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The National Newsmagazine

SPOTLIGHT

Sept 1-7, 2006

Debate

On

Constitution

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Congressmen's Visit : US Concern

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SPOTLIGHT

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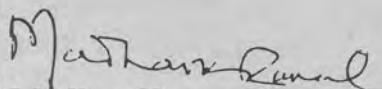
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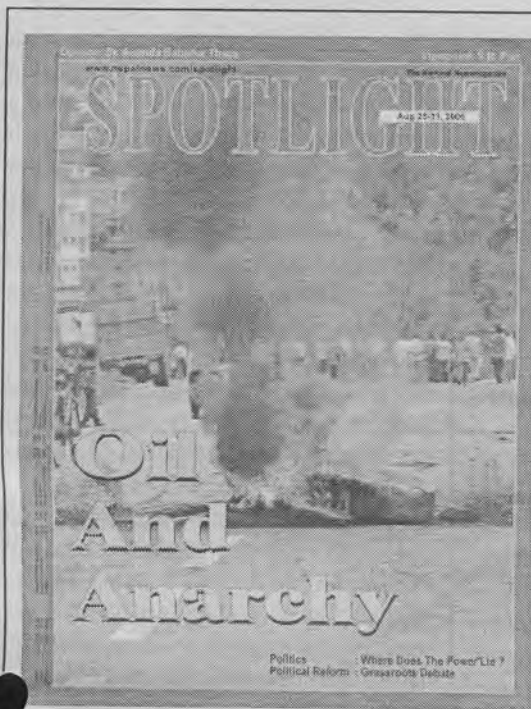
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As the outcome of the people's revolution the Seven Party Alliance formed the government and are still holding the reins of power. The bigger partner- the CPN Maoists missed the bus and is now facing severe machinations. Since the leader of the SPA government, as our experiences of last fifteen years have proved, urgently needs the advice and directives of his foreign friends and is bent on to carry out their behests, the Seven Party Coalition does not seem to run smoothly. They seem to be so much engrossed in nursing their partisan interests that there is no unanimity even in the day to day administration and because of their infighting even the vacancies in the important diplomatic missions could not be filled. One diplomatic posting was later rescinded by a disagreeing partner. Even the prospects of peace in the country seem to be receding. But the members of the reinstated house are happy re-enjoying the numerous official and non-official perks and want the house to run *sine die*. The house is passing all kinds of laws cutting down the authority of the King and turning him into a living doll. Their action smacks of vindictiveness. Poor King Gyanendra is paying for his failures, in discretions and obduracies - uncertain whether his two hundred thirty eight years old institution will survive or not. The millions of poor people who have made supreme sacrifices, losing their near and dear ones, their properties and even their comfort - physical and mental - are still miles away from reaping any fruit. The CPN (Maoists), the leading character in this historic drama of the century, is still not at the center stage. For this they have to blame themselves. And now they are facing a great dilemma. Both the SPA government in and the big powers out are pressing them to surrender their arms if they also want to eat a piece of the pie. But the Maoists know fully well that as long they are strong and hold the arms, they can still call the shots. Where will they be without the arms no body knows, not even the Maoists themselves. The Maoists must be well aware too that negotiations can only succeed when they are done from the position of strength. As such, as a political force to reckon with, they must know where their weaknesses lie and whether they are being taken for a ride. In this predicament the draft of the interim constitution seems to have further complicated the imbroglio. The whole exercise seems to have been a great futility. Nobody seems to be happy with the draft, not even some of the drafters themselves. How will this labor of incompetence influence the course of events in the country, we can only wait and see. In such a fluid and fragile situation every patriotic Nepali has to dedicate himself or herself to arrest the rot and restore lasting peace. But the die-hard self-oriented politicians are bent on strengthening their hold on the government. Since they are there reaping the fruits of the sacrifices of the common man, they must not be permitted to embroil the country into greater troubles and uncertainties. The people have become wiser and can now distinguish between a good and a bad leader. The Maoists too must be able to read the writing on the walls. If they have opponents, they have plenty of supporters too. They must realize that it is not the means, but the end that really matters. As such, the recent interview given to the BBC correspondent in Kathmandu by the Maoist supreme, Prachanda has much food for thought. The view expressed therein must be taken quite seriously. His views on India's attitude towards Nepal deserve full consideration. Since time is running out without waiting for any body, we strongly exhort to all nationalist Nepalis not to stay complacent but to act and act quick. ■


Madhav Kumar Rimal
Chief Editor & Publisher



Where Is The Way Out?

The cover story "Oil And Anarchy" (Spotlight August 25) did provide information about the recent controversy surrounding the hike in the price of petroleum products. But I think the article was lacking in that it failed to point to the proper way out. What should the government do now? Should it again rise the price? Or should it continue subsidizing its citizens? And whether this moves would have other unexpected implications?

Kumar Giri
Bangemuda

Contrasting Article

Having gone through entire article 'Oil and Anarchy' (Spotlight August 25) I can not help praising the reporter's endeavor to bring the recent episode about the hike of petroleum products to readers. But I would differ with the scene portrayed to support the title as well. There is a caption head denoting the road blocked by protestors to make an analogy with the title. And, of course the road is visibly blocked. But is there any relation between the word 'anarchy' and 'smiling faces of two teenagers in the background? Certainly not. The reporter should have replaced the existing scene with the better one having the live scene dominated by leading figures accompanied by sufferers from the rise of price petroleum products. Don't you think so?

Dil Bahadur Basnet
Balaju

Shame- Shame Minister Tripathy

The reporter's title 'Oil and Anarchy' (Spotlight August 25) compels me to comment on Minister for Supplies *Hridayesh Tripathy*. A man is better known only after the opportunity is

provided to him to decide on testing times. And one of the popular politicians, now the Minister, Tripathy is no exception. If he were to heighten his fame he would better resign from his ministerial post by challenging the decision taken by the cabinet to hike the price instead of charging petroleum dealers for hiking the price of petroleum products. There was a choice for him- to be popular among people or become a character of shame- shame. He vehemently preferred the latter. Well done Tripathy for giving continuity to your predecessors' track of exploiting poor!

Machchhe Gurung
Baudha

Oily Politics

The political parties and leaders in the country are all populist. They are afraid of taking decisions that, in the short-term are bad for people. In the recent episode, when they rolled back the hike in price of petro products, the political leaders showed short-sightedness. In order to cater to the demands of rioters, the government failed to take prudent decision. The government should actually have taken the people into confidence. It should have informed the people about its state

and position. Then, perhaps the people might have understood the decision.

Binaya Bajracharya
Patan

Relevant Issue

While the country is seeking for right judgment from the greatest leader Prime Minister Girija Prasad Koirala, he gave a controversial speech in Biratnagar so that he is at the center stage of debate. Thousands of people have contributed a lot for the sake of democracy in second Janaandolan. So, the author has raised a relevant issue on the present context that has to be written.

Mohini Mali
Hattigauda

Review On Gender Promotion

Thanks to the author who has reviewed the book of Dr. Meena Acharya on 'gender issue'. Considering the women's role in the society Dr. Acharya has promoted the position of women. It is also mentioned here that this is a first kind of a book, which discusses all various aspects of life of women, their social structures, status and overall economic conditions. It has well informed readers about Nepalese women. Such kinds of books really encourage women to write more and more concerning this issue. So, I request you to review such books in coming days, which would actually help to end the discrimination between men and women.

