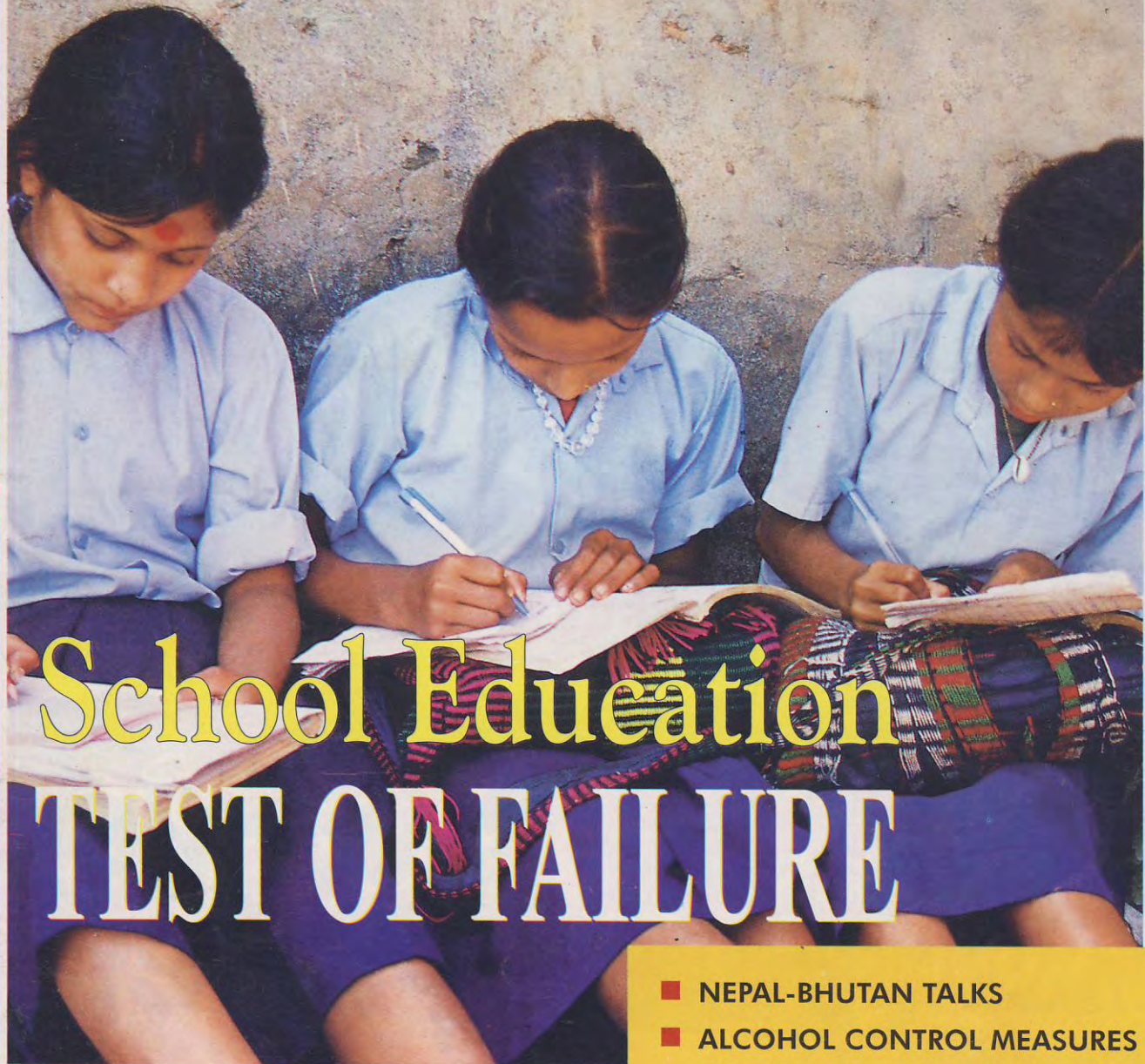


The National Newsmagazine

SPOTLIGHT

Aug31-Sept 6, 2001



School Education TEST OF FAILURE

- NEPAL-BHUTAN TALKS
- ALCOHOL CONTROL MEASURES
- ENCOUNTER WITH RAJESH R. DALI
- REFORM LANDS IN COURT

Australia/New Zealand..... US\$ 1.00
 Europe..... £ 1.00
 USA/Canada..... US\$ 2.00
 China/Korea..... US\$ 1.00
 ME/Israel..... US\$ 1.00
 Hong Kong/Hainan..... US\$ 1.00
 Other SAARC Nations..... US\$ 0.50
 ASEAN Countries..... US\$ 0.80
 Japan..... US\$ 1.00
 Nepal..... NRS. 30.00
 India..... RS. 25.00
 Bhutan..... NU. 25.00

Now get the Close-Up Guarantee



anti-bacterial
mouthwash

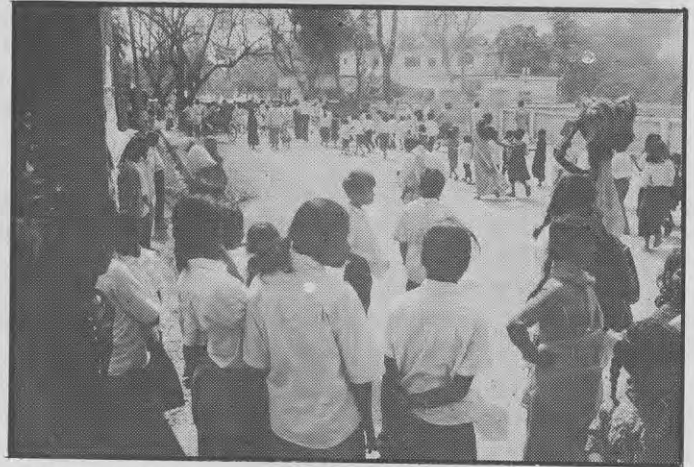
+

FLUORIDE
POWER

Longer lasting freshness, longer lasting smile

CONTENTS

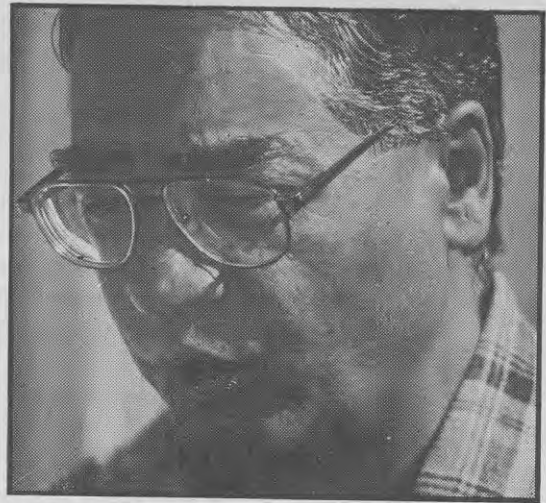
	Page
Letters	3
News Notes	4
Briefs	6
Quote Unquote	7
Off The Record	8
OPINION : Bipin Adhikary	10
OPINION : Roop Jyoti	11
SUPREME COURT : Justice Delayed Is ...	12
LIQUOR CONTROL : Topsy Turvy	13
BHUTANESE REFUGEES ISSUE : Scarcity Of Seriousness	14
MAOIST STRATEGY : Divide And Rule	21
ENCOUNTER : Rajesh Raj Dali	24
BOOK REVIEW	26
THE BOTTOMLINE	27
WOMEN : Victims Of Violence	28
PASTIME	29
LEISURE	30
FORUM : Leyla Tegmo-Reddy	32



COVER STORY : Test Of Failure

Problems in country's education system come into sharper focus with high rate of failure.

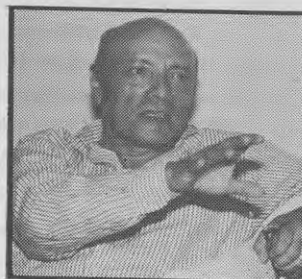
Page 16



NATIONAL POLITICS : Cynicism Or Populism?

The rash policies and ill-thought-of announcements mark the race for populism among Nepalese politicians.

Page 9



INTERVIEW :

Dr. Bhekt B. Thapa

Royal Nepalese Ambassador to India, as well as Bhutan, Dr Thapa sheds light on Indo-Nepal relations and the Nepal-Bhutan talks on refugees.

Page 22

SPOTLIGHT

THE NATIONAL NEWSMAGAZINE

Vol. 21, No. 10, August 31, 2001 (Bhadra 15, 2058)

Chief Editor And Publisher
Madhav Kumar Rimal

Editor
Sarita Rimal

Managing Editor
Keshab Poudel

Associate Editor
Bhagirath Yogi

Senior Reporter
Sanjaya Dhakal

Reporter
Akshay Sharma

Design and Layout
Jyoti Singh

Photographer
Nishchal Chapagain

Art
M.S. Khokna

Legal Advisor
Advocate Lok Bhakta Rana

Marketing/Advertisement
Sarit Rimal (USA)

Marketing
Madan Kaji Basnet
Navin Kumar Maharjan
Madan Raj Poudel

Editorial Office
GPO Box 7256, Baluwatar, Kathmandu,
Tel : (977-1) 423127, Fax : (977-1) 417845
Chief Editor's : 435594
E-mail : spot@mail.com.np
Internet Add: <http://www.nepalnews.com/spotlight>

Cover Design
Wordscape
GPO 8975, EPC 5620, Kathmandu Nepal,
Ph : 263098, 261831, , Fax : 977-1-439386

Distribution
Bazaar International
228 Sanchaya Kosh Bldg. Kathmandu
G.P.O Box 2480, Ph: 222983 Fax : 229437
e-mail : bazaar@mos.com.np

Printers : Kishor offset Press (P.) Ltd.
P.O. Box 4665, Galkopakha, Thamel,
Kathmandu, Tel : 351044 (Off), 351172 (Res.),
Fax : 977-1-351172,
E-mail : kishor@groupktm.mos.com.np

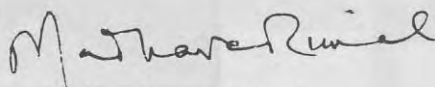
C.D.O. Regd. No
151/039-40
Postal Regd. No
42/057/58
U.S. Library of Congress
Catalogue No. 91-905060

EDITOR'S NOTE

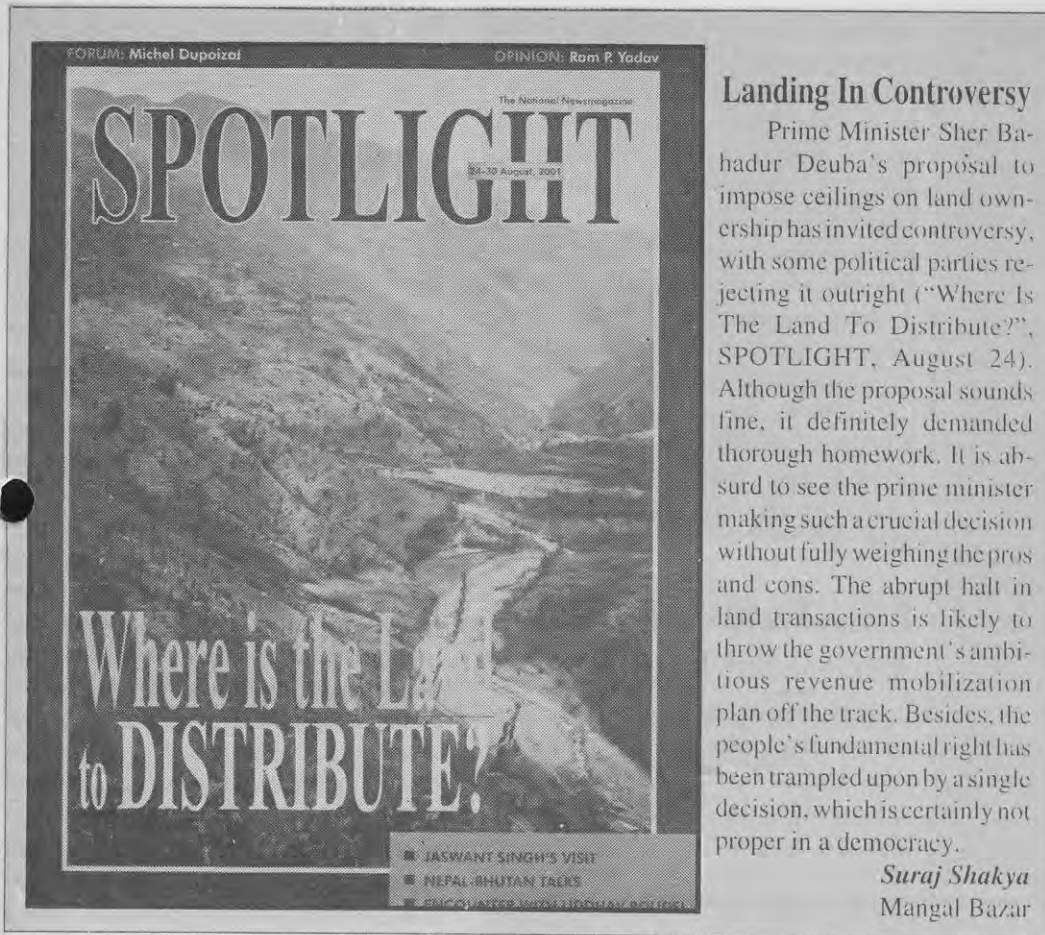
The eleventh round of bilateral talks between the Nepalese and the Bhutanese delegations held recently at the Bhutanese capital Thimpu to repatriate the Bhutanese refugees to their lawful homes in their own country has again concluded without any significant achievement. It, however, failed to generate any ripples since this was an expected development. Although one of the senior members of the Nepalese delegation to the talks Bhekh Bahadur Thapa, who is Nepal's ambassador to India and concurrently accredited to Bhutan also, manifested some kind of optimism (see interview inside), he has not really impressed us much. That is all goody goody diplomatic pronouncement. While appreciating Bhutan's concerns over the large number of Bhutanese of Nepalese origin, we can, in no way condone the harsh and inhuman measures the Royal Bhutanese government has applied in the ethnic cleansing. We also are fully aware that the Bhutanese could not have taken recourse to such brutalities without the tacit support of their big brother and friend (?). What surprises us most is to see the bigger nations who do not tire to call themselves champions of human rights all over the world but are shamelessly giving the Nelson's eye to the miserable plight of over a lakh helpless men, women and children for such a long time. If this is not an example of sheer hypocrisy, will some one tell us, what is? And this reminds us of William Hazlitt who has said, "the only vice that cannot be forgiven is hypocrisy". Be that as it may, it is high time the votaries of human rights should not give in to discrimination. People in Yugoslavia (Bosnia, Kosovo etc) and Kashmir and refugees in Nepal or Pakistan deserve same kind of humane treatment. After all, they are all human beings although the color of their skin is different. Will the powers that be take note? We will wait and see.

* * *

The Nepali Congress seems to be standing firmly behind Prime Minister Sher Bahadur Deuba for whatever he does in solving the nation's problems. Since this kind of development is a very strange phenomenon in the history of Nepali Congress, many knowledgeable eyebrows are being raised. Influential people in the ruling party seem mystified to find such a big change in the behavior of their President and are meticulously trying to find the reasons that might have contributed to this change, if it is genuine. Some big Nepali Congress stalwarts have confided to this scribe that despite his extraordinary generosity and cooperation, the Nepali Congress superno is laughing in his sleeves at Prime Minister Deuba's predicament. There is so sinister method in his unprecedented cooperative attitude. It is, indeed, not worth to delve in the factuality of the above statements. It, in no way, mitigates the gargantuan problems Prime Minister Deuba is facing. Unfortunately, he is very poorly equipped to tackle the difficult issues. The Maoists are not making things any easier for him. His impetuous announcement has landed him in greater troubles and is sure to complicate matters more. His obsession to appease the Maoists may impel him to yield in a manner which could be his undoing. The congress committee's decision to investigate the ill-gotten wealth of politicians after the restoration of democracy at this juncture is sure to add to Deuba's discomfiture. The unsavory past of the senior members of his cabinet, the Dhamija and Lauda affair embroiling his party president and his own palatial building in Budhanilkantha may demand some precipitous action. How is this over ambitious young leader of Nepali Congress going to emerge from all these mess has become a matter of great interest to all Nepalis. And even greater headache for the Prime Minister would be the trade treaty with India that has to be renewed before the end of the year. If the behavior of the Indian delegation that was in town lately is any indication, some perilous days seem to be in the offing. Unless Prime Minister Deuba can revolutionise his thinking and behavior, and sacrifices personal and partisan interest in the broader interest of the nation, he may not have a long stay at the crease in his second innings. ■



Madhav Kumar Rimal
Chief Editor & Publisher



Landing In Controversy

Prime Minister Sher Bahadur Deuba's proposal to impose ceilings on land ownership has invited controversy, with some political parties rejecting it outright ("Where Is The Land To Distribute?", SPOTLIGHT, August 24). Although the proposal sounds fine, it definitely demanded thorough homework. It is absurd to see the prime minister making such a crucial decision without fully weighing the pros and cons. The abrupt halt in land transactions is likely to throw the government's ambitious revenue mobilization plan off the track. Besides, the people's fundamental right has been trampled upon by a single decision, which is certainly not proper in a democracy.

Suraj Shakya
Mangal Bazar

Rule By Decree

Prime Minister Sher Bahadur Deuba's proposal to impose ceilings on land ownership and decision to freeze land transactions go against the basic spirit of the rule of law enshrined in our democratic constitution. ("Where Is The Land To Distribute?", SPOTLIGHT, August 24). The land freeze, in particular, has affected people's daily life. There were so many people planning to sell or buy land for different purposes when the premier made the sudden announcement. Why are these people being denied their right? Land reforms are fine, but they should not come as bolt from the blue.

Rabindra Maharjan,
Gwarko

Laudable Effort

The new land reform programs announced by Prime

Minister Sher Bahadur Deuba deserve praise ("Where Is The Land To Distribute?", SPOTLIGHT, August 24). After a long time, Nepalis have been able to hear some good news from the government. In fact, all political parties should back Deuba's decision and help him implement it. Thousands of landless squatters and small farmers will benefit from the redistribution of the land.

