recommendations for legislative action.

**How do you see the delegated legislation?**

This is in fact a fairly new scheme, the Commission wish to initiate one of its law reform programs on delegated legislation. Delegating legislation allows law to be made more quickly than Parliament, which is vital for times of emergency. As a matter of fact delegated legislation can be amended or revoked relatively easily, so that the law can be kept up to date illustrating a great deal

of flexibility in the system. But there are reasons to control over delegated legislation.

There are many instances wherein delegated legislation is made by non-elected bodies as a result many people have the power to pass delegated legislation, which have been framed offensive and unreasonable legislation. Although there is a mechanism in the Parliamentary Committee, but that is not very effective due to many reasons including the time constraints. In order to control delegated legislation to be unreasonable such legislation be scrutinized by the Commission before such legislation come into force. Similarly all government line agencies, who are responsible to implement the concerned legislation must asked to submit their concerns, disquiets before the Commission twice a year that will help the concern agencies to record their experience and similarly allow the Commission to understand the basic apprehension for law reform

**How do you see the success of the Commission?**

There is, however, no formal assessment being made on the substantial outcome of the Commission and on the process and procedure so far adopted by the Commission. There is no doubt that the Commission plays a crucial role in supporting the rule of law in Nepal. Changing social behaviors and expectations usually demand examination in the areas of law that governs the life of the people. In this situation, since there is no option, the Government must continues to hold the Commission's work in high regard and remains committed to law reform. Therefore, it is essential that the Commission must be supported wholeheartedly in its continuing work to make the law clear, accessible and fit for our competitive world, which at this juncture is warranted.

**What is lacking?**

At present the Commission lacks considerably the required budget, physical facilities and just right number of staffing. The Commission does not have its own office building would represents how the Commission has been treated so far despite its fundamental and vital role in the governance. ■



# NEPAL-INDIA

## The Border Life

Every day, tens of thousands of people cross the open border between India and Nepal. The livelihood of millions of people, living in both sides of the border, depends on that movement. The unique nature of the border, which provides immense economic and social opportunity, needs analysis to understand the deep cultural, religious and human relations between the people living in Nepal and India

BY KESHAB POUDEL

in Dharchula, India and Darchula, Nepal

Jayman Chand, an Indian citizen and grocery owner of Dharchula in the Indian State of Uttarakhand, did not know what transpired in the Indian capital New Delhi, 500 kilometers southwest, between Indian leaders and Nepal's Maoist leader Prachanda on bilateral matters. Mahakali River on Nepal side, Kamal Pal, a resident of Darchula's district headquarter, Nepal's far-west bordering town, does not know what was going on in New Delhi.

Demarcated by Mahakali River, people living in each side of Nepal-India border have been facing a lot of problems due to the growing security alertness on both the sides. Every day hundreds of Nepalese and Indians cross the Mahakali Bridge. However, they are humiliated by border manning personnel from both the sides when they cross the border.

Presence of Indian Army at Dharchula shows that it is one of the security sensitive parts of India, bordering China. Due to involvement of security, naturally, there may be some implications in border crossing.

Close to the triangular border between India, China and Nepal, the residents of the border on both sides want to maintain harmony and closeness among them. Leaders may speak different languages in different times.

However, people living in both sides, who speak the same language, and observe the same culture and same religion, have not many choices.

The harmonious relations and mutual understanding that existed between the people living in both sides of the border is rarely reflected in dealings at the central level. "We need each other for our survival," said Pal. "People living in both the sides survive only when we can protect each other's interests."

People of Darchula have bitter experiences of the past. The aggressive postures of Nepal's communist party created a lot of misunderstanding. Although Darchula is now connected with Nepal's national highway, people still prefer to travel through Indian roads to come to Nepal. After construction of roads in Nepal's side, even some villagers of India find it easy to go to villages through Nepal.

"We share joy and we share difficulties. We understand each other. What complicates us is petty politics which has nothing to do with us," said Chand.

Although Nepal's customs office and Nepalese customs officers impose many restrictions for the residence of both the sides, their visit to each side of the border has not slowed down. "Since the price of

foodstuff in India is much cheaper, we rely on the border market for our day to day livelihood. Similarly, we also carry surplus foods, vegetables, milk products and honey across the border because we get good prices there," said Pal.

People living in both sides of the border share even the festivals. Thousands of Indian pilgrims pay visit to important temples like Malikaarjun, a famous Shiva Temple in Darchula and other sites. Similarly, Nepalese visit annually to different religious sites in Indian side.

There may have been ups and downs in the state to state relations. However, the bond and friendly relations of people living in both the sides have remained intact. From morning to evening, till the closure of the activities, flocks of people pass every day making Nepal-India border one of the most dynamic and economically and socially vibrant borders of the world. There is more love and friendship than anything else here.

With aspects ranging in importance from social to economic and religious to cultural, Nepal-India border reminds the unique nature of border management of the world. There are problems only when there is intervention from the people living outside.

Although Nepal-India open border has so many positive sides for people

living in both sides, it is often portrayed as a safe border for the criminals to cross. The media, security officials and populist intellectuals from both the sides narrate the negative stories ignoring the various social, cultural, human, economic and other parts associated with the open border.

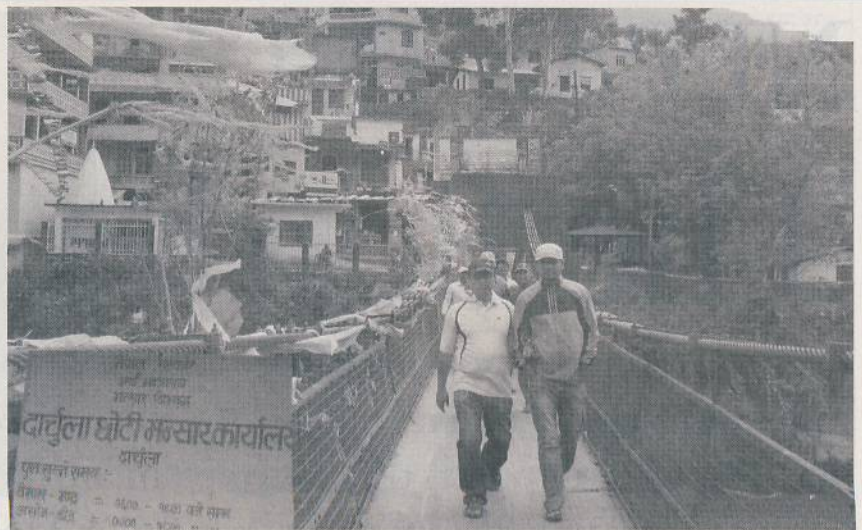
The dominant perception among them regarding neighbors is as enemy rather than as a dependable friend. The perception prevalent among the people in both the countries has neither any meaning nor any importance given to local feelings. Although it is the people of both the countries who have to live together in all the times, the policy is decided by Kathmandu based and New Delhi based elites and officials.

"The time has come to close Nepal-India open border because it has badly affected national interest," said Buddhi Narayan Shrestha, who has written a number of books on Nepal-India border. "Nepal India border needs to regulate to stop illegal arms."

Utpal Parashar, Kathmandu based correspondent of The Hindustan Times, in the March 26 issue connects terror links and India's open border with Nepal. In his long column, Indian journalist Parashar narrated a list of events to prove his argument that Nepal-Indian open border is often used by miscreants.