Satrab Ale
Bhatbhateni

One-sided Profile

Giving importance to singers and musicians is a praiseworthy task. But, have you ever asked negative aspect of the person while making profile? Does it consider only positive and one's admirable aspects? Try to cover whole story regarding the person as far as possible so that readers know his/her struggle to establish his/her reputation in the particular field.

Pratima Pudasaini
Bagbazaar

Royal Investment Found In 17 Companies

According to report made available by the Ministry of Industry to the Palace Property Investigation Sub-Committee of Natural Resources Committee at the House of Representatives, investment by the King and his close relatives have been found in 17 commercial companies. The King and his relatives have huge share investment in these companies. However, during the period of King Gyanendra's rule, most of these shares have been transferred to the name of his close relatives including his daughter Prerana. According to the report, the royal investments have been found in companies such as Soaltee Hotel, Soaltee Enterprises, Surya Nepal, Gorkha Travels, Nebico Pvt Ltd, Hotel Annapurna, Laxmi Vanaspati Ghee, Laxmi Resin and Turpentine, Hotel Shahanshah International, Sipradi Trading, among others. In many of these companies, there are also multinational investment. *Leading dailies report.*

66 Disappeared From Bhairabnath, Says NHRC

The National Human Rights Commission (NHRC) has said that the number of people who have gone missing from the Bhairabnath battalion of Nepali Army (NA) has reached 66. "According to our investigations and findings, 66 individuals including five women have gone missing from the battalion between 2002 to early 2005," said an NHRC official. This was revealed in a written statement submitted to the Supreme Court (SC) by the NHRC in response to its order to furnish an explanation regarding a case filed by Krishna KC, Himal Sharma, Bina Magar and Lekhnath Neupane concerning the disappearance of 49 individuals from the battalion. Brigadier General BA Kumar Sharma, chief of NA's legal unit, said the army is probing the allegations concerning disappearance from the battalion. "I can't comment on the issue until I get to see the army's report after a probe," he said. *The Himalayan Times daily reports.*

Draft Interim Constitution Submitted

After failing to receive common position on important issues such as the status of monarchy, structure of state, interim parliament and so on, the Interim Constitution Drafting Committee (ICDC) submitted 'incomplete' draft to the talks teams of the government and the Maoists on Friday (August 25). The draft states that the fate of monarchy should be decided by referendum or Constituent Assembly (CA). The draft has 'different opinions' by different members on many issues. "We have decided to include all different opinions in the draft proposal," said Laxman Aryal, former judge and chief of ICDC, which took one and a half month to come up with the draft constitution with 26 parts and 172 Articles. The 16-member committee completed the draft in 68 days even though it was first asked to do so in 15 days. The draft is largely silent over the status of royal family including the King. It states that the chairman of the interim legislature would be the head of state. It states that an interim legislature and an interim executive will be formed with political consensus. Similarly, most other contentious political issues have been left to be sorted out by the Seven Party Alliance and the Maoists. It calls for reappointment of judges and heads of constitutional bodies within six months. The interim constitution draft spells out 20 kinds of fundamental rights – right to freedom, right to equality, right against untouchability, press freedom, right to live in good environment, right to education, right to culture, right to get jobs and social security, right to property, women's right, social justice, children's right, right to religion, right to get justice, right against torture, right to information, right to secrecy, right against exploitation, right to labor, right against exile and constitutional remedy. *Compiled from reports.*

Draft Statute Is Like Empty Bottle: Dr. Bhattarai

Maoist leader Dr. Baburam Bhattarai has said that the draft constitution prepared by ICDC is like an empty bottle. "It is like an empty bottle, which has to be

filled with political matters," he said. Likewise, the SPA leaders have said that they would initiate discussion among themselves and with the Maoists to reach to common positions to make the interim constitution complete. Reacting to the draft, senior leader of Unified Marxist Leninist (UML) Amrit Bohara has termed it as 'incomplete.' "It is natural that there would be complications when attempting to include various viewpoints. However, the draft should have adopted certain thinking," Bohara said. He added that it is the weakness of the ICDC not to clarify about the interim parliament. "The ICDC should have been led by political leaders and sought help of experts. That could not happen. So, we now have an incomplete product," he said. Pashupati SJB Rana, president of Rastriya Prajatantra Party (RPP), said that the draft was 'a package of differences.' He added, "The draft has left out what sort of interim parliament or executive will there be? It gives no idea about the structure of state itself." Lilamani Pokharel of People's Front accused the seven party leaders for not coming up with common positions. Dr. Devendra Raj Pandey, leader of civil society, also termed the draft as 'incomplete.' He said it was not on the shoulders of seven parties and Maoists to complete the document. *Leading dailies report.*

First Gay Marriage In Nepal

In what is claimed as being the first formal gay marriage in the country, two men went through the wedding ritual on Saturday (August 26). According to Blue Diamond Society, the organization active in promoting the rights of sexual minorities in the country, the wedding between Anil Mahaju, 25 and Diya Kashyap, 21, is the first gay marriage. Mahaju and Kashyap kissed each other in front of invitees and solemnized their wedding. "We love each other," said Diya who was dressed in a traditional red saree of bride, adding, "Therefore, we decided to marry." Nepalese law do not recognized homosexual marriage. Anil hoped that their marriage would provide an example to many gay couples in the country. "I hope they, too, can come out in the open now," he said. According to Sunil Babu Pant, director of the Society, there are over 20,000

homosexuals, gays, lesbians and sexual minorities in the country. *Kantipur daily reports.*

India Proposes Comprehensive Economic Agreement

India has proposed Nepal for bilateral comprehensive economic partnership agreement. This was informed in a statement issued at the end of the Inter Government Committee (IGC) meeting between senior officials of the two countries held at New Delhi. The proposal calls for qualitative enhancement in the economic partnership. The statement adds that the IGC felt the necessity of stronger partnership in areas such as trade, transit, energy, information technology, tourism, education and health. Meanwhile, the two sides have agreed to renew the bilateral Trade Treaty in March/April next year. The IGC meeting, which should have been held every six months, was held this time after a gap of over 2 years. Nepali delegation at the meeting was led by Secretary at the Ministry of Industry, Commerce and Supplies Bharat Bahadur Thapa while the Indian delegation was led by his counterpart S.N. Menon. *Kantipur daily reports.*

Maoists Disrupt Rally By Ex-Comrades

Over 18 persons including ex-cadres, lawyers and journalists were injured when Maoists violently disrupted a demonstration carried out by ex-cadres of the organization against the district leadership of the Maoists in Kalaiya of Bara district on Thursday (August 24). The protesters raised slogans against Maoist district secretary 'Jamin' and went around the city reaching in front of district party office where the Maoists interfered and disrupted the rally. The protest was carried out against the decision of the party to dismiss eight district leaders including Binod Kushwaha, ex-district president of Maoist student wing. Binod, his brother and another unidentified ex-Maoist cadres were seriously injured when their protest was disrupted. The Maoists then took away Binod and have reportedly sent him to India for treatment. The Maoists charged the protesters with batons.