Ritu Kumar Pokharel
Baneshwor

Kashmir

The brief interview of Z.A. Butt — a Kashmiri national by SPOTLIGHT (August 24) has done very little justice to expose the sufferings of the Kashmiri Muslims. Butt seems afraid of speaking the truth the Muslims in Kashmir have to face much greater danger and

hardships from the security forces. If SPOTLIGHT Newsmagazine is really keen to expose the real situation existing in Kashmir, we are willing to cooperate with them. Ours is a small organization that tries to help rehabilitate the Kashmiris who come to Nepal being unable to bear the atrocities of the security personnel.

Bashir Mehmood
Jamil and others
Thamel, Kathmandu

Unscientific Argument

The cover story on land reforms was very in-depth ("Where Is The Land To Distribute?" SPOTLIGHT, August 24). Farmlands are undergoing natural fragmentation. The government should just have encouraged this trend and overseen the handover of the land in the right direction instead of an-

nouncing this outdated reform package. Did you see how the prehistoric creatures with underdeveloped brains that we have for our lawmakers thumped the tables in parliament when this plan to make our country still poorer was unveiled? Otherwise, how can they believe that breaking up farmlands into small pieces will increase productivity? If this were so, let us equally award each Nepali with small pieces of land; then we will not have any landless. Does not the hour call for green revolution, mechanization and large-scale agriculture for greater productivity? How can the communists who believe in large agricultural communes support small land ownership? Our lawmakers thump the tables whenever destructive laws are promulgated. They must have thumped even harder when they passed laws for pregnancy medication for all MPs to be taken while roaming the streets in their gleaming Pajeros. In the past decade, have they ever promulgated any law that could make Nepal richer? Instead their activity has reduced the country's economy to tatters, tourists have stopped coming, industries are closing down, capital is in flight, etc. Even the MP who was a former professor asks the government to reduce the education budget by hundred rupees; last year he had asked for a reduction by one rupee. This clearly shows that his opposition is just for opposition sake, not at all constructive. It would have been more credible if he had said that the hundred rupees reduced from other heading should be added to education. How long will the Nepalese people be saddled with these pea-brained leaders as they take us to the brink on a suicide mission?

Shukra Raj Acharya
Naya Bazaar, Kirtipur

Major Quake 'Overdue' In The Himalayas

Nations in the Himalayan region are at a risk of a massive earthquake that could devastate large urban areas in Nepal, India, Pakistan, Bangladesh and Bhutan, a study published in the renowned American scientific journal, *Science*, said. The study claimed that an earthquake of between 8.1 and 8.3 Richter scale in magnitude is "overdue along the 2010-kilometer seismically active front of the Himalaya mountains." Such an earthquake could affect up to 50 million people in the densely populated region. Authored by geologists Roger Bilham and Peter Molnar of the University of Colorado, and Vinod K. Gaur of the Indian Institute of Astrophysics at Bangalore, the study said a massive earthquake would occur "very soon," which in geologic terms means anytime between now and the next 50 years, the Associated Press reported. *Compiled from reports Aug. 26.*

'Deuba May Step Down If Talks Fail'

A human rights activist has quoted Prime Minister Sher Bahadur Deuba as saying that he would step down if he failed to resolve the Maoist insurgency through talks. Addressing a function organized here Thursday, Padma Ratna Tuladhar disclosed for the first time what he said was Mr. Deuba's statement. Saying that he had met both the Maoist leaders and the prime minister, Tuladhar said both sides were eager for talks but necessary conditions were yet to be fulfilled. He also quoted Maoist chairman, Comrade Prachanda, as saying that the Maoists were firm to set up a republican state in Nepal. "We are ready to perish but will not surrender," he quoted Mr. Prachanda as saying. *Himalaya Times Aug. 24.*

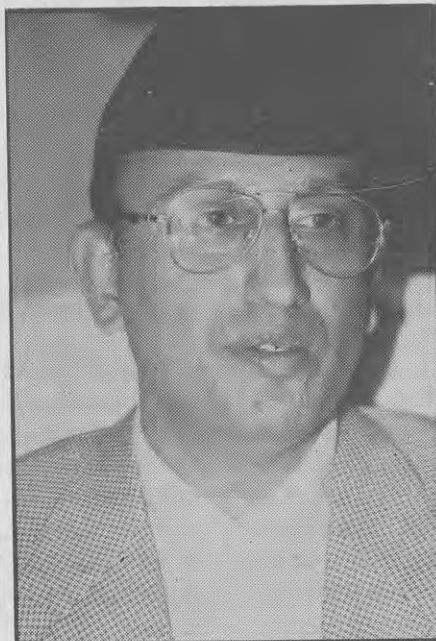
'Nepal, India Can Resolve Issues Through Talks'

Indian Ambassador to Nepal, Deb Mukherjee, has said minor problems arising between Nepal and India can be resolved easily through mutual discussions. Talking to reporters here Thursday in the

aftermath of the visit to Nepal by Indian Foreign and Defense Minister Jaswant Singh, Ambassador Mukherjee said Mr. Singh's visit further consolidated the relations between the two countries. Ambassador Mukherjee said India had temporarily halted construction of the Rasiywawal-Khura-Lautan-bund near Indo-Nepal border taking into consideration the feeling on the Nepalese side. He said the Bhutanese refugee problem should be solved through discussions between Nepal and Bhutan. Responding to a query, the Indian envoy said as the Maoist insurgency was very much an internal affair it should be resolved internally. *Compiled from reports Aug. 24.*

Ease Terms Of WTO Accession: Acharya

Minister of Agriculture and Cooperatives and leader of the Nepalese delegation to the SAARC commerce ministers' meeting in New Delhi, Mahesh Acharya, has said there is a need for easing the process of accession to the World Trade Organization (WTO) by the Least Developed Countries (LDCs). The minister said a fast-track approach with simple procedures should be adopted and the terms should be consistent with the stage of development of LDCs. Minister



Acharya

Acharya expressed the view that the commitments laid out by WTO should not be higher than those undertaken by other LDC members. He emphasized the need for full implementation of the existing provisions of the Uruguay Round of agreements to integrate countries like Nepal in the world trading system, ensuring that trade benefits are equitably distributed. *Compiled from reports Aug. 24.*

Campaign Against Human Trafficking Launched

Global March against Child Labor (GMCL), an international NGO, has launched a worldwide movement against the trafficking of women and children from Kathmandu beginning Thursday. The march was launched on the International Day of Remembrance of the Slave Trade and its Abolition (August 23). Millions of children in the world are still being trafficked for sex trade, forced labour, domestic servitude, forced beggary, illegal adoption, criminal activities, to become camel jockeys, soldiers and for other forms of exploitation, said the organization. With conservative estimates placing the number of trafficked humans at 700,000 each year, the issue is hardly just a matter of historical reflection. Children are the main source of their lucrative business for traffickers. Human trafficking is the third biggest illegal trade in the world after drugs and arms that makes annual profit up to between \$5 billion, studies said. Chairperson of the GMCL, Kailash Satyarthi, said the campaign would be launched over the next year in more than 140 countries. *Compiled from reports Aug. 24.*

'We Haven't Done Anything To Disturb Talks'

Former member of parliament and coordinator for the talks with the government on behalf of the Maoists, Krishna Bahadur Mahara, has said his party has not done anything that could disturb the talks. In an interview to a weekly close to the underground party, Mahara said his party had not made haste by agreeing for talks. "We have readied ourselves for talks as per the people's wish," he said. Responding to the government's proposal of keeping all

the procedures of proposed talks secret, Mahara said it would not be appropriate to do so. "There may be a need to keep certain issues secret during the period of talks but we should also honor the right of the people to be informed," he said. *Janadesh Aug. 21.*

'Further Fragmenting Of Land Won't Help'

An authority on Nepal's economic history, Mahesh Chandra Regmi, has said by fragmenting the land further the country cannot produce surplus food. "I am not in favor of distributing land to landless laborers and dalits. Moreover, where do we have land to distribute?" asked Regmi. The government should focus on creating more job opportunities in the non-agriculture sector, say by opening up huge factories. The problem, according to Regmi who authored the book 'Land Ownership in Nepal' (1976), lies in lack of clear rules to determine ownership over the land. As landlords and tenants do not have clear authority, arable land has remained barren. Regmi said the country could not resolve economic issues unless it resolved political issues. The implementation of 'revolutionary' land reforms is not possible unless there is a conducive political situation. "If the government is going to reduce the ceiling of land, it should nationalize land acquired in this way and set up huge agricultural farms. Such land should be leased to tenants on condition that they would pay up to 25 percent of their income from the farms," said Regmi. He added that such a system was in practice in the Philippines and Pakistan. Regmi emphasized the need to develop a production system that could cater to the needs of the market rather than a subsistence economy. *Budhabar Aug. 22.*

Oli's Cassettes Released

Former Prime Minister K. P. Bhattarai, accompanied by Minister for Culture Bal Bahadur K.C., graced a function organized in the capital Sunday to make public the CD album and cassette produced by Music Nepal carrying the songs of Komal Oli, a noted folk singer. Releasing the cassettes entitled 'Malmalkiri', Bhattarai said folk music kept alive Nepal's rich cultural tra-



Oli

dition. Minister K. C. announced that the government was planning to set up a museum to preserve Nepali folk music. Oli kept the audience spellbound by singing a couple of songs from her album. A famous 'dohori geet' (duet) singer, Oli recalled her journey in the field of folk music. Born in mid-western district of Dang, Oli is associated with Radio Nepal.

GOV.MAOIST TALKS Extended Deadline

After his ten-day long deadline for talks expired, premier Sher Bahadur Deuba renewed his invitation to Maoists to come for talks on August 30. There had been no public response from the Maoists till Tuesday to the government's invitation, but reports said the chiefs of 'dialogue committee' from both sides were in contact. As the government has said it will not disclose any details about the talks including the venue and the agenda, the entire talks are likely to be shrouded into the mystery.

As both sides have honored the 'cease fire' for over a month and there is growing pressure for them to sit for talks, there is still some room for optimism. But as the Maoists continue to demand no less than a republic, the talks are least likely to yield any positive outcome. "Whatever be the outcome of the talks, both the sides should continue to observe the ceasefire," said Sudip Pathak, President of Human Rights Organization of Nepal (HURON). "Since the failure of the talks could lead the country into civil war and even cost Nepal's sovereignty both the sides must try to find a peaceful resolution to the problem." ■

Annual SUBSCRIPTION Rate

	INDIVIDUAL	INSTITUTION			
Nepal	NRS Rs. 1400.00	NRS Rs. 2500.00	China/Korea	US \$ 150.00	US \$ 200.00
India	IC Rs. 1400.00	IC Rs. 3200.00	ME/ Isreal	US \$ 150.00	US \$ 200.00
Other SAARC			Bhutan	US \$ 150.00	US \$ 200.00
Countries	US \$ 100.00	US \$ 150.00	Hong Kong/Taiwan	US \$ 150.00	US \$ 200.00
Japan	US \$ 150.00	US \$ 250.00	Australia/New Zealand	US \$ 150.00	US \$ 200.00
Asean Countries	US \$ 120.00	US \$ 200.00	Europe	£150.00	€200.00
			USA	US \$ 150.00	US \$ 200.00

SUBSCRIBE NOW (Send a GIFT subscription to friends they will love it)

Please find enclosed herewith my annual subscription for copies

Cash/DD/Cheque No. for Rs/£/US\$ Date

Name

Address

..... Pin Code

Signature _____ Telephone _____ Fax _____

DO NOT Send CASH in MAIL

Please send your remittance by Draft/Cheque to

SPOTLIGHT

THE NATIONAL NEWSMAGAZINE

G.P. O. Box : 7256, Baluatar, PH : 977-1-423127, 435594, Fax : 977-1-417845

E-mail : spot@mail.com.np, Web site : www.nepalnews.com/spotlight



Prime Minister Sher Bahadur Deuba (in the middle) Dancing to Deuda tone on the occasion of Gaura Parva in Tundikhel

AT LEAST 24 PEOPLE, 16 OF THEM IN WESTERN NEPAL, have been killed in landslides last week. According to Kantipur daily, at least 10 people, five from the same family, died after a landslide swept away three houses at Simalgauda village of Anglung VDC in Gulmi district Saturday night. Two rescue teams were dispatched from the district headquarters but the rescue works were delayed by lack of transportation, reports said. Six people were killed when a landslide swept the house of Sukadev Baral at Sanyasidada of Arba Bijaya VDC in Kaski district Friday. The landslide was triggered by heavy downpour earlier in day. In separate incidents, eight people died in landslides that swept through villages close to the Nepal-Tibet border, reports said. According to police, family members of Lal Bahadur Tamang and Panmati Bhandari died in the incident. Four families have been left homeless and 80 other households have been affected by the landslides triggered by torrential rains.

THE EMBASSY OF JAPAN IN KATHMANDU HAS DECIDED to extend a grant assistance of nearly Rs 5 million for the improvement and beautification of Kathmandu Durbar Square and its vicinity under the Grant Assistance for Grassroots Project (GGP) scheme of the government of Japan. Kathmandu metropolis and the local community will raise an additional Rs 6.616 million to implement the project. The project activities include solid waste management, infrastructure development and public awareness promotion.

THE NON-PERFORMING ASSETS (NPAS), ALSO KNOWN AS bad loans, of financial institutions in the country have gone up to 17 per cent of total investment, officials said. According to Nepal Rastra Bank (NRB) Governor Dr Tilak Rawal, the NPAs of the state-owned Nepal Bank Limited and Rastriya Banijya Bank, have risen to 26 per cent. He said the NPAs in India are around 13 per cent. "Financial sector reform has become inevitable as the condition of state-run banks is worrisome," said Rawal on Friday. A Loan Recovery Bill has been tabled in parliament to reform the financial sector and a team of Malaysian experts has arrived in Kathmandu to advise the government on setting up the Asset Reconstruction Committee, he said.

THE UNITED NATIONS' WORLD FOOD PROGRAM (WFP) IS to expand food assistance to primary schools in five more districts, Rasuwa, Nuwakot, Makwanpur, Ramechhap, and Udayapur, from this academic year. These districts are in addition to the 16 where the WFP

is implementing school-feeding program since 1996 in collaboration with the Primary School Nutritious Food Project (PSNFP) of the Ministry of Education and Sports. The program aims at providing opportunities for primary education to children of poor, socially deprived and food-deficit families in rural Nepal. The WFP is to provide US\$ 5.8 million worth of food this academic year for the expanded program in the new districts. Under the program, students of public primary and lower secondary schools will receive a daily ration of mid-day meal made of fortified blended food

NEPAL HAS FORMALLY REQUESTED INDIA TO WITH-draw its decision to impose anti-dumping duty on zinc oxide imported from Nepal. According to Gorkhapatra daily, the Nepalese government made the request saying that the recent provision of the Indian government would be against the Nepal-India trade treaty 1996 that allows duty-free access to Nepali manufactured products into Indian market, except those in the negative list. "We have already sent a letter to the Indian government in this regard," Purushottam Ojha, joint secretary of the Ministry of Industry, Commerce and Supplies said. The export of zinc oxide, which is not in the negative list, had grown by nearly 17 percent over the first 11 months in the last fiscal year. Zinc oxide is one of the five items being cited by India for the 'export surge' from Nepal. Other items include polyester yarn, vegetable ghee, copper wire and GI pipes. India has already notified Nepal that it wants review in certain provisions of the 1996 treaty.

THE NUMBER OF VEHICLES IN NEPAL HAS BEEN INCREAS-ing enormously over the last few years. During the last fiscal year, 41,899 new vehicles were imported in Nepal, which led to a 16 percent growth in the total number of vehicles. This volume of vehicles is the biggest ever registered in Nepal in a single year. Only 28,280 vehicles were registered in fiscal year 2056-57. According to the Department of Transport Management, the total number of vehicles registered in Nepal is more than 300,000. Of all the vehicles registered all over the country, nearly 60 percent vehicles (171,678) are registered in Kathmandu valley alone. Narayani Zonal office has the second largest share of the total vehicles registered (52,856). Two zones — Karnali and Dhawalagiri — do not have any vehicles registered. Of the total vehicles that are registered in Nepal, two wheelers contribute 58 percent share. Car/jeevan comes second with around 20 percent share. In Bagmati alone 112,000 two-wheelers are registered. Last year, nearly 30,000 two-wheelers were imported in the country.

THE UNDERGROUND MAOIST PARTY HAS SAID IT HAS decided to assign representatives to talk with other left parties in order to unite and form a "new party" strong enough to fight the reactionary forces. A statement issued by Maoist leader, Comrade Prachanda, said the reason for all left parties either getting united or getting polarized is that now the time has come for them to decide whether to follow the path shown by the Maoists or not. "And in today's world, it is impossible to be a communist without the realization of Maoism. Once a communist party accepts Maoism along with Marxism and Leninism it will be easy to sort out minor differences that remain among the left parties," the statement adds.

LINGUIST BASANTA KUMAR SHARMA WAS FELICITATED on the occasion of anniversary of Brilliant Educational Higher Secondary School last week. Senior poet Madhav Prasad Ghimire felicitated Sharma for his contribution to the development of Nepalese language. Poet Ghimire and lyricist Kali Prasad Rijal presented awards to the industrious students as well as winners of various sports disciplines. A cultural program was also organized on the occasion. ■

"It was really pleasant. I remembered my childhood."

Prime Minister Sher Bahadur Deuba, after taking part in Deuda dance in Tundikhel, in Himalaya Times.

* * *

"I have told the King that the situation of the country is very serious."

Girija Prasad Koirala, former prime minister and president of the ruling Nepali Congress party, talking to reporters in Biratnagar.

* * *

"I wanted to put Koirala (then PM) at the center of national politics by making him take solid steps on land reforms. But in later days, I don't know why he began to lose interest and I had to resign."

Ram Chandra Poudel, former deputy prime minister, saying he had resigned because of differences over land reforms with then PM Koirala, in Kantipur.

* * *

"The land reform envisaged by Rastriya Prajatantra Party (RPP) is ten times more progressive than the one announced by the government."