"Former Indian Army chief General Deepak Kapoor made this assertion during a meeting of the then US National Security Advisor James Jones, with defense minister AK Antony and defense ministry officials in New Delhi in June 2009. Replying to a query by Jones on the percentage of infiltrators from Pakistan that manage to get through, Kapoor estimated it to be around 15-20%, while citing the challenge posed by India's open border with Nepal. Besides militants, the open Indo-Nepal border is used to ferry fake Indian currency from Pakistan to India. The same route is taken to smuggle arms into India—both fake currency and arms are then used to fund militant activities and carry out terrorist attacks. Nepal has been a safe haven of sorts for not just militants from Jammu and Kashmir, but also for terror outfits of north east India," writes Parashar.

Most of the media coverage on both the sides represents the security views. They ignore the human relations. Nepal-



Nepal-India Border Darchula

India's informal trade is much higher than what is officially registered. There are more cultural and religious exchanges between the people living in both the sides. Nepalese minister Chhabi Raj Panta, in his recent remarks, raised the issue of free movement of Indian vehicles to Nepal. Ministers and officials often speak rhetoric, rather than the reality of the people's mind.

#### A Bit Of History

In his paper presented to Friedrich-Ebert-Stiftung Nepal on Prospects, Problems and Challenges of Nepal-India border, Vidya Bir Singh Kansakar, Professor and Head of Central Department of Geography writes before the signing of the Sugauli Treaty between Nepal and India and subsequent demarcation of the Nepal India boundary, there existed a free and unrestricted movement of people of Nepal and India across the border. "Nepal-India border is unique in the world in the sense that people of both the countries can cross it from any point, despite the existence of border check posts at several locations. The number of check posts meant for carrying out bilateral trade is 22. However, only at six transit points out of them, the movement was permitted to nationals of third countries, who require entry and exit visa to cross the border. As the whole length of the border except police does not patrol the check posts or paramilitary or military forces of either country, illegal movement of goods and people is a common feature on both sides of the India-Nepal border," writes Kansakar in his article.

"Socio-cultural similarities on either side of the international border, a universal phenomenon, are more pronounced in the case of Nepal-India border, because such ties have been enhanced by open border with no restrictions on the movement of people on either side. Social and cultural similarities do exist along the Nepal China boundary as well but more so in the case of Nepal India border where people have easier access and interaction. Ethnic and linguistic similarities exist along the Nepal-India border both in the south plains and hills in the east and west. The open border has naturally promoted social and cultural interaction among the nationals of both sides through matrimonial relationship as well."

The open border has economically benefited the nationals inhabiting both sides of the border. Those engaged in agriculture have economically benefited from the sale and purchase of agriculture and livestock products in hat bazaars taking place regularly in different places on either side. The increasing urbanization and growth of towns in the Tarai and along the border inside Nepal has resulted in large inflow of goods from Indian side into Nepal. The open border has provided employment to the people on both sides in the transport sector as well.

As there are motorable roads on both sides of the border, construction of motorable bridge across the Mahakali will be another boon to the people of both the sides. Pal and Chand are expecting this to happen so that they can move in each other's places with comfort.



## Post-2015: My Learning From Finland

By DHARANIDHAR KHATIWADA

As the 2015 deadline to meet the Millennium Development Goals (MDGs) fast approaches, the global leaders and citizens everywhere are engaged in dialogue and critical reflection on what has been achieved thus far, and how the international community can better prepare to respond to development challenges in the post-2015 period. Governments, regional organizations, civil society organizations, the private sector, and bilateral and multilateral agencies have initiated a number of processes to take stock of the progress made in achieving the MDGs and reflect on future challenges.

This was taken up by the High-level Consultation on Conflict, Violence and Disaster and the Post-2015 Development Agenda on 13 March 2013 in Helsinki under the aegis of the Government of Finland. This high-level consultation is one of the 11 global Thematic Consultations, conceptualized around five global conversations designed to address the inter relationship among conflict, violence, disaster, fragility and sustainable development. It brought together distinguished representatives from all over the world to discuss the importance of addressing these issues of development, as well as offer recommendations on how to reflect this in the post-2015 framework.

The high-level meeting acknowledged the significant contributions put forward by the four sub-thematic consultations on disaster, conflict and fragility, and violence in Indonesia, Liberia and Panama, respectively. The consultation process has been led by the United Nations Development Programme, the UN Peacebuilding Support Office (PBSO), the United Nations International Strategy for Disaster Risk Reduction (UNISDR) and the United Nations Children's Fund (UNICEF).

The consultation not only produced rich, substantive observations and recommendations, but did so through a truly participatory and diverse in-person consultation exercise. In Nepal's context, these issues are not only important but form the basis of our road

ahead. Peace building being more than just a post-conflict reconstruction emerging through complex phenomenon and involving a full array of processes, approaches and stages, signify a range of activities and structures before, during and after formal peace agreements between parties are signed. As such conflict management, conflict resolution and conflict transformation has been an overlapping process in Nepal to end violence and promote peace. The consultation meeting was unanimous in its call for the post-2015 agenda to address the causes and consequences of conflict, violence and disaster. Conflict, violence and disaster are universal issues of great concern to people across the world, and their toll impacts many countries, hits the most vulnerable hardest, and thwarts progress on the Millennium Development Goals.

Nepal stands at the crossroad from where the nation is to embark to new dimensions of ideologies, beliefs, and politics. Peace in a broad sense determines not only about the survival of humanity in the present context, but also the quality of life for future generation. As such the broad post 2015 framework which includes - ending impunity and ensuring access to political, economic and social justice, prevention of all forms of violence, particularly against women and children - disaster risk reduction- equality and social cohesion - participation in decision making- fair, responsive and accountable governance - the importance of inclusive growth and

institutions, have a crucial role for the attainment of sustainable peace in Nepal.

The Government of Finland, realizing the importance of external financing in the poorest developing counties, focused its development cooperation on the least developed countries in Africa and Asia. The development cooperation is to concentrate on long-term partnership in order to reduce the fragmentation of financial and human resources. Finland's long term partner countries in the future include Nepal along with Ethiopia, Kenya, Mozambique, Tanzania and Zambia as well as Vietnam, a lower middle-income country. The responsibility of emerging economies in reducing poverty and inequality within their own countries and in global development efforts is emphasized. Nepal could benefit greatly from such development cooperation. As their regional level policy Finland aims to support regional integration and the resolution of cross-border problems.

As the Secretary of Ministry of Peace and Reconstruction, the learning and knowledge shared at the meeting was not only contextual but also relevant as this is Nepal's top priority at the moment because of the impact of peace-building process which cuts across all aspects of the nation. The call for new development framework that will succeed the Millennium Development Goal post 2015 gives a clear picture of the areas that need to be addressed as part of the agenda.