Meanwhile, in Janakpur workers of Nepali Congress party took out a big rally condemning the Maoists for killing their colleague Dip Narayan Yadav a few days ago. *Kantipur daily reports.*

Parliamentarians Tour Army Headquarters

Members of the State Affairs Committee of the House of Representatives made a tour of Army Headquarters on Thursday (August 24). They were welcomed by acting army chief General Rukmangat Katawal. General Katawal and senior army officers briefed them about the policy, duty, organizational structure and problems of Nepalese Army. According to the Directorate of Public Relations of the NA, General Katawal assured the MPs that the NA had adopted a policy as per the changed political environment within the country and concepts of a new world order and the Rule of Law. "Special training programs on how to ensure citizens' human rights are being conducted, the rights violation cases are being investigated with priority, and those proven guilty are being punished as per the existing law," General Katawal is quoted as saying. "The briefing followed by question-answer session was organized to eliminate mistrust between the civilian leadership and the army," a top general said. The parliamentary committee is currently discussing the draft of new military act. *Leading dailies report.*

Nepal Proposes To Be Transit Point

Nepal put forward a proposal to develop it as a transit point between India and China at the secretary-level Nepal-India meeting that began in New Delhi on Thursday (August 24). This is the first time that such a proposal has been forwarded officially though India had earlier made a request to Nepal in this regard. Secretary at the Ministry of Industry, Commerce and Supplies Bharat Bahadur Thapa said the meeting will decide about the modality of the transit point. "We have proposed to discuss the modality," Thapa said. The meeting will conclude on Friday if an agreement is reached on the same. Nepali officials said the meeting discussed over

35 agendas including increase in trade volume, transit point, infrastructure development along the border, integrated economic and trade interests. The meeting discussed revising the protocol of Nepal-India trade treaty to suit the present demand. "An understanding has been reached to revise the protocol to cover wider areas for implementation," said joint secretary Ngaindra Prasad Upadhyaya. *The Himalayan Times daily reports.*

CJ Remarks Against Intervention In Judiciary

Chief Justice Dilip Kumar Poudel has urged the state not to interfere in the independence of judiciary. Indicating to the proposed provision in the draft interim constitution about re-appointment of judges, CJ Poudel said, "Judges should be allowed to complete their tenure as per the law and the constitution." Addressing a program organized to train newly appointed district judges, CJ Poudel expressed grave concern over the efforts to undermine the independence of judiciary. He said that democracy can flourish only amid independent judiciary. "No efforts to undermine the independence of judiciary should be acceptable to a free and sovereign state," he said. *Kantipur daily reports.*

Rs Five Billion Investment Committed In Hydro

Domestic investors have committed to make Rs 5 billion of investment to generate 45 MW of power through small hydro projects. At a program organized to mark the Hydro Invest Mart 2006, 12 Independent Power Producers (IPP) have signed a written commitment to invest Rs 5.5 billion in the sector. Binod Chaudhary, president of Confederation of Nepalese Industries (CNI), announced the commitment. Although the government had planned to generate 200 MW of power during 10th plan period, it could generate only 15 MW apart from Chilime project. Even the 70 MW strong Middle Marsyangdi could not be completed during this period, according to Arjun Kumar Karki, executive director of Nepal Electricity Authority (NEA). He said that from October/November this year, the country will have to face 3 to 9 hours of daily load shedding. *Kantipur daily reports.* ■



Women celebrate Teej festival by dancing

Kantipur

THE TWO WEEKS LONG STRIKE IN TEA INDUSTRIES came to an end on Sunday (August 27) after the workers and the management signed 22-point understanding in the presence of government officials. The understanding meets 21-point demands put forth by the workers. With this understanding the tea gardens in Jhapa, Ilam, Dhankuta and Panchthar have opened. The managements have agreed to fulfill the workers' demands related with daily wage, salaries and other benefits. The understanding was reached following marathon talks facilitated by high-level task force formed by the government. Due to the strike, hundreds of thousands of kgs of green tea-leaves were being wasted every day.

PRIME MINISTER GIRIJA PRASAD KOIRALA HAS expressed commitment to ratify the Rome Statute related with International Criminal Court (ICC). He expressed the commitment during a meeting with an international team, which had come to Kathmandu to discuss the issue. A statement issued by rights organization INSEC said that the PM agreed to take initiatives to ratify the statute.

ACTING CHIEF OF ARMY STAFF GENERAL RUKMANGAT KATAWAL called for a broader national policy based on broader consensus. He made this suggestion when replying to queries put forth by MPs at the House of Representatives State Affairs Committee where the general had been invited to give his feedback to the draft of the new military act. General Katawal said such policy, of which security would be one aspect, should not be changed even if different governments come to power. He claimed to have prepared a draft of such policy when he headed National Defense Council in the past during the tenure of Sher Bahadur Deuba as prime minister. He urged to keep army chief also in the Council as a member and ensure that the Council provides regular brief on security matters to the Prime Minister. "Army is committed to fulfill its duty of protecting the sovereignty, national security, territorial integrity and fundamental rights of the Nepali people," he told the Committee. "Army believes in civilian supremacy and would abide by every order of the government," he said, adding that "embracing the changed situation would lead to durable peace and stability in the country." Providing his suggestion on the draft military act, General Katawal urged the MPs to thoroughly

consider the appropriateness of forming a recruitment/promotion board headed by chief of Public Service Commission or his representative to recommend recruitment/promotion of soldiers/officers of Nepali Army. He argued the civilian and armed organs should be treated differently. He also advised the MPs to maintain the tenure of army chief at four years. In the present draft, the tenure of army chief has been fixed at three years. He also urged to let military court deal with all cases related to soldiers except those related with crimes like murder or rape. General Katawal also vowed to make the army welfare fund transparent.

A TWO-MEMBER SECURITY SECTOR DEVELOPMENT Advisory Team from the United Kingdom is in town to deliver the British government's message on the importance of a transparent and democratically accountable Ministry of Defense (MoD) in Nepal. "Senior officials from the British MoD, John Parr and Chris Goostrey, are here since August 21 on the invitation of Nepal's MoD," an official at the British embassy in Kathmandu said. He said the officials would be here till August 25.

THE GOVERNMENT IS PREPARING TO SEND NEPALI ARMY personnel as peacekeepers to Lebanon. According to Finance Minister Dr. Ram Sharan Mahat, who was addressing the parliament on behalf of Prime Minister, the government is preparing to send around 850 NA soldiers as per the request of the United Nations. He said final decision to this effect would be taken in a few days.

THE GOVERNMENT HAS PROPOSED 45 PERCENT reservation for women, indigenous people, Dalit and disabled in the civil service. This provision is included in the Civil Service Act Second Amendment Bill approved by the cabinet on Tuesday (August 23), according to State Minister for Information and government spokesperson Dilendra Prasad Badu. Likewise, the Bill allows civil servant up to section officer level to enjoy trade union rights. The Bill also prohibits sending officers to reserve pool except on defined basis. Similarly, the bill also proposes to automatically promote those persons with 16 years of service tenure if they meet academic qualification and even if they do not meet academic qualification persons with 20 years of service tenure would also be automatically promoted. The government has decided to observe Bhadra 29 as Children's Day marking the day of ratification of Children Rights Convention, informed Minister Badu.

THE MAOISTS' STUDENT WING ALL NEPAL NATIONAL Free Students Union (ANNFSU-Revolutionary) organized demonstrations in Bhadrakali area near the army headquarters to press it to make public the whereabouts of their 'comrades' who have disappeared. The ANNFSU-R gathered thousands of school students from various schools and brought them to stage the demonstration. Himal Sharma, leader of ANNFSU-R, urged the army to inform about the situation of 49 persons who disappeared from Bhairabnath battalion. He said around 1500 persons have disappeared in total. Meanwhile, Defense Secretary Bishnu Dutta Upreti has said that the Ministry of Defense would make the situation of 49 disappeared persons public in 15 days after investigation. He said this while replying to queries by parliamentarians at the House of Representatives Foreign Affairs and Human Rights Committee. ■

“We have decided to include all different opinions in the draft proposal.”