Pashupati SJB Rana, leader of RPP,



who has been vocal in his protest against the government's proposed land reform and has called for ceiling in property instead, in Spacetime Daily.

* * *

ing. We are not talking of breaking up the country."

Gajendra Narayan Singh, president of Nepal Sudbhavana Party, in Gorkhapatra.

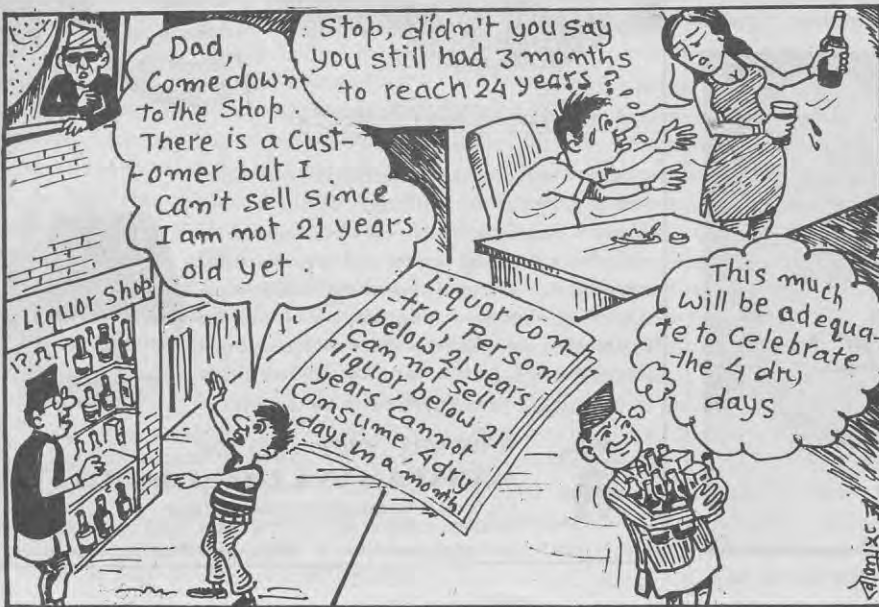
* * *

"We are only opposing the land ceil-

"There is more liquidity in the market but the investment opportunities are few. So where to invest if not in shares?"

Jagadish Agrawal, share market analyst, refuting reports that investment in share is bound to decrease, in Gorkhapatra.

* * *



"The bullion market in the country is finding it difficult to meet the rising demand. If this trend does not change soon, there will be shortage."

Tej Ratna Shakya, president of Nepal Gold and Silver Entrepreneurs' Association, reacting to the sudden surge in demand of gold, in Dristi.

* * *

Partyless Culture

When Nepal had a partyless system, politicians sought to master the culture of the multiparty polity through organized politics. Prime Minister Sher Bahadur Deuba is enjoying a second stint as an elected prime minister under multiparty politics, but he seems to exhibit clear traits of a pancha. After he announced his populist land reform program in parliament, Deuba's stock seems to have skyrocketed in the main opposition CPN-UML. While there are differences within the ruling Nepali Congress party over Deuba's land reforms, leader of the opposition Madhav Kumar Nepal has already issued whip to UML workers to defend the prime minister. Is this the beginning of the resurgence of partylessness within multiparty democracy?

Blame Others

CPN-UML leader Madhav Kumar Nepal has described opponents of the "revolutionary" land reform program announced by Prime Minister Sher Bahadur Deuba as reactionaries and agents of landlords. Nepal's revolutionary eyes failed to see how the lives of comrades, including himself, have resembled those of the nouveau riche. Nepal is content with remaining the leading advocate of the poor as long he gets to accumulate all the riches he can get his hands on. In Nepal's rich vocabulary, those who oppose him are anti-poor and agents of feudals.

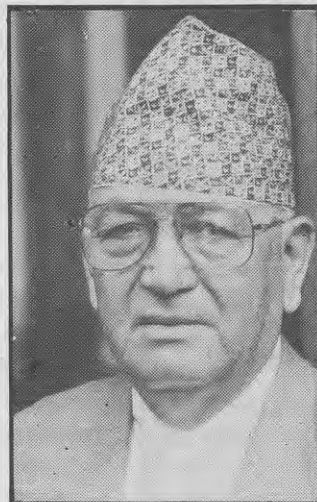
Deuba's Dilemma

Prime Minister Sher Bahadur Deuba is trapped by his own actions. When CPN-UML-led opposition obstructed the entire winter session of parliament, Deuba and his supporters threw

their weight behind opposition leaders. A similar situation has arisen in parliament against Deuba but the prime minister is in no position to request Speaker Taranath Ranabhat to restore order in the house. Ranabhat has declared that he would not conduct house proceedings as long as misunderstanding exists between the ruling and opposition parties. Although Rastriya Prjatantra Party and Nepal Sadbhavana Party have only 16 members in the lower house, they have been able to disrupt proceedings for 10 days. While he might be puzzled by the way the tail is wagging the dog, Deuba may be able to do little else than see how long the two smaller opposition parties can flex their muscles.

Playing Truant

Although Rastriya Prajatantra Party leader Surya Bahadur Thapa is a former pancha — a member of that tribe who, by conventional definition, had little tolerance for the views of others — he regularly attends the House of Representatives. On the other hand, Congress leaders Girija Prasad Koirala and Krishna Prasad Bhattarai seem to have lost patience with parliamentary politics, given



Thapa : Devout democrat?

their poor attendance. Will Thapa help the Congress septuagenarians regain their enthusiasm for legislative proceedings? Or have age and dashed ambition already taken too big a toll?

Small And Strong

Nepal Sadbhavana Party (NSP) leaders are busy these days wooing other members of parliament. They have organized a couple of press conferences since they began stalling house proceedings. Whether NSP leaders will be able to lure enough members from other parties to their side to block the prime minister's land reform proposals remains unclear. Given the way the NSP has been able to stall parliament, however, you have to admire the



Singh : Flexing muscles

strength of the small parties. NSP leader Gajendra Narayan Singh has not found allies to disrupt proceedings in the upper house. But don't count him out, because he may just be about to spring a surprise. ■

Picturesque and Peaceful a Pilgrimage with Pleasure



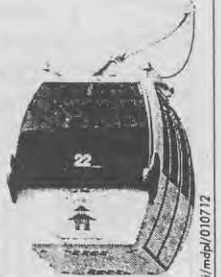
MAKAMANA, THE WISH FULFILLING GODDESS

Other Attractions:

- ✓ Restaurant
- ✓ Kiddies Games
- ✓ Souvenir Shop

Nepal's Only Cable Car

Since centuries, Manakamana Devi has been widely believed to fulfil the wishes of her devotees. Nepal's first cable car service, combined with this widespread respect and superb natural surroundings, has transformed the Manakamana region to a popular pilgrimage and holiday destination. Installed by the world renowned Doppelmayr of Austria, our cable cars are at par with the best in the world as are our services.



मनकामना दर्शन (प्रा) लि.
MANAKAMANA DARSHAN (P.) LTD.

P. O. Box 4416, Naxal Nagpokhari, Kathmandu, Nepal.
Tel: 434690, 434648, 434860. Fax: 977-1-434515. Cheres Station Tel: (064) 60044
Email: mdpl@chitawoncoe.com Website: www.chitawoncoe.com/manakamana

NATIONAL POLITICS

Cynicism Or Populism?

Political leaders are engaged in a dangerous popularity contest by making irrational and irresponsible announcements

By KESHAB POUDEL

Following the decree reminiscent of the Rana regime Prime Minister Sher Bahadur Deuba issued on land reform, Nepalese political leaders of all persuasions have jumped a race to come out with cynical programs to woo voters. Former deputy Prime Minister Shailaja Acharya of the Nepali Congress lashed out at Deuba for abandoning the party's core of landed gentry. The two non-communist opposition forces in parliament, Rastriya Prajatantra Party and Nepal Sadbhavana Party, sought to outwit the prime minister by calling for ceilings on all forms of property, not just land.

No politician seems to be worried about the political, economic and social costs the country has to bear from his or her cynical announcements. If you delve deeper into what these leaders are saying, it is clear they are trying to revive their sagging popularity. A feverish race to present oneself as more progressive and revolutionary than the other has become the political preoccupation of the moment.

To press their demand for ceilings on all property, the RPP and the NSP have disrupted proceedings of the House of Representatives over 11 days. The main opposition CPN-UML and other communist parties are worried by the way Deuba has seized the revolutionary initiative. The UML has made clear that it would further reduce ceilings on land ownership and introduce limits on property in general.

Acharya's demand for a committee to assess the property earned by leaders and officials who have held positions of power and privilege after the restoration of multiparty democracy in 1990 is in keeping with the intensity of the popularity contest.

Nobody knows whether any of these inane announcements can help a society that is in desperate need of stability. What is clear, though, is that this mood of cynicism has badly hurt the country's economy, politics and society. When small depositors continue to withdraw their money from commercial banks despite governments assurances that it is not about to nationalize property, the seriousness of the injury to the national psyche comes into sharper focus.

"We are ready to impose a ceiling of Rs.1

million in personal property," Madhav Kumar Nepal, general secretary of the UML, said at a recent public meeting. Ten years ago, Nepalese communist parties pledged to distribute three tolas of gold and a house to each Nepalese family if they were elected to power.

At a time when political leaders are promoting such irrational and irresponsible ideas, can the common people be faulted for fearing that their property is under threat? In a situation where the government itself violates the constitution and the law for the sake of populism, how can people trust anyone?



Deuba talking with political leaders : Populism is in

"Populism has one positive side — it makes the person popular for the time being. But cynicism does bring even momentary gain," says a political analyst. "When politicians cannot find rational answers to the country's problems, they engage in populism. What they ignore is that their cynicism is eroding the people's faith in their leaders."

It is mystifying that Prime Minister Deuba chose to announce a drastic economic program having very serious legal implications without bothering to consult lawyers and economists. On the economic side, Deuba even ignored the National Planning Commission and its highly qualified members. No prominent lawyer, not even from within the Nepali Congress, had been consulted before Deuba made the announcement in parliament. Members of the Nepali

Congress Central Committee, the party's top policy making body, were startled by Deuba's agenda.

This means that ruling party members don't know whether the Nepali Congress can implement its so-called "revolutionary" land-reform program. The damage has already been done to the economy. The strong voices of dissent from within the party indicate that it stands little chance of making political gain from the prime minister's announcement.

Deuba cannot afford to underestimate his challenge. The government will have to package the reforms in the form of legislation and then embark on the difficult and complicated task of implementing the program. "We were not consulted before the prime minister announced the drastic program which would have a long-lasting impact in the Terai," said former minister Mahanta Thakur, a powerful member of the Nepali Congress. "We will not support the land-reform move until the citizenship issue is resolved."

The prime minister's announcement has

triggered mistrust in society. In many parts of the country, family members have taken each other to court. Members of parliament have been involved such court cases. "Deuba's program has disrupted basic social harmony in the Terai," said Acharya. "I smell a grand design to push Nepal into civil war," she added. But what about the damage done by her own populism?

Inefficiency and corruption have gripped land reform efforts since they were launched in the 1960s. Under the corrupt and inefficient system that exists, a landless peasant has to pay a heavy price to get a piece of land. No leader has found the time to pay serious attention to this aspect of the problem. As leaders become increasingly unpredictable and frivolous, uncertainty will continue to dominate Nepalese politics regardless of who is in power. ■

Revolutionary Land Reforms: New Seeds on Old Ground?

By BIPIN ADHIKARI

The willingness of Prime Minister Sher Bahadur Deuba to consider revolutionary land-reform initiatives including the redistribution of land in the country through comprehensive agrarian reform is a basic prerequisite for the kind of inclusive, broad-based development that the people of Nepal have been calling for since long.

For a majority of Nepalis, property means rights in land and resources associated with it. Access to farmland is considered basic to the sustainability of life and various socio-economic and cultural values.

Initial Attempts: The land-reform programme in Nepal that started with the Land Reform Act of 1964 has yet to reach the point where it can make a substantial contribution to the growth and development of the economy as a whole. Obstacles to land reform are, to a great extent, those that inhibit agricultural and rural development. Much of the problems in the beginning in Nepal related with scientific survey of the land, its classification, legalisation of possessory rights, the recognition of tenancy claims, landlessness, and similar issues.

In this context, Prime Minister Deuba's move should start a process that is very long and calls for sincere endeavours. The first policy issue to be decided in advance is the question of beneficiary of the land reform initiatives. Are the perceived beneficiaries the citizens of Nepal or all those from Nepal's neighbourhood for which Nepal has become a comfortable residential sanctuary? What is then the limit of the problem? Secondly, the concept of the land to the tiller looks like a viable political concept, but it is not necessarily a complete solution to the problem of mass poverty in the country. It is the traders, unscrupulous industrialists, foreigners, and the politicians who have contributed more to the problem of poverty in this country than the landlords of the hills and Terai.

We are concentrating on land partly also because we failed to create an alternative visible economy for the people. There are definitely good reasons for land reform initiatives. But what next? If the issue is only limited to the distribution of land among 22 million people of the country, then it is exclusively the issue of dividing poverty equally among all Nepalese. Many families who were provided with land under the resettlement schemes in the past, for example, came back to the pool of landless people within a very short span of time. That explains that the distribution of land alone is not the solution. Providing land to the landless and the tenants does not automatically ensure success. Thus, the third important fact is that the land reform beneficiaries need economically efficient production mix with a market and accessible supporting services.

Ambit of Executive Power

Assuming that Prime Minister Deuba has strategies to deal with these issues, the rationale behind the decision to stop all activities leading to change in land title records or affecting ownership status until new land reform measures are declared becomes adequately clear. It was necessary to maintain the status quo until the measures are finalised, and legal provisions to support these measures are created, so that landlords or people possessing land beyond the approved ceilings do not have the opportunity to sell excess land or dispose them off in other ways to evade or otherwise defeat the purpose of land reforms.

Under the existing legal framework, it will be too much to argue that the government does not have the power to issue an order like this on the strength of the general ambit of its executive power. However, this restraining order can neither be prolonged for an indefinite period nor be continued with legitimacy without an enabling legislation. The whole nation is reaching out for change. Obviously, the Supreme Court, which has been asked to judge the constitutionality of the government's move, knows the significance of the land-reform movement in the context of social justice. The right to property is not only a fundamental right under

the Constitution, but also a primary right under the existing civil laws of the country. Article 17 of the Constitution categorically states that "all citizens, subject to the existing laws, have the right to acquire, own, sell and otherwise dispose of, property." None of the existing laws prohibit the government to come forward with this type of order, although inconvenience caused by such order to the common people is not negligible. It must have been equally irritating to the financial and banking companies and those who deal with real estate. But the power of the state to requisition, acquire or create any encumbrance on the property of any citizen is recognised in cases of public interest.

The public interest may involve nationalisation or redistributing property for the benefit of the common people. It may also involve land-reform initiatives provided it does not go beyond the government's margin of discretion in balancing the conflicting interests. As a matter of rule, the court reserves the right to intervene on the question of whether there is a public necessity that justifies infringement of the right to property.

Meanwhile, some people have already started floating all kinds of speculation about the land-reform issues. Smaller political parties like Nepal Sadbhavana Party and Rastriya Prajatantra Party have shown their willingness to own up to such propaganda. Rumours have been put out that the fundamental right to property is under attack. The landlords in the Terai belt of Nepal do not want the government to get away with land reforms. There are vested political interests as well.

All these critics have to know that property does not have rights. Our Constitution does not entertain any such theory. It is the people, individual as well as groups, who have rights. The rights of the people must be protected at any cost. There are two important overriding considerations. The first is of course that any limitations must not be so great as to take away the essential content of the right. The second is that to avoid arbitrary action by governments which would enable them to withhold the human rights whenever and wherever they chose, any permitted limitation should normally only be allowed to take effect by means of the law. This will ensure that any limitations will be brought into existence by a legislative process; of general application; and known and ascertainable by the public at large. There are presumptions in Nepalese legal regime that statutes do not interfere with private property rights; and that property rights will not be taken away without due course. These principles are enough to deal with the cases being heard at the Supreme Court.

Due Process Requirements

Finally, in land redistribution works such as this, the government will constantly face with the task of offering a sufficient price of land to the owners and, at the same time, ensuring that the land reform beneficiaries have the proven ability to repay. This may prove increasingly self-defeating as the process goes. The importance of a promise from the beneficiary to pay back the price of the land within, for example, 15 or 20 years, and a process to collect it by civil machinery cannot be overemphasised.

Consideration instead should be given to the possibility of reducing speculative elements to a minimum so that the value of the land does reflect mostly agricultural users. Apart from fiscal measures like imposition of higher land taxes, zoning etc, government subsidy toward the price of land at which the land reform beneficiaries have to pay might also be considered. In addition, land acquisition can be facilitated at a faster rate, if the government makes it clear that it would be ready to seek expropriation of land from the absentee owners as the last resort. ■

(Adhikari is a lawyer.)

Some Pertinent Questions On Land Reforms

By ROOP JYOTI

We have witnessed many good policies and programs fail because of lack of adequate consideration for their implementation. Prime Minister Sher Bahadur Deuba recently announced a land-reform policy to bring down the ceiling on land ownership. Since the prime minister has not explained his policies and programs, I have taken the Badal Commission's report as the basis for my analysis.

The Badal Commission had estimated (in 2051 B.S.) that 306,000 hectares of land would be released after imposing the land ceiling. According to the constitution, the government can acquire such land only after giving proper compensation. It is, therefore, important to know how much the cost for doing that would be. In the Terai, one kattha of land costs at least Rs 10,000. In the mid-hilly region, the average cost of a ropani of land is Rs 50,000. By this standard, the total cost for acquiring the 306,000 hectares would come to more than Rs 100 billion.