*Khatiwada is secretary at Ministry of Peace and Reconstruction*

नयाँ वर्ष २०७० को शुभ-उपलक्ष्यमा समस्त नेपालीहरूमा हार्दिक शुभकामना व्यक्त गर्दै आफ्नो ५८ औं वार्षिकोत्सवको सुखद अवसरमा राष्ट्रले परिलक्षित गरेको समन्यायिक आर्थिक विकासका लागि सर्वसुलभ वित्तीय सेवाको विस्तार तथा उच्च आर्थिक वृद्धिका लागि समष्टिगत आर्थिक स्थायित्व कायम गर्न मौद्रिक नीतिको कुशल उपयोग गर्दै वित्तीय स्थायित्व मार्फत् मुलुकको दिगो विकासमा समर्पित रहने प्रण गर्दछौं ।



नेपाल राष्ट्र बैंक  
परिवार

# Meeting Madhu In Belgium



By HANNEKE VAGENENDE

*During my three-month internship as a writer for New Spotlight Magazine in Nepal, I sometimes thought about the Nepalese community in Belgium, my home country. I knew there were approximately 6,000 Nepalese living and working there, but I assumed they would be residing in the big cities like Brussels or Antwerp. The editor of the local city magazine I write for thought it would be a good idea to give me a column about my life in Nepal. During that assignment I met Madhu Poudyal, one of a few Nepalese living in Ronse, my hometown. We were in touch on Facebook and set up an interview. So last week, when I flew back home, my family took me to Mesopotamia, a restaurant, we go to from time to time, in the evening. I was tired of staying awake for more than 48 hours and I could not stop myself from falling asleep while eating. But then, Madhu popped up to say hi. What a chance, right?*

This 47-year old gentleman has been living in Ronse for the past four years and works as a cook in Mesopotamia Restaurant.

"A master chef," his best friend laughs out loud. "Before I came to Belgium, I lived in Germany. There I learned how to make food," Poudyal says.

Mesopotamia serves pizza, pasta and kebab. No Nepali food. "Of course, I know how to make dal bhat.

It may or it may not be tasty," he grins. "I don't eat dal bhat every day, not in Nepal and certainly not in Belgium. My breakfast consists of coffee and a cigarette. I only eat in the afternoon, before I start working. There are other ways in gaining calories than dal bhat."

It was in 2004, Madhu Poudyal decided to leave his hometown Banepa. Earlier, he owned a travel agency which was closed down during the Maoist insurgency. After going through a financial crisis, he ended up in Germany.

"But Belgium is a far better place for economic starters," Poudyal states. "The kind of job I am doing here, I would never do in Nepal. In Belgium, it doesn't really matter whether you wash dishes or clean the roads, the payment is still good. But Nepalese won't do this work in Nepal because the salary is way too low. That's why many of them are jobless. It is a mentality problem, yes."

He explains why almost 6 million Nepalese work abroad. "It is as if it's the main goal of all Nepalese to work abroad. At any cost. A lot of them go to countries like Qatar or Malaysia where they get exploited. But at least they are out of the country. That mentality is growing. Those who get employed in a developed country won't go back to Nepal. All of a sudden they have enough water, enough power and no more problems regarding transportation or human rights. So why would they go back? For the beauty of the country?" Poudyal smiles: "No, that is just a tourist thing."



Madhu Paudel

Poudyal is very much aware of the western European attitude towards foreigners: you can only integrate to the fullest if you adjust to the fullest. "I know many people come to Belgium to take advantage of the social protection. You can perfectly survive here, even without a job. The government takes care of you anyway. This is a negative spiral I especially see with foreigners coming from the Middle East and bringing all of their children over here. I dare say most of the Nepalese in Belgium work. It is just how we are," he says in a modest way. "Integration is important and I am proud of my lifestyle. The fact that I am married inter-caste has nothing to do with integration. I already had made up my mind back in Nepal. The caste system is invented by people and it is completely random. In my opinion, there are only two castes in the world: male and female."

Madhu considers himself to be a

liberal person, a quality he inherited from his father. "I come from an educated family. When you are educated, people approach you with more respect," he says. His dream was to become a doctor but due to his political involvement, Madhu had to adjust his plans.

"I used to be a student leader for ANFSU (*All Nepal Free Students Union*). I wanted to change the political system, in particular the autocratic monarchy. We held so many demonstrations against the government of that time. We tried and tried... Ultimately there was a change with the Maoists. I never said it was a good one," he laughs.

Clearly, there must be some differences between Nepalese and Belgian politics, right? "Nepal has so many leaders but none of them is visionary. They make the policy, only in their advantage. I don't see that here in Belgium. Here, power is more decentralized."

Madhu has his own definition of democracy. "It means: by the people, for the people and to the people. But which leader actually gives power to the people?" he asks, while sipping his coffee.

Although Madhu has a blast here in Belgium, he won't stay forever. He will go back to Nepal, to be with his son and daughter who study in Kathmandu. "I will leave Belgium in three or four years, I think. Go back to my birthplace and do some farming. I will have to start from scratch. But that is my biggest dream," he says. ■

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# Developing LAPA Leadership

By BATU UPRETY

Advocating for the reduction of Greenhouse Gases (GHGs) emissions in the atmosphere is expected to lower the impacts of climate change. Climate change negotiators from developing countries, including LDCs and island countries, have also urged developed countries to reduce GHGs emission to keep the temperature at 1.5°C. As atmospheric concentration of GHGs has reached over the 400 ppm threshold, a heightened sense of urgency is required to reduce GHGs emission and close the mitigation ambition gap.

Forty-nine LDCs emit about 4 percent of the total GHGs emission. Nepal's share on GHGs emission at the global level is less than 0.025 percent. Hence, our primary concern and effort

are towards climate change adaptation.

The UN Framework Convention on Climate Change calls upon the developed countries to mitigate GHGs emission at a level that allows ecosystem to function well. The Convention also calls upon the developed countries to support the LDCs on technologies and finance. Accordingly, LDCs prepared the National Adaptation Programme of Action (NAPA) as per the decisions of the 7<sup>th</sup> Session of the Conference of the Parties (COP7) to the UNFCCC in Marrakesh, Morocco in 2001. NAPA is a national document that contains broad-based climate adaptation programmes. During the last 12 years, 47 LDCs (out of 49 LDCs, Parties to the UNFCCC) have prepared NAPA, and about 45 countries have secured funding for the implementation of the most urgent and immediate adaptation options as included in their NAPA.

Nepal started NAPA preparation functionally in May 2009 with its inception workshop with the support from the LDC Fund. UNDP provided its services (with defined charge) to the Government of Nepal (GoN) as the GEF Implementing Agency. The NAPA was

endorsed by the GoN in September 2010.

The LAPA (Local Adaptation Plan for Action) was conceived during the NAPA Inception Workshop in May 2009. The GoN, through its UNFCCC focal point, now Ministry of Science, Technology and Environment, with support of DFID and HTSPE drafted, piloted, finalised and endorsed in November 2011 as a National Framework on LAPA.

The LAPA contributes to sensitise people and stakeholders, conduct vulnerability and adaptation assessment; identify, select and prioritise adaptation

**The LAPA contributes to sensitise people and stakeholders, conduct vulnerability and adaptation assessment; identify, select and prioritise adaptation options, and formulate adaptation plan.**

options, and formulate adaptation plan. It equally contributes to integrate adaptation options into planning process, implement the adaptation plan, and know what adaptation option worked and what did not in Nepalese soil. Hence, either a stand-alone LAPA could be formulated and implemented; or adaptation options could be integrated into the planning process, and implemented.