Laxman Aryal, former judge and chief of Interim Constitution Drafting Committee (ICDC), after submitting the draft.

* * *

“The draft has left out what sort of interim parliament or executive will there be? It gives no idea about the structure of state itself. It is a package of differences.”

Pashupati SJB Rana, president of Rastriya Prajatantra Party (RPP), reacting to the draft of interim constitution.

* * *

“It is like an empty bottle, which has to be filled with political matters.”

Dr. Baburam Bhattarai, leader of Maoists, responding to the draft of interim constitution, in Kantipur.

* * *

“I am more than happy as I have created history today.”

Rajendra Bhandari, Nepalese athlete, after bagging two gold medals in 5000 m race and 3000m



Hey boy! Look what I found here -- its an interim constitution

Bimarsha

steeple-chase events at the South Asian Games (SAG), in Kantipur.

* * *

“Army believes in civilian supremacy and would abide by every order of the government.”

General Rukmangat Katawal, acting chief of the army, speaking at a House of Representatives State Affairs Committee, adding that

embracing the changed situation would lead to durable peace and stability in the country.

* * *

“Judges should be allowed to complete their tenure as per the law and the constitution.”

Dilip Kumar Poudel, chief justice, addressing a program organized to train district judges.

* * *

TRANSITION

AGED: Chhaya Devi Parajuli, the grand old woman of pro-democratic movement, at the age of 88.

LEFT: Deputy Prime Minister and Minister for foreign Affairs, **K.P Sharma Oli**, for Lhasa, China, leading a Nepali delegation which includes State Minister for Environment, Science and Technology, **Man Bahadur Biswokarma**, Chairman of the Public Accounts Committee of the House, **Chitra Bahadur KC**, and member of parliament, **Ram Chandra Yadav**. He is visiting China at the invitation of Chinese Foreign Minister.

HANDED OVER: Chairman of the Interim Constitution Drafting Committee **Laxman Prasad Aryal** submitted the draft statue to Home Minister **Krishna Prasad Sitaula** and chief of the Maoist negotiating team **Krishna Bahadur Mahara**.

BEREAVED: **Laxman Prasad Ghimire**, the central member of the Nepali Congress and former Minister of State for Water Resources, of his mother **Hem Kumari Ghimire**.

BAGGED: **Rajendra Bhandari**, Nepalese athlete, two gold medals in 5000 m race and 3000 m steeplechase events in the 10th South Asian Games.

Deepak Bista, gold medal in Welter Weight category of Taekwondo, and created a history by bagging three gold medals in three consecutive SAG..

RELEASED: The collection of Gazals ‘Ahat’ by chief secretary of the government of Nepal and lyricist **Bhoj Raj Ghimire**, released by Minister for Culture, Tourism and Civil Aviation **Pradip Gyawali**.

RETURNED: US Congressman **Jim Kolbe**, after completing his two-day visit to Nepal.

ARRIVED: **Ian Martin**, as the Personal Representative of the UN Secretary General **Kofi Annan**.

The NEA White Paper: Few Suggestions

By DR. AB THAPA

It has been reported in the newspaper "The Himalayan Times" on August 18, 2006 that the state-owned Nepal Electricity Authority (NEA) marked the 21st anniversary of its establishment with a cumulative loss of Rs. 7 billion by this year. The NEA has also announced that from the first week of September it will start load shedding.

For many of us closely following the activities related to Nepal's water resources development the announcement to introduce load shedding has not come as a surprise. The power shortage crisis is going to deepen further in the years to come because the demand for electricity in our national grid with a total installed capacity of about 600 MW is expected to grow steadily at an annual rate of about 5 to 7 percent. Except for the 70 MW Middle Marshyangdi Project, other major new power projects are nowhere near which would have come into operation within the next 5 to 7 years. Thus we are now being dragged into a whirlpool of deep power shortage crisis.

Needless to explain that we should give the topmost priority to works to expedite the completion of the construction works of the 70 MW Middle Marshyangdi Project to shorten the period of the present acute power shortage. Perhaps a special panel composed of the representatives from the relevant ministries, National Planning Commission and the NEA should be constituted to resolve all outstanding issues that could delay the completion of the project. We should try, if possible, to bring into operation at least one generating unit well ahead of the final commissioning of the project.

A New Solution Proposed

There is an easy way to soften the impact of the present power shortage crisis if we launched the programme on a war footing to utilize the full potential of the existing Kulekhani storage reservoir and hydropower stations (Kulekhani 1 & 2 hydropower) to generate extra power by diverting from Kathmandu valley the surplus flow of the Bagmati river into the Kulekhani storage reservoir. Initially it would be only the Bagmati flow but later on after the diversion into the Kathmandu valley the Melamchi water could also be added into the Kulekhani reservoir.

The Kulekhani Reservoir and Power Stations

It is reported almost every year in local newspapers that the electricity generation of the Kulekhani hydropower stations is going to be reduced by a substantial margin because the Kulekhani storage reservoir is half-empty at the end of the monsoon season, with the result that the NEA would be forced to resort to load shedding in the coming dry season. This problem would certainly be solved

if the surplus water from the rivers in the Kathmandu valley is pumped into the Kulekhani reservoir to be stored for the supply to the Kulekhani hydropower stations in the dry season.

The Kulekhani reservoir operation rule for the Kulekhani-1 with an installed capacity of 60MW is framed by a basic discharge pattern of 6.2 cum./sec. in the dry season from December to March and 2.1 cum./sec. in the wet season from April to November. The former is designed to generate four-hour peak power using the maximum discharge of 13.1 cum./sec. and 20-hour base load using 4.8 cum./sec. The latter is to utilize 6.55 cum./sec. for the peak power and 1.21 cum./sec. for the base load respectively.

Available water for the Kulekhani-2 power station with an installed capacity of 32 MW is comprised of the outflow from the Kulekhani-1 and the runoff of the Mandu river. The firm discharge of the latter with 90% dependability at the intake is estimated to be 0.2 cum./sec. both in winter and summer. Thus the maximum Kulekhani-2 discharge is designed to be 13.3 cum./sec.

Diversion from Kathmandu to Kulekhani

The Bagmati river water in surplus to the need in the Kathmandu valley could be diverted into the Kulekhani reservoir from a place near Chobhar gorge. Mean flow of the Bagmati river at Chobhar is quite abundant during the monsoon seasons. Even in the winter months of the dry season starting from December to the end of March when the demand for the electricity in Nepal is very high the average flow of the Bagmati is expected to be about 2 cum./sec. The half empty space of the Kulekhani storage reservoir (with an effective storage capacity of 73.3 million cubic meters) could be utilized to accommodate about 20 million cubic meters monsoon season flow of the Bagmati river. Thus the Kulekhani hydropower could be provided throughout the 4 winter months additional 4 cum./sec. flow. Out of this total flow, the water drawn directly from the Bagmati would be about 2 cum./sec. and the stored Bagmati water would provide the remaining 2 cum./sec.

The diversion of the surplus Bagmati water from Kathmandu valley to the Kulekhani reservoir could be a very simple and at the same time the most cost effective proposition despite the fact that at first glance it might appear to be a somewhat complicated engineering task. Let us consider that we are going to draw about 4 cum./sec. Bagmati water from somewhere near Chobar. The total power generation of the Kulekhani 1& 2 hydropower plants would almost be doubled by investing only about US \$ 20 million in the construction of the proposed diversion structures including the provision of a pumping station.