According to the Badal Commission report, the land that would be available for acquisition would decrease if there were delay in implementing the land reforms. It estimated that such land would come down to 100,000 hectares by 2053/54 and their total cost price would be Rs 58 billion. Because three or four years have already passed since the report was prepared, the land available for acquisition would be even less. Even if only 25 percent of the land area, as estimated by the Badal Commission, remains, there would be 76,500 hectares of land for which the government would have to give the compensation of about Rs 44 billion. The question, now, is: where will this huge amount come from? The amount is nearly equal to the total development expenditure of this year's budget. Moreover, what plans does the government have on building the administrative machinery required to spend such a huge amount?

The Badal Commission proposes distributing the land acquired after imposing the ceiling to the landless for a price. It recommends providing the landless with loan to buy the land. Again, the question is, what will be the source of providing such huge loans? How will the loans be distributed? What will be the system to pay back the loans and who will be responsible?

In a situation where widespread corruption is witnessed in the process of providing compensation and loan distribution, what ways will be implemented to stop the possibility of embezzlement of Rs 4 billion to Rs 5 billion in the transaction of Rs 40 billion-Rs 50 billion. This very important issue

demands adequate attention.

Let us delve into the implementation aspect of the land distribution. Going by the latest census, we can take the population to be around 22.5 million. If there are 4.5 people, on average, per family, there will be five million families in Nepal. If 75 percent of the total, i.e. 3,750,000 families, are distributed the 100,000



hectares of land equally, each family will end up with 0.03 hectare, which measures as half ropani in hills and 3/4 kattha in Terai. If only 50 percent of the families (2,500,000 families) are distributed the land, each family will end up with 0.04 hectares —merely 13 aana of land in hilly region. Instead of 100,000 hectares, if only 76,000 hectares will be available for distribution, then each family will end up with 10 aana in hills and one kattha in Terai. According to the Badal Commission report, if land is fragmented to less than two ropani (0.1 hectare) in the hills and two kattha (0.067 hectare) in the Terai, productivity would decrease to a level where it would reduce the national agricultural production. This obviously would prevent the objectives of the land reforms from being met.

If distribution has to be such that no one would receive a plot smaller than the minimum set by the commission, only 1.5 million families would receive it, in case the available land area is 100,000 hectares. But if the land available for distribution is 76,000 hectares, only 1.1 million families would receive it. When so few families are to receive the land, what are the criteria for selection? Who will select them? Wouldn't that invite a very serious and problematic situation? Has there been adequate analysis on how to complete this huge task and ensure judicious selection of the few families and corruption-free distribution of land?

The irony is if all landless are to be provided with adequate land, the ceiling will have to be brought down very low. That would require huge resources for acquisition. (For instance, it would cost more than Rs 100 billion to acquire 3,00,000 hectares). The prime minister and the government should inform the parliament as well as the people on how he plans to implement the policies. ■

(Excerpts from a speech given by member of National Assembly, Dr. Roop Jyoti, at the assembly meeting during special hour last week.)

SUPREME COURT

Justice Delayed Is...

The apex court orders the government to come up with a reply on its decision to freeze land transactions.

By KESHAB POUDEL

Although the Supreme Court has asked the government to come up with a reply on its decision to freeze all transactions pertaining to land on August 31, the common citizens, who came to challenge the injustice committed by the executive seeking immediate justice, are disappointed.

As soon as Prime Minister Sher Bahadur Deuba announced his so-called "revolutionary" land-reform program, freezing all transactions of land until new legislation is passed, a group of citizens and lawyers filed cases in the apex court demanding that Deuba's move be declared as going against the spirit of the constitution.

After two days of hearings on six different petitions, a single bench headed by Chief Justice Keshab Prasad Upadhyaya asked the government to come up with a reply on its decision within a week. Although the court responded to the petition filed by the citizens promptly and asked the government to come to the court, nobody knows how long people will have to wait to get justice.

Nepal's judiciary has developed a tradition of delivering justice to the people affected by arbitrary decisions of the executive. The government, according to the imagery used by the Supreme Court in the case of Bed Krishna Shrestha v. Department of Industries, Commerce, Food and Civil Supplies, is an eagle which man snatch people whom it considers to be chicks or goslings at moments of its own choosing.

Over nearly 41 years of vigilance, the

apex court has protected the right of the citizens. Regardless of the political system of the day, the Supreme Court has remained a last resort for those seeking justice. Even during the despotic Panchayat days, the court protected fundamental rights of the citizens. How quickly people will get relief in this case remains to be seen.

"As the court is going to hear the case in the full bench by inviting many lawyers from different sides, one cannot foresee an immediate respite to the people," says a lawyer. "The case will be now debated in the crowded bench where lawyers will



Supreme Court : Guardian of rights

repeat their tedious arguments and justices will have to listen to them."

Without justice being freely, fully and impartially administered, neither individuals, nor rights, nor the property of any person could be protected. If the decision to attack public property on the basis of a decree is encouraged, it will encourage unconstitutional practices. In the past, the court proved that it is a body capable of stopping the encroachment of the executive in the fundamental rights of citi-

zens.

When Prime Minister Deuba announced his decision to freeze transactions pertaining to land, in violation of Article 17 of the Constitution of Kingdom of Nepal, people went to the court seeking immediate relief. Article 17 on the rights to property says:

1. All citizens shall, subject to the existing laws, have the right to acquire, own, sell and otherwise dispose of, property.

2. The state shall not, except in the public interest, requisition, acquire or create any encumbrance on, the property of any person.

3. The basis of compensation and procedure for giving compensation for any property requisitioned, acquired or encumbered by the State in the public interest, shall be as prescribed by law.

The bench, after hearing six cases filed by citizens, asked the government to come up with a reply. However, the citizens, who wanted immediate remedy, are

frustrated with the institution they believe would never let them down. In a number of cases over the last decade, the court has given remedy to the citizens. In a number of other cases, the court also landed in political controversy.

There are many cases where justice has been delayed. On the other hand, there have been an equal number of instances where citizens have received prompt justice. "The judiciary failed to provide quick and effective remedy to the accused in RNAC's Lauda Air deal, people who were already being persecuted by the media. The target was then

Prime Minister Girija Prasad Koirala, but the most unfortunate victims were employees and board members of RNAC," says a lawyer on condition of anonymity.

Despite these shortcomings, the Supreme Court remains the last hope for those fighting against unjust acts committed by the executive and other institutions. In this case, the court has to prove more than ever that it has neither delayed nor denied justice. ■

LIQUOR CONTROL

Tipsy Turvy

The government announces measures to control liquor consumption, but will it be able to implement them?

By SNJAYA DHAKAL

Weeks of anti-liquor protestations, often violent ones, and one ravaged distillery later, the women's wing of the underground Maoists finally got the government to sign in a paper announcing a number of strong measures to control the sales and consumption of alcohol in the country.

Home Minister Khum Bahadur Khadka, on August 25, reached a truce with

ment may turn out to be nothing more than a gimmick.

Home Minister Khadka said that the agreement will not affect star hotels and the tourism industry. "Public health is the most important issue for the government and it will do everything it can to implement the measures," he said.

Even Finance Minister Dr. Ram Sharan Mahat conceded that some of the measures would be difficult to impose. Talking to BBC World Service, he said the government would find it difficult to impose the rule about the age limit, among others. He, however, said that the government had no intention to sabotage the whole industry.

But that is what the announcement could eventually result in, if the concerns of the industrialists are not taken into account. Investors are already feeling jittery. The investment in the liquor industry is around Rs 10 billion. The sector provides about Rs 7 billion in annual revenues to the government. If there is any disruption, the treasury would see a drastic

depletion.

Ramesh Kumar Shrestha, the president of Beverages and Cigarettes Association has criticized the government-ANWA agreement as being against the essence of business.

There is no doubt that open sale of liquor and beverages has created problems in society, as many young and school-going children have developed the habit of consumption. Realizing the need to regularize the sale of liquor and beverage, parliament has passed a bill giving sweeping powers to officials to control sales.

But the apparent nonchalance in pursuing the issue by the successive governments paved the way for radical elements to hijack the issue.

It cannot be disputed that controlling liquor was long overdue in the country. But the manner in which it was announced could

be counter productive to the business and investment sector in the country.

By announcing stern measures for liquor control, the government has opened a Pandora's box. What about the use of liquor by different ethnic groups in the country during festivals and for cultural purposes? What about the inevitable reduction in the revenue receipts? More importantly, would the government really implement the measures? If so, who will check the license raj that will get a new lease of life once the limit on the number liquor outlets is effected? These are few questions that the government needs to answer before implementing the measures.

According to the agreement, the government would implement the measures that do not require legislative support within 15 days. The government would take initiatives to enforce measures that require the parliamentary support by October 1. ■



An ad of liquor : Under attack

representatives of the All Nepal Women Association (ANWA-Revolutionary), announcing sweeping measures, including a ceiling on the number of liquor outlets, fixation of legal drinking age, time limit and ban on liquor advertisements, among others.

The sudden announcement of the measures has thrown the alcohol industry off-balance. The industrialists have already complained that their points of views were not incorporated in the announcement. "We are not averse to controlling liquor consumption, but the government should have followed less rash route," said one industrialist.

Many see the government announcement on liquor sales as an indication that it does not want to rock the boat before it sits down for crucial talks with the Maoists. Therefore, they say, the current announce-

Major Points Of The Announcement

- * Four dry days every month—the first two days and the last two Saturdays of every Nepali month.
- * Four outlets per ward in metropolis, three in sub-metropolis, one in municipality and two in every single Village Development Committee.
- * People below the age of 24 years barred from drinking.
- * People below the age of 21 years barred from selling or distributing liquor.
- * Ban on liquor advertisement on radio, television, print media as well as in public places.
- * Liquor sales allowed only from 2 pm to 6 pm.
- * Non issuance of permission for new alcohol industry.
- * Ladies campus to be opened from the revenue generated from alcohol production.
- * No cabins allowed in restaurants.
- * Decent dress code for waitresses working in restaurants.
- * Ban on events and things that negatively hurt women's prestige, including vulgar cinema, fashion show and pornographic magazines.
- * Ban on gambling across the country.
- * Reservation of seats for ladies in buses.
- * Under age marriages, Badi practice, Jhuma practice, Deuki practice, polygamy to be stopped.

BHUTANESE REFUGEES ISSUE

Scarcity Of Seriousness

Each round of official bilateral talks raises expectations that are soon shattered

By AKSHAY SHARMA

The plight of Bhutanese refugees huddled in the camps of eastern Nepal has been front-page news for nearly a decade. Even in the midst of such extensive media coverage and growing pressure to act, the two governments are still trying to agree on a mutually acceptable way of addressing the problem. With considerable nudging from the international community, official discussions between Nepal and Bhutan have some momentum over the last year. But not enough, as it is becoming increasingly clear, to instill in the refugees or their hosts any trace of optimism.

The return of Finance Minister Dr Ram Sharan Mahat from the Bhutanese capital, Thimpu, last week following the 11th round of ministerial talks with Bhutan triggered a new surge of speculation over what the two sides actually agreed — or disagreed — on. The ambiguity and uncertainty, however, has only accelerated the familiar cycle of anticipation and apathy.

Media reports say that the joint verification initiative, which Nepal and Bhutan agreed to launch during their 10th round of ministerial talks in Kathmandu last year, has processed the cases of 1,940 people in the Khudnabari camp in Jhapa district. When you consider that there are 12,424 people in that camp alone, you can see how slow the pace of work is.

The good news coming from the recent talks in Thimpu, if you go by Nepalese officials, is that the Bhutanese government has shown indications of a greater willingness to resolve the issue. However, lack of specifics on modalities has left clouds lingering on the horizon.

If you read newspaper editorials and commentaries, you can detect a feeling that

the Thimpu talks may have actually yielded very little of value. The two governments were not able to address the core issue of establishing who is and is not a Bhutanese with the candor needed.

In a statement, A.B. Subba, president of the Association of the Bhutanese Refugees, said Nepal was not able to take a firm stand on the issue. He added that the approach of the Bhutanese government could further complicate the problem. Subba stressed that unless the process of classify-



Demonstration for refugees : Talks drag on

ing and repatriating the refugees actually began, the association could not consider any settlement as satisfactory.

Some analysts are already weighing the stakes involved for each side. "It seems Bhutan is facing a much bigger crisis than Nepal," says one analyst. "It is becoming hard for Bhutan, whose leaders are used to taking orders from Indian military strategists, to understand where its national interests lie."

Others believe Nepal has not been pursuing the case strongly enough. In terms of international law, they say, Nepal has a solid case. An International Law Association document states: "The imposition of the refugee burden upon a country without

its consent is a violation of its territorial sovereignty, including its right to exercise jurisdiction over its own territory and over all persons and things therein. It impinges upon the basic norms governing the rights and duties of the state."

Experts are baffled by Kathmandu's inability to make full use of the legal advantage it enjoys. "Nepal has not been able to articulate clearly enough the fact that Nepal and Bhutan do not share a border. The Bhutanese refugees crossed Indian territory before entering Nepal. Why doesn't India play host to the refugees as international law requires of it?" asks one expert.

The International Law Commission's Draft Declaration on Rights and Duties of the States, Article 2 (1949) affirms that states have a duty to avoid interfering with the exercise by other countries of their jurisdiction in territories. It states: "If a state violates, or is delinquent in its duty towards, the rights of the other states, international responsibility is incurred. Such a duty is inherent in the principles of states."

Some political analysts view the Bhutanese refugee issue as part of a wider regional game. "Nepalis must be alert to the designs of those who do not want to see permanent peace in Nepal. The interests of a third party in Nepal has forced Nepalis to live in a state of tragic suspense," one analyst says.

Among the most frequently cited norms of international behavior is that no state has the right to permit the use of its territory in such a manner as to cause injury to the territory of another state or the property of persons therein. The following paragraphs from the Legal Status of Refugees published by the International Law Association bear relevance to the Bhutanese refugee issue.

"The state cannot, either by the administration or judicial procedure, expel its own nationals whatever may be their difference in religion, race or national origin. Such an act constitutes a grave violation of the international law when its international results is to cast upon other territories individuals suffering from such a condemnation or even placed merely under the pressure of judicial proscription."

"The right of a country of asylum to compensation is based, inter alia, on the

economic, social and other burdens that the presence of large number of refugees inevitability imposed upon it. The shifting of a country's own burdens of caring for its citizens to another without the letters consent by means of a refugee movement caused directly or indirectly by the formers action creates a quasi- contractual relationship under which the former owns a duty of compensation to the latter."

"By directly or indirectly forcing its own citizens to flee/and to remain abroad, the government evades the responsibilities of statehood by destroying the legal bond between a state and its citizen's acceptance which is the foundation of the international law. Where such evasion adversely affects another state, the latter has a claim to compensation even if the refugees retain the formal nationality of the country of origin."

"An internationally wrongful act committed to a stage in a field of activity in which that a state is a subject to the power of direction or control of another state entails the responsibility of that other state. An internationally wrong act committed by a state as the result of coercion exerted by another sate to the commission of that act entails the international responsibility of the other state."

A relevant example would be India's protest against Pakistan's military action in East Pakistan, which resulted in the exodus of nearly two million East Pakistanis into India, according to Keesing's Contemporary Archive, July 3-10, 1971.

"If the country of origin has committed an 'international crime' ...the appropriate response would be collective sanctions by the international community as a whole. An international [crime] committed by the state entails an obligation for every other state. And they are: (a) not to recognize as legal the situation created by such crime; (b) not to render aid or assistance to the state which has committed such crime maintaining the situation created by such crime; (c) to join other states in affording mutual assistance in carrying out the obligations under subparagraph (a) and (b)," states the International Law Association.

"In implementing the rights of the countries of asylum to compensation, states should, directly or through the United Nations, condition the granting of economic and development assistance to countries of

origin on their fulfilment of this right," it further states.

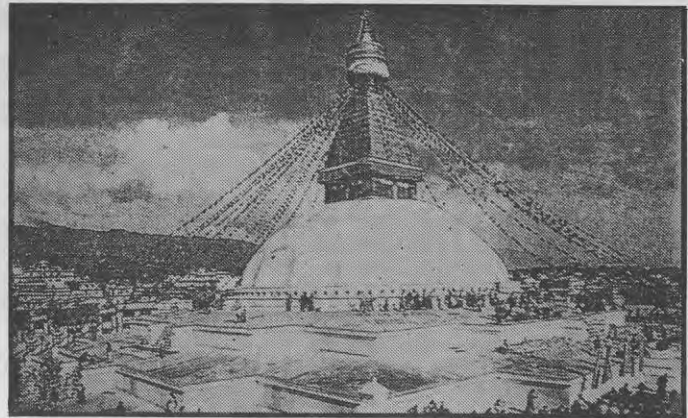
Where are Nepal and Bhutan headed in tackling a problem that is so serious in terms of international law? If the two governments are not making sufficient progress on resolving the issue, what is keeping them apart? These and other questions are too serious to be left for the 12th round of talks.

"Bhutanese refugees have been lan-

guishing in camps in Nepal for a decade. When will Nepalese leaders raise their legitimate concerns that are rooted in international law?" a legal expert wonders. Every round of bilateral talks raises hopes of a breakthrough, which turn out to be misplaced. In dealing with a crisis of such seriousness, neither country can expect much progress without demonstrating greater seriousness. ■

Looking for professionals to handle your travel and cargo needs?

Look no futher. We've been doing it for more than three decades!



We provide :

- * International/domestic air ticketing
- * Comprehensive tours
- * Freight forwarding all over the world
- * Hotel reservation

Everest Travel Service (P) Ltd. (ESTD 1965)

Tel : 222217, 240136, 247595

Everest De Cargo Pvt. Ltd.

P.O. Box : 223, Pratap Bhawan, Kantipath, Kathmandu, Nepal
Tel : 249291, 249263, 249216, 249119, Fax : 977-1-249896 & 279286
E-mail : ets@mos.com.np



U.S.A.

**Exclusive Agent for
Emery Worldwide**



**Sales Contrator for
Federal Express**



**GSA for
Air Hong Kong**

POOR EXAMINATION RESULTS

Who Is To Blame For Poor Results?