Nepal has yet to implement climate adaptation options in the field. The GoN has made agreement with DFID and EU in late 2011 to implement most urgent and immediate adaptation options in 14 districts under the Nepal Climate Change Support Programme. Over 80 percent of the total fund available is expected to go to field level activities in order to comply with the Climate Change Policy, 2011. For this programme implementation, UNDP will provide services with 'defined service charge'. Unlike NAPA preparation (LDC Fund and funding support from DFID was channelled through UNDP), GoN will provide funding to UNDP based on its performance in Nepalese currency. This is a significant shift in working modality

and taking the services from different organisations on climate change activities.

Separate LAPAs for 69 VDCs and 1 LAPA for a municipality (5 VDCs or municipality per district) were prepared in the fall of 2012 and are waiting for implementation. Considering the UNDP bureaucracy, it will be too early to expect for LAPA implementation. Similarly, GEF has approved the project design document in January 2013 to support through the LDC Fund Nepal's community-based adaptation project to address GLOF and flood impacts. For this Project as well, UNDP will function as the GEF Implementing Agency and funding will be channelled through UNDP. In this context, implementation of 3 programmes of NAPA is in the 'court' of UNDP and how climate vulnerable communities will receive services, will greatly depend upon UNDP.

Nepal is the only LDC which has prepared a framework on LAPA to implement climate adaptation activities in the ground. If Nepal shows convincing level of performance, LAPA might be a window for additional climate finance during its tenure as the Chair of the LDC Coordination Group to the UNFCCC for the period of 2013 and 2014. Resource generation and utilisation will also greatly depend upon how Nepal makes progress in implementing climate adaptation options.

In an ecological perspective, diversity leads to stability. This demands that Nepal may wish to explore and diversify management modalities in a way that climate vulnerable people, communities, geographical areas and ecosystems receive 'services' timely and in a professional manner to address the adverse impacts of climate change. There are ample opportunities to scale-up and provide leadership in LAPAs through effective and government-driven/owned implementation of adaptation options.

*UPRETY is an Expert Member, Climate Change Council, & Vice-Chair, LDC Expert Group*



## SAJHA YATAYAT Going Strong

*At a time when mass transport system fails to cater services to the people, Sajha Yatayat launches its services in the valley*

By ARYAA RAJOURIA

"I heard about Sajha coming back through Kantipur. Now I find it comfortable enough to go around in," says Madhan Kharel, a passenger riding in one of the large, green buses that have recently been the talk of town.

Sajha Yatayat is not a name unheard of in Kathmandu. As Bhushan Tuladhar, a board member of Sajha Yatayat, says, "It's an old face with a new identity."

After 12 years of absence, Sajha Yatayat has returned. It is now large, safe, affordable, and it's attracting a lot of attention.

The first time the Sajha Yatayat bus service began was in 1961. These buses were green, foreign, and clean. The color of the buses later became blue, and that change started the unraveling of all the changes that were to come. Later on, politics and government meddling's took their toll, and the bus service came to an abrupt end.

Nearly a decade later, it has returned. This time the service is well organized and the Sajha board is keen about maintaining its quality. The idea of

bringing back the popular bus is not new, says Tuladhar. This was a notion that had been discussed for more than 5 years.

They held meetings and had intuitional elections. They hired new staff and took the effort to train them. The buses are green again, because they want to go back to the original brand and value.

This time around, they are organized and have given themselves a mission. They are not fully dependent on the government. The mission of the Sajha buses is, "to be the leading transport agency providing affordable, efficient, safe mode of urban and interdistrict public transportation services in Nepal and as well as flag-carrier cross border service to regional cities."

Relieving the traffic jams in the Kathmandu valley is one of their top priorities. The widening of roads has slightly helped the congestion of traffic. However, with the population to rise above three to four million, it is not adequate. With more and more people purchasing

two wheelers, traffic will continue to get worse.

Tuladhar said currently 40% of people still travelled by foot, while 1.4% used bicycles. Twenty years ago, only 9% of the Kathmandu population travelled by private cars. Today, that number has gone up to 27%. With the population and the number of motors increasing, the traffic will inevitably grow. However, if people use the public transportation system, then there may be a possibility of traffic reduction.

According to Department of Transport Management, there are 800,000 vehicles registered with Bagmati Zone Transport Department. Out of them over 550,000 are two wheelers and they are prone to deadly accidents. The reason behind the rising number of bikes is an unmanageable public transport system.

Traffic Division of Department of Road estimates there are around 700,000-800,000 vehicles plying in over 600 kilometers length of road in the valley. Out of 600 KM roads, over 400 KM are earthen. The speed per kilometer is 10 in the valley. It shows the congestions. In the 2067/2068, 118,000 vehicles were registered in Kathmandu valley. Out of this, 85,000 are motorbikes.

Sajha seeks to promote environment friendly forms of transportation, like walking. However, for great distances, walking and other such modes are not a possibility.

Owning a vehicle in the Kathmandu valley is more expensive and environmentally detrimental than utilizing the public transport system. However, the Nepali public transport system currently has many shortcomings. Thus, most folks tend to want to purchase their own vehicle. A cost of two wheelers ranges from Rs.140,000.00 to Rs. 400,000.00 and four wheeler cars ranges from 1 million to 3 million rupees.

Also, there is almost no example of passengers experiencing comfort on a microbus. The conductors let in more people than the bus's capacity. This leads to a bus that's almost bursting with an excess amount of people. It is not rare to see a couple of heads pushed on to the glass, as there is not space. Thus, the ride is uncomfortable and unsafe for all involved. It is also incredibly unhygienic.

The overall population has welcomed the Sajha Buses with open arms. The sixteen buses, which have 55 seats each, have been out for only a couple of weeks and they already have many devoted customers. For example Swastika, a commuter from Kalanki says, "Now-a-days I only ride Sajha. It's safe."

The overall reaction of the public has been good. However, every rose has a thorn. The green Sajha thorn seems to be the confusing policies of the price of tickets. From a certain stop to another, there is a specific price ranging from 10-20 rupees. A working woman riding on the Sajha claims that she paid 15 rupees just the other day, and for the same distance she's paying 20 rupees since. The Sajha stops have not been created yet, so where and when it stops is rather confusing. On a Sajha bus, there are different sections, which are reserved for women and the elderly. However, it seems that nobody pays attention to this.

There also may be a major drawback for the handicapped. The disabled do not have a comfortable space or policy regarding the Sajha currently. However, Tuladhar says that they will obviously get a priority on the buses and they will receive discounts, along with students. He says, regarding the disabled, "No solution that we are confident about is yet in sight, but we are working on it."

He acknowledges that the disabled have a right to the road space, as much as any abled person.

The public may like the buses, but the other forms of municipal transportation sure don't. They claim the Sajha buses have taken many of their regulars. They believe it is unfair that Sajha buses are allowed in the airport when other forms of public transportation are not. The Sajha board is expecting criticism from them, but they will not react.

The other forms of transport may think that Sajha wants to take over. However, that is not the case, says Tuladhar. They want to increase the share of public transport and give people a choice. This will benefit all, he claims. Currently 27% of the population uses public transport. Sajha wants to increase that quantity to 50%.

However, quality must follow quantity. The Sajha buses look rather hygienic and organized when compared to other buses, however how can we ensure that this quality will last? Tuladhar says, "Through maintaining of the buses. We ensure that a cleaning company comes and the buses are managed properly." They want to make sure that they stick to the mission statement and continue to follow it.