The Proposed Plan

We might have to build a 15 MW pump station at Chobar to lift 4 cum./sec water to a height of about 300 meters which might be equivalent in height to the full supply level (FSL) of the Kulekhani storage reservoir. It is equally possible that instead of one big pump station we might need two or more small pump stations with a total capacity of about 15 MW if the topography does not allow to provide a single stage pumping. A 15 km long waterway might be needed to carry the water into the Kulekhani storage reservoir out of it the length of the tunnel could be about 9 kilometers. The total cost of such diversion is estimated to be roughly about US\$ 20 million.

The construction of the proposed Bagmati diversion works could be completed within 2 years with one additional year for the initial preparatory works. The NEA might not require external foreign investment. It could mobilize its own resources to finance this project.

Melamchi Water into Kulekhani Reservoir

After the completion of the proposed Melamchi river diversion into the Kathmandu valley there would be a substantial increase in flow of the Bagmati river at Chobar. As a result, the electricity generation of the Kulekhani 1&2 hydropower stations would be further increased.

The cost of the delivery tunnel from Melamchi to Kathmandu valley according to the Bankable Feasibility Report prepared by the British firm Binnie&Parteners under the UNDP assistance is only about US\$ 50 million at 1995 price level. The design of the proposed Kulekhani 3

Hydropower should also be reviewed and perhaps its capacity might have to be raised to about 150 MW to meet the steadily growing peak load demand if it is decided to divert the surplus Bagmati water into the Kulekhani reservoir. There is also a possibility of diverting the regulated flow of the Langtang river into the Kulekhani reservoir if such regulated flow is utilized to generate electricity by using the high elevation difference between the Langtang river and the Melamchi. The diversion of the Langtang into the Kulekhani reservoir could provide more than enough electricity to meet our country's growing demand for power over the coming decade.

Langtang-Melamchi-Bagmati-Kulekhani Interconnection

The proposed Langtang-Melamchi-Bagmati-Kulekhani interconnection would help to unfold the prospect for developing hydropower stations in a cascade with a total hydraulic head of over three kilometers that would allow to

generate electricity at a cost perhaps the lowest in our region. The proposed interconnection plan comprising of several virtually independent projects can be developed at several stages, as a result, the full implementation of the entire scheme could be spread over a long period.

The hydropower generation potential of the Langtang river is quite high because it is possible to provide a fairly large storage reservoir at a very high elevation in the upper reach of this river. The Langtang storage reservoir can be operated to provide all through the year an uniform flow of about 15 cumecs in the middle and lower reaches of Langtang-Melamchi-Bagmati-Kulekhani grid. A total head of about 3500 meters could be utilized for power generation by 5 hydropower stations to be built in a cascade and out of them three power stations would be operating at an exceptionally high head of about 1000 meters or more.

Why is Langtang Power Very Cheap?

Of all the site characteristics, head is the most important. Design guidelines, 1989 approved by the American Society

The cost of the delivery tunnel from Melamchi to Kathmandu valley according to the Bankable Feasibility Report prepared by the British firm Binnie&Parteners under the UNDP assistance is only about US \$ 50 million at 1995 price level.

The design of the proposed Kulekhani 3 Hydropower should also be reviewed and perhaps its capacity might have to be raised to about 150 MW to meet the steadily growing peak load demand if it is decided to divert the surplus Bagmati water into the Kulekhani reservoir. There is also a possibility of diverting the regulated flow of the Langtang river into the Kulekhani reservoir

of Civil Engineers has given some simple reasoning that would help to explain why the super high head Langtang power stations operating at many times greater head by comparison with other hydropower plants could be built at very low cost. "Very simply if one doubles the head the quantity of water needed to produce a certain amount of energy is halved. Thus, for like site energy development the penstock area and reservoir volume are halved and further large cost reductions occur for powerhouse and machinery costs. This fundamental consideration is at the root of the large cost reductions that occur at higher heads."

In Conclusion

The proposed Bagmati diversion could be implemented within a very short period to meet the growing demand for power in our national grid. The proposed diversion is going to be perhaps the most economic project because we do not need to invest on construction of the reservoir, power stations and transmission lines. We are going to utilize the existing power stations, reservoir and other structures. For pumping surplus monsoon period water from the Bagmati river into the Kulekhani reservoir we can use the seasonal energy generated by our run-of-the-river hydropower projects. At present such seasonal energy is almost entirely wasted.

(Dr. Thapa writes on water resources)

FLOODS AND LANDSLIDES

Recurrent Disasters

Floods and landslides are the worst natural disasters that repeatedly attack Nepalese

By SANJAYA DHAKAL

Days after there were reports of prolonged drought, the nature unleashed disaster in most unexpected manner. Torrential rainfall lashed the western and far western regions of the country triggering huge landslides and floods.

Beginning Friday (August 25), the monsoon rainfall hit the western region with full fury. Major rivers of the region like Rapti, Karnali and Babai were all flooded causing havoc to people living on their banks.

force in the last week of August – almost the closing season for monsoon.

The exact reports of deaths and destructions caused by the floods and landslides are yet to come out since many villages are still inaccessible due to continuing rainfall. However, initial media reports said over 10,000 people in the far western region have been displaced after flood waters inundated their villages.

At least 38 persons have already been killed by either flood or landslide in past one week. Eight bodies were recovered in Achham district where a huge mudslide knocked out an entire

Ten members of a single family died when a landslide swept away their house in Dasarathchand municipality in Baitadi district of far west region. On Saturday morning (August 26), the huge landslide knocked out a concrete house and a shed belonging to Mahar family. Ten members of that family including Kaile Mahar, 75 and his one-year-old grand-daughter perished in the landslide. Four members were rescued alive.

In plain areas, flood waters inundated entire villages rendering people house-less. News reports say, eight persons have died in Doti district, 2 in Bardiya, 2 in Baitadi, 1 in Banke and 1 in Arghakhanchi district due to heavy rainfall. Hundreds still remain missing. H

As usual, the rescue efforts launched by the government were too little too late. It took full two days before Home Minister Krishna Prasad Sitaula and a band of local MPs could fly to the region to inspect the destruction. Subsequently, the government has come under flak from the parliamentarians who have deplored the slack rescue and relief efforts.

More than 12 persons have gone missing in Bardiya district where over 5000 houses have been inundated as swollen Karnali and Babai river rushed into neighboring villages. There is no power in the district and sections of East West highway remain obstructed in the region. In Nawalparasi district, two persons have died due to flood whereas in Makwanpur an elderly lady was swept away by flood water.

In Banke district, the waters have flooded villages as well as Nepalgunj city. People believe that the flood water blew back to Nepalese territory after the Indian-constructed Laxmanpur barrage was not opened.

It is a often-occurring incident that during monsoon when barrage constructed by India to protect its citizens trigger deaths and destructions on Nepalese side. The two countries are yet to sit down and carefully resolve this problem to the mutual benefit of peoples on both sides of the border. This time also Nepalese officials are said to have traveled to India to convince the Indian authorities to open the gates of Laxmanpur barrage, which is constructed very close to Nepalese border. ■



Villagers in Banke district: Hit by natural disaster

Photo: Kantipur

People in Terai choose to live nearby rivers as the soil there is fertile for farming. But when floods strike, they lose everything. Likewise, the people living in hilly regions are also unsafe due to volatile soil. Mudslides are a common phenomenon during monsoon season.