More than two-thirds of the students who appeared for this year's School Leaving Certificate (SLC) examinations failed. Many schools in rural areas could not pass even a single student. While the authorities say the dismal outcome was the result of the changed syllabus and stricter checking, many see fundamental flaws in our education system. As billions of rupees have gone wasted thanks to the high failure rate, there is growing concern about how to improve the pass percentage in the years ahead

By SANJAYA DHAKAL

On the morning of July 16, when FM radio stations broke the news of the publication of School Leaving Certificate (SLC) results, newspaper stalls were readying themselves for the hordes of students that were about to descend on

them. By midday, thousands of hearts across the country were to be broken. Two-thirds of the 213,807 examinees who appeared in the exam in April could not cross the "iron gate"—as the exam is commonly known among students.

Last year, 45 percent of the examinees had passed the SLC. This year the pass rate came down by almost 15 per-

cent, reaching 31.62 percent. Generally, the SLC pass rate hovers around the range of 40 to 50 percent. But this year, the result was particularly disturbing.

Of the total examinees, 160,123 students sat for the regular examinations, while the rest were in the exempted group. In the week that followed the publication of the SLC results, newspapers were flooded with news of dismal



School students : Uncertain future

performances of schools in several districts.

In Nawalparasi district, only 22 percent of the examinees managed to get through. This forced the higher secondary schools (ten plus two) there to close down, fearing lack of students, said reports. Similar was the case in the mid-western region. According to a news report, only one-fifth of the students passed in the region. There, too, the higher-secondary schools face the problem of having to run empty classes. Likewise, Dolakha district witnessed only 12 percent of its students get past the SLC.

In another example, the principal of a secondary school in Ramechhap district quit after all his SLC examinees failed. Many schools recorded a zero pass rate. Nuwakot district, too, boasted of three such "nil" schools. Not to be

outdone, Dhading district chipped in with 10 such schools.

These outlying districts apart, even the reputable schools of Kathmandu valley found the SLC a tough nut to crack this year. Many boarding schools in the valley have already complained of lapses in evaluation procedures.

"This is a near disaster," said educationist Min Bahadur Bista. "Such poor results will invite socio-political crisis in the country." Agrees Babu Ram Pokharel, principal at the VS Niketan School. "The authorities must take some steps to bring the students who have

failed to the mainstream."

Why So Low?

Several theories have been advanced for the failure of a whopping two-thirds of the examinees. While the authorities claim strict evaluation and high-standard courses weeded out poor-performing students, others believe it was the result of poor planning preceding the overhaul in the examination system.

This year, the SLC board had introduced a new syllabus. "The new courses covered some chapters that were earlier taught only in Class 11. In that, the courses were tough," said Pokharel. The total marks of the examinations were increased from 700 to 800 this year. Likewise, a system of coding and decoding the answer papers was introduced. Teachers were called to check papers in particular evaluation centers. Previously, papers used to be

'It Is A Near Disaster'

— MIN BAHADUR BISTA

MIN BAHADUR BISTA is a well-known education expert in the country. He spoke to SANJAYA DHAKAL about the poor SLC results and the consequent wastage of investment in the education sector. Excerpts:

How do you find the recent results of the SLC in which two-thirds of the students have failed?

It is a near disaster. This disaster will affect the education sector as well as the society. Such huge failures, is bound to invite socio-political crisis in the country.

What is the reason for such poor results?

This year's so-called new SLC had introduced new curriculum as well as new evaluation system. But the result has exposed the problems in curriculum design. The result is the reflection of poor examination reform, poor planning, poor teaching and poor facilities. The recent result has underlined the need for serious analysis of public education sector.

What effect will this poor result have on the government and on individual students?

The poor results will have far-reaching consequences. As far as individual students are concerned, they will be distraught and frustrated. Their academic growth will be retarded. On the other hand, such failures will not help the government either. Take for example a soap factory. What happens to the factory if it is able to produce only 30 soap bars against the target of producing 100. The same thing will happen in case of the government. It will be tremendous loss in terms of investment and resources. So many thousands of hours of teaching will be lost.

What is the solution to the problem?

There has to be a deep analysis of the education system. Reforms are also necessary but they should be based on the situation and circumstances. Above all, the government needs to give more attention to the sector - not only in terms of investment but also in terms of supervision, monitoring and so on. ■

'Vocational And Technical Education Is More Important'

— BABU RAM POKHAREL

BABU RAM POKHAREL is the principal of the VS Niketan School. About 80 percent of the students of the school managed to pass in first division this year. He spoke to SANJAYA DHAKAL on issues related to the low pass rate in this year's SLC. Excerpts:



What do you think was the reason behind such a big failure in this year's SLC?

There are three main reasons for low pass rate this year. Firstly, the syllabus this year was a new one. Unlike in previous years, the new courses covered standard chapters. Some of the chapters even included courses that were earlier taught only in Class 11. As it was the first year of the new course, SLC examinees had no idea about the question patterns. Secondly, the teachers of schools that run on subsidies in rural areas were not competent enough to teach the new courses. The government had not trained or prepared these teachers on the new course. Thirdly, the last year saw frequent disturbances in the academic environment. There were many strikes and bandhs. This constricted the number of working days for schools. Though the minimum days of working is set at 180 per year, some schools could not even teach for 100 days last year. Naturally, these schools could not teach the whole course.

As such a large number of students have failed, what do you think should be done to help them?

The students who have failed are feeling that their future is dark. This is a serious situation. The concerned authorities must make necessary arrangements to allay the depression that could set in among them. Supplementary examinations should be held immediately to help them. This could be one positive message for them as it would help them not lose one precious year. Otherwise, these students will get frustrated.

The government had introduced new reform measures in this year's SLC. How did you find them?

Though the provision of making teachers evaluate students' papers in particular evaluation centers seems to be a good idea, there is a downside to it, too. Senior and competent teachers may not want to take the trouble of visiting the evaluation centers to check the papers. If papers are not evaluated by competent teachers, the result could be disastrous. Besides, I see the government's poor handling as the main factor behind the dismal results. There is absolutely no supervision and monitoring. Model questions were not given and there was no training for teachers about the new course.

It is said that Nepalese students need vocational training more than general education. What do you say?

That is true. Vocational and technical education is more important for the country at present. Such training/education will attract students from middle and lower strata of the society. Vocational training will prove to be more useful in life. It gives rise to self-employment. In fact, it would be great if the authorities introduced special vocational/technical education packages to engage the students who have failed in SLC. ■

distributed to the houses of senior teachers.

Other reasons were the lack of competence among most teachers to teaching the new course. "There was no training provided to teachers," complained Pokharel.

Another new system introduced in this year's SLC was the provision of multiple question papers. "The cases of cheating were also checked strictly," said Yadu Poudel, an officer at the Office of the Controller of Examination (OCE), giving reasons for the huge number of failures.

Moreover, last year witnessed frequent strikes and bandhs organized by political parties and student activists. The insurgency raging in some parts of the country, too, disturbed the normal functioning of schools there.

Although the country has made some remarkable progress in education, recent incidents of growing political violence and strikes have come as a serious impediment to the smooth functioning of this sector. Dearth of clear-cut government policies is not helping the matter either.

While the situation of the country's public schools is deplorable, to say the least, the private ones, too, are feeling the heat. "This is a very unfortunate situation. It is true that in a democratic system of governance

everybody has the right to protect their interests. But the tendency to target schools in any kind of strikes will prove fatal. We urge everybody concerned to refrain from disturbing the academic atmosphere," said Umesh Shrestha, senior vice-president of Private and Boarding Schools Organization Nepal (PABSON) and founding principal of Little Angel's School.

Thousands of schools across the country were forced to close down for a whole week in mid-December last year as well as mid-April this year at the call of a pro-Maoist student organization. The ANNFSU (Revolutionary) had called the shutdown in support of its 15-point demand that included free school education, nationalization of private schools, making Sanskrit education op-

tional and ending the practice of singing the national anthem in schools.

"We see that there is a gradual erosion in the school system as the teaching-learning atmosphere is being destroyed," said educationist Min Bahadur Bista.

The cumulative effect of all these factors could have resulted in such a low pass rate. There also was a general feeling of despondency among the students thanks to such atmosphere.

In the history of SLC, this is not the first time that so many students have failed. In fact, the pass rate at one point used to be as low as 20 to 30 percent. But over the last few years, the pass rate had gradually improved. This year the low pass rate became remarkable as it fell down by as much as 15 percent compared to the last year.

Investment Loss

Nepal has made tremendous progress in educating its citizens over the past five decades. The general literacy rate has jumped from 2 percent in 1950 to 53 percent (government figures) today. Government investment in the sector has increased considerably, reaching around 15 percent of the total annual budget.

More than five million students are enrolled in primary- and secondary-level schools. Enrolment in higher education, too, is growing by an average of nine percent a year.

Despite such headway, the sector is still mired in problems. From strikes and political intervention to insurgency and an abiding sense of insecurity, the education sector is facing assaults from various fronts.

Expenditure on education was 1.4 percent of GDP and 9.4 of total government expenditure (TGE) in 1980/81. This rose to 2.6 percent of GDP and 13.1 percent of TGE in 1998/99. "Of the total expenditure on education, 45 percent is for primary and non-formal education, 32 percent for secondary, 6 percent for technical and vocational, and 16 percent for tertiary education," states a report by the World Bank.

Over the last decade alone, invest-

'New Packages Should Be Introduced'

— KUL BAHADUR BASNET

KUL BAHADUR BASNET is the director of the Accreditation Division at the Center for Technical Education and Vocational Training (CTEVT). The center has been providing training as well as giving affiliation to private-sector groups interested in running vocational training in the country. He spoke to SANJAYA DHAKAL about the situation of technical and vocational education. Excerpts:

What kind of training does CTEVT provide?

We have been providing training as well as providing affiliation to private colleges to teach disciplines like staff nurse, health assistant, diploma in agriculture, diploma in computer, diploma in surveying and so on. Mostly our students are SLC pass students. But in remote areas, we provide training to SLC failed students, too. We give affiliation to private sector on polytechnical subjects.

What is the duration of your training?

It depends on the course. Some run for 15 days while others go up to one year or more. Our subjects are skill intensive. If the private sector approaches us for affiliation, we study the subject it wants to teach and see if that is saleable in market. Only then, we give accreditation to the subject. Mostly we approve market-oriented packages. At present, we have the capacity to teach 10,000 SLC-level students a year. In fact, 1,500 students are studying in the diploma level in different private institutes affiliated to us. More than 150 private institutes are affiliated to us at present.

How important do you think is technical and vocational education to our students?

Technical and vocational education is very important. It brings down unemployment, especially among youths. But, as our students have a white-collar mentality, there has to be an attitudinal change among them before they can reap the benefits of vocational education.

How many of your students have found jobs?

Earlier when only the CTEVT was around to provide vocational training, we used to conduct follow-up studies intensively. We had found that most of our students made use of the training. But now the picture is not so clear, as many private institutes have entered the scene. The information about the private students are not available. Even then, we can claim that the vocationally trained youths find jobs more easily.

This year a large number of SLC students have failed. Does the CTEVT have any plans to rope in them?

It is up to the government to provide us with resources. The authorities need to introduce special packages to teach such students. It is not a crime to fail an examination. When a student's academic road is blocked, another way must be opened, otherwise they will become frustrated. ■

ment in education has swollen. In 1990, the government spent Rs 301 million in the regular budget and Rs 1.22 billion in the development budget for education. The budget has now increased by ten fold.

Experts say poor SLC results will have a big impact in terms of wastage of investment. According to a study by Min Bahadur Bista - under the secondary education project funded by the Asian Development Bank and Nepalese gov-

ernment - the government spends Rs 1,816 per year per student in public schools.

Besides government investment, parents have to spend an additional Rs 7,742 per year per student in Kathmandu valley, Rs 4,521 per year per student in Terai and Rs 4,760 per year per student in the hills to bear the cost of extra fees, stationery items, uniforms and tiffin, among other things. These investment are true only for public schools. If private schools are considered, the total spending is at least four times more, said Bista.

If the cost of education is multiplied by the number of students who failed in the SLC, one is likely to get a tremendous figure of investment that has gone in vain.

Way Out

As the investment in the education sector seems to be going in vain because of the huge number of high-school failures, it is vital that the authorities roll up their sleeves and do something concrete. Any reform in the examination process should be preceded by thorough study of the situation. Rash and random reform measures will not work.

Most experts lay the blame for the poor SLC results squarely on the government, saying it put the cart before the horse. "They just imposed reforms without finding out what the ground realities

'This Year's Strict Evaluation Resulted In Quality Filtering'

— YADU POUDEL

YADU POUDEL is an officer at the Office Of the Controller of Examination, Sano Thimi. The office is responsible for conducting the SLC examination as well as evaluating and publishing the results. He spoke to SANJAYA DHAKAL about this year's results. Excerpts:

Why have so many students failed this year?

First, we had a new course this year. The system of coding and decoding was also introduced while evaluating. Moreover, we used parallel question papers, which proved effective in checking the cases of cheating.

Don't you think the pass rate was disturbingly low?

Although huge number of students failed, those who passed this year should be considered quality students. The strict evaluation resulted in quality filtering of students.

In which subjects did most students fail?

We don't have the full data. We are working on it. But preliminary scrutiny shows that most students failed in compulsory subjects like mathematics, English and science.

Will your office take supplementary examination for students who failed?

Yes, we are conducting supplementary education sometime in September for those students who have failed in (up to) two subjects. Among the 69 percent students who failed, 10 to 12 percent students will be able to take advantage of the supplementary examination.

were like," said

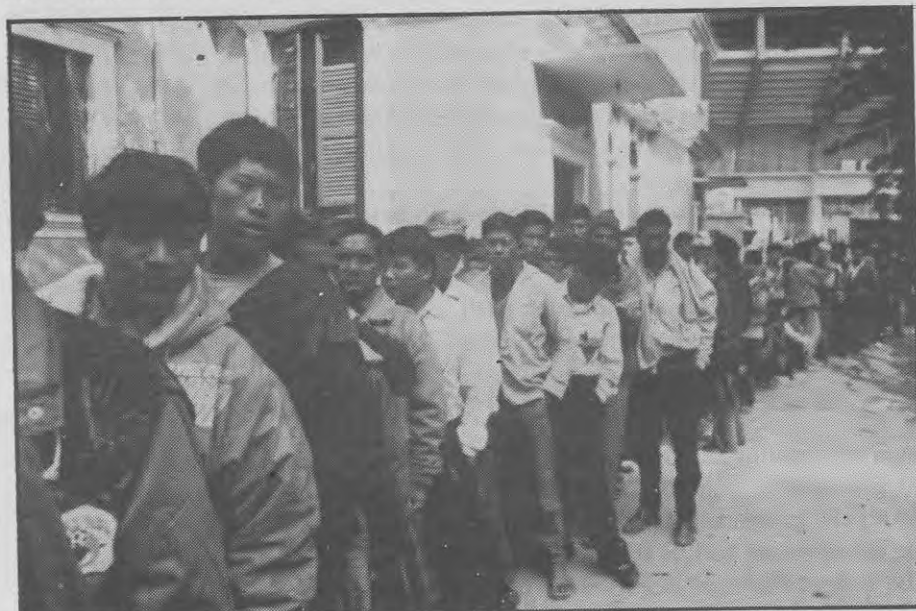
Pokharel. He cited the example of the change in the course. "While the government changed the course, it did not make any attempt to find out whether

the available teachers were competent enough to teach well."

While reforms are necessary to improve the quality of education, they ought to be imposed gradually and after thorough consideration.

The immediate problem before the government is to address the situation of the students who have failed in the SLC. If not attended to properly, some of these students could even fall prey to violent elements. One thing the government can do is engage these students in vocational training, which would help to make them self-reliant. Supplementary exams should also be taken soon to give them a second chance.

As high failure rates add up to the number of unemployed youths and is a serious investment loss, the authorities must come out with plans to improve the situation soon. Otherwise, as Bista predicted, low pass rates will invite a crisis, which would affect the wider socio-political sphere. ■



Youths : Search for employment

MAOIST STRATEGY

Divide And Rule

With Madhav Kumar Nepal in the firing line, can Sher Bahadur Deuba be far behind?

By BHAGIRATH YOGI

Things seem to be moving fast, mostly behind the curtains, in Nepali politics. And many players, including self-proclaimed revolutionaries, are being unmasked.

Within a fortnight of hosting him in a foreign town, the underground Maoist party 'opened fire' against leader of the main opposition Madhav Kumar Nepal. Janadesh weekly, said to be close to the Maoists, on Tuesday accused CPN (UML) general secretary Nepal of betraying the cause of revolution, siding with the palace and conspiring with the government against the Maoists. The weekly also blamed Nepal for exposing the 'secret plan' of the people's war to the royal palace and influencing Premier Sher Bahadur Deuba to announce programs targeted at weakening the Maoist cause.

Nepal came in the firing line after he briefed his party about his meeting with the top Maoist leadership and made it public. In a press statement after the meeting, the UML said Nepal told Maoist chairman Prachanda that the rebels' demands for an interim government, new constitution and a republic could endanger the sovereignty of the nation. "It could even weaken the communist movement and make us lose the achievements that we attained after the restoration of democracy in 1990," Nepal told the Maoist leader. Issues including massive reforms in political, economic and social sectors, formation of an all-party government for a free and fair elections, and revolutionary land reforms were also discussed during their meeting, the party said.

With the main opposition refusing to join its bandwagon, the Maoist leadership seems to be back to its job of spreading propaganda and confusing people. After their sustained campaign against former prime minister Girija Prasad Koirala, who wanted to strengthen the government's position against the rebels by using force, succeeded in the form of the exit of the Congress strongman, Prachanda issued a statement saying his party would not hold talks with anybody who would

pursue Koirala's policies.

With Deuba riding to power on July 22, everything seemed going smooth. Comrade Prachanda accepted Deuba's proposal for a temporary 'cease fire' and called on his comrades to withhold all offensive activities. While the security forces have turned their eyes away, the underground party has used the period by organizing mass meetings, raising forced 'donations,' regrouping and training cadres and bargaining hard with the government even before the talks start. All this is for conserving force for the final battle—the 'strategic stalemate,' in communist jargon—analysts say.