How is the bus different from other forms of public transport? The staff is experienced and the conductors must have gone to school until 10<sup>th</sup> grade. With that level of education, they are more helpful and courteous. Before working, the conductors are given two to three days of training. Training conductors is a good idea, however, will two to three days be sufficient enough?

Shyam, a conductor, says, "We get a few days of training, so we still have a lot to learn."

There have been several challenges that the bus has faced since coming back. Other than the institutional reform process, and the lack of support on the government's part, there are

a few more. Firstly, the expenses have been of plenty. Each bus has a camera to ensure safety, along with LCD televisions to provide information and entertainment. This does not come cheap. The widening of roads has helped, except in some areas where construction is not finished yet. The lack of street lights has also been a problem as the buses run until 10pm. Nepal bandhs obviously have taken their toll. However, the buses look forward to an optimistic future. As Tuladhar says, "We shall overcome them (the complications) as we go."

The LCD televisions are something that has been coming up for a while. Recently, there have been a few vehicles with LCD TVs. Sajha, too, has adopted this source of advertisement and entertainment. "It is the first of its kind on board entertainment and infotainment in Nepal for commuters," says Shourabh, the director of technical operations in the Media Space Solutions Pvt. Ltd.

The buses, however, weren't created for the sole purpose of entertaining commuters. The Sajha buses were

primarily created for the members of our population that cannot afford their own vehicles. Secondly, the Sajha bus wants to focus on the motorcycle owners. If the number of motorcycles on the street decreases, then the streets of Kathmandu would have less traffic and seem cleaner. If the motorbike owners take the bus a couple of days a week, the difference in the traffic would be immense. The environment would also benefit from the reduction of toxic gases.

The board has also a plan on expanding the bus routes at the moment. Their short-term goal is providing Kathmandu with an affordable, punctual, secure, and comfortable mode of transport. They want to establish a systematized system. They will increase the quantity of buses within the capital while maintaining the quality, as currently they only have 16.

Once they have established and preserved a just public transport system in Kathmandu, they may begin to move out side the city. However, Tuladhar warns, this may take a few years. Right now, they are just focusing on Kathmandu's locals. The establishment will take some time, and the expansion will be timely as well.

If they stabilize the system in Nepal they may venture out into the local bus's uncharted territory, the neighboring countries. They may have the buses run to Dhaka and Delhi. This is not their current priority, however. This is the long run plan. As Tuladhar said they want to first 'give Kathmandu the attention it deserves'.

The initial and current routes of the Sajha buses include Kalanki, Kalimati, Tripureshwor, Naya Baneshwor, Sinamangal, Satdobato, Jawalakhel, Tripureshwor, Jamal, the Teaching Hospital, Naya Bes Park and the airport. Once the bus reaches the airport, it waits for 15 minutes before heading onwards.

Twelve years ago, the blue Sajha Buses didn't work as desired. Back then, it had more liabilities than attributes. A decade later they have come back and taken over. Coming back with more organization, and a confidence that can't be faked, Sajha has come back strong.

As daily commuter and an airport worker says, "Now-a-days, I always go home on a Sajha bus after a long day."

The impact the Sajha Bus has made within such a short time frame is enormous, now they must maintain it.



Bhusan Tuladhar

PRISM

# For Waste Workers

*Although it is a small project of the European Union, PRISM has shown that a small intervention can help to improve the livelihood of informal waste workers*

By A CORRESPONDENT

Sakhiva Khatun and Ram Pukar Das, two informal waste workers of Kathmandu, had nothing in deposit until two years ago. The income they made by collecting the waste and selling them to recycling centers was barely enough to feed their family members.

Living in temporary slums along the Bagmati River in Kathmandu and Lalitpur, informal waste workers like Das and Khatun, have seen tremendous change in their livelihood in the last two years. Thanks to continued support by PRISM project, informal waste workers can now see a tangible change in their day to day life. Their life is more secure now than two years ago in terms of health, finance and education.

As the project period is coming to a close next year after full three years of its tenure, the future of IWW is uncertain again. "We need this project at least for another few more years till the institutionalization of the system of waste workers like us," said Khatun, who makes a little over 3 US dollars a day. "The project has brought a lot of transformations in our life as well as the life of our children."

Khatun and Das are two members among over 5,000 IWWs, who have benefited from the project. "The project successfully turned IWWs from non-organized to organized and informal to formal," said Srijana Devkota Adhikari, Project Manager for Practical Action Nepal.

Under the social protection program, PRISM has several schemes to address the problems of IWW. Under the health care scheme, there is an outpatient service in all three districts of the valley.

Similarly, there are child protection schemes, early child hood programs and education programs. Women protection schemes establish community resource centers, skill development training and non-formal education programs. Similarly, the project also helps to establish waste workers. There is saving and credit mobilization scheme with facilities for loan and saving. There is an



institution for preventive health care which provides first aid and safety method. The ID card is also distributed for Nepalese IWW. The cash transfer scheme provides loan and saving support system. Finally, there is also a safety net for IWW.

With the support from European Union, Practical Action has been launching Poverty Reduction of Informal Workers in Solid Waste Management (PRISM) Project with five other partners like Centre for Integrated Urban Development (CIUD), Solid Waste Management and Resource Management Centre (SWMRMC), UN-Habitat Water for Asian Cities Program Nepal, Nepal Reuse and Recyclable Goods Entrepreneurs Association (NRRGEA).

It is estimated that there are about 10,000 to 15,000 people in Katmandu

Valley, working in the solid waste management sector. Informal waste workers (IWWs) belong to the poorest of Nepali society and are highly vulnerable to health problems because of their daily contact with hazardous substances.

By way of accessing a group, PRISM teaches an IWW about programs and activities such as microfinance. One of the main goals of the project is to increase the IWWs' income by 30 per cent. But how will that be sustainable in the long term? "For example, one group of 35 IWWs has set up a business plan for a plastic tearing machine," said Nabin Bikash Maharjan, of the Centre for Integrated Urban Development (CIUD), implementing partner for this project

Next year, the PRISM project will end. Nobody knows what will happen to all the achievements made in the three years. "There is the need to extend the project period for some more years because time is needed for institutions under the project to function effectively," said Sarala Shrestha, social mobilizer. "There is enough money, but too little time. We have already worked non-stop on this for twenty months. It took us over a year only to identify 4,000 IWWs. Slowly but surely, we are seeing the results. We piloted this project but the municipalities need to make it sustainable," she says

Waste workers are often exploited socially and economically. They find it hard to fight this exploitation due to a range of factors including their lack of bargaining power, illiteracy, lack of market information, and lack of skills and technology which could help them add value to the materials they collect and recycle. None of the current policies or plans includes social protection provisions which could help improve the situation, and raise the status of the profession.

Project Manager for Practical Action Nepal, Srijana Devkota Adhikari, agrees. "The project targets around 4,000 waste workers, all having an increase in health and safety, leading to better health outcomes, 2,000 having increased incomes, and 1,000 having access to affordable health care and insurance. We expect that at least 50% of beneficiaries will be women." ■



## Federalism Is Not Panacea

By KALYAN DEV BHATTARAI



I am glad Mr. Prachanda, the Maoist leader, changed his demand of caste-based federalism to language based after his trip to India and suggestions from Indian counterparts. This proves my saying that federalism is not the demand of the country, but the political game of a few power hungry politicians to fulfill their lust of power. Long back, I wrote one article entitled, "federalism will not solve the country's problem" (published in Himalayan voice ) explaining in detail why I am against federalism in Nepal right now. One of my logics was that the present demand of federalism is neither the requirement of the country, nor will it solve the country's problems. Rather it will help disintegrate the country and threatening our long existing harmony among the Nepalese people, irrespective of their differences in various castes, regions, languages and religions, etc.