This year was particularly harsh for western Nepal. Although monsoon was said to be weak and reports of drought filtered in, the Gods of Rain came with full

village. The huge landslide triggered by torrential rainfall that occurred on Sunday morning (August 27) at remote Balyalta village of Khaptad VDC washed away 94 houses of the villagers. Luckily most of the 500 residents of the village could escape to the safety of a nearby hillock. The incident site is remotely located – around 1.5 days of walk from Sanfegagar and 2 days of walk from Mangalsen. There is no facility of transport there.

US ASSISTANCE

Generous Support

The US government provides \$32.8 million of assistance to help in various sectors including governance and health

By A CORRESPONDENT

The U.S. Government, through USAID, is providing a total of \$32,887,786 in assistance to the Government of Nepal under grant agreements signed on August 28 in Kathmandu, according to a press release issued by the Embassy of United States.

In a brief ceremony at the Finance Ministry, Dr. Madhav Prasad Ghimire, Joint Secretary of the Ministry of Finance, signed the agreements on behalf of the Government of Nepal, and U.S. Ambassador James F. Moriarty and USAID/Nepal Mission Director Donald B. Clark signed on behalf of the U.S. Government.

A visiting U.S. congressional delegation - including Representatives Jim Kolbe, R-Arizona; Fred Upton, R-Michigan; Ander Crenshaw, R-Florida; and Brian Baird, D-Washington - attended the signing. Rep. Kolbe chairs the House Appropriations Committee's Subcommittee on Foreign Operations, Export Financing and Related Programs, which funds USAID (the U.S. Agency for International Development) and the U.S. Global HIV/AIDS initiative, among others.

The funding is part of a total U.S. development assistance package for Nepal of \$45 million in 2006. The programs are being implemented by the Government of Nepal and USAID in cooperation with a variety of NGOs, INGOs, private firms and individuals.

The funds will be used to implement different programs to achieve the following objectives in Nepal:

Mitigate Conflict and Support Peace: This \$10,602,699 program addresses the immediate impact of the conflict and supports the peace processes. Main goals are: to give vulnerable groups a voice at the community level; to protect livelihoods of the poor through public works and the production and marketing of high-value agriculture and non-timber forest products; to support victims of the conflict; and to provide literacy, job skills training, and

targeted scholarships for disadvantaged youth.

Strengthen Governance and Protect Human Rights: A \$5,789,532 program will support strengthened rule of law and respect for human rights. Main goals are: to strengthen the electoral and political process; to support community level natural resource management groups to strengthen advocacy capacity and improve governance; to help women become more politically active; and to combat trafficking and its negative effect on women and children.

Promote Anti-Corruption Reforms and Strengthen the Justice Sector: This program provides \$700,000 for increased investigative and prosecution capacity of anti-corruption institutions and for improved access to and administration of justice at the national and local levels.

Strengthen GON Capacity to Deliver Health and Family Planning Services: This \$9,120,555 will support the GON's Health Sector Reform Strategy and long-term health plan to reduce fertility and mortality. Main goals are: to increase access to basic maternal, newborn, child health and related social services; to improve the use of family planning; and to strengthen public and private sector institutions.

Reduce Transmission and Impact of HIV/AIDS and Prevent Other Infectious Diseases: Implemented by USAID under the President's Emergency Plan, \$6,675,000 will support Nepal's National HIV/AIDS Action Plan, which coordinates all related activities in Nepal. Main goals are: to reduce transmission of HIV/AIDS; to increase access to quality health services; and to ensure an effective response to this epidemic through research measuring trends and assessing needs. USAID also supports the prevention and control of other infectious diseases, such as malaria and kala-azar.

USAID/Nepal is the development assistance arm of the U.S. Mission to Nepal. Since 1951, the U.S. has provided \$867 million in development assistance for the people of Nepal. ■

US To Fund Restoration Of Two Cultural Sites

The US Embassy in Kathmandu is providing \$114,808 (Rs 8.6 million) in grants to restore two different cultural heritage sites in the Kathmandu Valley. Sharon Hudson-Dean, the new Deputy Director of the American Center, announced the awards at a reception in her honor Wednesday evening. The funds are provided through the Ambassador's Fund for Cultural Preservation. "Helping preserve Nepal's cultural heritage is an excellent way for the United States to show its friendship with **Nepal**," said Hudson-Dean. "We are proud to be able to support these two worthwhile projects." The Embassy is providing the funds to the Patan Tourism Development Organization of Lalitpur district and to Heritage & Environment Conservation Foundation Nepal of Kathmandu district. A grant of \$85,535 will help restore the traditional waterspout at Nag Bahal in Patan, and a grant of \$29,273 will help rebuild the Machali Pati, a traditional public rest house in Pachali, Teku. The new funding means that, over the past four years, the U.S. Government has committed \$238,834 (Rs17.9 million) to restore and preserve cultural projects in Nepal, Ambassador James Moriarty noted. The US State Department established the Ambassador's Fund for Cultural Preservation in 2001 to help less developed countries preserve their cultural heritage and demonstrate **US** respect for other cultures, states a press release issued by the American Embassy. American embassies annually propose projects for funding that are then ranked and selected by the State Department. Projects supported by the Embassy in the last four years include: the restoration of Kal Bhairav in Kathmandu Durbar Square, which was completed last year; restoring Kageshwar Temple, also in Kathmandu Durbar Square, which is nearing completion; and rebuilding the Lakshmi **Narayan** Temple and the Mahadev Temple, both of which are underway. ■

DRAFT OF INTERIM CONSTITUTION

Futile

Exercise?

Political reactions that followed the submission of the draft of interim constitution show nobody is satisfied with it. Although the future of draft is now uncertain, it has already rocked and damaged institutions like judiciary, which was built through five-decades-long democratic exercise. Despite tall claims made by the chairman of the committee that he would write and draft the best constitution within a week, it took him 62 days to finalize it. Given contradictions and differences within it, the draft constitution presented by 16-member committee is now in controversy. From Seven Party Alliance to Maoists, all of them have criticized it as an incomplete document. Two months spent in the preparation of the draft of interim constitution seems to have become an exercise in futility

By KESHAB POUDEL

A couple of hours after the draft of the interim constitution was submitted by the chairman of the Drafting Committee former Supreme Court judge Laxman Prasad Aryal, CPN-Maoist leader Dr. Baburam Bhattarai termed it as an "empty bottle."

The reactions of the leaders of other Seven Parties Alliance (SPA) were also not encouraging. "We had not expected that the draft will be handed over in such an incomplete manner," said standing committee member of CPN-UML Amrit Kumar Bohara. "We thought that the

experts will settle all tricky issues but the draft proved us wrong."

Nepali Congress is also not happy with the draft. Prime minister Girija Prasad Koirala even expressed regret over the formation of the committee to draft the interim constitution last week "There are so many incomplete things in the draft. The document will now be finalized by political committee of summit meeting of eight parties," said Nepali Congress general secretary Ram Chandra Poudel.

Although former judge Aryal is reportedly close to Nepali Congress, there is no one to defend him and the draft prepared by his 16-member team. Even many members who are

ideologically close to him criticized him as a man without faith and commitment. Whatever he had boasted about the constitution making, Aryal came out with an empty bottle in the words of Maoist leader Dr. Baburam Bhattarai. There is no body in the political field or in the civil society to extend even a word of thanks, let alone congratulations to Aryal's team.

"I don't care about the reactions against the draft. I have completed a gigantic task of writing the constitution within limited time. Had political leaders reached to a common conclusion on certain issues like monarchy, interim house and others, the draft would have



Aryal (middle) submits the draft: Incomplete document

Photo: Kantipur

a very core group of people ignoring any opposition to their idea. All the attorney generals, who were part of the execution of the Constitution of the Kingdom of Nepal 1990- were totally ignored. Some outstanding constitutional lawyers and jurists were also not approached for their experienced opinions. They were not given chance to record their opinions.

