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The National Newsmagazine

SPOTLIGHT

June 09-15, 2006

Operation Reconstruction

Maoist Mass Meeting	:	Quest for Peace
Judiciary	:	SC Verdict
Face to Face	:	Rajendra Mahato

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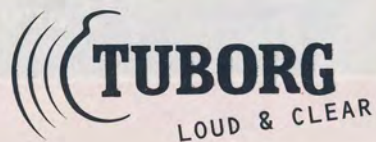
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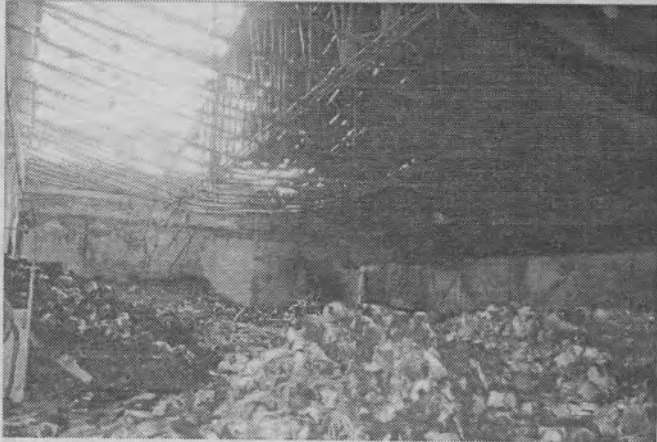


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SPOTLIGHT

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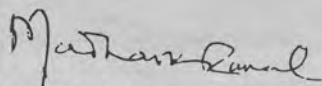
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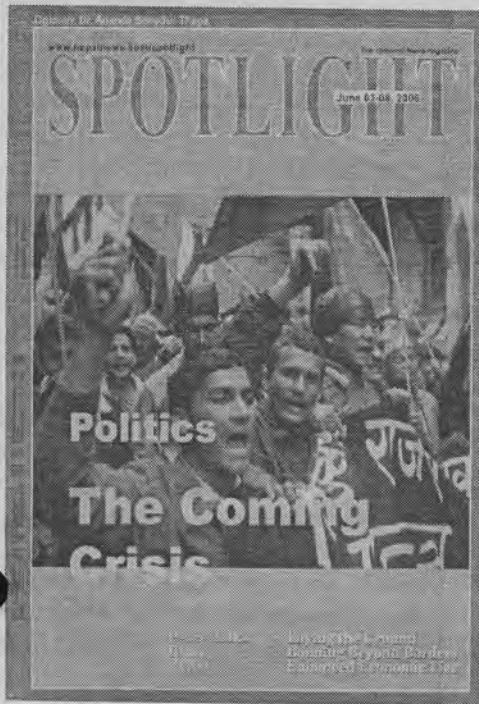
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Prime minister Girija Koirala is on an official visit to India at the invitation of his Indian counterpart. Nepali parliamentarians, many scholars, media men and many others are highly optimistic that this Koirala visit to India will result in great benefits to Nepal. Is this the first visit to New Delhi of a Nepali Prime minister? Does anybody keep count how many visits the Nepali prime ministers have made to New Delhi and how many basketfuls of benefits did they bring back? Koirala himself knows this is not his first visit. Will he be kind enough to tell the Nepali people what Nepal gained and what Nepal lost during his previous visits? Indeed, Nepali Prime ministers always treat visits to New Delhi as pilgrimages to worship their gods, mentors and benefactors. But, somehow, they have never succeeded to appease them and secure a boon for Nepal. As such, it is difficult to understand on what ground the Nepalis are expecting so high. Are they thinking about the Himalayan Marshall Plan? Are they not aware that Nepal's almost failed state situation has been occasioned by India's blatant double standard in giving sanctuary and aiding and abetting the Maoist insurgents embroiling Nepal in more than a decade long devastating civil war? If the Nepalis have not been able to see through the Indian designs in six long decades, when will they learn? Anyway we do have to appreciate Koirala's loyalty and friendly feelings towards the Indians that despite his most grave situation demanding urgent medical attention, he postponed his Bangkok visit to carry out the behest of his good friends and went to Delhi instead. Risking his life even, at his age, to oblige a friend is, indeed, a rare exhibition of sacrifice and gratitude. But, since his precarious health must have impaired his mental faculties and sense of judgment, at the moment, he would surely desist from taking any important decision and keep the visit to only goodwill status. The Indians too may not like to take unfair advantage of his abnormal physical situation. But we do trust and have full faith in his friend and colleague the finance minister, Dr. Ram Sharan Mahat, who is accompanying him, that he will be able to guide him.


Madhav Kumar Rimal
Chief Editor & Publisher



Wise Analysis

I read the cover story this issue and learned about the different possible courses that the country could take in the future "POLITICS: Beginning of New Crisis" (June 2, 2006). As you have written, the people are convinced that the recent political changes will bring an end to all their woes. However, the political situation of the country is still quite liquid, and the country could take a dangerous and devastating course if the current leadership, both of the seven-party-alliance and the Maoists, fail to take wise and far-sighted decisions.

Pradyumna Shrestha
Basantapur

Do Not Repeat Mistakes

You have raised very genuine issue that the country might face even more dangerous situation in the future if the leadership fails to manage the present issues wisely "POLITICS: Beginning of New Crisis" (June 2, 2006). The present situation is similar to the post 1990 people's movement, when people had felt that multiparty democracy would end all their woes and bring prosperity and development in the country. In a similar manner, people are feeling that the present political change will bring everlasting peace and a new opening to all development prospects. While it is essential that we should be optimistic of the country's future, we cannot totally rely on the present leadership as they have failed time and again in the past. The people taking charge of the state affairs are the same old faces that ran the country for twelve years, when the country was pushed into great instability fuelling the Maoist insurgency as well as the regressive factors to take advantage. So, we should not be surprised if they attempt to forget the major agenda of the people's uprising

while engaging in struggles for positions of power. However, a positive aspect at present is the heightened political awareness of the public. People now are much more aware of their rights and duties than they were in 1990. So, we should cautiously be hopeful that the country will move towards tranquility and development in the future.

Kedar Bastola
Patan

Koirala's Visit

Prime minister Girija Prasad Koirala is again visiting India. What is he giving them this time? We are experiencing this miserable time due to ten year civil war inspired against us by our friendly country, India. It is a pity that Nepalis still do not know what kind of friend is India. It is time for all Nepalis to wake up and see the true Indian face.

Sanu Maharjan
Thimi

Koirala's Visit

We are not happy to know that Girija Koirala is again visiting India at the

invitation of the Indian Prime Minister. Don't we know that Koirala has always lost something important for Nepal when he visited India? Now when he is not in good health, he should have gone for his treatment rather than visit New Delhi. We exhort the Nepali people to be cautious that Koirala might not sell any of our invaluable treasures to India.

Some students at TU
Kathmandu

Feasible Highway

Apropos the article about Nepal China trade, I would like to point out some of our weaknesses in constructing the highway through Syaphrubesi "NEPAL CHINA TRADE: Reaching New Height" (June 2, 2006). The highway linking Kathmandu with Tibet through the Rasuwagadhi route had been on the agenda long before the construction of the Araniko Highway. Traditionally, Kerung-Rasuwagadhi-Trishuli has been the chief transit trade route between Tibet and various parts of Nepal and India. Development planners had planned to construct a highway on this route. However, somehow - probably due to political pressures-the project was dramatically shifted towards the Sindhupalchowk-Khasa route. The construction of the Araniko highway in itself is not to be condemned, but delay in the construction of the Rasuwagadhi highway is costing dearly not only to the residents of that area, but to everyone. Surveys have shown that this highway is not only much shorter, it also caters to wider areas. Moreover, since it can be directly linked with the Prithvi Highway, it provides better trade options with various towns of Terai and India.

Jeewan Tamang
Balaju

Encourage Sharma

I am a great fan of pro-people songs sung by Jeewan Sharma "JEEWAN SHARMA: Music For Public Awareness" (June 2, 2006). I was very pleased to read Sharma's profile and would like to thank you for that.

Kamal Nyaupane
Lazimpat

Parliament Declares Nepal Free From Caste-Based Discrimination

In a significant decision, the House of Representatives has declared Nepal free from all kinds of caste-based and ethnicity-based discrimination and untouchability. A proposal to this effect was introduced by MP Parshu Ram Meghi Gurung and later endorsed unanimously by the parliament. The proposal aims to end all discriminatory practices and traditions and include the disadvantaged lot in the national mainstream. It calls for special education, health and employment opportunities to dalits and those under the absolute poverty line. It also calls for involving Dalits in the process of constituent assembly. *Leading dailies report.*

Local Bodies Not Restored

In view of sharp warning by the Maoists, the government decided not to restore the local bodies. The cabinet meeting on Sunday decided to hand over the local bodies like VDCs, DDCs and municipalities to the government officials for the time being. Likewise, the cabinet decided to appoint Mukund Sharma Poudel as Acting Chief Secretary. It also decided to reverse the transfers effected by Regional Administrators and zonal commissioners after February 1, 2005. It declared 21 persons who died during People's Movement as Martyrs. *Leading dailies report.*

Oli Briefs The Parliament About India Visit

Deputy Prime Minister and Foreign Minister K.P. Sharma Oli briefed the House of Representatives, on Sunday, about the impending India visit by Prime Minister Girija Prasad Koirala. "This is a goodwill visit and the PM will not make any controversial deal or decisions which are against national interests," he said. Meanwhile, MPs have urged the government to make use of the visit to win Indian support in inviting the UN for monitoring the current truce and for decommissioning of weapons of Maoists for holding elections to Constituent Assembly. "We want to hear that India has

supported the proclamation of the House," said Bharat Mohan Adhikary of UML. *Leading dailies report.*

Oli Tells Maoists To Stop Issuing Threats

Deputy Prime Minister K.P. Sharma Oli said the Maoists would do well to wait to "talk up their problem" rather than stepping up pressure on the government. Addressing a function in the capital, he said that the rebel leadership should not issue threats to "go back to the jungle when the government is ready to talk. There is absolutely no need to raise doubt over the motive of the state," he said, adding, "Don't use language of issuing warnings," he told rebel leaders by way of reacting to almost daily reports of the Maoist leaders telling the government something or the other as part of "intimidating tactics." He also urged them to be patient when chasing an important agenda. *The Himalayan Times daily reports.*

Maoist No To Disarming

Janardan Sharma aka Prabhakar, the deputy commander of the Maoist 'People's Liberation Army' has said that they would not surrender their arms before the result of the constituent assembly and unification with Nepalese Army. Speaking at a program in the capital on Saturday (June 3), Prabhakar said that they had not come here to surrender their arms. "We need the order from the people to disarm," he said. He, however, added that the Maoist army was ready and willing to be put under supervision of credible international agency. Meanwhile, talking to Kantipur Television Prabhakar added that the Maoist army is willing to be put under 24-hour supervision where national and international community can monitor their activities. He said that the Maoist army can remain within certain area and be put under such supervision. *Leading dailies report.*

Hundreds Of Vehicles Captured By Maoists, Passengers Stranded

In order to gather public for the mass meeting they are organizing in the capital

on June 2, the Maoists have taken over hundreds of vehicles in different districts. After they took control of vehicles plying in short and long routes, passengers in Chitwan have been stranded, particularly those planning to make long distance travel. The Maoists are planning to send over 15,000 people from Chitwan alone. Likewise, they have taken over vehicles plying in highway around Nawalparasi. Tankamani, Maoist in-charge of Nawalparasi, said that the vehicles were taken over for the services of the people. Reports from Pokhara add that hundreds of buses have been taken over by the Maoists. In many places they have issued diktat asking at least one person per household to attend the mass meeting in Kathmandu. Saying that they would bear all the travel expenses and provide food, the Maoists have asked local residents to attend the mass meeting. Transport entrepreneurs have said that the Maoists are using 65 buses belonging to Prithvi highway bus entrepreneurs' committee and 35 buses belonging to Pokhara bus entrepreneurs' committee. In Gorkha, they have stopped all the vehicles plying in regular routes and diverted them to transport their cadres to Kathmandu. Similarly, they have taken over the control of vehicles in Baglung, Parbat, Myagdi, Syangja and Tanahun. *Kantipur daily reports.*