As the Maoists continue to harp on the setting up of an interim government, elections to a constituent assembly and formulation of a new constitution to make Nepal a 'people's republic,' it's least likely that the government and the rebels can reach consensus even after the negotiations. "The talks are least likely to yield positive results," Premier Deuba told the meeting of Nepali Congress central working committee last week. He, however, did not explain how the government planned to counter the intensified Maoist offensive thereafter.

The Maoists are likely to reopen their offensive against the demoralized police force only after they become sure that the Royal Nepalese Army is not going to come to the support of the ill-equipped force. The army refused to mount decisive action against the rebels, despite getting clear instructions from the National Security Council, in their Holeri operation. Only if the army had acted decisively to ensure the release of nearly 70 policemen abducted by the rebels in the mid-western hills, the scenario would have been completely different by now, analysts say.

As Koirala decided to step down in the aftermath of the Holeri incident, Prachanda issued a statement saying that his party would not hold talks with anybody who would pursue Koirala's policies. Clearly, the underground party was meddling in the internal affairs of the ruling party. But nobody from the ruling party, or the opposition, chose to condemn that act. And, within a few weeks, the Maoists have started attacking what they call the 'Madhav

Nepal clique' within the UML, as they did against Koirala.

As the Maoist party is trying to emerge as the largest communist force in the country through violent means, such a conflict with the UML was inevitable. But by targeting Nepal, rather than the entire UML, the Maoists have resumed their old game of divide and rule. The turn of Deuba—whom the Maoists have described as a 'liberal mask'—may not be far away. ■

GOLD PRICE

On The Surge

As depositors withdraw money from the bank, they start investing in gold

As soon as some opposition political parties started demanding ceilings on private property alongside the those on land, big depositors in the capital and Terai districts sensed something wrong. As a panic reaction, some started to withdraw big amounts of money from the banks to be sent abroad.

Those who couldn't send the money in this way decided to invest in gold. Consequently, there has been an unprecedented surge in gold demand. According to President of Nepal Gold Silver Traders' Association, Tej Ratna Shakya, average daily demand for the precious metal has doubled to 60 kg over the last 10 days. Gold price has also soared to Rs 7,200 per 10 gram despite a decline in international markets, he said.

"This is a temporary phenomenon as people are buying gold due to lack other lucrative area for investment," said a gold trader.

Both the Finance Ministry and Nepal Rastra Bank have tried hard to reassure depositors. The ministry clarified that the government does not have any plan to impose controls on foreign exchange or fix ceilings on bank deposits and property. In a statement issued Monday, the ministry said reports that deposits have been withdrawn in extraordinary amounts from banks were false. The ministry called upon entrepreneurs, businessmen and the general public not to come under the influence of such rumors.

It's difficult to predict how long it will take to restore depositors' confidence, especially when politicians continue politicking on such sensitive issues as the financial market. ■

'There Is Sense Of Steadiness In Nepal-India Relations'

—Dr. BHEKH BAHADUR THAPA

Dr. BHEKH BAHADUR THAPA, Royal Nepalese Ambassador to India, is a well known intellectual. A US-trained economist who has held various positions including minister of finance and ambassador to the United States, Dr Thapa is about to complete his four-year term as ambassador to India. Dr Thapa, who was in Kathmandu on his way back to New Delhi after visiting Thimpu as a member of Nepalese delegation, talked to KESHABPOUDEL on Saturday on various facets of Nepal-India relations and the Bhutanese refugee problem. Excerpts:

You are coming toward the end of your tenure as Royal Nepalese Ambassador to India. How do you assess Nepal-India relations at this moment?

I will complete my term in a couple of months. These years have been rewarding in some ways and hectic in others. Relations between Nepal and India are extensive, as they always have been. On the whole, there is a level of steadiness. Some chronic and some new problems based on the changes that are taking place in both Nepal and India have continued to occupy our attention. Those who are unhappy with the way relations between Nepal and India are being developed, whether in India or Nepal, may generate different opinions. Overall, one can see steadiness and some stable indications at the people-to-people level. Occasionally, problems do crop up.

How do you assess the problems between the two countries?

The important thing is that problems between Nepal and India — whether on the need to make our borders scientific or exploit our water resources — need to be tackled in a way that would promote hope and prosperity. In the face of declining opportunities in both countries, the level of tolerance of the people and the way two governments conduct relations are important. To sum up, we have serious problems but we also have assurances of conduct based on traditions. At one level it is steady but at other level there are challenges we have continued to face.

Indians seem to be unhappy that Nepal has been ungrateful. Do you think Nepalis are ungrateful and anti-India feelings are not justified?

Can we really jump to conclusions based on periodic utterances by one group or another and consider them the voice of India as a whole? A few of us who occasionally raise our concerns use language inconsistent with the kind of friendship existing between Nepal and India. In the five decades since India became independent and Nepal got rid of the Rana regime, we could have certainly handled things better. There have been occasions where we could have become wiser and more civil in our conduct. Relations between two close countries can never be problem-free.

You mean we should handle relations more cautiously?

As I have said, there are serious problems that need to be solved. Between friends, solutions have to be found more amicably. I think this is something our conduct in the past has taught us. We must learn lessons without losing

sight of the national perspective. The most important thing is that we in Nepal need to draw a bottom line concerning our national interest.

What do you mean by a bottom line?

There must be a line below which no one should play politics or games. We need to remind ourselves that larger national interests dictate wider pursuit of objectives through a more civil conduct. Likewise, I keep reminding myself that my job, as ambassador to India, is not just to deal with the government of India but also to deal with civil society. India is a vast country. You cannot reach every part and talk to all the people. But there is an audience interested and concerned about Indo-Nepal relations. By and large, we must look at our problems with positive eyes and try to find solutions. To that extent, I am satisfied.

Recently you have not minced any words in stating that Indian media is responsible in generating anti-India feelings in the Nepalese minds. Would you like to comment?

Recently when we were reviewing the problems and prospects of reviving the tourism industry, I talked with the media. It was more a complaint and certainly not an accusation. What I said was that we in Nepal, I hate to say this but in reality, have yet to learn how to deal and how to profit from the growing media as powerful centers in the conduct of our society. Sometimes there is a flow of false information. India is more advanced and they have a culture and tradition of educating their public quickly. Sometimes we don't share our information, they spread their own messages and information based on their own assumption. Because of that, Indian media sometimes disseminate one-sided views on Indo-Nepal relations. They draw their own conclusions. Nepal and India are close friends and the media must look at this perspective. It should take time to analyze things properly. Any conclusion they draw should be based not on one-sided stories but on a balanced perspective.

Do you mean the media are not objective?

The media have not been objective on many issues, such as the hijacking of Indian Airlines plane, the non-issue of Hrithik Roshan and the tragedy in the Royal Palace. If we are so close, can there be an information gap to the extent that they are spreading? Don't you have a responsibility of educating yourself before drawing a conclusion? This is the spirit I tried to project.

What role should the Indian media play?

On the whole, the media could be fairer. In today's changing world how and what the media conveys become a foundation for friendship. In the two years since the hijacking, the aggressiveness and style with which some Indian media outlets have projected Nepal have not been positive. The feeling in most of the places I have visited in India was that Nepal designed the unfortunate incident and that we were party to it. When such messages are carried to the people's level, it becomes difficult for the governments to conduct relations in a friendly manner. This is not the way to conduct relations between two countries. Traditionally, we are trying to keep a level of openness in

Overall, one can see steadiness and some stable indications at the people-to-people level. Occasionally, problems do crop up.

social, economic and other fronts. But we may be closing the door, rather than opening it.

You were recently in Bhutan for the 11th round of talks on the refugees. Do you see the possibility of a successful resolution of the issue?

In the last four years, I have been going back and forth as part of the Nepalese delegation and some times on my own to talk to Bhutanese authorities on this issue. The changes that I have seen in both the attitude and expressions, including the recent actions on the part of the Bhutanese, give me some hope. They also see that it is in their interest to find a solution to this problem. The problem of Bhutanese refugees is extremely complicated. If you trace the beginning, refugees who came to Nepal passed the land of another country. As you know, Nepal does not share a border with Bhutan. The history of the eight of the first ten years of this problem was rather discouraging. It cast a shadow in relations in our neighborhood.

How do you see the new outlook of the Bhutanese government?

Fortunately, there is sympathy for the plight of the refugees. The international community is contributing to their survival with the hope that Nepal and Bhutan will solve this problem. In the last two ministerial meetings, I have seen a change in the dialogue and environment in Bhutan. My optimism is based on the nature of the dialogue. Now even we are talking of the difficult issues which earlier was unmentionable to Bhutanese authorities. From classification to categorization, to harmonization to repatriation, we are trying to simplify and expedite present activities in Birtamod in Jhapa in one camp. We are also talking about what has to be done in terms of creating the pipelines of ideas and activities leading towards a solution.

Do you think the verification process will be accelerated?

We plainly told them that at the rate the verification is going on, it will take six years even to verify people, which is only the preliminary part of the effort. Neither refugees nor the government has that kind of patience. It will be difficult to look after 100,000 people forever.

Now we can talk about these things. Every genuine Bhutanese, regardless of the circumstances that compelled them to leave, needs to be accommodated by Bhutan. We are beginning to talk and display understanding on the issue and Bhutanese are listening. This is my rough optimism but I cannot jump to any hasty conclusion saying that this problem will be solved within next two or three years. But the environment is slowly changing and the world at large also has realized the gravity of the problem. Even distant neighbors of Nepal and Bhutan are taking action and urging us to come to terms with reality. We have seen significant changes in the last two years.

India is a good friend of both Nepal and Bhutan and is in an excellent situation to act as a bridge to solve the issue. If India approaches the issue sincerely, many believe it could be resolved much sooner. How do you view the role of India?

I cannot talk about the constraints of another nation nor can I talk about what Bhutanese authorities have said to our common neighbor. The reality is that refugees have crossed India's territory before entering Nepal. In the past, there was evidence that when the refugees wanted to go to Bhutan on their own risk, they were put in trucks before they could reach the Bhutanese border and sent back to Nepalese territory.

How do you visualize India's approach?



In our dialogue with the government of India at the political and diplomatic levels, we have kept India informed of all developments. When the Bhutanese refugees are repatriated, they will have to cross India before going into Bhutan. We need to seek good will and good wishes and every possible cooperation from India. If distant neighbors come to help Nepal and Bhutan in this issue, it seems more logical for India to take an interest.

Do you see any changes in Indian policy?

India's position, as has been stated openly time and again, is that this is a bilateral problem between Bhutan and Nepal. This is the reason why Nepal and Bhutan have to solve the problem on their own. If Nepal and Bhutan jointly approach India, India can be helpful at that time. I am unaware how much Bhutanese authorities keep India informed, but we have kept India informed of development and sought their blessing, not direct involvement and mediation but exchange of information. Therefore, an atmosphere of good will and understanding will prevail.

You seem quite optimistic that things are moving on the right track. Can you give us an idea how long it might take for a final resolution?

The recent dialogue with Bhutanese refugees indicated that the process of verification in one of the camps could be completed by early November. We covered 45 percent of the total population in that camp. The rest should be based on simplified procedure and decentralized activities on the part of the verification team. The most difficult problem is the question of harmonization since we agreed a long time ago that the refugees would be grouped in four categories.

On what basis is the verification process going on?

There is an effort to identify who falls in which category. There are refugees who have been forcibly evicted by intimidation and compelling circumstances and others who left on their own. The Bhutanese might claim they left voluntarily.

How do you solve such complicated issues?

We need to solve the problems through a harmonized policy. That is the most intractable and difficult issue that we will have to face. Both sides are willing to examine this context in the near future. If we arrive at this stage, the rest will flow automatically. We will have many teams. I can only talk about our expectations and the perspective of minds. We would like to see this problem solved within two or three years. The most difficult part is the process of harmonization of approach. That bridge we have yet to cross. I think this is where the Nepalese intelligentsia as well as the media could, through proper interpretation, continue to help maintain the atmosphere of cordiality we have seen in the last two years. From the King of Bhutan to the high officials to the intelligentsia, everyone is sounding much more open and accommodating. We need to keep up that spirit to reach a satisfactory solution. ■

I think this is where the Nepalese intelligentsia as well as the media could, through proper interpretation, continue to help maintain the atmosphere of cordiality we have seen in the last two years.

'RNAC Will Do Better If We Are Allowed To Work Independently'

—RAJESH RAJ DALI

When **RAJESH RAJ DALI** was appointed executive chairman of the Royal Nepal Airlines Corporation (RNAC) eight months ago, the organization was in total disarray following the Lauda Air controversy. The national flag carrier was on an erratic course well before Dali's arrival. Financially, it was on the verge of bankruptcy. Dali, an aviation expert who was general manager of Tribhuvan International Airport, took some "unfortunate" but bold decision to rescue RNAC. After deciding to operate flights with the two aircraft it owns and pulling out from the European sector, RNAC is now gradually moving toward recovery. Dali spoke to **KESHAB POUDEL** at his office on various issues relating to RNAC and tourism promotion. Excerpts:

How do you evaluate the position of Royal Nepal Airlines Corporation after your decision to pull out of the European sector?

Until a few months back, we were very much dependent on leased aircraft. Now we are operating flights with the two Boeing aircraft we own. One of the aims of the management should be to maintain reliability and punctuality in the airline. I am now trying to maintain both. As our marketing and operation schedules are now based on two aircraft, we are in a position to manage flights properly. When we relied on short-term lease of aircraft, our schedule always failed to meet the target since we had to plan and market keeping in mind the lease.

As you say, RNAC's financial position was very bad until a few months ago. What is the situation today?

Since we are operating our own aircraft, the financial position of the airline is on the way to improvement. We don't have economic liability and the aircraft can fly just by incurring operation costs. After pulling out of the European sector and some other routes, we have started a vigorous marketing strategy in order to save money. As the routes are fixed, there is a greater possibility to make

profit. The indication of the first month was encouraging in terms of occupancy and income. Occupancy is about 80 percent. The scenario is changing in Hong Kong, Delhi and Bangkok. If we maintain the present rate, RNAC will be able to sustain itself.

What arrangements have you made after the cancellation of European flights?

After the cancellation of European flights, we have made all kinds of arrangements to shift passengers. We are now transferring our passengers to other airlines. RNAC can still issue tickets to Frankfurt and send the goods through other airlines. Of course, there is a need to develop a system for handling. We have increased the frequencies of

European sector, what impact will Nepal tourism's sector face?

There will be a very nominal impact on the tourism sector. We operated on the route with three and four aircraft and had trouble in sustaining them. I don't want to talk about the past, but we have learned many things. On the basis of frequency of flights, our two aircraft will bring virtually the same number of tourists. We had 28 flights when RNAC had three aircraft. That means we were in a position to carry 5,000-6,000 tourists. By operating two aircraft now, RNAC will still carry 6,000 tourists.

How do you see the passenger flow in RNAC?

In business, everything can be made by evaluating existing capacities. When RNAC had three aircraft, the coverage was less than 50 percent. Now it has increased by many folds. The average coverage is now above 80 percent. You cannot fetch more passengers just by operating more aircraft and flying to more destinations. It is very difficult to sustain an airline by operating two medium-hull aircraft in long routes. If we want to fly long haul, we should have wide-body aircraft. As RNAC is not in a position to buy such an aircraft on its own, we need support from the government. We will fly on the



the flights to New Delhi to pave the way for more foreigners to come to Nepal. We have 12 flights a week to New Delhi. We pick up passengers from New Delhi as a connecting flight. This is more reliable. Our two aircraft will sustain the route. To maintain our contact in the European route, we are exploring the possibilities of linking our schedule with other airlines. Even after the pullout from the European sector, there are many ways to bring in tourists. We can bring tourists from Europe by signing special agreements, code sharing and joining alliances with other airlines. We have passed a tumultuous phase and landed in a stable position.

After RNAC's withdrawal from the

European route if government support us. I will like to remind you that the existing two Boeing 757 were brought with support from the government.

Why did you choose to pull out from the European sector?

As I have already told you, RNAC has lost millions of rupees in the European sector. If we evaluate the situation of the last year, Nepal has faced several problems and tourist arrivals were low. In such a situation, keeping additional aircraft doesn't make economic sense. Airlines cannot continue operations by incurring loss. RNAC is now in a better financial position. As you know, carrier has a 43-year history and it can operate

flights anywhere at short notice. But an airline cannot sustain when it loses money. If we purchase a new wide-body aircraft and make proper plan, we will resume flights. At a time of declining tourist arrivals and tough competition, a wise policy would be to wait and see. If the number of tourists goes up, we will operate more flights.

How do you justify your decision to pull out of the European sector?

Internationally, the airline business is very competitive. If we are unable to provide reliable and punctual service on competitive international routes, we will be replaced by other airlines. In the present scenario, we must be punctual and reliable.

What is your operational schedule now?

Earlier RNAC flew to 37 places within the country and 13 international destinations. Now we have reduced our international destinations to eight and are pulling out from some of domestic routes where private airlines have regular flights. We are currently operating on profitable routes. We will continue to monitor tourism flow. RNAC can expect a sound future even with its two Boeing aircraft. In the domestic sector, we want to fly to remote areas.

What are the major constraints you are facing?

RNAC needs effective operating tools, including rules, regulations and operating manual. These tools must be flexible. I am trying to bring changes in the tools by making them more flexible. RNAC has already proposed new by-law and amendments to financial rules and operating manual. The new tools will help to make RNAC more effective.

What role will the national flag carrier play to bring in more tourists?

The national flag carrier has to play a very important role in developing the tourism sector. Only a strong national flag carrier can sustain tourist inflow. No country can successfully harness tourism by depending on foreign airlines. When the flow of tourists declines, airlines will cut down their flights. That is why we need a strong national flag carrier. If the nation's civil aviation and national airlines are strong, then we can expect to bring in more tourists. If national flag carrier is weak, the tourism industry cannot survive. The national carrier always invests in exploring new routes. Others will fly on routes they find profitable. But RNAC cannot do this without government support.

How do you describe RNAC's overall contributions?