The way, however, the draft of the interim constitution was

been presented a month ago," said Aryal. "Once the consensus reaches between the SPA and the Maoists on major issues, they just need to fill in the blanks (to make the draft complete)."

Initially, the chairman was ambitious enough to surpass the fame and popularity of the previous drafting committee chairman Biswonath Upadhyaya who drafter 1990 Constitution but unfortunately he has lost whatsoever reputation he had earned in the past as a lawyer, judge and civil society activist.

Incomplete Draft

Although the draft consists of 26 parts and 172 articles, the initial five chapters are yet to be completed. According to the committee, they did not mention the role of monarchy in interim constitution. Likewise, it does not give number of members for proposed interim parliament, the criteria for nominations for members and so on. In short, it is just an incomplete draft.

Two most controversial proposals written in the draft have already created uneasiness and tensions. The proposal for the reappointment of the judges in all the courts within six months after the execution of the new interim constitution has already rocked the judiciary. It is definite to destroy the institution of independent judiciary, which was built

in five decades long democratic experiments.

The proposal to establish 1990 as the new cut off date for the Nepalese citizenship certificate is also most controversial and sensitive issue. Although political parties wanted the constitution for a short interim period pending new constitution through Constituent Assembly, the draft written by the committee presupposes that it is going to be a permanent constitution.

At a time when all political parties agree to hold the elections for the Constituent Assembly to prepare a new constitution as soon as possible, no one can justify the rationale behind terminating the tenure of judges by a constitution whose life is less than six months in case the SPA and Maoists develop consensus to hold the CA elections.

"Since the Constitution of the Kingdom of Nepal 1990 is working as an interim constitution, there is no rationale argument to have new interim constitution in the first place. In a situation when the committee was constituted, the members should have completed the draft before handing it over to the SPA and the Maoists," said a lawyer.

Lacunae in the interim constitution are understandable as it was drafted by

prepared violated all previous precedents. The draft was criticized by not only seven party leaders and Maoists but some of the members of the draft committee itself who publicly expressed reservations over certain issues raised in the document. Whether knowingly or unknowingly, former judge of supreme court and chairman of the interim constitution drafting committee Aryal seems quite happy and optimistic about the document –which intends to destroy the fabric of system and institutions built in the last five decades.

"I still claim that this is one of the best documents. Once the political leaders sort out political questions, the interim constitution will be finalized within a matter of hour," said Aryal.

Dissensions Within

Although there was euphoria in initial period that the interim constitution drafting committee will cure every political problem faced by the country, it did not last long. Apart from outside, there were dissensions within the committee over many fundamental questions like independence of judiciary, fundamental rights, interim parliament, citizenship and so on.

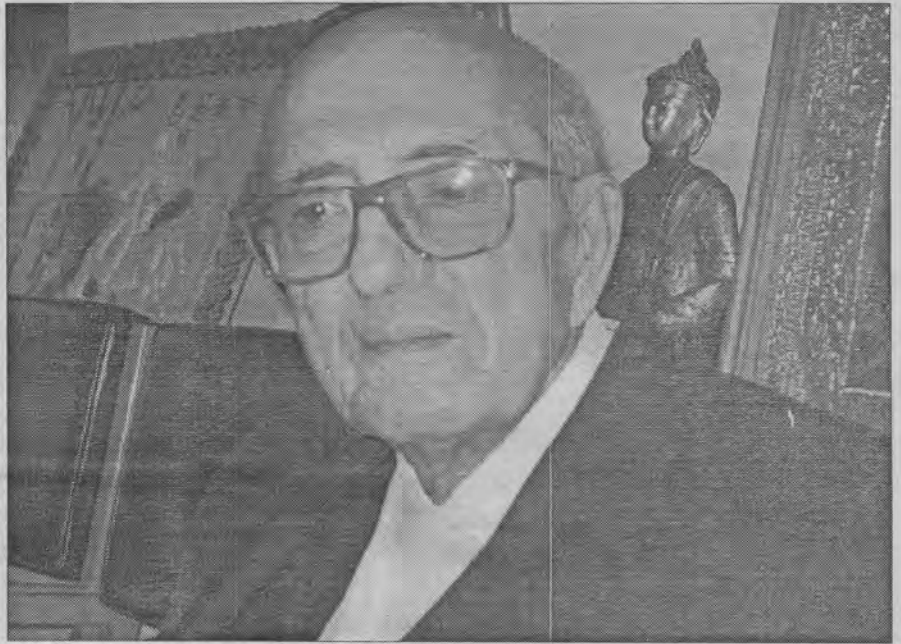
Some rationale members of the committee could not pursue their idea to those who are too junior and who don't

have strong faith and commitment in plural democracy.

As the chairman Aryal showed himself as a person with a fickle mind, the debate in the constitution drafting committee focused more on sectarian, regional and other such issues which were beyond its mandate.

Although advocate and member of committee Harihar Dahal got involved in doing away with the present Constitution of Kingdom of Nepal 1990, he was self-critical for the non-performance. Dahal came out with his emotion and realization in the course of interaction within the committee about the discussion up to the level of disintegration of Nepal.

More or less some other lawyers also have expressed critical views within their professional circles. Nepal Bar Association President Sambhu Thapa, a member of the drafting committee, openly defended the need to have independent judiciary expressing disagreement over some of the articles in the draft. Thapa also has reservations over the interim parliament.



PM Koirala: Walking the tightrope

“If this kind of frustrating results come out from a cream persons of 16 number trusted by SPA+ Maoist parties, it is horrifying to imagine the performance in the Constituent Assembly,” said a legal analyst. “The criteria of ability in the present committee were not difficult to decide and, therefore, almost all of them are either person from legal background or persons of legal practice but the coming constituent assembly may have a free entry for experts on gun-trotting and some saboteurs also by the choice of the people.”

**Present Constitution
Could Be Interim
Constitution**

Nobody knows who needed interim constitution and who pursued the idea to formulate the new constitution when the country is already in the mood of holding the elections for CA. This time the priority should have been

accorded to holding the elections for CA rather than framing interim constitution.

Following the announcement of the elections for the CA, the present constitution automatically became interim constitution. Because some leaders of major political parties stuck to their prestige for interim constitution – the country had to spend such valuable resources and time for futile exercise. The question now is: is it necessary to spend time and resources to find out an interim constitution because somebody has made this as prestige issue?

“Till now no rationale explanation has been put forth to the public about the need to change the position of the politicians of present parliament as members of interim parliament? Who is going to be prime minister for interim constitution?” asked the analyst.

Already, a hornet’s nest has been stirred and a Pandora’s Box of never solving aspirations has been ripped opened through the CA – and now the country has no option other than to complete the task.

Even before the elections, the populists have already opened all fronts in society including issues of ethnicity, linguistic, regionalism and castes through the futile exercise of making interim constitution. These were basically the issues that should have been resolved by



Apex Court: Judiciary in uncertainty

consensus through the step by step constitutional exercise.

As long as this present constitution remains interim, the political status of major political parties and their leaders will remain intact. Even the extreme communists may have unhindered and unrestricted freedom of speech and expressions as well as their mobility in an organized manner though not with arms and threat of life upon the people under the existing constitution.