Three Killed As Police Foil Another Bank Robbery Attempt

Three persons were killed when police and robbers exchanged fire in Jorpati on Wednesday (May 31). Around 15 robbers had just looted Rs 2.5 million from Jorpati branch of Nabil Bank Limited and were about to flee when the police arrived at the scene. In an ensuing exchange of fire, two security guards of the bank and a driver of a microbus in which the robbers had come were killed. With the help of local people, police also nabbed two robbers. Police recovered the entire looted money and some weapons used by the robbers. Reports say that the robbers consisted of former Maoist platoon commander of Sindhuli Ajay Rai and an escapee of the Armed Police Force (APF) Devraj Bhattarai, among others. In recent weeks, Kathmandu

has witnessed a surge in criminal activities like murder and robberies. *Leading dailies report.*

Extortion Drive In Capital

Despite the ceasefire code of conduct, Maoist extortion drive continues unabated in the capital. Reports say that the Maoists have demanded 'donation' ranging from Rs 2 to 7 million from banks and financial institutions. Such letters demanding donation are issued by 'Special Central Command' and signed by the command coordinator Ananta. An official at a private bank revealed that different private banks have been demanded different amount of donation. He added that no one has given the donation as yet. Recently, private bank operators had appealed to the Maoists to refrain from pressurizing to pay donation them. Furthermore, the Maoists are also raising 'donations' from entrepreneurs in the capital. A pharmacist complained that he was asked to provide Rs 25,000 as donation. Meanwhile, Maoist cadres have abducted three teachers and 40 students from Rudrasheshwore high school in Bhartauli VDC of Ramechhap district. They have been abducted to force them to attend the Maoist mass meeting in Kathmandu on June 2. *Nepal Samacharpatra daily reports.*

Appa To Climb Again

Talking to reporters, Appa Sherpa, the legendary climber who broke his own record by scaling the Everest for the 16th time this year, said that he is not averse to attempt to climb the mountain again. "This is my bread and butter," said Sherpa who hails from Thame village of Solukhumbu district. He, however, did not reveal how many more times he might attempt to climb the Everest. This season he climbed the Everest along with an American expedition team. *Leading dailies report.*

SC Orders Release Of Ex Ministers

The full bench of the Supreme Court (SC) ordered the government to release three ex-ministers of royal government. Ex ministers Ramesh Nath Pandey, Nikshya SJB Rana and Shrish SJB Rana were arrested by the government and were

charged of active involvement in repressing the people's movement and in hatching conspiracies against democracy and posing threat to security. The five-member full bench headed by Chief Justice Dilip Kumar Poudel announced, "Since the detention was against Article 15(1) of the Constitution of 1990 and Clause 3 (1) of the Public Security Act 1989, they should be freed." *Leading dailies report.*

Cold Deserts Expanding In Nepal

The world is observing the World Environment Day on Monday (June 5). The United Nations Environment Program (UNEP) has appealed to observe this year as the year against desertification. In recent years, desertification has become a big problem due to environmental degradation around the world. The UNEP has revealed that 6 to 12 billion square km of land – equal to the size of Brazil, China and Canada put together – in developing countries is fast turning into desert. While Nepal does not have hot deserts like elsewhere, it does have the problem of expanding cold deserts. According to environment officer Batu Krishna Upreti at the Ministry of Environment, Science and Technology, around 10,000 hectares of land in Dolpa and Mustang have turned into cold deserts. *Nepal Samacharpatra daily reports.*

Domestic Cloth For Army And Police

With the objective of encouraging domestic production, the government is planning to use domestically produced cloth for making uniforms of army and police. Finance Minister Dr. Ram Sharan Mahat informed that this initiative would be introduced in the forthcoming budget. In fact, the government already has a policy of buying domestic products even if they are expensive by up to 10 percent. "But this policy has not been implemented effectively," he said, adding, "If only the army and police use domestic products, the local textile industries could flourish." At present, due to drop in exports, the textile and garment industries have collapsed. Speaking at a pre-budget discussion organized by the Federation of Nepalese Chamber of Commerce and

Industry (FNCCI), he said that the government is planning to provide skill training to workers who want to go overseas for work. According to him, this year till mid-April Rs 75 billion have already entered the country as remittance. "This amount can be easily doubled if we provide skill training to our workers," he said. Dr. Mahat said the government would study reports about willful defaulters of bank loans and reach proper conclusions. He added that in order for the country to attain 5 to 7 percent growth, it would need the investment of up to 30 percent of total national income, which according to him is "challenging but not impossible task." *Leading dailies report.*

Nepal To Request For Huge Economic Assistance From India

During Prime Minister Girija Prasad Koirala's visit to India, Nepal is preparing to request for a huge economic assistance covering financial aid and support in infrastructure development. The Ministry of Finance is preparing a package asking for assistance totaling Rs 75 billion including assistance in road and hydropower projects, among others. The package requests India to provide Rs 15 billion assistance per year for five years. It includes Indian assistance in either of the three hydro projects – 300 MW Upper Karnali, 400 MW Arun III or 600 MW Budhigandaki. In the past India has shown interest in developing Upper Karnali project, which costs US\$ 445 million to construct. Likewise, the package also urges for waiver of outstanding dues that Nepal needs to pay for the purchase of Indian arms. Around Rs 1.6 billion remains in arrears in this sector. Furthermore, the package would also seek Indian help in covering huge financial arrears of Nepal Oil Corporation (NOC). The NOC has not been able to pay its dues to Indian Oil Corporation (IOC) that runs into a few billion rupees. Likewise, assistance of Rs 4 billion would be requested for construction and repair of road and bridges. Aid for upgrading domestic airports and budgetary support to overcome financial problems would also be sought in the package. These apart, Indian cooperation in the development of Sikta irrigation project would also be sought. *Kantipur daily reports.*



Nation observed fifth anniversary of death of late King Birendra and his family on Jestha 19

THE TRADITIONAL BHOTO JATRA FESTIVAL OF RATO Machhindranath took place on Friday (June 2) in Jawalakhel. This festival marks the end of longest-running chariot festival that is held annually in Lalitpur. King Gyanendra and Queen Komal attended the Bhoto Jatra ceremony. This was the first formal ceremony the King attended after the political change.

SEVEN SOLDIERS OF NEPALESE ARMY (NA) WHO HAD been abducted by the rebel militia in Congo have been released. They were captured a week ago during the patrolling by the UN peacekeepers in the Ituri region of the troubled African republic. During the battle that ensued between the UN peacekeepers and militia a week ago, one NA soldier had been killed, three injured and seven captured.

NEPALESE ARMY (NA) HAS STOPPED ALL THE procedure of recruitment of soldiers and procurement of arms. With this decision the procedure of recruiting 3000 soldiers and procurement of two aircraft from China and two MI 17 choppers for which LC had already been opened have all been suspended. Even the regular vacant positions would not be filled for the time being. Defense Ministry spokesperson Bhupendra Poudel said that as per the decision of the government, the ministry has sent a letter instructing the army to do so. NA spokesperson Brigadier General Nepal Bhusan Chand also said that the army had stopped all its new recruitment and arms procurement procedure. Earlier, the government had changed the name of the army from Royal Nepalese Army to Nepalese Army. Poudel added that as per the House declaration, the ministry is working to amend four major acts including Military Act 2016 to make them compatible with the spirit of the declaration.

AT A TIME WHEN THE PROCESS OF REPATRIATION OF Bhutanese refugees has reached a deadlock, the UN agency on refugees has proposed to relocate them to third countries. Issuing a press release on Saturday (June 3), the UN High Commissioner for Refugees has urged for early completion of repatriation process. It has proposed that if there would be

delay in immediate repatriation, the refugees could be relocated to third countries.

THE DEPUTY DIRECTOR GENERAL OF THE DIRECTORATE- General for External Relations of the European Commission (EC), Herve Jouanjean arrived in Kathmandu on Thursday and met with Prime Minister Girija Prasad Koirala. According to the PM's foreign affairs advisor, Suresh Chalise, the EU has expressed its desire to keep a special rapporteur in Nepal. After talks with Koirala at his residence at Baluwatar, the visiting official said, "We just conveyed to the prime minister the European Union's full support to Nepal in areas of development." He said the purpose of his two-day visit was to assess the current political situation in the country and provide assistance.

EDUCATION MINISTER DR. MANGAL SIDDHI MANANDHAR has said that the Ministry is preparing to revise school-level curriculum. He said that a committee headed by director general of Curriculum Development Center has been formed for the purpose. "The committee would study and find out items that need to be replaced and items that need to be added," he said. Dr. Manandhar informed that the Ministry has already instructed to remove the pages bearing pictures of the royal family members from textbooks that would be printed from now onwards. ■

EFON Discussion On Service Delivery

Economic Forum of Nepal (EFON) recently held a program to discuss service delivery amid conflict situation. At a time when people in the rural parts have faced tremendous difficulties in getting basic services from the state and the local bodies, various experts expressed their viewpoint on how it can be delivered smoothly and without hassles.

Prithvi Raj Ligal, former vice-chairman of National Planning Commission (NPC) acknowledged the fact that rural people are deprived of service delivery due to conflict. "In this context, the non-state actors can contribute significantly in making the service delivery more effective — even during post-conflict environment," Ligal said addressing a seminar 'Service Delivery, Conflict and Non-Govt Actors', organized by Economic Forum Nepal (EFON) in the capital.

Presenting a paper on the 'Role of Non-Govt Actors in Improving Service Delivery in a Conflict Situation', **Bihari Krishna Shrestha** said that people are getting poorer day-by-day due to failure in planning and service delivery mechanism. "Lack of service and deficiency of service is attributed to increased poverty in the country coupled with population growth and weak planning," Shrestha added.

Dr. Jagdish Chandra Pokharel, former member of NPC, presented a paper on 'Devolution of Central Government's Task and functions to Improve Service Delivery in Conflict Situation'.

Rajendra Khetan, Secretary General of EFON said that no political regime can sustain if service delivery cannot be maintained through local communities. Narendra Basnyat, Dr Bal Gopal Baidya, academics and scholars also touched upon various aspects of Service Delivery. The Asia Foundation had supported EFON to carry out studies on Service Delivery in Conflict. ■

"This is a historic day for women. It marks the end of thousands of years of suppression against women."

Urmila Aryal, Minister for Women, Children and Social Welfare, speaking after the House of Representatives unanimously endorsed a proposal calling for total end of legal and traditional discriminations against women.

* * *

"The restoration (of the local bodies) would not benefit UML alone. We are even ready to talk on this issue with the Maoists. But I am concerned with the trend of making serious remarks on every issue."

Madhav Kumar Nepal, general secretary of Unified Marxist Leninist (UML), talking to reporters, raising objections over the remarks made by Maoist chairman Prachanda against restoration of local bodies.

* * *

"The PM will not make any controversial deal or decisions which are against national interests."

Khadga Prasad Sharma Oli, Deputy Prime Minister and Foreign Minister, briefing the House of Representatives, about the



Bimarsha

impending India visit by Prime Minister Girija Prasad Koirala.

* * *

"If your army and police do not obey your orders, the Maoist army will carry out your orders."

Janardan Sharma, aka Prabhakar, deputy commander of the western central command of the Maoist army, to prime minister Girija Prasad Koirala, addressing a mass meeting organized by the Maoists Special Central Command in the capital.

* * *

"We are now entering into the front of negotiations from the front of war. We ask all concerned to be alert towards defeating any conspiracies against the peace talks."

Krishna Bahadur Mahara, Maoist spokesperson and the convener of the Maoists talk team, addressing a mass meeting organized by the Maoists Special Central Command in the capital.