RNAC has shown the way to other airline to fly in the European sector. After operating successfully for more than 14 years, RNAC explored the market for other airlines also. Now half a dozen foreign airlines are operating flights from Europe. It is on the investment of RNAC that other airlines are making profit. But the route is not profitable for us. At the wider national level, the airline business can not be judged on profit and loss alone. The country can profit even if the airline loses. Airlines need to invest to maximize profits.

You joined RNAC when it was on the verge of bankruptcy. How are you changing the situation?

When I joined RNAC, it was in turmoil internally and externally. There was almost a situation of shutting down. RNAC did not have money to pay salaries. I started my job with an aim to rescue the airline from bankruptcy. I tried my best to maintain cash flows and reduce costs. I also ordered a study to identify the loss-making sector. When I joined RNAC, there were four aircraft. Two aircraft were leased from foreign airlines. We were in no position to pay the operating costs, as the flow of passengers was very low. After analyzing the position, the question of whether RNAC needed aircraft arose. In a situation when the tourist flow was so low, only vigorous marketing could sustain such a fleet. At that time, the scenario was not good. After discussions with officials, I concluded that we were not in a position to keep the aircraft. RNAC cannot expand routes to support other airlines. When we have 800 seats available, there were fewer than 200 tourists. We can fly on such sectors, only if the government gives subsidies.

You are operating with two aircraft. If one has a technical problem, how do you hope to maintain your schedule?

Since we have only two aircraft, our service is more reliable. We have developed a flight schedule that can be met by our two aircraft. We have fixed targets. Even if there is a technical problem in one of our aircraft, we will make temporary arrangements. We have directives and procedures to hire aircraft in such a situation. The airlines industry is highly perishable business. The airlines need to spend a lot of money in marketing. You cannot judge performance within months, as you need to have patience to make profit. An airline that loses money in



the first year may maximize benefits the following year. We need to develop our potentials in marketing and operations. Airlines business requires high investment.

There are many legal ambiguities and intervention from different organization. Are you in a position to take risks?

I proposed the new regulation to make the provisions clear. As long as the rule and regulations are ambiguous, no one will take risks. There should be clear rules and regulations that will allow the management to take decisions. In the airline business, we need to take quick decisions. If rules and regulation are not clear and there is frequent political and other intervention, it is impossible to operate the airline in profit. If we are allowed to work independently, RNAC will definitely do better.

Are you confident that RNAC will make profits?

If I continue to get support from RNAC's staff and the government, I am sure the airline will make profits. I have received the full cooperation of the RNAC staff. The trend of the last few days has been very encouraging. I think the airline will see a different economic situation soon. No one can guarantee that an airline will generate profit within a few months. Sometimes it takes a couple of years to make profit. At a time when there is intense competition, airlines have to carry passengers for low fares. We pulled out of the Singapore sector because the Bangkok-Singapore fare was very competitive. The fare of the two-hour flight is just US\$40. How can we operate flights on such a route? ■

BOOK

Plot Of Populism

Nanda R. Shrestha discusses patterns of migration and landlessness from a distributive perspective

By KESHAB POUDEL

Leo Tolstoy's "How Much Land Does A Man Need?" powerfully depicts man's greed for as much land as he can possibly get. The moral of Tolstoy's famous story is that man needs not more than six feet from his head to his heels for a grave to rest in.

Nepalis, most of whom are Hindus, don't require even that plot. However, their quest for land remains undiminished. Like the main character of Tolstoy, Pahom, Nepalese peasants from all geographical regions are in a seemingly endless race to grab more land.

In the Nepalese context, landlessness is merely a political and populist slogan. In the name of the landless, successive governments have initiated various phases of land reform programs and distributed tens of thousands of hectares acquired through the clearing of forest and the imposition of land ceilings.

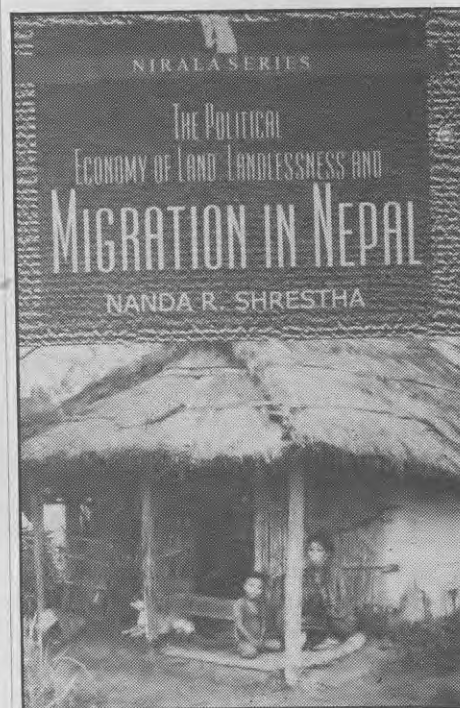
However, the number of landless people continues to increase. According to a report of the dissolved High Level Landless Commission, more than 50,000 peasants received land ownership certificate over the last 10 years in different parts of the country. Once the landless peasants get ownership rights, they sell the land and grab another plot. Thus the cycle of migration of a small number of people from place to place continues.

Although many prominent scholars have written books after intensive research, no one has delineated a road map to overcome the problem. Analyses of the tendencies of migration and patterns of landlessness are tentative. Land distribution programs continued in full steam under the partyless Panchayat system. Following the restoration of multiparty democracy, successive governments have distributed thousands of hectares of land, but the scale of the problem of landlessness largely remains unchanged.

Scholars who ideologically stand on the left try to interpret Nepal's problem of

landlessness and pattern of migration as fertile ground for political revolution. The problems of land holdings and landless farmers that exist are not like explained through a theoretical perspective that would facilitate corrective action.

In his book, "Political Economy of Landlessness and Migration in Nepal" Nanda R. Shrestha has tried to explain the historical, cultural and other factors, including economic exploitation of landless farmers. However, his paradigm of judging the system as a whole has many flaws. He speculates on the pros-



*The Political Economy of Land,
Landless
And Migration in Nepal*
By Nanda R. Shrestha
Published by Nirala Publications, New
Delhi
Distributed in Nepal by White Lotus
Book Shop, Hanumansthan, Kupondole
Kathmandu, Nepal
Price: Indian Rs.450.00

pects of a migrant-peasant-based agrarian revolution in Nepal and asserts that the growth of spontaneous settlements is a hindrance to such a revolution.

As Dr. Shrestha's study is based on the Marxist perspective of distribution, his assumption of the possibility of a deep conflict between landowners and landless farmers may have strong basis. However, the distribution pattern of land cannot be a factor for revolution. At a time when countries that already have Marxist governments have failed to change the pattern of production and land system, it is difficult to see how a new revolution, as predicted by Dr. Shrestha, could bring equality.

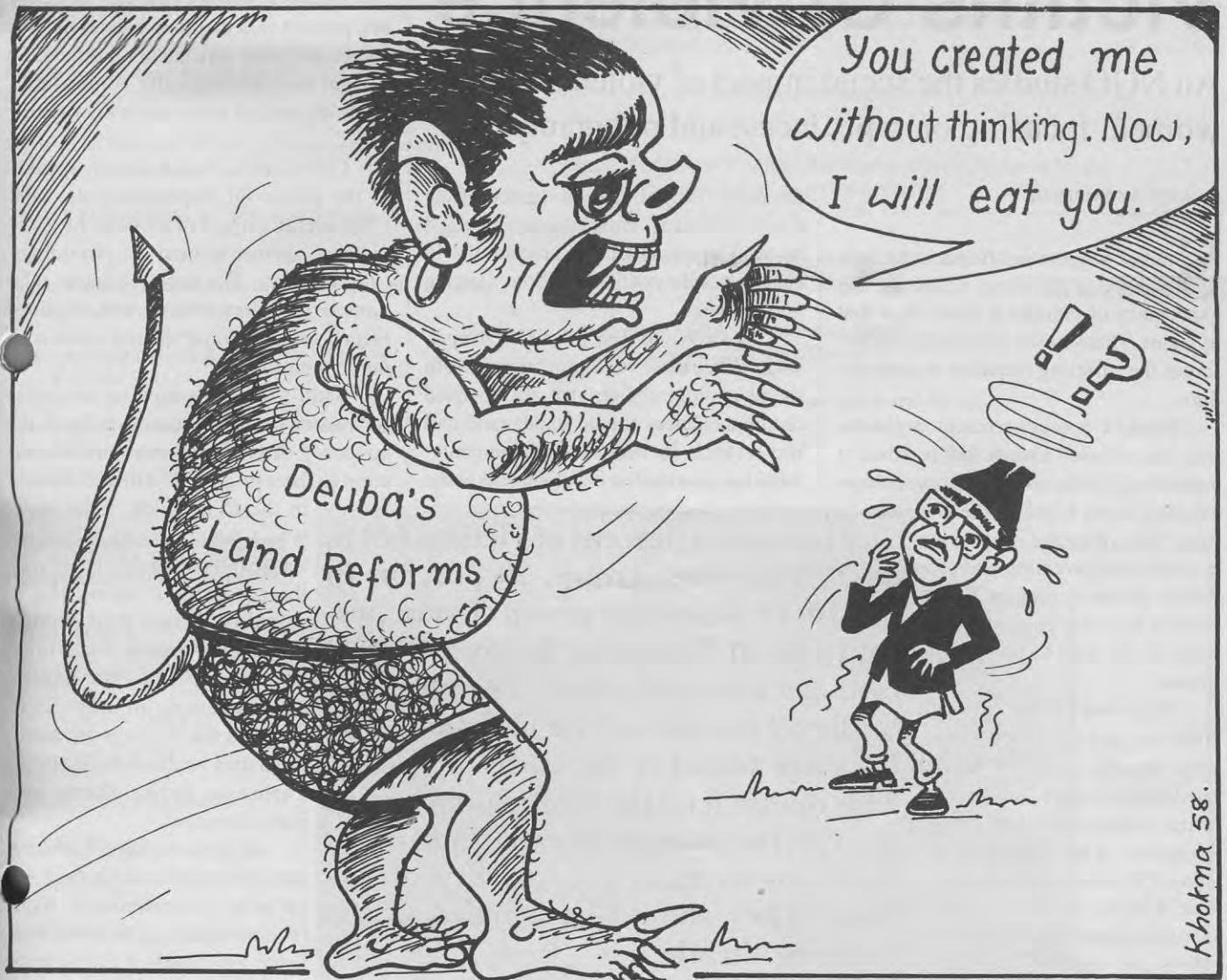
Every country has its own history of migration, as it is a natural choice of any individual to live in relative prosperity. In the process of achieving economic prosperity, people roam from place to place to finally settle down occupying relatively fertile land. In the course of migration and the emergence of new settlement, one can see some individuals still languishing in landlessness.

Dr. Shrestha is very critical of the existing development and foreign aid scenario, but does advance an alternative that could facilitate sweeping improvements. Dr. Shrestha seems to have been inspired more by revolutionary ethos than by a practical approach to the country's specific context. Dr. Shrestha is critical of all political systems Nepal has experimented with, a fact that has defined the parameters of his current study.

There is no doubt that power either comes from the bullet or from the ballot. The process of acquiring power through the ballot may be a long and tedious process, but it does offer lasting solutions by guaranteeing equality under the rule of law. Change brought through the bullet is always radical, but invariably unstable. Dr. Shrestha's revolutionary thought may undoubtedly bring a swift solution, but one that may just be temporary. There are no miracles to solve the problems of migration and landlessness.

Dr. Shrestha's book is replete with academic perspectives and is based on the revolutionary vision of class struggle. He tries to describe, understand and explain various facets of spontaneous settlements of hill migrants in the Terai. It may have been too late for Tolstoy's character to understand the futility of his obsession with land. Will Dr. Shrestha's conclusions be able to reinforce the moral in a country that has tinkered with various forms of land reform? ■

By M.S.KHOKNA



TRANSITION

APPOINTED: Bhava Nath Upadhyaya, as general manager of Nepal Bank Limited (NBL), by the board of directors of the NBL.

AWARDED: Akkal Man Nakarmi, with Dr. Balram Joshi Gyan Bigyan Rastriya Puraskar, for his contribution to the hydropower sector and

Dr. Shiva Prasad Dhauvadel, professor at the Tribhuvan University, with Dr. Balram Joshi Suyogya Sikchhak Puraskar, by Dr. Balram Joshi Award Academy.

Madhav Sharma, journalist, with Dayashankar Palikhe Memorial Journalism Award.

LEFT: A team led by Dr. Panna Kazi Amatya, President of Nepal Council for

World Affairs, for China on a goodwill visit, at the invitation of Chinese Association of International Understanding.

HOSPITALIZED: Dr. Dilli Raman Regmi, senior politician, at Norvic Research Center, after suffering from blood clot in the brain.

ELECTED: Dr. Mahesh Prasad Khakurel, as vice-president and Dr. Hemang

Dixit, Dr. Manohar Prasad Gupta, Dr. Ramesh Prasad Acharya, Dr. Manohar Lal Shrestha, Dr. A.E. Ansari, Dr. Damodar Prasad Pokharel, Dr. Shashi Sharma and Dr. Baburam Marasini, as members of the Nepal Medical Council.

DIED: Subarna SJB Rana, the first Election Commissioner of the country, at the age of 82. ■

WOMEN

Victims Of Violence

An NGO studies the social impact of violence against women, focusing on rape, incest and polygamy

By AKSHAY SHARMA

Studies suggest that Nepal is the only country in the world where the life expectancy of females is lower than that of males. That statistic powerfully underscores the suffering Nepalese women endure.

Sathi, a non-government organization, has released a study that is aimed at understanding the social and psychological costs being borne by the victims. The objective is focused not only on prevention and providing political support to the women but also to study what needs to be done to prevent the impact.

"It is hoped that this will contribute towards stopping violence against girls inside and outside their homes," said former prime minister Krishna Prasad Bhattarai, who launched the study. "Whether it is polygamy, rape or incest, the impact on the victims is instant and concerted efforts are required to address the issue," he added.

Arzoo Rana Deuba, president of Sathi, said: "People who commit these crimes deserve severe punishment." Referring to the report's finding that 38 percent of the survivors of these crimes are under the age of 19 years, she said, "This is a frightening finding which reveals the extent of the victimization of the children in Nepal."

Thirty-two percent of victims fall in 30-39 years age group, 29 percent in the 10-19 years age group. Forty percent are in their twenties and 17 percent are above 40 years. The majority of the 69 percent of the polygamy victims are found to be under 40 years. This makes it all the more important to address the young generation and make them understand the gravity of

the issue. They should be warned of the dangers ahead. Parents and guardians must be well apprised of the precautions to ensure the safety of their children, says the Sathi report.

Jan De White, director of SNV/Nepal, said, "When these victim are burning from the physiological fires that are imposed on them, society should understand and respect them for their virtue in humanity. Sathi has provided an excellent data in the

Thirty-two percent of victims fall in 30-39 years age group, 29 percent in the 10-19 years age group. Forty percent are in their twenties and 17 percent are above 40 years. The majority of the 69 percent of the polygamy victims are found to be under 40 years. This makes it all the more important to address the young generation and make them understand the gravity of the issue. They should be warned of the dangers ahead.

book but the fact is that it is hard to understand that the problem with this crime is that you cannot get access to the actual data."

Tirtha Man Shakya, chief secretary to the government, said: "His Majesty's Government will use the findings and recommendations of the publication to raise the status of women, particularly in rural areas. Some of the data have been published in the media and it is the duty of civil society to help solve the problem. In 1973 (the international year of women) these issues were raised and the 1991 constitution ratifies the protection of women. And here we are 25 years later debating on the same issue."

"Polygamy victims are mostly from the higher castes, 38 percent being Brahmin and Chetri, although the case exists in all castes," says Pinky Rana. "Seventy-one percent said that they had no income source and were dependent on others, 56 percent were economically comfortable, while 44 percent were surviving on their own."

Chitra Lekha Yadav, deputy speaker of the House Of Representatives, said: "The overall impact of all three forms of violence against women are physiologically negative. The negative social relations serve to further disturb the victims' mental and emotional balance while adding to their misery."

Sathi's study focuses on strategies for awareness at the grass-roots level, the advocacy of victim support and amendment to their proposed 11th amendment to the Civil Code. "The study was a daunting task indeed as the hospitals would not provide the proper data saying that it would be against their ethics," remarked Pramada Shah, vice-president of Sathi. The study is a compilation of interviews, data and the findings are based on studies we did in Kathmandu, Taplejung, Banke, Bardia and Ilam districts."

At present, rape carries a punishment of between three and 10 years' imprisonment. Sathi recommends that that the sentence be changed to between five and 20 years' imprisonment.