The present change in advocacy for the language based federalism from the caste-based by its main propagator, the Maoist, suggests that federalism was the political demand of a few elite cadres to fulfill their power lust, as the present quota of 1 PM and 40-50 ministers are not enough to fulfill the aspirations of all the cadres of different political parties, and was politically floated without any serious homework and was not the requirement of the country to fulfill the different problems that are existing in the country as they are unable to present any road map explaining how federalism will help to solve the country's problems.

The time gap between my publication of the said article and the present change of its main base of federalism from caste-based to language-based, by its main propagator, is long enough, and in this period, I have given many interviews and comments on the issue and attended many programs related with federalism. From the participation in many such interaction programs, I noticed that leaving aside the various covert agenda on the demand of federalism, the only logical issue I noticed was the issue of identity. I really wonder what is this identity based issue, as I understand my or anybody's first identity is Nepali. Then only comes my individual identity as Kalyan Dev Bhattarai. Other than this identity, why do you need other identity? Is not this identify as Nepali more than enough to make you proud enough and your individual identity will provide you scope to do any good work that will be credited to the nation or international level without any identity problem. Who you think is authorized to prove your identity other than yourself. Where do this caste, religion, and regional identities help you to do or not to do any good work? Is there any relationship of corruption and other identity which you are demanding, will such identify help to curb corruption, which is the main cause of our failure in terms of development so far. How will all these castes, languages, religions and regional based identities help to solve tons of our problems? Can any proponent of federalism explain to me?

As I said before, I am not against federalism in principle, but it should be the demand of the country and based on the logical requirement to solve the existing problems and to develop the country fast and vastly. ■

## Federalism Based On Identity Necessary

By SANJAYA SERCHAN

As the centuries-old Nepalese state undergoes fundamental changes, there have not surprisingly been voices for and against such change and transformation. The federalism debate has not been immune from this. The historically oppressed groups of the Nepalese society like the indigenous nationalities, Madhesi, dalit, non-Hindus and non-Khas Nepali speakers are raising their voices for a rightful share in a polity that has traditionally marginalized them. For a few groups like the indigenous nationalities and the Madhesi, a restructuring of the Nepalese state along federal lines is a means to protect and promote their identity, language, culture and way of life, within the existing Nepalese state. Federalism, they hope, will provide them with the public space to do so even within the borders of Nepal.

The federalism debate in Nepal basically boils down to the issue of identity-based or administrative federalism (This is excluding the option of reverting to a unitary state, something that individuals belonging to the dominant groups of the Nepalese society might well wish for.) An administrative federalism means giving continuity to the one people/nation, one language and one culture policy that Nepalese state has espoused over the last two centuries, especially during the three-decade long partyless Pachayat system. It means negating the multi-ethnic/multinational, multicultural, multi-lingual, multi-religious and the multiregional reality of the Nepalese society. Federalism based on identity, on the other hand, means accepting the diversity of the Nepalese society and the building of Nepalese state institutions accordingly.

Federal means a fundamental departure from the past. It means not only a change in cultural attitudes but also in the way the Nepalese state and its institutions have functioned over the years. Given this, the debates related to federalism that the Nepalese society is currently experiencing are not entirely unexpected. It is not an exaggeration to say that the most difficult task before the Constituent Assembly while writing a new constitution is related to the federal restructuring of the state. "Nationalities" and the "nationalists" rhetoric that the Nepalese state has traditionally exposed have even raised the specter of fragmentation and dissolution of the Nepalese society in this context.

A multi-cultural society and a multinational state like Nepal face challenges that are quite unlike relatively homogenous societies and states. The importance of inclusive policies and programs in a country like Nepal is self-evident. The inclusion of the various groups and peoples/nations in the polity will strengthen the Nepalese state and will weaken fissiparous tendencies. These inclusive policies and programs are also integrating elements of federalism, which curb the fragmenting tendencies that may be aroused by the autonomy arrangements in a federal set-up. Of course, in a diverse society like Nepal, federalism by itself is an inclusive element. In today's global system of "nation-states," it might be difficult to provide each and every people/nation with state of its own. Nevertheless, federalism can provide these peoples/nations the "public space" to manage their affairs by themselves within the existing system of "nation states."

Federalism has been called a self-rule as well as shared rules of the various groups in the polity. These groups, people and nations not only exert sovereignty over their own affairs through self-rule but also have a share in the government of the center.

*(Excerpts of Serchan's book The Federal Experience, Nepal and the World, published by S-SIRF)*

## Bill Made To Establish The Nepalganj University Act, 2067

Nepalganj is the main industrial and commercial hub of mid west Nepal. West of Butwal, Nepalganj is historically the most important economic, commercial, and educational centre. The Nepalganj University Act 2067, bill, formulated by the Nepal Government with the intention of establishing the Nepalganj University to provide high quality academic courses and research facilities in the fields of arts, science, medical science, law, management studies, technology, commerce and trade, and other subjects and build capable human resources for national development, as per the concept of multi university on the basis of competition, to increase the quality of higher education and make the academic and educational environment of the country even more cleaner, respectable and effective, is in general positive.

Madhesi, Muslim and Tharu communities form the majority of the population in Nepalganj, Banke district. Establishing a university here, and allowing access to the marginalized communities from the area will definitely bring great benefits to these communities. It will give local communities the opportunity for higher education at a cheaper price in the region itself, which is an added advantage because it gives girls and women from Madhesi, Islamic, and Tharu communities the chance to obtain higher education close to home, as their cultural prejudices and practices make it difficult for them to go away from their homes.

Some notes on the proposed bill:

Preamble:

Besides what has been written in the preamble of the bill, it should also include "...the aspirations, attempts, and movements of the people of mid west Tarai since many years", to reflect the fact that the local people here have long been demanding better higher education facilities in the region.

Recommendation:

It will be more appropriate to add,

"it has become essential to address the long standing demands and movements of the people in Nepalganj, the centre of Mid west Tarai.

Article 1. The descriptive name and beginning and the definitions section in Article 2 that mentions the subjects is appropriate.

Article 3: Establishment of the University

Sub section (3) states that "despite anything else that might be written in current laws, when this Act comes into force, the Mahendra Multiple Campus and the Nursing Campus operated in Nepalganj municipality under the Tribhuvan University, shall be used as the base campus. It should instead add that the government should try to allocate and manage land for the University as per the recommendations in the report submitted by the Nepalganj University Possibility Study Committee in 2066 which recommended that the campus and buildings of the Cotton Development Committee in Khajura of Banke be used for the Agricultural Campus, the land near the Ranjha

Airport for Engineering College, and land of the Institute of Medicine for Forestry Science and Research Institute.

Recommendation

An additional provision Article 3(3)a should be added stating that the land and physical infrastructure necessary for the university should be arranged by the Nepal Government. In the same article sub section 4 should be added mentioning that whatever else is written in current laws, all movable and fixed assets registered in the name of Nepalganj University for the use of the University will not be taxed by the Nepal Government.