* * *

"I do not believe people will defeat us (in the elections)."

Netra Bikram Chand, alias Biplav, Maoist leader, in Jana Astha

* * *

"Although, the people have become fully sovereign, there are some pragmatic problems still existing."

Ram Chandra Poudel, general secretary of Nepali Congress, in Bimarsha.

* * *

TRANSITION

LEFT: Prime Minister **Girija Prasad Koirala**, for New Delhi, India, on an official visit from June 6 to June 9, at the invitation of his Indian counterpart Dr. Manmohan Singh. PM Koirala is accompanied by Foreign Minister **K.P. Oli** and Finance Minister **Dr. Ram Sharan Mahat**.

FORMED: A 21-member committee headed by Speaker of the House of

Representatives **Subas Nemwang**, comprising Deputy Speaker **Chitra Lekha Yadav** and MPs from seven parties, to monitor the peace talks between the government and the Maoists and the implementation of the code of conduct, by the House of Representatives.

ARRESTED: **Chhote Lal Sahani**, a notorious kidnapper accused of attacking industrialists **Ratan Lal Agrawal** and **Ramesh Kedia** in Birgunj, by the Indian police, from railway station in Patna, Bihar.

APPOINTED: **Mukund Sharma Poudel**, as Acting Chief Secretary of Nepal government, by the council of ministers.

FREED: Ex ministers **Ramesh Nath Pandey**, **Nikshya SJB Rana** and **Shrish SJB Rana**, through an order of the full bench of the Supreme Court (SC), by the government. The ex-ministers were arrested by the government and were charged of active involvement in repressing the people's movement and in hatching conspiracies against democracy and posing threat to security.

Thermonuclear Energy And Modern World

By DR. AB THAPA

It is an accepted fact that the mankind is in the midst of a crisis of energy. On a short time scale, we are faced with a shortage of natural gas and petroleum products. On a some what longer time scale we would be facing the problem of exhaustion of the fossil fuels. Thermonuclear energy to be obtained from the fusion of atoms could fulfill our demand for energy almost forever. More importantly, there would be at least a hundred-fold reduction in the radioactive waste problems. It can also be expected that the generation of this type of energy would be free from the threat of accidents.

It is a common knowledge to all that the former Soviet Union had pioneered the works to send men into the space but only very few might know that the former Soviet Union has also been playing the lead role in development of technology to harness the fission and fusion energy for the use of mankind. Former Soviet Union was the first in the world to build atomic electric-power station. The worldwide accepted principle to harness the fusion power is based on the technology developed in the former Soviet Union. Tokamak is the type of fusion reactor, which has now been considered the most appropriate for harnessing the fusion energy. The name tokamak (to-torodial, ka-chamber, mak-magnet) is made of a combination of Russian words.

Fission and Fusion Reactions

Fission and fusion based nuclear energy can be released in two different ways: by fission (splitting) of a heavy nucleus, or by fusion (combining) of two light nuclei. In both cases energy is released. Fusion reactions are difficult to maintain because the nuclei repel each other, but unlike fission reactions, fusion does not create radioactive products.

In the fission reactions the neutron, which has no electric charge, can easily approach and react with a fissionable nucleus—for example, Uranium-235. In the typical fusion reaction, however, the reacting nuclei both have a positive electric charge, and the natural repulsion between them, called Coulomb repulsion, must be overcome before they can join. This occurs when the temperature of the reacting gas is sufficiently high—above 1000 million °K. In a gas of the heavy hydrogen isotopes, deuterium and tritium at such temperature, the fusion reaction occurs releasing extraordinary amount of energy. The energy appears first as

kinetic energy of the helium-4 nucleus and the neutron, but is soon transformed into heat in the gas and surrounding materials.

If the density of the gas is sufficient the energetic helium-4 nucleus can transfer its energy to the surrounding hydrogen gas, thereby maintaining the high temperature and allowing subsequent fusion reactions, or a fusion chain reaction, to take place. Under these conditions, "nuclear ignition" is said to have occurred.

Controlled Nuclear Fusion

Nuclear binding energy is the amount of energy required to remove a single proton or neutron from an atomic nucleus which varies with the mass of the nucleus. The release of nuclear energy can occur through the fusion of two light nuclei into a heavier one. The energy radiated by stars, including the Sun, is produced from such fusion reactions deep in their interiors, where hydrogen nuclei combine at enormous pressure and at temperatures above 1000 million °K by releasing extraordinary amount of energy.

Nuclear fusion was first achieved on earth in the early 1930s by bombarding a target containing deuterium, the mass-2 isotope of hydrogen, with high-energy deuterons in a cyclotron. To accelerate the deuteron beam a great deal of

Former Soviet Union was the first in the world to build atomic electric-power station. The worldwide accepted principle to harness the fusion power is based on the technology developed in the former Soviet Union. Tokamak is the type of fusion reactor, which has now been considered the most appropriate for harnessing the fusion energy.

energy is required, most of which appeared as heat in the target. In the 1950s the first large-scale but uncontrolled release of fusion energy was demonstrated in the tests of thermonuclear bombs. This was such a brief and uncontrolled release that it could not be used for the production of electric power.

The basic problems in attaining useful nuclear fusion conditions are (1) to heat the gas to these very high temperatures and (2) to confine a sufficient quantity of the reacting nuclei for a long enough time to permit the release of more energy than is needed to heat and confine the gas. A subsequent major problem is the capture of this energy and its conversion into electricity.

History of Fusion Technology in Former Soviet Union

I. V. Kurchatov was the chief nuclear physicist who guided the development of the first atomic bomb, the world's first thermonuclear bomb and first atomic electric-power station in the former Soviet Union.

After graduation (1923) from the Crimean University in Simferopol, Kurchatov joined (1927) the staff of the Physico-Technical Institute of the Academy of Sciences in Leningrad. His initial studies concerned ferro-electricity, but by 1933 he was concentrating on nuclear physics. As director of the nuclear physics laboratory at the Physico-Technical Institute, he supervised the construction of the first Soviet cyclotron. In 1939 he and his associates published studies of nuclear chain reactions, and in 1940 he reported the spontaneous fission of Uranium, previously reported only a year earlier by Otto Hahn and Fritz Strassmann in Germany. During the World War II, Kurchatov's nuclear research was suspended in favour of defense research concerning methods of protecting ships from magnetic mines.

Kurchatov directed the construction of the first Soviet cyclotron (1944) and, after the war, the first atomic reactor in Europe (1946). His team produced the first Soviet atomic bomb in 1949, four years after the United States. In 1953 the team detonated a thermonuclear (hydrogen) bomb, six months before the first U.S. thermonuclear bomb. The nonmilitary applications of atomic power explored and developed under Kurchatov's leadership included the world's first electric-power stations (which began operation in 1954), the nuclear-powered icebreaker Lenin. Kurchatov also directed research on the "ultimate power source," fusion energy, centering on a means of containment of the extremely high temperatures that are needed to initiate the fusion process.

The Role of the USA

In the fall of 1945, after the success of the atomic bomb and the end of World War II, the future of the Manhattan Project, including Los Alamos and the other facilities, was unclear. Government funding was severely reduced, many scientists returned to universities and to their careers, and contractor companies turned to other pursuits. The Atomic Energy Act, signed by President Truman on Aug. 1, 1946, established the Atomic Energy Commission (AEC) and gave it civilian authority over all aspects of atomic energy, including oversight of nuclear warhead research, development, testing, and production.

On Sept. 23, 1949, Truman announced that "we have evidence that within recent weeks an atomic explosion occurred in the U.S.S.R." This first Soviet test stimulated an intense, four-month, secret debate about whether to proceed with the hydrogen bomb project. One of the strongest statements of opposition against proceeding with a hydrogen bomb program came from the General Advisory Committee (GAC) of the AEC, chaired by Oppenheimer. In their report of Oct. 30, 1949, the majority recommended "strongly against" initiating an all-out effort, believing "that extreme dangers to mankind inherent in the proposal wholly outweigh any military advantages that could come from this development." "A super bomb," they went on to say, "might become a weapon of genocide." They believed that "a super bomb should never be produced." Nevertheless, the Joint Chiefs of Staff, the State and Defense departments, the Joint Committee on Atomic Energy, and a special subcommittee of the National Security Council all

recommended proceeding with the hydrogen bomb. Truman announced on Jan. 31, 1950, that he had directed the AEC to continue its work on all forms of atomic weapons, including hydrogen bombs.

Teller and Ulam presented a report on March 9, 1951 to elaborate on how a thermonuclear bomb could be constructed. The two-stage radiation implosion design proposed by these reports, which led to the modern concept of thermonuclear weapons, became known as the Teller-Ulam configuration.

The major figures in the breakthroughs was Ulam and Teller configuration. In December 1950 Ulam had proposed a new fission weapon design, using the mechanical shock of an ordinary fission bomb to compress to a very high density a second fissile core. (This two-stage fission device was conceived entirely independently of the thermonuclear program and its aim being to use fissionable materials more economically.) Early in 1951 Ulam went to see Teller and proposed that the two-stage approach be used to compress and ignite a thermonuclear secondary. Teller suggested that radiation implosion, rather than mechanical shock, as the mechanism for compressing the thermonuclear fuel in the second stage.

At present the scientists in the USA are engaged in research works to generate fusion energy by applying the Soviet Union developed technology. In 1993 the scientists at the Princeton University's plasma physics laboratory in New Jersey, produced a controlled fusion reaction by using the Tokamak Fusion Test Reactor. During the testing the temperature in the reactor surpassed three times that of the core of the sun. In a tokamak reactor, massive magnets confine hydrogen plasma under extremely high temperatures and pressures, forcing the hydrogen nuclei to fuse. When atomic nuclei are forced together in nuclear fusion, the reaction releases an extraordinary amount of energy.

A plasma hot enough for fusion cannot be contained by ordinary materials. The plasma would cool very rapidly, and the vessel walls would be destroyed by the extreme heat. However, since the plasma in the Tokamak Fusion Reactor consists of charged nuclei and electrons which move in tight spirals around the lines of force of strong magnetic fields, the plasma can be contained in a properly shaped magnetic field region without reacting with material walls.

In Conclusion

Substantial research is still needed to achieve commercial fusion power, which is not expected to be realized earlier than the middle of the 21st century. A primary motivation for research in this field lies in the fact that fusion is environmentally clean, generating no pollutants or greenhouse gases and little radioactivity by comparison with fission-reaction nuclear power plants. A fusion reactor would also be safe, with no analog to the fission meltdown. If one of the reactor control systems fails, the plasma simply cools down and the reactions cease. And because deuterium is abundant in the oceans and tritium can be bred in the reactor, fusion reactors could prove a virtually inexhaustible source of energy for humanity. ■

(Dr. Thapa writes on water resources)

MAOISTS' RALLY

Quest for Peace

In its first public meeting in capital, Maoists leaders stress for restoration of peace in the country

By KESHAB POUDEL

Keeping in mind Maoists' behavior and unruly activities of their armed cadres, common people, in general, and capital-based foreign envoys had felt uneasy over the outcome of Maoists' biggest public meeting of Kathmandu (June 2). However, by organizing one of the biggest public rallies peacefully with the attendance of more than 200,000 people, the Maoists have shown that they want real peace this time.

Although the Maoists have brought the people from all parts of the country, in some cases at the gun point, Maoists armed cadres, who volunteered to organize the meeting, showed that they are also effective without arms.

Interestingly, while they used all the major cross roads in ring road to bring their cadres and supporters into the Ratnapark area, they seem to have calculatedly avoided any confrontation with the Palace and the government as they did not organize their rally through

Narayangopal Square in Maharajgunj. The road stretching from this square to Ratna Park is where important places like Royal Palace and Nirmal Niwas - Crown Prince Residence lie. Even in the late afternoon when King Gyanendra went to attend his first public function since April 24 proclamation through the road, the Maoists' hardcore participants did not make any disruption.