Sathi suggests that legal reforms be made to the Muluki Ain. These include more severe punishment, handing investigation of rape cases to women police officers in-camera and redefining rape to include various forms of sexual exploitation, stronger legislation against paedophilia, legally entitling victims' share of their husband's property and stricter fines for the offenders. The report also calls for raising the minimum age for marriage and punishment for child marriage, outlawing bigamy and equal punishment for fraudulent marriage, legalization of abortion and abolishing character judgment of women in all sexual crimes. ■

Now In Town

BOOK

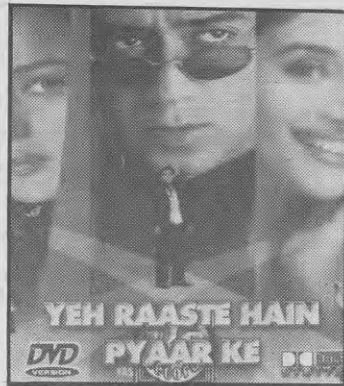
- Dynamics and Development of Highland Ecosystems
Ek Raj Ojha/1999 Rs. 995.00
- Hundred and One Poems for New Millennium
L.D. Rajbhandari/2000 Rs. 100.00
- Institute of Foreign Affairs : Policy Study Series
Ifa/2000 Rs. 300.00
- Nepal's Foreign Policy : Issues and Options
IFA/1999 Rs. 300.00
- Nepal Missing Elements in the Development Thinking
Gunanidhi Sharma/2000 Rs. 472.00
- Palpa As You Like It & Palpa Revisited
V.K. Kasajoo/2001 Rs. 250.00
- Reseunga The Mountain of the Horned Sage
Two Districts in Central Nepal
Philippe Ramirez/2000 Rs. 425.00

- The Regional Paradox : Eassys in Nepali and South Asian Affairs
Lok Raj Baral/2000 Rs. 880.00
- Ritual, Power and Gender : Explorations in the
Ethnography of Vanuatu, Nepal and Ireland
Michael Allen/2000 Rs. 960.00
- Selected Nepali Lyrical Poems
Rovin Sharma/2001 Rs. 300.00
- Small and Medium Enterprise Development in Nepal :
Emerging Issues and Opportunities
Bishwa Keshar Maskay/2001 Rs. 400.00
- Who is the Daughter of Nepal? A collection of Eassys
Sangita Rayamajhi/2001 Rs. 315.00
- WTO Globalization and Nepal
Ananda P. Shrestha/2001 Rs. 160.00
- WTO Regional Cooperation and Nepal
Horst Mund/1999 Rs. 160.00

(Source : Himalayan Book Center, Bagh Bazar, Kathmandu, Ph : 242085)

Video (English)

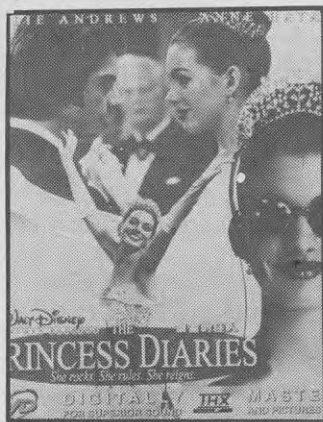
- Rush Hour 2
- The Princess Diaries
- Planet of the Apes
- Jurassic Park III
- America's Sweethearts
- Legally Blonde
- Original Sin
- The Score
- Cats & Dogs
- Spy Kids

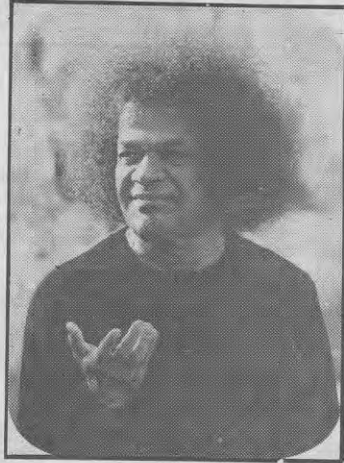


Hindi

- Dil Chahta Hai
- Pyaar Ishq Aur Mohabbat
- Hum Ho Gaye Aap Ke
- Yeh Raaste Hai Pyaar Ke
- Lagaan
- Gadar
- Yaadein
- Paagalpan
- Pyaar Tune Kya Kiya
- Ek Rishtaa

(Source : Super Star Video, New Road)





*“I am aware why you
suffer and how you
can escape
suffering”*

- SATHYA SAI BABA

ERNIE



MIXED MEDIA



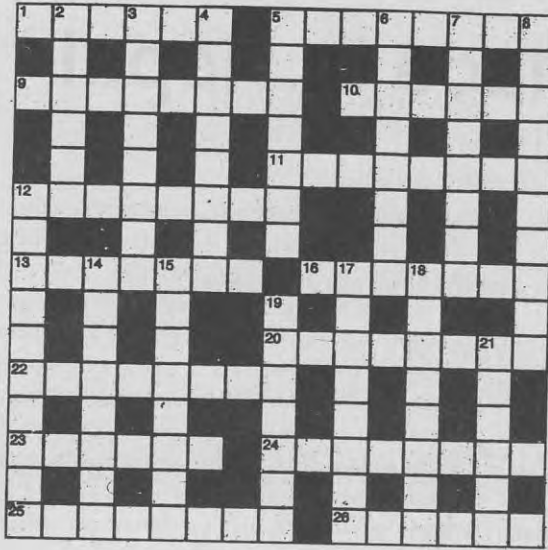
MARY WORTH



GASOLINE ALLEY



CROSSWORD



ACROSS

1. Dribble puts ball at last within grasp of competent goalie? (6)
5. Thieves reportedly needed briefs (8)
9. Jersey tariff cop's order to offending motorist? (8)
10. In bed, not very brave (6)
11. American flicks kept from the public? (2,6)
12. Back ward set mostly longing to enrol in special classes? (5-3)
13. Artist from Penzance needing no introduction, oddly (7)
16. Who might provide a service on back street of Pigalle? (7)
17. Roman general, one meeting officer in Mogul capital (8)
22. Spy's relatives hide (*)
23. Excessively affected by announcement of score draw (3-3)
24. Result of jam session, with extra player on piano (8)
25. Mount put a greater spurt on (8)
26. Poet's alcohol-free retreat (6)

DOWN

2. irl gets acceptance from French department in London college (6)
3. Way to consume beer and regular amounts of nice port (8)
4. Preparation for exam? That makes a change! (8)
5. Foreign dog food, by the sound of it (7)
6. Drug obtained from prison—one's placed under arrest (8)
7. Emergency: English team on dope caught with ecstasy (8)
8. Old ship arrives in Tasmania unexpectedly (5,5)
12. MOT cheater fixed this? (10)
14. Legion succeeded after misfortune in Israel (8)
15. Source, of information all about the uplands and the great city (8)
17. What's the going rate for a Jumbo? (8)
18. Safely deposited former European currency in second bank (8)
19. Pin-up grabbed by macho Roman soldiers (7)
21. The work of art is in French not English museum (6)

Across: 1. Slaver 5. Knickers 9. Pulllover 10. Indian 11. In camera 12. Tea-chins 13. Cezanne 16. Masseur 20. Agricola 22. Molskein 23. Too-too 24. Preserve 25. Rush more 26. Dryden

Down: 2. Louise 3. Valencia 4. Revision 5. Kurdish 6. Cannabis 7. Exigence 8. Santa Maria 12. Tachometer 14. Zillions 15. News room 17. Airspeed 18. Securely 19. Maniple 21. Louver

NOITUOS

BRIDGE

5-11

NORTH
 ♠ A Q J 8 6
 ♥ Q 3
 ♦ K J 6
 ♣ 9 7 3

WEST
 ♠ 4 3
 ♥ J 10 9 8 6
 ♦ A 7
 ♣ A J 8 2

EAST
 ♠ 9 7 2
 ♥ 5 2
 ♦ 9 8 5 4 2
 ♣ K 10 5

SOUTH
 ♠ K 10 5
 ♥ A K 7 4
 ♦ Q 10 3
 ♣ Q 6 4

Vulnerable: Both
 Dealer: South

The bidding:

South	West	North	East
1 ♣	Pass	1 ♠	Pass
1 NT	Pass	3 NT	All pass

Opening lead: Heart jack

"Human reason needs only to will more strongly than fate, and she IS fate!"

— Thomas Mann

Test your defense with today's West cards. Look only at the West and North hands and examine the bidding. Since partner cannot help, you must guide yourself by declarer's choice of plays.

You lead your heart jack, dummy and East play low, and south wins his ace. (To better cloud the issue, South should win his king). At trick two, South leads the diamond 10. What would you do and why?

If you duck smoothly, hoping for South to lose a finesse to East's queen, you'll have company, but you'll win no prize. South's 10 wins the trick, and South spreads his hand to claim nine winners.

Since South's bidding describes a balanced minimum opening, and since diamonds cannot be his long suit, West must ask himself, "Why is South leading the diamond 10?" Another question involves hearts. Who has the King? If East holds the King, would South have played low from dummy at trick one? Surely, he would have played the queen, hoping West had led from king. And why lead diamonds instead of spades? Obviously, South must hold the spade king.

Conclusion? South's diamond 10 is an attempt at obfuscation. He needs to "Steal" his ninth winner.

With South's plan exposed, West should hop up with his diamond ace to shift to a low club. Fortunately, East contributes the king, and a club return nets an elusive one-trick set.

Sexual Harassment At The Workplace In Nepal

By LEYLA TEGMO-REDDY

In recent years, growing recognition has been given to this subject that was once totally taboo and about which there is still "in many countries", - considerable silence.

Sexual harassment can briefly be defined as where a person is subjected to attention that has sexual connotations, when such attention is unwanted, unwelcome and unreasonable, is linked to the person's employment or promotion prospects or creates an unpleasant, intimidating, hostile or humiliating working environment for the recipient. Sexual harassment is an attack on a person's privacy and dignity. Emotional stress, humiliation, anxiety, depression, anger, powerlessness, fatigue, physical illness - these are some of the potentially serious effects suffered by victims of sexual harassment. Tension in the workplace, inefficient team work and collaboration, lowered work performance, absenteeism, decreased productivity - these are some of its effects on the enterprise.

The study on sexual harassment in Nepal recently prepared with ILO support, which Ms. Sapana Malla and Forum for Women and Legal Development have conducted and will present, suggests that women workers in industries in which surveys were undertaken have to a large extent been victims of sexual harassment. Shockingly enough, of the women interviewed, over one half had themselves experienced sexual harassment at the workplace. While we can acknowledge that the interviews were limited and perhaps some of the more vulnerable industries were approached, this is certainly alarming.

It is blatantly clear that it is urgent to discuss and to tackle the issue of sexual harassment in Nepal now.

Sexual harassment is, above all, a manifestation of power relations. Women are much more likely to be victims of sexual harassment precisely because they lack power, are in more vulnerable and insecure positions, lack self-confidence, or have been socialized to suffer in silence. Women are also subjected to such conduct when they are seen to be competing for power.

For employees, the consequences of sexual harassment for the victim can be devastating. In addition to the damaging physical and psychological effects mentioned previously, the victim may lose her/his job or job-related experiences such as training, or feel that the only solution is to resign. Sexual harassment leads to frustration, loss of self-esteem, absenteeism and decreased productivity.

For enterprises, in addition to the negative effects mentioned previously, sexual harassment can even be the cause behind valuable employees quitting or losing their jobs when they had otherwise demonstrated good performance. Allowing a climate of tolerance of sexual harassment leaves the enterprise with a poor image, assuming victims are complaining and making their situations public. Furthermore, in a growing number of countries where court action may successfully result in damages and fines, financial risks are increasing.

The consequences for society as a whole are that sexual

harassment impedes the achievement of equality, it condones sexual violence and has detrimental effects on the efficiency of enterprises, hindering productivity and development. Sexual harassment is not only women's issue. It is a labour issue and a human resource management issue. Its victims can be workers in the public service, in large and small enterprises, in services and shops, on plantations and farms, and entrepreneurs and traders in marketplaces.

As far back as 1985, the International Labour Conference of ILO recognized that sexual harassment in the workplace is detrimental to employees' working conditions and to their employment and promotion prospects, and it called for the inclusion of measures to combat and prevent it in policies for the advancement of equality. Since then the ILO has pointed to sexual harassment as a violation of fundamental rights of workers, declaring that it constitutes a problem of safety and health, a problem of discrimination, an unacceptable working condition and a form of violence (primarily against women). What has been done then to combat it?

At the international level, sexual harassment is not yet the subject of any binding international Convention. However, the relevant supervisory bodies of the ILO and the United Nations have found that it is covered as a form of sex-based discrimination. An ILO Committee of Experts has addressed sexual harassment under the Discrimination (Employment and Occupation) Convention, 1958 (No.111) which has been ratified by HMG/Nepal. The UN Committee on the Elimination of Discrimination against Women has addressed the issue under the application of the UN Convention on the Elimination of All Forms of Discrimination Against Women and has adopted General Recommendation No.19 on violence against women, which expressly defines sexual harassment and calls on states to take measures to protect women against this phenomenon.

In addition to legislation enacted in some countries, there has been an increase in the development of codes of conduct, guidance material, policy statements, and public awareness programs addressing the issue.

ILO research indicates that workplace sexual harassment policies and procedures should include four main components: a policy statement, a complaints procedure adapted to sexual harassment which maintains confidentiality, progressive disciplinary rules, and a training and communication strategy. Protection against retaliation must also be a key element of any complaint procedure.

The challenge is to be able to create a workplace atmosphere, which discourages sexual intimidation and unwelcome sexual conduct, while promoting a relaxed, collegial and productive working environment and relationships, where the dignity of every worker is respected by all. ■

(Excerpts of a speech by Ms. Leyla Tegmo-Reddy, Director, ILO-Nepal, at the Workshop on Sexual Harassment at the Workplace in Nepal)

"THE PERFECT PLACE FOR THE EXOTIC EXPERIENCE YOU EVER HAD"

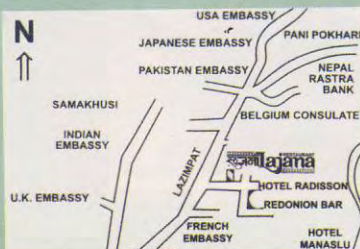
Newari Cuisine is not only popular for deliciousness but also richness. In a typical Newari feast, more than twenty varieties of dishes are served.

Newari Cuisine at its best

Now you can savour all these authentic and relishing dishes in addition to various types of unique Newari snacks at the 'Lajana' - the exclusive Newari restaurant. Enjoying the ambience you will never forget



Enjoy the Legendary
Newari delicacies
at
Restaurant Lajana
&
Every evening colourful
Nepali Cultural Show in
Traditional Fashion.

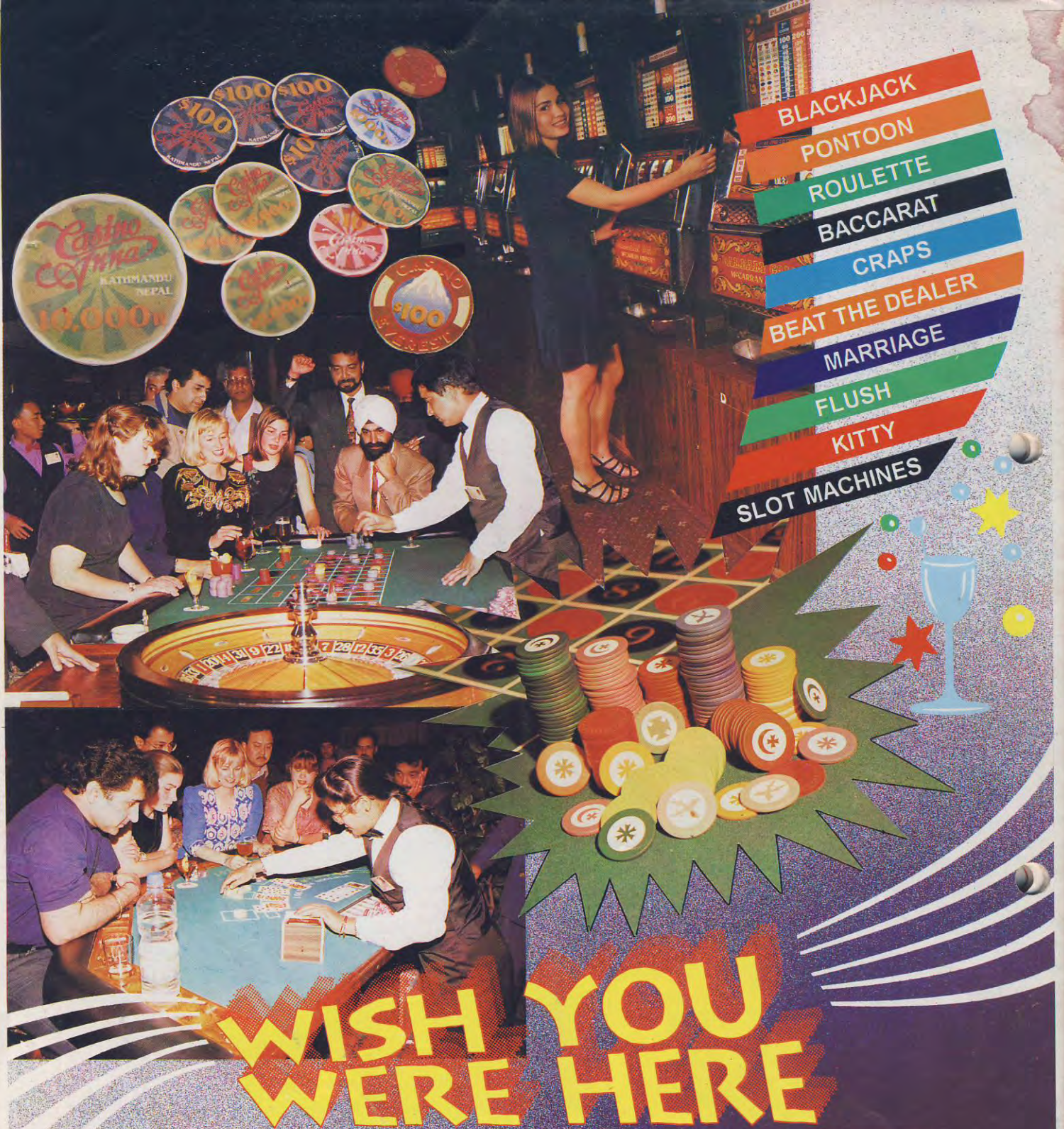


RESTAURANT
लजना Lajana

Near Radisson Hotel, Lazimpat
Kathmandu, Nepal
Ph: 413874

E-mail : caan@infoclub.com.np
Web Site: www.nepalifood.com/lajana

* Parking facilities available



- BLACKJACK
- PONTOON
- ROULETTE
- BACCARAT
- CRAPS
- BEAT THE DEALER
- MARRIAGE
- FLUSH
- KITTY
- SLOT MACHINES

WISH YOU WERE HERE



Casino Nepal
 Soaltee Compound
 Tahachal, Kathmandu
 Tel: 270244, 271011
 Fax: 977-1-271244
 E-mail: rdt@mos.com.np



Casino Anna
 Hotel de L' Annapurna
 Durbar Marg, Kathmandu
 Tel: 223479
 Fax: 977-1-225228
 E-mail: casanna@mos.com.np



Casino Everest
 Hotel Everest
 New Baneshwor
 Tel: 488100
 Fax: 977-1-490284
 E-mail: everest@mos.com.np



Casino Royale
 Hotel Yak & Yeti
 Durbar Marg
 Tel: 228481
 Fax: 977-1-223933
 E-mail: royal@mos.com.np