Provisions mentioned in Articles 4,5, and 6 are appropriate.

When the Senate is formed as per Article 7 (2) there are provisions to have representations as per the sub section 2 a-t. Likewise women and the Nepalganj Chamber of Commerce and Industry which played a key role as an organization in leading the pressure group to establish the University must be also be allotted organizational slots to enable their representation.

श्रम गर्न विदेशतर्फ जाँदा तत्काल फाइदा भए  
पनि दीर्घकालीन रुपमा सामाजिक र आर्थिक  
विचलन आइपर्ने हुँदा मुलुकभित्रै परिश्रम गर्नु  
(पसिना बगाउनु) मा नै सबैको भलो छ ।



नेपाल सरकार  
सूचना तथा सञ्चार मन्त्रालय  
सूचना विभाग

## Recommendation

The list in Article 7 (2) must be extended to include representation of women, as well as the provision to include the Chair of the Nepalganj Chamber of Commerce and Industry as one of the members of the Senate.

Provisions in Articles 8-34 are appropriate and do not need further improvement.

Article 35 (1) The qualification of students or researchers seeking admission to the University shall be as prescribed.

Article 35 (2) When admitting students the University should as per the policy of the Nepal Government have quota reservations or seats allotted to women, indigenous/Janjati communities, Madhesi, Dalit, differently abled, backward communities on the basis of appointed percentage.

As Banke has a large population of Muslim and Tharu communities it might be appropriate to specifically mention the quota allotted to these communities.

Recommendation: It might be appropriate to add Muslim and Tharu communities in the list for quota reservation in Article 35 (2).

Asst. Professor Ganesh Kumar Regmi who teaches law, prepared this investigative recommendation paper for Nepal Constitution Foundation with inputs from women, Janajaati, Dalit, Madhesi, youth, and other related pressure groups. The Foundation is grateful to Mohammad Siddiqui, Landa Biswakarma, Binod Kumar Agrawal, Sushil Chaudhary, Abdul Aziz Musalmaan, Buddha Sunuwar, Mamuna Siddiqui, Nirak Gurung, Bhagatram Chaudhary, Bijay Kumar Gupta, Pashupati Dayal Mishra, Mohanjung Shah, Krishna Kumar Lamsal, Lok Bahadur Shah, Bishnu Pokharel, Biswajeet Tiwari, Gariwar Prasad Agrawal, Liraj Ahmad Ansari, Balram Yadav, Shukra Rishi Chaudhary, Ashok Karmacharya, and Dr Bipin Adhikari.

*This research has been supported by The Asia Foundation and opinions expressed in this report are of the authors and don't necessarily reflect of The Asia Foundation*

# UK To Help Nepal Boost Growth

-ALAN DUNCAN MP

Alan Duncan MP, UK Minister of State for International Development, recently visited Nepal and inaugurated a bridge constructed under the UK Aid. Before he returned, minister Duncan addressed a press meet.

## How do you look at your visit?

This is my fourth visit to this beautiful country. As always, my welcome in Nepal has been fantastic. Links between our two countries are deep and longstanding – nearly 200 years old. I came to see how UK Aid is helping the poorest and changing lives. I also came to find out about election preparations.

## What was the purpose of your visit?

Along with the Nepali Minister for Federal Affairs and Local Development, I inaugurated a bridge across the Shaba Khola in Sankhuwasabha district. I was elated that the access provided by the bridge will transform so many people's lives in Eastern Nepal. This is the kind of project I have in mind when we talk about wealth creation – DFID is working to deliver this kind of opportunity across the country. The UK is planning to spend around £100 million between 2011-2015 on creating the opportunities and jobs Nepal needs. Boosting Nepal's growth rate by just a third would lift an additional 170,000 people out of poverty each year. The UK is committed to helping Nepal make this a reality.

## What is your impression on the Rural Access Program?

The Rural Access Programme is a very tangible example of how DFID is supporting communities. There are other projects that I am keen to see expand or start up: for example support to give communities access to finance to help them start up their own businesses. I realise that Nepal's current government's main task is to guide the country to elections, but I hope that the Interim Electoral Council will continue with



implementing public policies during the transition to elections. Maintaining public services and providing the macro-economic steer that only governments can, are essential functions that no other institution can take on.

## What is your observation on the current political situation?

I met political and government leaders, including the President, Chairman of the Interim Electoral Council, Foreign Minister and Finance Minister. I applaud those who are committed to ensuring that elections do take place, for elections are the only way forward to the constitutional and political settlement that would benefit Nepal. I stressed the need for quality and inclusion.

## Do you think CPN-Maoist will take part in the elections?

I understand that there are some political parties that are in disagreement with the transitional arrangements to guide Nepal to the polling day. I had a useful and frank discussion with Mohan Baidya. I urged him to agree to participate in elections. I also asked him not to encourage his supporters to disrupt the vote. I offer the same message to other parties withholding their full support for elections: this is the only way forward.

## What is your impression about the state of Nepal?

I am hopeful that Nepal is on the right track, and convinced of the continuing strength of our partnership.

# Labor Pangs



By ADITI ARYAL

It would have been any other Wednesday in the bustling city of Kathmandu. Roads would have been full of vehicles and people scurrying to get to schools and colleges or places of work. But even by mid-morning, the city was at a standstill. Most shutters were still down and corporate houses closed. They were all honoring the workers and celebrating the International Labor Day on the first of May.

As we talk of honoring labor and their contribution, we tend to forget how mistreated they are. Construction workers have no proper safety equipment and this brings so many deaths every year. Other workers do not have much social security, medical insurance, leaves, disability insurance, overtime pays and, many-a-times, they are paid less than their minimum wage rates. Some are discriminated and denied jobs on the basis of their gender, religion, caste, creed or color. It also happens that they are immediately hired and fired as per the wish of the heads. In cases like these, labor unions can do nothing, but completely stop the operation of companies that ill-treat the poor workers and start vandalizing vehicles and demonstrate in the streets. This brings in so many problems economically, sociologically and otherwise- least to start from unemployment.

Coming further to aggravated demonstrations and strikes led by the unions, so many working days are wasted for nothing. When something can be handled in a proper civilized manner, there need not be any commotion for the same. Moreover what is it that happens when it comes to the labor unions to take care of the matter in a civilized way? Everything cannot be concluded by violent handling and this is for the labor unions to understand.

Nepal is located between two economic hubs. We should be supplying plentiful human resources to them as well as try to establish our own productions instead of destroying the little that we have now. Instead of participating in this industrial breakdown we need to build and strengthen our industries.

While there were people enjoying the labor day at home on what would have been a boring weekday, there were laborers who went hungry that day. People who depend on a hand to mouth living find it really difficult to manage wages when 80 to 90 percent of their daily income is spent on food and other daily requirements. We made merry while they suffered and numerous labor unions that protect their rights otherwise did not do a

thing to take care of their situation.

As history reveals, workers' rights movement started in Biratnagar and was led by Girija Prasad Koirala in 1946 AD. However, sixty seven years later we have not been able to come up with proper laws and rights for a worker. Some organizations do follow simple safety and security but only a handful. Due to illiteracy and naivety, workers are not aware of their rights and criteria laid down by international organizations. Educated workers know their rights and their workplaces do provide them with proper job security. It is the uneducated that work the hardest and suffer the most.