For many, the behavior demonstrated by ruthless armed cadres of Maoists, who are still reportedly involved in extortion and terrorization of a large number of population, was exceptional and unbelievable. Psychologically, large numbers of people in the city are still not prepared to accept their peaceful nature.

From first speaker the senior communist leader Nara Bahadur Karmacharya to last speaker president of All Nepal National Free Student Union (Revolutionary) Lekhanath Neupane, and all other senior Maoist leaders - who addressed the mass rally - spoke the language of peace.



People throng at Open Theater: Longing for peace

Gorkhapatra

The national consensus for peace was irresistibly echoed by the hardest of hardcore cadres of the Maoists. "We assure all of you that our party will not return to jungle again. We are very much committed to the restoration of peace and prosperity of the country," said Krishna Bahdur Mahara, convener of Maoists negotiation team. "The seven parties alliance must respect 12-point agreement signed with us by dissolving the House of Representatives, holding national political conference and forming an all party interim government to hold the election for Constituent Assembly."

The major emphasis of the first and last speaker was the peace, harmony and stability in the country. None of them had a sense of achievement from their violent actions or programs in the country.

"We were compelled to take up arms against the state to fulfill our demands. The time has come now for us to join the mainstream politics through peaceful manner. Don't make hue and cry about our liberation army. If Prime minister Girija Prasad Koirala orders, our army is ready to obey him," said Prabhakar, the deputy commander of Maoist militia. He added, "We came to the negotiating table with genuine hope to restore peace in the country."

When senior Maoist leaders were repeating their intentions to restore peace, the Maoist armed cadres, who attended the mass meeting without arms, too, were keenly listening to their leaders' statements.

"We have shown that our party is committed to peaceful transformation but it is time for the seven political parties to fulfill their obligation made through 12 points agreement. They must dissolve the House of Representatives and call a national political conference," said Dinanath Sharma, another member of Maoist negotiation team.

Any keen observer who has minutely gone through all these eventful years may draw similar conclusion that they had no character of blood thirsty terrorists. Only future historians may be able to analyze how and for whom one Nepali was so brutal to another one.

"It was not our own personal wish to wage people's war but the situation



Maoist leaders addressing the mass meeting: Peace is the agenda

Gorkhapatra

compelled us to raise the arms against state. Now our demand of Constituent Assembly is accepted as a common agenda. There might not be any need to go back to jungle again," said Dev Gurung, third member of Maoist negotiation team. "We don't want to become a hurdle to bring peace in the country."

Nobody has gained in this period except an ideology of violence that allures Nepalese socio cultural background. A poor country had an unimaginably horrifying luxury of revolution in which not only the leaders but also their grass root cadres and common people were the sufferers.

"My son has assured me that the peace is in the horizon. I believe the peace and normalcy will return in the country. Maoists have already shown that they are ready to join peaceful political process but parliamentary parties, too, need to follow similar path," said Mukti Nath Dahal, father of Maoist leader Prachanda, who was also invited to address the meeting.

In the last 11 years of Maoist conflict, more than 15,000 people lost their lives, many more injured and about half a million people have been displaced. Though Nepal has seen many violent nature of power struggles in its long history of independence, this was one of the worst ones.

A great historian of Nepal late Baburam Acharya had published a book titled "Let This Not Be Repeated Again" showing palace intrigues and killing of many brave and important people in the

power games in the past when Nepal lost many of its important personalities in the course of violent politics. There could not be any better expression for this moment when Maoists are showing readiness to abandon their violent movement.

Whether it be a politician or common citizen, all of them celebrate the decision of the Maoists to return peace in the country. An enlightened common man in the street wishes to wipe out a dividing line between armed and unarmed citizens of Nepal for its peace, stability and development.

"This mass meeting deletes the dividing line between Maoists and other parties. Expressing their commitments to the restoration of peace and development in the country, Maoists have shown their seriousness. What they need to do now is to ask their cadres not to harass common people with extortion and threat," said Dr. Tulsi Bhattarai, a former member secretary of Royal Nepal Academy.

There were sufficient materials apparent to the street and meeting that most of Maoists cadres were reluctant to return to war and none of them had any serious ideological commitment to overthrow of regime.

"Since we have actively supported Seven Party Alliance agitation in April to make it a success, we are also part of the new situation. We must be given proper say in the government," said Maoist leader Sharma.

In the vast gathering of 200,000 people, a large number of them had

turned up out of curiosity to know what future they have and how Maoists would respond. Their concern was also about the future of their country.

While observing all these things and when one looks back to the political leadership of this country again, a horrifying picture emerges - nobody in the leadership appears to be capable of taking stock of all these things, interpreting the gravity of the situation and taking a bold statesmen-like decisions.

Almost all leaders of SPA seem to be unaware about the future outcome. Issuing the parliamentary declarations on almost every issue, they are making themselves irrelevant in the new context. "Our agreement with seven parties was that the House of Representatives will be revived just for a week to announce the elections for Constituent Assembly but the way the parliament members are working shows that they want longer life for it. It is not acceptable to us," said Pampha Bhushal, a central member of Maoists.

Of the major political institutions in the country, the oldest and highly revered institutions

have now been sidelines as everybody seem to be wishing that God save this country. As

long as ground reality of Nepal remains unchanged, mere wishes cannot bring peace. Despite willingness of all political forces including the Maoists, the country has a long way to go before changing the present situation. ■

Operation Reconstruction

After ten years of violent insurgency, Nepal's precious infrastructures have suffered a tremendous setback. Roads and bridges, telecom towers and hydro projects, buildings and offices have all borne the brunt of violence. Estimates put the total destruction of infrastructures at over \$300 million. Around three hundred thousand people were displaced due to lack of security. As the country embarks upon the peace process, there is a need to focus the attention towards reconstructing these infrastructures. Many believe that the country would do well not only to reconstruct but to initiate the whole process of nation-building. Given the huge warmth Nepal enjoys among its international partners in the recent days following the successful fruition of people's movement, it would not be too difficult to get them also involved in the reconstruction as their financial and technical inputs would be imperative to undertake this massive task

By SANJAYA DHAKAL

In course of decade-long insurgency Nepal's vital infrastructures have suffered huge damages. Suspension bridges in rural areas, hydro projects, telecom towers, government buildings and so on have been ravaged in the conflict.

Around 2000 of the 3913 VDC buildings have been fully or partially destroyed. Many small and micro power plants have been damaged while most of the rural parts remain without communication link.

More importantly, due to the prevailing environment of fear and terror,

no new big ventures of development have been taken up in the last half a decade. Even the two big ventures – Melamchi drinking water project and Middle-Marsyangdi hydro project – have been facing obstructions and are still no close to completion.

In such a background, the current movement of the country towards peace process has generated a widespread excitement over the prospects of reconstruction. For the last five years the country has been wallowing in abysmally low rate of economic growth. In fiscal year 2001/02, the GDP growth rate was negative after a decade of average rate of 5.1 percent growth. In

subsequent years, too, the growth rate hovered below 4 percent. This year the projection is that the nation would attain 2.7 percent growth. Compare this with the annual population growth rate of 2.3 percent – and it becomes clear how the country has remained stagnant, if not worsened economically.

All Round Reconstruction

In a meeting organized by the Asian Development Bank (ADB) in Hyderabad nearly a month ago, senior officials at the Ministry of Finance proposed donor investment totaling \$1 billion for reconstruction in Nepal.

The White Paper on economy presented by Finance Minister Dr. Ram



Destruction of a spinning mill: Damage to industries

Sharan Mahat at the parliament two weeks ago also stated that in the immediate term, the government needs to invest on reconstruction and rehabilitation of conflict victims. Speaking in the parliament, Dr. Mahat laid emphasis on the reconstruction efforts with the help of donor support.

However, as Dr. Shankar Sharma, former vice chairman of the National Planning Commission (NPC) puts it, "The time is ripe for undertaking the nation-building or new construction exercise rather than limiting on reconstruction."

Agrees Rajendra Khetan, a noted industrialist and vice chairman of Confederation of Nepalese Industries (CNI), "The government should not limit on repairing the damaged structures, which were established in the past. Now the authorities should try and develop need-based and multi-use infrastructures. For example, if they want to build hydropower project, they should also focus on related industries, link roads, tourism effect and so on."

Dr. Sharma and like-minded economists believe that this time Nepal must go through economic revolution as well. "Often our country witnessed revolutions that brought about significant political changes but they were not followed by economic revolution. Now is the time our leaders must think about putting our country on a path towards modernity in every sense of the word," said an economist.

Besides, there is a strong perspective that reconstruction or development of infrastructures should not merely focus on visible physical structures or the conventional items of economic

importance. Reconstruction or nation-building does not merely include expansion of infrastructures. "It involves a whole range of socio-economic issues. For instance, we have to work hard to attain the global Millennium Development Goals on education, health, poverty and other sectors. If we can attain these targets, that would make the country stronger in terms of human development," said Dr. Sharma.

The MDGs represent a clear-cut set of targets, which, if fulfilled, can mean a total transformation of standards of living. At present, of the seven goals and 18 targets, Nepal is 'likely' to achieve goals regarding halving extreme poverty (by 2015 from the base level of 1990); reduce child mortality by two-third; halt and reverse the incidence of tuberculosis; and halve the proportion of people without access to safe drinking water.

However, Nepal can only 'potentially' attain other goals such as halving the proportion of people who suffer from hunger; achieve gender equality in access for boys and girls to primary and secondary education by 2005 and to all levels of education no later than 2015; reduce maternal mortality ratio by three-quarters; halt and reverse the incidence of malaria and other major diseases; and reverse loss of environmental resources.

Furthermore, the country is 'unlikely' to achieve its targets of reaching Universal Primary Education (by ensuring that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling); and halting and reversing the spread of HIV/AIDS.

The country needs around US\$ 7.6 billion in the coming years to invest in the socio-economic sectors to attain the MDGs. As per an earlier study by Bal Gopal Baidya on the need assessment for the attainment of MDGs, there is a shortfall of

budget by 35 percent in the area of hunger/poverty; 24 percent shortfall in education; 15 percent shortfall in health; and 13 percent each in drinking water and sanitation and rural infrastructure.

Role Of Private Sector

The private sector has a crucial role to play in the undertaking of nation-building and reconstruction.

"There could be the role for the private sector in areas like need identification, techno-financing, management and operation under BOT/BOOT," said Khetan. He added that the private sector can 'source' the capacity if, indeed, there is an environment conducive for massive nation-building in the country.

"Our private sector is quite capable of management as well as financing. The government first needs to create the atmosphere," added Dr. Sharma. In fact, apart from private sector even the civil society has shown interest in playing its part in the reconstruction of the nation. Senior journalist and active civil society leader Kanak Mani Dixit recently informed that a major conference called "Peace, Reconstruction, Development: National Conference" would be held in early July by involving academicians, politicians, civil society representatives and development workers to discuss the issue of peace and reconstruction.

As such, given the right atmosphere, the government, the private sector and the donor community can come together for a fruitful partnership to develop the conflict-ravaged country and fulfill the dreams of millions of poor people. Whether the current set of leadership can do so only time will tell. ■



FM Dr. Mahat: Reconstruction Is The Priority

“This Is The Time For Nation-Building”

— DR. SHANKAR SHARMA

DR. SHANKAR SHARMA is the former vice chairman of National Planning Commission (NPC). A noted development economist and planner, Dr. Sharma spoke to **SANJAYA DHAKAL** on issues pertaining to the reconstruction. Excerpts:

How much did the country lose in terms of destroyed infrastructures?

It is around \$ 300 million. Basically, telecom towers, hydro power stations, airport tower equipment, bridges and government office buildings sustained heavy damages due to violence. Some of them have already been repaired but many, particularly the government buildings (around 600 to 700 of VDC buildings alone) and suspension bridges, could not be repaired.

How serious had been the damages?

Compared to other war-torn nations in the world, we have been lucky. Even though thousands of people have been displaced, no one is living in refugee camps here. Many of them might have either gone to live with their relatives or left for India or other countries for work. And they can be rehabilitated. Likewise, destruction to infrastructure is still manageable.