Why do their so called unions not support them when they are mistreated every day at work? Why is it that they profess so much about helping common people secure their rights but little is done in reality? Threatening employers to demand anything is not a proper solution. Unions must negotiate in a moral manner, achieve something for their members and give members the best of the benefit these unions otherwise pocket. ■

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## MOVIE REVIEW

## No More Bollywood Ghosts

Bollywood is the more musical, more fun, Indian version of Hollywood. When the people come to watch a Bollywood movie, they expect to laugh, cry, or disapprovingly shake their heads. With Salman Khan's cheesy rom-coms and Hrithik Roshan's overpowering dance moves, who wouldn't take the time out of their day to enjoy life a little? The audience is always ready to escape, and immerse themselves in the ridiculous and entertaining Bollywood flicks.

Of late, ghost and horror movies have been in abundance in the Indian theatres. Ever since 'Talaash' came out in late November last year, we have seen a lot of Indian ghosts. 'Talaash' revealed a creepy side of the generally bubbly Kareena Kapoor. 'Aatma' followed it in early 2013, with Bipasha Basu in lead. Basu has played in other so-called horror movies before, and they usually have a similar storyline. 'Rise of the Zombie' came out of the fog in early April, and disappeared without a bite. Very recently, 'Ek Thi Daayan' was released as a thriller. Was it thrilling? Not really.



These Indian thrillers usually fail at producing adrenaline in abundance. They lack the essential element for a scare in the story. The plots are redundant and are often flawed. Poor settings and poor makeup often result in the lack of a scary punch. If these horror movies aren't good, then why does Bollywood keep making them?

It's the music. The story line may not be good, but these thrillers include really catchy music. The most impressive thing about these Indian horror flicks is how they incorporate jazzy dance numbers. It's unheard of to see a Hollywood thriller cast bursting into song and dance in the middle of spine-chilling, hair-raising scene.

A couple years ago, Hollywood went through a phase of creating thrillers. There was a time when people would race to the theaters, not to see the new James Bond movie, but to watch 'The Exorcist'. There was a time when the west loved to scream instead of laugh at the theaters. It seems that, that is the same phase that Bollywood is going through now.

The thing about Bollywood is that it tends to "get inspired" by hit Hollywood movies. 'Barfi!' was a heart-warming, sweet movie. However, it was obvious that there were a couple of scenes taken directly from the Hollywood movie, 'The Notebook'. It's slightly obvious that they are making scary movies because that is what was popular in the west.

Therefore, I suggest that Bollywood film makers put down their night vision goggles and their ghost movement trackers, and go attend some big, fat Indian wedding as an inspiration for their next big block buster.

By ARYAA RAJOURIA

## MOVIE PREVIEW

## Go Goa Gone

Genres: Zom-com

Director: Krishna DK

Cast : Saif Ali Khan, Kunal Khemu, Vir Das, Puja Gupta, Anand Tiwari

A comedy. A horror-thriller. An action-adventure. Go Goa Gone is all of these rolled into one! A unique combination of fear and funny makes this film a one-of-a-kind genre bender - A Zombie Comedy, or ZOMCOM!

Release Date: 10-May-2013



## Sanghuro

Genres: Drama, Social

Producer: Sameer Mainali

Director: Joes Pandey

Cast : Deeya Maskey, Aruna Karki, Dayahang Rai, Rabi Giri, Shushank Mainali

Saanghuro is the Psycho-social conflict of characters that leads unusual circumstances and raises many unsolved questions.

Desires which have been kept hidden from our consciousness for long are bound to surface at one point or another in our lives. When this happens, a conflict emerges. The new Nepali film Saanghuro deals with such a story.

Release Date: 10-May-2013



## Yeh Jawaani Hai Deewani

Genres: Romance

Producer: Karan Johar, Hiroo Johar

Director: Ayan Mukerji

Cast : Ranbir Kapoor, Deepika Padukone, Aditya Roy Kapoor, Kunal Roy Kapoor, Kalki Koechlin, Poorna Jagannathan, Navin Kaushik, Madhuri Dixit

It is a story of the exhilarating and terrifying journey of four characters as they navigate through their youth; from their carefree laughter as they set off on a holiday together in their colleges days, until their bittersweet tears as they watch the first of their bunch get married.

Release Date: 31-May-2013



(Courtesy: QFXCinemas)

# Unnecessary Tests

By **BUDDHA BASNYAT, MD**



The assumption that doing medical screening tests can help find a disease early enough and save lives is not always true. In fact with myriad of screening tests made available to avoid future diseases, screening tests have become a confusing and conflict-ridden issue. A good example is ovarian cancer screening tests. Recently the US Preventive Services Task Force (a body designated to advice on the validity of screening tests) stated that women with the average risk of acquiring ovarian cancer should not be screened for the disease. The American Cancer Society concurs.

The no- screening recommendations were based on a large scale study of 78,000 women aged 55 to 74 who were followed up to about 13 years. Half of these women were screened with ultrasound examination and blood tests (which include studying biological markers for cancer), and the other half were not screened. Surprisingly at the end of the study period of 13 years there was no differences in death rates from ovarian cancer in the two groups. Crucially, 10% of those screened (about 3,200 women in the study) had "false-positive" results which lead to over a thousand women requiring

unnecessary surgery to remove their ovaries. Obviously there were complications from the surgery such as infections and blood clots. What happened?

The ultrasound revealed benign ovarian cysts which were not able to be distinguished from malignant cancer without surgery. Furthermore the blood markers which were supposed to detect cancer were sometimes elevated for reasons other than cancer, not an uncommon finding with screening tests. But habits die hard and many doctors continue to screen for ovarian cancer, regardless of these findings or recommendations. Unfortunately these controversial screening tests are not limited to ovarian cancer alone. Controversy, for example, rages on about prostate cancer screening tests for elderly men. Some studies have shown some benefit for prostate cancer screening tests and many others have not. Even in those with small benefit for cancer survival with prostate cancer, potential harm from biopsies, overdiagnosis (finding cancer that would never become clinically detectable) and treatment complications have to be strongly considered.

In all this confusion about screening tests, it is almost tempting to be a fatalistic Nepali and not do any tests. But that would be counterproductive because there are many, well-established, useful screening tests for appropriate age groups such as PAP smears, colonoscopy, dermatological check for melanoma, and ultrasound screening for aortic aneurysms to name just a few. If your budget allows (as there is no universal insurance in "hamro" Nepal), these tests are indeed useful. ■

## Russian Expedition Promoting Tourism

A five member Russian Expedition Team arrived in Nepal, crossing 6500 kilometers of road through Russia, Kazakhstan, Kyrgyzstan and China. With an aim to promote tourism, the Russian team, led by Nikolay Lan Jukh, started their journey on April 18 from Ural mountains in Russia.

"After travelling from Russia to Nepal, we find that there is a great potential for the adventure tourists from Russia to come to Nepal," said team leader Jukh. Our team has plans to go to India after visiting Lumbini, the birthplace of Buddha. This mission will complete in Australia. We will go by ship from Kolkata.

Going from Ural mountains of Europe to high mountains of Asia, including the Himalayas, the team also visited the base camp of Mt. Everest from the Chinese side. "We

found that this is one of the most beautiful parts of the world where one can see the diversity in terms of geography, culture and religion."

Known for 66 expeditions, the group is supported by the government of Russia. ■

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