What are your views regarding the debate about the need for national reconstruction?

I believe that the country should embark on the path towards New Construction rather than limit itself on Reconstruction. While reconstruction is, indeed, necessary, our vision should be nation-building itself.

How, do you think, we should go about nation-building then?

Actually, there are two parts to it. The first is the immediate term plan, which would involve rehabilitation of displaced persons, repairing of government buildings and suspension bridges and providing various kinds of relief to the people. In the longer or medium term, we need a vision. We can base our priorities on the existing Poverty Reduction Strategy Paper (PRSP) and Tenth Plan. We have included all relevant issues and concept of inclusion in these papers. Therefore, we can give continuity to these plans and upgrade them as well. Even our donor partners have also asked us for setting priority first. These plans can clarify our priorities based on which they can support.

What should be the procedure of initiating the nation-building exercise?

There can be two different approaches we need to adopt. First is the program approach.

We can proceed with our efforts to meet the targets in health, education and drinking water sector through this approach. At the country-level, in education sector 17 donors have put their support in a basket fund. And our target is to achieve the Millennium Development Goals (MDGs). Likewise, in health also World Bank and DfID have provided pool funding. In health as well as drinking water sector, we could just attain the MDGs. That would be a great beginning. Then after the targets can be upgraded as well. The second is the project approach, which can be adopted for the development and reconstruction of big infrastructures like road, electricity and so on. These big projects are equally necessary if the country is to achieve high economic growth.

What are our specific needs in sectors like road and electricity development?

There are still 13 districts in the country with no road link. We have studied and identified that we need to construct 700 km length of roads to link them all. Likewise, we have identified that we need to upgrade around 1200 km of road in various places across the country. The average cost of constructing a road is Rs 10 million per kilometer and the average cost for upgrading them is Rs 7 million per kilometer. In the area of electricity, final studies have already been done regarding the generation of 750 MW of power through different projects. And it is estimated that they would cost Rs 80 billion.

What are the other areas of importance?

There are some sectors where we need to work in the short-term for the benefit in the long-term. The displaced people should be rehabilitated and provided with jobs. It has been our experience that taking resources to rural area would result in all-round benefits. While constructing feeder roads, we should remember the road density target – in Terai let no one need to walk more than 2 hours to reach a motorable road and in hills, let no one need to walk more than 4 hours for the same. It would be beneficial to work with the communities in micro hydro, alternative energy, rural roads and other areas.

How can we raise the resources to carry out these efforts?

The government first must be on the driving seat. Once the government sets its priority, donors would also come. At present, we allocate around \$32 million donor support in our annual budget. If this amount can be doubled, then resource would be adequate.



How can we mobilize donor support then?

We should activate the Nepal Development Forum (NDF). We should prepare our plans as quickly as possible. This is a golden opportunity as there is a lot of positive feeling towards Nepal. This feeling must be cashed. Besides, we also need to show that the government is capable of utilizing these resources.

What would be the role of private sector?

Basically, private sector would begin to play their role once the government sets its priorities and begins allocating on development of infrastructures.

How would these efforts help in the economic growth?

All these efforts would definitely help in increasing GDP growth. In fact, 5 percent growth can be immediately achieved once there are no transport restrictions and peaceful atmosphere persists. And we can easily reach 6 to 7 percent of growth by taking private sector into confidence. In order to move beyond 7 percent growth, we need to address a whole lot of issues for private sector like doing away with red tapism, simplifying tax administration and controlling corruption, among others. We must also start taking advantage of growth in India and China and move towards bridge economy.

What should we ask from India, then?

Apart from economic package, we must seek concessions in trade and investment. We need to ask them to eliminate non tariff barriers and hassles in customs. We also need to tell the Indian government to encourage their industries to set up bases in Nepal and tell them what incentives they can give to ensure that it happens. ■

A New Emerging Force

By MADHAV K. RIMAL

The mammoth public meeting organized by the Maoists on June 2, 2006 in the open auditorium at Kathmandu coinciding with the assassination anniversary of King Birendra on 19 Jestha five years ago has established them as the biggest political force in Nepal surpassing the six decades old political parties. The nearly two hundred thousand people

that had gathered at the call of the Maoists have opened a totally new chapter in Nepali politics. A great majority of Nepali people have started to dream that politics in Nepal may now become Nepali people-oriented in the hands of Nepalis who are free from pernicious foreign influence, risen from Nepali roots and dedicated to the service of millions of poor Nepalis. A great many Nepalis are also dreaming that the end of the authoritarian era has shut the gates for sycophancy, cronyism, spoil system, higher caste and social domination for all time to come. In this aftermath of revolutionary changes, no Nepali citizen must be deprived of proving himself equal to everybody else, howsoever, high and mighty. It is now time to consolidate the hard-won freedom from persecution, exploitation and injustice. As such, the Maoist leadership is facing grave challenges and responsibilities. They cannot afford to overlook the reality that if they have won many new friends they have also made many enemies. Consequently, they should not harbor any prejudices or any preconceived ideas. The millions of poor in Nepal are desperately looking for clean politicians who will sacrifice all their personal interests and only work for the interest of the country and the poor people. It has become customary for politicians in Nepal to become rich and sickeningly rich after their party comes to power or they win a berth in the cabinet. In Nepal, any honest politician becomes only an exception. As such, it has become the first priority of the Maoist leaders to instill such a faith in the hearts of poor Nepalis that they can expect a clean administration henceforth and any wrong doer will be severely punished. They have also to assure their Nepali countrymen that their role during the insurgency period was imposed on them by the prevailing circumstances. They have another solemn commitment to make that their exile during the civil war was necessitated by the exigency of the time and now they are under no obligation whatsoever. All Nepalis agree that end justifies the means. So, they will readily condone their earlier behavior and heartily cooperate with them and welcome them and join hands with them to defend the sovereignty and independence of the nation,

A great majority of Nepali people have started to dream that politics in Nepal may now become Nepali people-oriented in the hands of Nepalis who are free from pernicious foreign influence, risen from Nepali roots and dedicated to the service of millions of poor Nepalis. A great many Nepalis are also dreaming that the end of the authoritarian era has shut the gates for sycophancy, cronyism, spoil system, higher caste and social domination for all time to come.

which demands speedy economic development. The Maoist leaders must not remain complacent at their unprecedented success and must be aware of the strong under-current that has started moving in Nepali politics. Once who were friends might turn into foes if their dominance faces serious challenges. A man with vision and imagination can very

clearly see the coming events casting their shadows before his eyes. Consequently, a wise man likes all precautionary measures to forestall all evil machinations that are sure to cause serious obstructions in his path. And this makes it imperative that all like-minded people have to come together and join hands for the realization of their common objectives. All the priorities of our poor country are most pressing and none can wait for long. So, we must make a quick start by starting today. ■

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“I Cannot Justify Surrendering National Interest In The Name Of Mother’s Right”

—MADAN REGMI

Chairman of China Study Center MADAN REGMI is known for his frank statements. Son of senior politician late Dr. Dilli Raman Regmi, 65-year-old Regmi was imprisoned for joining then outlawed wing of Nepal Communist Party when his father was foreign minister of Nepal. Regmi, who closely monitors all the on-going political events, raises issues of national interest whenever he feels there is a need to do so. Regmi spoke to KESHAB POUDEL on contemporary issues. Excerpts:

How do you see the recent resolution of parliament to give citizenship certificate to the children on the basis of mother’s citizenship?

Nobody can challenge the right of our mothers because we were born out of our mothers’ wombs. But I cannot justify surrendering national interest in the name of mother’s right. Nation and national interest is the supreme interest for all of us. In Panchayat’s constitution, there was this kind of provision but it was widely misused. According to the book ‘Nepal’s Social Demography and Expression’ written by Dr. Harka Gurung, it was the worse period for Nepal in terms of demographic invasion by India - between 1960 to 1980. Out of 3.7 million Indians who illegally migrated to Nepal, 67 percent acquired citizenship certificates. In case of Sri Lanka, out of 1.7 million, 27 percent got the citizenship. In case of Bangladesh, Maldives and Bhutan, it was zero. It makes Nepal more vulnerable. I don’t know how Nepalese government will prevent the demographic invasion of India allowing children to acquire citizenship certificate from mother’s name. In a country where there is a high prevalence of cross-border marriages, there is every possibility of misuse of this system. If foreigners get citizenship certificate misusing the provisions in the name of mother, the members of this parliament should be responsible.

Women activists claim that this kind of arrangement is necessary to provide the citizenship certificate to a large number of children who are without citizenship? Is not your opinion biased?

One cannot justify unequal treatment and discrimination between men and women under the basis of law. What I am saying is not a discrimination against the women. My concern is why was there a need for such a parliamentary declaration to address the problem of handful of cases, which could have been settled through existing constitution and laws. According to article 9.2 of the constitution of Kingdom of Nepal 1990, ‘every child who is found within the Kingdom of Nepal and the whereabouts of whose parents are not known, shall, until the father of the child is traced, be deemed to be a citizen of Nepal by descent.’ It is unfortunate to say that women are, knowingly and unknowingly, committing a blunder for the country in the name of mothers’ rights.

The resolution was introduced by CPN-UML which claims to be a nationalist party? How do you say that it will sacrifice Nepal’s interest?

CPN-UML has a long history of betraying Nepal’s national interest in the past. Whether it is Mahakali Integrated Treaty or other, CPN-UML always sacrificed Nepal’s interest. So far as the controversial Mahakali Treaty is concerned, CPN-UML was the architect of that. To justify the treaty, it claimed that it would be accruing benefits

amounting to US\$ 1.3 billion annually for Nepal - but after nearly 10 years since the treaty was ratified, Nepal has gotten nothing. During the period of CPN-UML, they also agreed to shift Nepal’s border in Mechi from one side to another.

How do you see the political situation following the reinstatement of the House of Representatives and the announcement of ceasefire by the Maoists?

Well, the country has undergone a big political change. Following the reinstatement of the parliament and its proclamation, the authority of monarchy has been reduced and the size of the King has been largely cut. When King Gyanendra embarked upon the article 127 three years ago he was virtually exercising all the power showing that he was above the law and the constitution. The popular uprising of April forced King Gyanendra to surrender power to the people who are now more powerful than ever before. Some external forces, particularly India, will take all the advantages if we are not vigilant over our political leaders. In 1950’s and 1990’s change, we just got a meager benefit while India got away with major portion of benefits.

Do you believe that curtailing the authority of monarchy is sufficient to bring the change?

Actually, any institution whether monarchy, presidential or prime ministerial system, their relevance is virtually shelved if it does not act in accordance to the rule of law. If they impose and hold all the powers themselves and exercise the power arbitrarily, there is always vulnerability for misuse. Finally, it will invite their own end. In case of King Gyanendra, he committed similar mistake portraying himself as supreme and exercising the power as a medieval monarch. However, stripping the power of King Gyanendra and making him ceremonial King does not mean everything will be alright in future.

How do you see the possibility of restoring a long-term peace through the government- Maoist dialogue?

After Seven Party Alliance and Maoists signed 12 point agreement, reportedly in Delhi, new scenario has developed. This brought the change in the political scenario. Maoists had announced unilateral ceasefire earlier but the King’s government did not reciprocate. After ending the ceasefire in four months, Maoists were compelled to start the w SPA and Maoists agreed to hold elections for Constituent Assembly as a common meeting point. Although some of their leaders have been living in foreign countries, particularly India, the orientation of Maoist cadre is anti-imperialistic. Maoists have already said that they will join political process like other parties. Other parties, too, have agreed to compete with them in mainstream politics. It seems that there is solidarity between them now. Differences, however, will persist since they are not the stock of the same kind as they are influenced by different external forces.

Many argue that Nepal is in a very vulnerable geo-strategic position. How do you look at it?

Our vulnerability is that our country is badly pressed in between China and India. We have not been able to make our people strong enough to overcome such pressures. We are unable to assert our sovereignty and independence. India still treats us as a colony as similar to during the British Raj. We still have open border- which is imposed upon us by Indians. Indians do not allow any

“My concern is why was there a need for such a parliamentary declaration to address the problem of handful of cases, which could have been settled through existing constitution and laws.”

other investors to come to Nepal. Indians do not like to see China in Nepal as if China does not share border with Nepal. We are still unable to change our culture. From the King to the parties, they still consider India's blessing is necessary for their political survival. They still continue to allow recruitment of Nepalese in Indian and British Army. Our vulnerabilities are coming from our own weaknesses as we have never made any effort to assert our sovereignty, which we have lost since 1814. What I am stressing is that there is a need to close our border with India.

As a chairman of China Study Center you have frequent contact with Chinese leaders and scholars. How do Chinese look at the issues including open border?

China has its own interest in Nepal—which they often express through various ways. Primarily, this country belongs to us. To guard, to maintain its independence and to develop Nepal should be our primary duty. So far as protecting our independence is concerned, we should not depend on anybody. China has never harmed us and respected our sovereignty, territorial integrity and independence. China has been providing economic assistance to our development activities like building infrastructures, roads, hospitals and so on. I often say that Chinese response towards Nepal is not like a neighbor but a donor. If we don't reciprocate to their friendly gesture, they will take their own course.

What do you mean by reciprocate?

China has offered generous support to Nepal at the time of crisis but Nepalese have been hesitant to accept all of them. In some cases, Nepalese even declined to accept Chinese support. Even in 1990's so called blockade by India, China had sent oil tankers in border areas. China also sent an oil tanker in Calcutta from Singapore but the then government requested to return it. Recently, King Gyanendra harped nationalist slogans but he appointed many ministers sympathetic to India. The King played a double game. For instance, it took 39 years for Nepal to open second highway linking Nepal with Tibet Autonomous Region of China. Rasuwagadhi-Syaphrubeshi road agreement was signed in 2001 when Girija Prasad Koirala was Prime minister. In 1962, though the issue was discussed by B.P. Koirala, King Mahendra signed agreement to construct Kodari highway.

Some Chinese scholars have expressed concerns about the open border with India and strong presence of Tibetan refugees saying they are security threat to China. How do you look at it?

These things have been there for long. After the exile of Dalai Lama to India, open border between Nepal and India is a point of serious worry to Chinese as it makes easier for Dalai Lama's followers to enter Nepal and launch anti-China activities. In 1960s, late King Mahendra, who claimed to be a nationalist, allowed Americans to drop illegal arms to Khampas in northern Tibet. Chinese have been frequently raising the issue of growing anti-Chinese forces operating in Nepal. Although Nepalese governments have often expressed their verbal commitment that they would not allow their soil to be used against neighbor, in fact, so called Tibetan immigrants have been misusing our hospitality. Even Karmapa escaped from Nepal using our land. The so-called representatives of Dalai Lama have been illegally operating in Nepal for a long period of time.

Was it not closed a few years ago?

Whenever Chinese protest, the government issues order to close the office of so-called representative. The moment Chinese side relaxes, these activities resume. I was told by a



higher Chinese authority that Tibetan immigrant activities in Nepal are direct threat to their sovereignty. Chinese are not over-enthusiastic about Nepal because we are not sincere to them. Despite that, Chinese have respected our territorial integrity. Compared to India, Chinese are very careful on our sensitivity and independence. One must not forget that the office of Tibetan representatives was closed during the time of coalition government led by prime minister Sher Bahadur Deuba. I

hope that this government will respect the earlier decision and will not commit a mistake by opening the illegal office.

How do you see Chinese State Councilor Tang Jiaxuan's recent visit to Nepal?

It was definitely a very important visit. He delivered the message to the King and the political leaders, the need for unity and reconciliation between them. When Tang visited Nepal his clear message was the need of reconciliation between parliamentary forces. I came to know that Chinese vice premier Tang suggested the King in front of Crown Prince to take the initiative for reconciliation immediately and initiate dialogue with the political parties. China has always been stressing for reconciliation among the political forces in Nepal to safeguard Nepal's sovereignty.

How could King Gyanendra have ignored the good suggestion of China when some elements were accusing him of playing China card? How do you look at it?

My impression is that he was neither good friend of China nor an enemy of China. He was beneficiary of royal carnage of 2001. After King Gyanendra took over, he publicly revealed that he would maintain a unique relation with India. This was what neither his father nor his brother said before. In his last tenure as a prime minister when Dr. Tulsi Giri said that Nepal has a special relation with India during his visit to India, he was dismissed a few days after this remark. King Gyanendra is the first King who publicly said that Nepal has special relations with India. He has been promoting Indian products in Nepal. Frankly speaking King Gyanendra dismissed democratically elected government under the blessing of India.

It is said that your father Dr. Dilli Raman Regmi has been influenced by Indian freedom movement but you are standing against his ideals. How do you look at it?

So far as my father is concerned, he studied in India and he was influenced by Indian friends. I don't think it was proper for them to be pro-Indian just because they had studied in India. I have never accepted my father's thinking about India. I firmly believe that India is hegemonic and imperialist.

How can you charge India is a hegemonic?

Look, Indian ambassador is distributing directly money to Village Development Committees, District Development Committees, educational institutions, and party-established institutions. This is a hegemonic role of India and it is also contrary to Nepal's law. Even Indian central government cannot distribute money to its own states like that. According to Indian constitution, the money which comes through central government has to go through state governments. What the King's government was doing in the last three years is still being followed by this government, which was formed after the people's movement. If it continues to allow such things, what is the difference between the King's government and this government which claims to be people's government?

"China has offered generous support to Nepal at the time of crisis but Nepalese have been hesitant to accept all of them. In some cases, Nepalese even declined to accept Chinese support. Even in 1990's so called blockade by India, China had sent oil tankers in border areas. China also sent an oil tanker in Calcutta from Singapore but the then government requested to return it."

JUDICIARY

System On Trial

Despite its decision to release former ministers of royal government, Supreme Court is itself on trial

By KESHAB POUDEL

After the release of three ministers of previous King's government on a decision of larger bench of Supreme Court, there were mixed reactions. Some members in ruling side termed the apex court's decision to release three ministers unfortunate and demanded the impeachment against chief justice Dilip Kumar Poudel. But some others hailed the decision as a milestone to prove the supremacy of the constitution.

The bench that made the decision comprised of Chief Justice Dilip Kumar Poudel, justice Min Bahadur Rayamajhi, justice Ram Nagina Singh, justice Anup Raj Sharma and justice Khil Raj Regmi.

With the decision, one can see clear change of roles of people. Previous oppressors of the rights of the people have a very high opinion about the court whereas the previous victims had a first shock of defeat and admonition at their height of jubilation in power.

Those who believe in rule of law hailed the court's decision as an important verdict to prove that the constitution is supreme. This is the first case decided by the Supreme Court after the declaration of House of Representatives. Although the HoR's declaration did not mention about the functioning of judiciary, even the constitutional guarantee regarding the fundamental rights of Nepalese citizens came under confusion and also whether the court can exercise the article 88.2 of the present constitution which gives court extra ordinary authority to defend the fundamental rights like individual liberty and freedom.

The division bench consisting of senior justice Kedar Giri and justice Top Bahadur Magar had earlier referred the issue of Habeas Corpus to longer and larger bench in the changed context of

Proclamation of the House of Representatives.

Just a hundred days ago, a full bench of Supreme Court - which had interpreted the basis document of the law - the Constitution of Kingdom of Nepal 1990 - had declared that this is a system of the supremacy of the constitution and even the King has his role within the parameter of the constitution.

In such a series of actions, the present government had crucial test of its functioning. In the case of Habeas Corpus in the Supreme Court filed by three former minister of King's government Ramesh Nath Pandey, Shris Sumsher Rana and Nikshya Sumsher Rana, the court has retained its earlier decision that nobody can be put in prison without adequate ground. On the basis of choose and pick, five ministers of previous government including Kamal Thapa and Tanka Dhakal were put into the preventive detention order.

"By releasing the three Royal ministers who have committed crime against humanity, the judges have shown that they are sympathetic to regressive forces. A motion of impeachment should be tabled in the parliament against chief justice Dilip Kumar Poudel," demanded CPN-UML MP Jagannath Khatiwada who probably has firm belief in Leninism doctrine where the courts have to speak what the government wants them to.

A lawyer who pleaded on behalf of three petitioners hailed the decision. "The court upholds the rule of law and declared there still exists constitutional supremacy," said advocate Bal Krishna Neupane. "The extremism of King's rule and present rule do not believe in supremacy of constitution."

After two days of hearing, the full bench consisting of five judges presided by Chief justice Dilip Kumar Poudel declared that the detention of three former

ministers was without sufficient grounds and, therefore, illegal.

In the last hundred days the country has gone through a great popular uprising that forced the King to reinstate the House of Representatives and to appoint a prime minister. Having confidence in the House of Representatives, the king had mentioned the road map of seven agitating parties - which want to reactivate constitution in totality. There was a well defined limit of the constitutional changes in the Royal Proclamation and the same kind of clarity was there in the road map declared by Seven Agitating Parties.

But soon after the parliament assembled, the populist pressure was there all over the country in which the leaders of the parliament proved desalinating and confused. As a result, a declaration of the parliament - which was hastily drafted went through unanimously without a single voice of dissent. The basic theme of the declaration are the following "any provision of the law and the constitution of this country shall be null and void in contravention to it (declaration)." Even ministers of the previous parliament succumbed to populism of the street.

The plea from the government lawyers was that this House of Representatives was not the result of the constitutional process and the government accountable to it is not bound to follow those provisions, however mandatory they might be.

"As the parliament has already been declared supreme, this government is not bound to follow the present constitution. The provisions of the constitution cannot be applied anymore," said attorney general Yagya Murti Banjade.

On behalf of the petitioners, senior advocate Ganesh Raj Sharma and advocates Bishnu Bhattarai and Bal Krishna Neupane pleaded that there is no adequate evidence to put them in prison.

Not only the victors and victims are in the trial in this first test case, the whole judiciary consisting of judges and lawyers were put into the trial. It is apparent that judiciary and legal system they are upholding till now have emerged again in high estimation which is one of the assuring factors to preserve the present liberal democratic system even in future days of turmoil. ■

'We Want To Solve The Problems Of Citizenship In Terai On A Broader Basis'

—RAJENDRA MAHATO

General Secretary of Nepal Sadbhavana Party (Anandidevi) and parliamentary party leader RAJENDRA MAHATO represents Constituency 2 of Sarlahi district. Well educated general secretary Mahato is known as frank politician. He spoke to KESHAB POUDEL on various issues regarding the problems of citizenship certificate and other issues of Terai region. Excerpts:

How do you see the recent proclamation of House of Representatives to issue the citizenship certificate on the basis of mother's citizenship? Will it have any effect in Terai?

So far as the proclamation is concerned, it is historic in terms of guaranteeing the equal rights to women and some reservations to them. But, this resolution does not have anything to do with the problems related to citizenship in terai. Frankly speaking, the resolution is not to address the citizenship problems in terai. I don't think it will bring any substantial changes in the present state of citizenship problems. We want to solve the problems of citizenship in terai on a broader basis not on the piece-meal manner. Anyway, the resolution addresses only the problems related to women's right.

How do you see the problems of terai?

Although the historic proclamation of the House of Representatives also has the clause related to the citizenship, it is not enough to guarantee the citizenship right of people living in terai. Nepal Sadbhavana Party (Anandidevi) will table a resolution in parliament to translate the proclamation's commitment into reality. The proposed resolution will address the inclusive democracy and restructuring of the state on the basis of wishes expressed in People's Movement II. If we are unable to address the problems of terai, it will be betrayal to the Madhesis and the country and political parties will have to pay heavy prices for this. If all the problems of terai are not solved in democratic and peaceful manner, the violent groups will lead the movement. The organization like Terai Jantantrik Forum has already come into force in terai.

Some oppose the recent resolution saying it would pave the way for demographic change allowing the

children of women marrying with foreigners to become citizens?

I told you that this is not going to solve the problems of citizenship in terai. There is nothing to resort to hue and cry.

Could you elaborate on the citizenship problems in Terai?

The problems of citizenship certificate have been there for long time in Madhesh (Terai) as a large number of Madhesis are yet to get the citizenship certificate. According to a report of High-level Citizenship Commission formed under the chairmanship of CPN-UML leader Dhanpati Upadhyay in 1995, there were about 3.4 million people without citizenship certificate and overwhelming of them are from Madhesh. In accordance to demographic change, the number may be now more than 5 million and overwhelming majority of these people are from terai.

Many people say the figure is highly exaggerated? How do you look at it?

We don't need to exaggerate the figure. You can go and see how difficult it is for the people of terai to get the citizenship certificate. Many people who have been living in terai for centuries have been denied the right of citizenship certificate. The laws are discriminatory against the people living in terai. Our party has been raising these issues for more than two decades.

Do you believe that the present parliament and the government will announce some package to solve the citizenship problems?

The proclamation has already made it clear that there is a need to solve the problems of citizenship certificate. Before the elections of Constituent Assembly, the government must issue citizenship certificate to all the Madheshis who don't have it.

How do you see the visit of prime minister Girija Prasad Koirala to India?

Being two close neighbors, the visit of this kind helps to enhance bilateral friendly relations between the two countries. The relations between Nepal and India are very unique in the sense that both the countries share many commonalities. The people to people relation between two countries is centuries-old, which is bound by culture, religion, ethnicity and geography. The open

border between Nepal and India is another major feature of two countries.

There is also demand to regulate open border between the two countries. How do you look at it?

A handful of persons in the valley have been raising these kinds of unnecessary demand without understanding the ground realities of terai region. Since Nepal and India border is geographically unique like our relationship, it will have far reaching consequences in the life of people living in terai who have several ties and frequent interactions with the people living on the other side of border. It is impossible to close the borders. Open border is the question of life and death of people living in terai region. Some people with vested interest always criticize open border to fan anti-India feelings. The open border is benefiting more to people living in terai than people living in Indian side of border. Kathmandu valley is not Nepal and people living in the valley do not understand contribution made by open border in the life of people living in terai. We must develop plans and programs to gain advantages from open border with India.

How do you see the efforts made by Nepal and India to exploit the benefits of open border?

For centuries the people living across the border are sharing the benefits as well as difficulties together. Since people living on two sides of border have similar culture, religion, language and ethnicity, they have many commonalities of interest. The manmade border line does not stop their interactions. People have their own system and ways to share the benefits, the governments of both the countries need to facilitate to make it easier. For Nepal, high economic growth rate across the border is going to become a boon. We must start to think the development in border areas from broader economic perspective. ■



KOIRALA'S INDIA VISIT

Friendship Matters

Welcoming Nepalese prime minister Koirala at airport, Indian prime minister Dr. Manmohan Singh underscores warm friendship

By A CORRESPONDENT

Warmly receiving Nepalese prime minister Girija Prasad Koirala at the Indira Gandhi International Airport, Indian Prime minister Dr. Manmohan Singh, an internationally respected economist, demonstrated the new warmth in India's policy towards Nepal.

Despite cautious response by leaders of his own seven party alliances, intellectuals, Maoists and other intellectuals over the visit at this juncture when his health is not well, the initial warm response shown by Dr. Singh gave some positive signals.

After receiving the US president George Bush at the airport, this was the second time when Indian prime minister Dr. Singh came to the IGI Airport in New Delhi to receive his guest, Nepalese prime minister Koirala. "You are a great leader in the entire South Asia. There is no one like you," said Dr. Singh welcoming Koirala, 84, who has spent almost all his life in a democratic struggle.

"The visit has got a flying start already. This had never happened except of course with George Bush, the US president. There is no doubt that the visit has started on a spectacular note," said finance minister Dr Ram Sharan Mahat, a member of Koirala's entourage, remarking on the warm reception of Koirala.

It is a traditional and usual practice to choose India as a first destination to visit but what was unusual this time was the timing. Earlier, Koirala was reported to be planning to go to Bangkok for his health check up but the program for health check up was cancelled at the last minute to pave the way for four-day 'goodwill' visit to India.

Even the date of the visit was not debated in the meeting of seven party alliance. Most of SPA leaders knew it through the newspapers. "I knew about the India visit by prime minister through newspapers," said Narayan Man Bijukcche, president of Nepal Workers and Peasants Party.



Singh (right) and Koirala : Historic welcome Annapurna Post

Dominated by communist parties, which are ideologically hostile to India, leaders of seven parties spared no time cautioning Koirala against signing any agreement with long-term implications. From Maoists to other left and right parties, all held similar views.

"This is going to be my goodwill visit to India. I expect certain immediate relief from Indian side," said prime minister Girija Prasad Koirala, before embarking on his tour.

"When we visited India with interim prime minister Krishna Prasad Bhattarai in 1990, we were completely put in dark on many sensitive issues," said former minister and politburo member of CPN-UML Sahana Pradhan. "Girijababu must avoid that kind of situation," she said. In a meeting of seven parties, Koirala reportedly assured the political leaders that he would not sign any agreement with long-term implications in Nepal's national interest.

"This is going to be just a goodwill visit and it will focus more on economic agenda particularly related to infrastructures and economic development," said finance minister Dr. Mahat. It was interesting to see this time how all the political forces including Maoists came out with warnings to Koirala not to make any deal with India. "I have told prime minister Koirala not to ink any deal with India without solving ongoing problems," said Maoist leader Prachanda in his interview with BBC Nepali Service.

In the context of growing influence of radical forces in Nepal, India seems to be worried about the situation. Unlike expectation of Nepal's communist leaders, prime minister Girija Prasad Koirala will seek support of India to bring the long-lasting peace in Nepal which will ultimately be in the long-term interest of India also. So this visit is more focused on security concerns of India in Nepal rather than signing any agreement of long-term interest.

Along with economic package and support to build the infrastructures, prime minister Koirala will seek support of India on Constituent Assembly, peace making and decommissioning of Maoist armed groups. All these are vital concerns for both the countries. Likewise, reports have said that the Nepali side would be seeking Indian assistance package of Rs 75 billion - Rs 15 billion a year for 5 years. This package includes concessions in trade and investment and appeals for investment in hydropower projects and roads. ■

BOOK

Legal History

Edited by advocate Prakash Osti, the book is a compilation of important historical documents related to laws

The history of legal documentation in Nepal is very old as the country has about a century long written history and documents. One can find these documents scattered in various books and booklets.

From the period of Licchivi to present Shaha Dynasty, different kings of Nepal proclaimed various laws to organize the society and social hierarchy in the context of state. Thanks to advocate Prakash Osti, editor of Kanoon- a popular-bimonthly legal magazine, the new book has come in the market that compiles all the legal documents including royal declarations and proclamations by various rulers ranging from Jayasthiti Malla to the recent proclamation of King Gyanendra.

For lawyers and other common people, this is the first of its kind book, which includes almost all the legal systems, proclamations, laws that existed in various dynasties and historical phases of Nepal. Whether it was Malla King Jayasthiti Malla or the present Shaha King Gyanendra, there are written documents of all major decisions taken by them. This is what one can read in the book edited by advocate Osti.

Passing through a very crucial stage of history, Nepal's present legal system found enough time to evolve to take present shape. Although it is different than other western concepts, the legal documents of Nepal represent its indigenous method.

The book includes legal documents, Royal proclamations, historical announcements, reports of the high level committees and

laws. Citing various sources and books written in various period of times, advocate Osti's book helps to understand Nepal's indigenous evolution of laws. From Brian Hodgson's Administration of Justice in Nepal to French Scholar Silvy Levi's An Account of Nepal, Osti has compiled all important documents in his book.



*Kanoon Sambandhi
Kehi Aitihasic Avilekhaharu
(Historical Documents Related to Laws)*

*Editor: Prakash Osti
Published by: Lawyers Club,
Kathmandu
Price: Rs.400.00*

One of the important aspects of the book is that one can find all historically important legal documents in a single book. For the students of law, legal practitioners, journalists, historians, scholars and other administrative officers, this is going to be very useful.

Nepal has gone through various phases and seen many dynasties as well as their systems. Today's Nepal's legal documents are the result of the efforts made by all different rules of historical period. Introducing civil code, which is equivalent to the common law, Jayasthiti Malla had opened the new chapter for crime and punishment in Nepal. Ram Shaha of Gurkha issued another proclamation adding another dimension in justice administration.

From collection to publication, the work to publish the book in this form requires high level of dedication and energy. Advocate Osti proves that nothing can hinder a person who has dedication and commitment to do something.

"Many of our historically important documents have already been destroyed but there are still many important documents scattered in various places. This book is our small effort to preserve our historically important legal documents, proclamations and decisions," said editor Osti. "Our aim is to preserve the historical evidence and publish it to broader interest of people."

A country is not only the existence of physical space but it also includes history and historical evolution of rulers, socio-cultural development, state of society and others. From ruling to administration and judiciary, Nepal has its own long history. Though they are insignificant in the present context of society, some events in the history were revolutionary if viewed from the context of the situation of that period. The abolition of slavery by then Rana Prime minister Chandra Sumsher, nearly 100 years ago, is an example. After reading the book, one can acquire knowledge about such important phases of Nepal. ■

Inclusion Of Dalit Men And Women In The CA

By RAMU BISHWAKARMA

Background : Constitutional Assembly (CA) is a process whereby people select their representatives to build the national statute (constitution) of a country. Active and equal participation of all citizens is extremely important to make a complete and sustainable constitution that can protect the rights and equality of all citizens, and maintain their dignity.

Building a new constitution mainly includes two stages. First is the process of forming Constitutional Assembly itself and second, writing the constitution. The entire cycle of these two stages generally found to take a minimum of six months to three years and more to complete, depending on a country's existing socio-political situation. In the United States, it took almost two years to build a new constitution after receiving independence from the British. In Lithuania, it took almost two years (1920-1922) to complete the cycle of CA formation and constitution writing process. Similarly, Pakistan took one year to complete this process, while it took two years for India (1947-1949). So is the case with other countries around the world.

Nepal is moving towards the Constitutional Assembly process now in an objective to build a new constitution that ensures the inclusive and pluralistic democracy in the country. In this regard, it will be worthwhile to discuss how Nepal can work to include those who are excluded from the national front for ages, from the beginning of new constitution building itself. In this article, I explore the process of – A) forming the Constitutional Assembly and B) writing the Constitution, from the perspective of Dalits' inclusion.

A. Forming the Constitutional Assembly

Constitution is for people to be written by the people. It is an overarching national legal framework that guides the rules, regulations, and activities of the government as well as civilians. Civic participation with an equal and fair representation from all social groups throughout the cycle of constitution building is the key to incorporate the interest and experience of various groups of people into the constitution. It is only through such participation that fair and balanced constitution can be developed which can protect the fundamental rights and dignity of all fellow citizen. This, in fact, is a precondition for the sustainable nation development process.

Various strategies can be taken to ensure the fair participation of all social groups while forming Constitution Assembly (CA). Typically, the political parties select their candidates for the election of CA. Any political party's candidates who contest in the CA election can not be a part of the transitional or interim government that runs during the CA process. Beside the political parties, any individual who meets the minimum criteria set by the Election Commission can nominate his/her candidacy for the election.

This stage is the first and foremost important one for making an inclusive and pluralistic state. The political parties must become fair to all social groups of different gender, caste, and class while nominating their candidates to the CA election. If the civil society decides to nominate any individual in the CA election, they must also seriously think about the implication of the caste, class, gender, and other similar factors of the candidate. This is particularly important as these dimensions often carry-along a unique experience of an

individual or group, which is important to address the specific need and purpose, where that individual socially located.

Dalits in Constitutional Assembly

Participation of Dalits in this constitution building process is critically important in many ways. The 1990s constitution was not inclusive of the Dalits at all; moreover, it was granted by the king. Only a fistful of people prepared the constitution and the majority of them represented the elite and dominant class of the country. As a result, there are a number of discriminatory syntaxes present on constitution for Dalits. The constitution drafting committee completely lacked a representation of Dalit men and women.

So how can the CA be inclusive and pluralistic? Importantly, how can it genuinely include all segments of the most oppressed community of Nepal – Dalit men and women – is the issue that must be discussed now. Here, I will briefly discuss how Dalits inclusive constitution assembly can be designed.

The recent House of Representatives' proclamation says, "[t]he procedures for moving on the path of Constituent Assembly shall be as fixed by the House of Representatives (HoR)" (The Kathmandu Post, May 19, 2006). HoR's commitment to the Constitutional Assembly is appreciative; however, all Dalits need to be extremely careful about the possible dominance of political elites while moving along with this process. Dalit community must be included in the CA election by ensuring certain number of CA seats to them. Since Dalits share more than 10% of country's total population, there must at least be 5% of total CA members directly nominated from Dalit community.

Political parties must allocate at least 5% of the election seats (tickets) to Dalit men and women for the Constitutional Assembly. Moreover, election tickets allocated for Dalit men and women must be provided to those election constituencies where the parties' prospect of winning the election is high. This may not be favored by the political hegemonic class, but if the parties make decision based on these elites again, it will be another blunder, as it undoubtedly further enhances Dalit's exclusion in Nepalese society.

Based on the country's existing socio-cultural, economic, and political situation, it is important to remember that allocation of 5% of CA election tickets to Dalits may not guarantee their representation in the CA. Therefore, we need to urge to all the political parties and civil societies to make a common consensus to reserve at least 5% seats to Dalit men and women for their direct nomination in CA. This will ensure that even if Dalit candidates of political parties who contest election for 5% of CA seats lose their election, there will still be 5% of total CA members consisted with Dalits.

Dalits inclusion in CA election must also be viewed in terms of Dalit men and Dalit women instead viewing them homogeneously as Dalit. Inclusion of Dalit women in the CA election is as critically important as including Dalit men. Considering Dalit women's more than 50% of total Dalit's population, a genuine representation of Dalits in constitutional making process is not possible without actually involving them. More importantly, Dalit women have not received enough attention even from their own community, let alone from the state. As a result, they now make 80% of total acute poor population of the country. Because of this situation, it is imperative

that Dalit women are recognized and mainstreamed in the national development. This process can be started by including them from the constitutional development process.

To make all this happen, all Dalit individuals and the Dalit organizations should come under one umbrella and make a common ground of understanding in terms of their participation in the CA election. Similar practice was carried by Nigerian civil societies in 1999. They formed a coalition body called "Citizen Forum for Constitutional Reform (CFCR)" to ensure the participatory approach is adopted while forming their constitution. The CFRC ensured that the right person is recommended to the CA election. By creating an umbrella body and conducting regular interactions/discussion among Dalits in a common platform, Dalits will not only be able to make a common agenda for the constitution but will also be able to create enough pressure for the political parties so that the CA election process becomes fair and inclusive. Through the same process, a list of the possible candidates (both men and women) of our community, who are qualified and deserve to be the candidate to fill the 5% of the total CA seats reserved for Dalit community, can be developed. This task is very important to perform in advance in order to avoid any possible confusions and misunderstandings that may occur later among Dalits while nominating the candidates for the reserved seats CA.

B. Writing the New Constitution

Writing the constitution while maintaining equality, fair, and justice to all citizen is not only challenging but imperative to build inclusive Nepal. Including Dalit men, women in the CA election and involving this entire community (Dalit men, women, boys, and girls) in the draft constitution feedback process is crucial not only to make a strong constitution but also to enhance their ownership on it.

Constitution Drafting

How the elected/nominated Dalit representatives are involved or mobilized to draft the constitution ultimately determines Dalits' say in the constitution. Therefore, both Dalit men and women of the CA must be considered as integral members of constitution drafting process. Cautious steps must be taken by the civil societies, individuals, and the united forum of Dalits while allocating the responsibility to the members of the CA so that Dalit representatives are not excluded within the CA to lead or actively contribute in the constitutional drafting process. Dalits' united forum, civil societies, and individuals must serve as a watch-dog to not let such irregularity happen.

Every policy provision drafted in the new constitution must incorporate the interest of Dalit men, women, girls and boys. Dalit and non-Dalit representatives of the Constitutional Assembly must internalize the status of numerous forms of marginalization of Dalits, particularly of the Dalit women, caused by caste, gender, and other similar dimensions of oppression. Special policy measures by acts such as affirmative actions and special provisions for Dalit men and women's social functioning in various areas such as education, health, governance, and employment must not be barred by the constitution. In fact, such arrangement is important to literally present in the text in the new constitution to ensure the justice and equality to these people. Similarly, strong punitive measures must be endorsed in the constitution for any possible discrimination by caste, gender, class, creed and other similar aspect. All the extremism by class, gender, caste, as presented in 1990's constitution must be abolished in the new constitution to protect human dignity.

Apart from constituting the constitutional assembly with equal representation from Dalits by their size, it is important to sensitize

all assembly members, particularly non-Dalit members, about the need to address the multiple form of subordination of Dalit men and women, indigenous men and women, and people with special abilities. A special mandatory seminar or workshop to the members of the constitutional assembly must be provided to sensitize them how this serious issue of caste, gender, class could be addressed properly while writing the new constitution.

Public Accountability

As performed by the people of South Africa in 1996, the responsibility to educate general public about the draft constitution and getting their feedback/approval is imperative for the final approval of the new constitution. Dalits' united forum and civil societies, and the interim-government must be responsible to perform this very important task.

Various methods and approaches can be taken to inform and educate people about the draft constitution. As performed in East Timor, South Africa, and many other countries, public and private media such as press, radio, and television shall be effectively mobilized to ensure that the citizens have access to the draft constitution and informed enough to comment or give suggestions on it.

Special attention is needed to give to Dalit men and particularly Dalit women (and boys and girls) to inform them about the constitution. The poor education level among Dalit women and men, coupled with the acute poverty and social dominance by other social class, even by Dalit men and boys in case of Dalit women and girls, and their dwelling in the remote geographic location must be duly considered while proceeding to inform them about the constitution and get their feedback.

Special mechanism must be developed to ensure their say in the draft constitution. No discount should be granted to avoid their opinion/feedback on it. Dalit civil societies and the regional, district, and village level constitution educating committees (which are needed to be formed by the transitional government) must organize workshops/seminars or meetings with the Dalits and non-Dalit communities so that not a single community is left out in constitution consultation. While the interim/transitional government must ensure that such activities are performed, Dalits' united forum and their civil societies must also conduct this process on their own.

In order to accomplish a complete ownership on the constitution from Dalit community, majority of the Dalit community, men, women, boys and girls (at least on or above the age of 18 years) need to give their feedback/suggestions on the constitution. The experiences of unique oppression of each of these groups must be accounted. The collected feedback/suggestions of the Dalit men and women must be compiled by the Dalit's umbrella organization and necessary efforts must be paid to ensure their incorporation in final constitution.

This is the time that Nepal must equalize Dalits as other social groups by compensating them with the state's long standing due. The pain of Dalit men and women resulted by socio-economic, cultural and political exclusion needed to be redressed now. Ensuring their inclusion from the beginning of constitutional building process will help prove that the state's commitment to integrate Dalits into Nepalese society. ■

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MADHU CHHETRI

The Days That Were

Chhetri strongly advocates for an effective agency for monitoring the quality of songs to be aired from media

By THAKUR AMGAI

When a young boy merely in his post teens entered Kathmandu from the Nepalese border town of Birgunj in mid 1970s with a strong aspiration to pursue further education and sing songs at the studio of Radio Nepal and become popular among the public, he never thought he would one day reject the proposal to sing songs at the same place.

At a time when the only recording facility in Nepal was Radio Nepal and it was the only broadcasting media of the country, singers, lyricists and music directors would swarm around Radio Nepal requesting for dates to record songs.

Madhu Chhetri, the young boy from Birgunj was one of such promising and talented singers who requested for dates. After three decades Chhetri, who by now is an established singer of honored class at the Radio Nepal, puts off the dates thanks to the conspicuous frustration he encountered towards singing. "When we had energy and aspirations to sing, and pleaded for dates we would not get one, today when they request me to sing, I do not have the urge to do so," says Chhetri.

While, colleagues, well-wishers and audience urge him to continue impressed by the beautiful songs he sang in the past, Chhetri has kept himself busy in managerial tasks, abstaining from singing in the latter years.

Chhetri entered Kathmandu in 2031 with an aspiration to sing songs at Radio Nepal and pursue further education. The next year he passed the voice test from Radio Nepal and started singing songs at the dates of Radio Nepal. 'Timile Diyaka Bachaharu' was the first song he recorded. Endowed with a melodious voice and a flair

for singing, Chhetri's songs easily became popular among the audience.

Before coming to Kathmandu, Chhetri had already made his identity as a promising singer in his home town Birgunj. Impressed by the melody of his voice, friends and other people at Birgunj nicknamed him 'Nepali Kishore Kumar', while he was studying at Thakur Ram Multiple College. Chhetri himself was very inspired by Kishore Kumar's voice and performed his songs at the stage functions.

After the initial days of immense popularity, Chhetri slowly lost his momentum in singing. Rather he focused on managerial jobs. He is currently the general manager of Rebel Creation, one of the leading music distribution companies. Despite a lot of public requests, he rarely sings. However, he uses his free time to compose music.

Born in 1973 in Birgunj, Chhetri got an ambience where he could nurture his interest in music since early childhood. On noticing his flair for singing, teachers at school and parents at home encouraged him to practice music.

Like all border towns, Birgunj had a strong influence from Indian culture. With contemporaries like Prakash Shrestha and Sugat Ratna Kansakar, Chhetri enjoyed watching Hindi movies and mimicking filmy songs. In the early days, he used to sing during the gathering of friends. Later, as he grew up, he started performing on stage shows during school functions or social concerts.

When he came to Kathmandu and started recording songs at Radio Nepal, folk songs he sang in those days like 'Pani Khane Nihunle Timro Gharma Aunla' and

'Sainli Ra Maili Poila Gayachhan' were very well received by the audience and made him popular throughout the country.

Most people, today, know Chhetri through song 'Phoolai Phool Matra Pani Hoina Rahechha Jeewan.' The song written and composed by senior poet and music personality Bhim Birag tells the reality of life that life is not a bed of roses, but includes a lot of struggles and hardships. Chhetri's vocal has given it the right feel of the words.

Over the years, Chhetri has sung more than 250 songs including songs of all genre – folk, modern, patriotic and bhajans (devotional songs). His voice has best suited in sentimental modern songs.

After the initial days of immense popularity, Chhetri slowly lost his momentum in singing. Rather he focused on managerial jobs. He is currently the

general manager of Rebel Creation, one of the leading music distribution companies. Despite a lot of public requests, he rarely sings. However, he uses his free time to compose music. "I am pursuing the career of singing and composing music as a hobby," says Chhetri. He himself has composed music for most of the songs he sang.

An easy going and articulate personality, Chhetri feels no hesitation in expressing his dissensions. About the national

anthem he says, "Music in itself has no political inkling. A music is neither autocratic nor democratic. There has been a lot of talks about changing the national anthem. The argument to change the wordings of the anthem is justifiable, but we should think about retaining the melody. It is a standard tune and we should write a new prose in the same tuning. That sets a national standard."

Likewise, Chhetri, a singer of honorary class at Radio Nepal, strongly advocates for an effective monitoring agency to control the quality of songs aired from electronic media. "There has been anarchy in the music industry lately," said Chhetri. "While songs of all genre should be given equal priority, there should be a mechanism to filter the quality of songs to be aired in the public."

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