After the announcement of the new interim constitution, the status of prime minister Girija Prasad Koirala, CPN-UML leader Madhav Kumar Nepal and CPN-Maoist leader Prachanda and Dr. Baburam Bhattarai will turn to the same political status as a nominated member.

As Maoist leader Prachanda has already made a public commitment that his party is prepared to play positive role if good understanding is established with rest of the political forces, why do they need to change all these previous legitimate arrangements till CA.

"We need a new interim constitution but it must clearly lay down the criteria for future of Nepal," said the Maoist leader



Talks teams of government and Maoists: Too many blanks to fill in

few weeks back. "We agreed with seven parties to constitute a drafting committee in this spirit."

Give Priority for CA

Instead of involving in never-ending heated debates over unnecessary issues like interim constitution, the time has come

for political leaders to announce the elections for the constituent assembly as soon as possible. If the SPA and Maoists think it is not possible to hold the elections in two months, they can hold it within five months. At a time when the Maoists have shown political flexibility, holding the elections for CA must be their priority also.

In fact, the CA was the Maoist's demand and wide consensus on this matter was their greatest achievement. Now they are committed to a CA, it is not logical for Maoists to enter into the debate for interim constitution with different criteria than the rest of the political parties.

"The experience of this interim constitution drafting committee can be eye opener for possible pitfalls in the making of constitution. Before the election is held for CA, it would be most unwise to destroy the present constitution, which is like destroying the boat before reaching to the destination," said the analyst.

In a vacuum, it will be imprudent to keep the country into further uncertainty without a stable constitutional force. Soon after reaching consensus to go for CA, the present constitution has itself become interim along with prime minister and the parliament. It was the time and again repeated pious wish of the prime minister to continue the present HoR till the election for CA is held.

When all political forces have already reached into the consensus about the holding of the elections for CA, it will only prolong the interim period when the country's major political forces involve in futile exercise of making interim constitution.

In a situation when there is a broader consensus to hold the elections for CA, why political forces are not in a position to take the decision. "It always haunts the mind of the people, after all where lies the power to take a reasonable and bold decision in favor of the elections for CA," said the analyst. ■



Parliament: Legislative, too, in uncertainty

CRIME

Disturbing Rise

Criminals are taking advantage of the transitional period as incidents of thefts and robberies increase

By SAHISHNU POUDYAL

After the success of the Peoples' Movement II, the Maoists declared ceasefire and entered into negotiations with the government. This development made the Nepalese feel relief. They expected peace, security and tranquility.

However, from the day one, the people have not been able to relax. The capital has come virtually under siege by the growing cases of thefts and robberies. Broad daylight robberies have become commonplace as criminals seem to find the period of transition quite easy to take advantage of.

Incidents of thefts and bank robberies committed by criminal gangs who have become increasingly daring has stolen the feeling of relief from Nepalese.

It is true that crimes were committed not only after April movement. But their

frequency and scope has definitely increased after the movement in an unexpected manner. According to the record provided by Valley Police Office, after the April movement until the end of Asar month (mid-July), 41 incidents of loot and robbery occurred in Kathmandu valley. This number is nearly double when compared with the total incidents of loot and robbery that occurred during the period of three months prior to the movement. As per the record, there were 22 activities of loot and robbery that took place during the period of three months prior to the movement.

"Crimes occurred not only after the Peoples' Movement. These incidents like theft, small pick-pocketing were happening in the society earlier, too. However, the cases of organized bank robberies, looting etc have increased more after this movement. It is, in my opinion, because

the looters are taking benefit of this transitional period," said Pitambar Adhakari, Deputy Superintendent of Police (DSP), at the Valley Police Office in Hanuman dhoka.

Besides, the more worrying aspect is that the criminals appear to be actively involved in such crimes, one after another, without any fear of authorities. When asked if don't fear police any more, DSP Adhikari replied, "After we caught the gang of Rajan Limbu, who was a mastermind involved in looting of more than a dozen financial institution in Katmandu, we have experienced that other groups of criminals have become passive in their work. So I think they are afraid of police after this successful busting." Limbu's gang was busted as they were escaping after looting Guna Financial Institution on August 13 in Pulchowk.

According to Adhakari, the criminals who are involved in such crimes mainly hail from neighboring districts like Dolakha, Sindhupalchock, Hetuda etc who are unemployed and who harbor ambitious to earn quick buck. They use Khukuris, Rods and sometimes pistols, which they buy from India, while looting. One interesting thing he added was that the thieves are turning into big criminals these days by taking advantage of this period.

Adhakari added, "We need a lot of help from civil people and we expect help from them because most of the times when we were successful in nabbing the looters was because of their help."

Apart from looting and robbery, the number of overall incidents of crime after the movement till mid-July stands at 222 out of which the police have already succeeded to solve 84 cases. The remaining cases are still under investigation.

The record doesn't seem satisfactory, though. But as DSP Adhikari said, alert citizens can become the most effective guard against crime in society. Therefore, launching citizen awareness and creating an atmosphere of trust would definitely lead to fewer crimes in coming days. Otherwise, the elements who want to disrupt the current political developments could also try to soil the atmosphere in the garb of criminals. ■



Wanted: Criminal Gangs

Law, Merely A Tool!

By DR. KISHOR UPRETY

No doubt, in order to create an acceptable and functional equilibrium amongst all actors in the country, the political system, in its entirety, needs to be reformed. Reforming means making the national system more democratic, inclusive, and participatory, thus leading to substantial consensus building in decision-making, improving the livelihoods of the people, and ensuring its sustainability. But, whilst putting emphasis on the end result of the reforms is critical, devising a consensus-based process to undertaking such reforms is also equally important. In that process, restructuring of the legal and constitutional framework is critical, and needs to be handled adroitly.

(a) Participatory Process

Several studies have revealed that generally for development (both political and economic) to be sustainable, the rights related to natural, physical, human, financial, social and political capital must be protected. It is not necessary to elaborate on the long list of such rights; rather, it is the focus of this brief note to emphasize that in view of the discriminatory and non-egalitarian nature of the current system, ensuring such rights remains a daunting, if not impossible, task. For that to be made possible, the perspective, approach and process related to the making of the system need to be revisited. The approach should be to make it more participatory and democratic, however difficult it may be.

(b) Democratic Law-making

History records that formal laws have been made by mankind for millennia, but the methods different societies have used to make them have varied enormously: from edicts by divine-kings to majority vote at village meetings. But by and large, at all these levels, securing input from the citizenry, either directly or indirectly, has always remained a concern. Law-making bodies recognize that they are responsible to their constituents, and if they fail to legislate in the people's best interests, they will face questions and even removal from their position. The key to democratic law making, thus, is not the mechanism (or even the forum) in which it takes place, but the sense of accountability vis-à-vis the citizenry and the need to comply with popular wish.

(c) Morality Based Law

Law's autonomy from politics depends on the possibility of purposive "normativeness". Moral autonomy, however, is a basic claim about the objective value of law's normative premises. As western societies shed belief in both objective value and self-legitimizing power, acceptable social hierarchies and institutions were driven by the divorce of private morals and public needs to found the Liberal State upon a rule of law.

Actually, the rule of law was born to contrast with moral indeterminacy. The separation of law and morals gives meaning to the rule of law only if the problem of indeterminacy can be solved. This jurisprudential task often becomes impossible by a double paradox within the rule of law. First, only obfuscation disguises law's inability to resolve the conflicts over the ideal, which gave it birth. The problem of indeterminacy then is replayed within the rule of law. Second, the Liberal State, premised on the need to legitimize power relationships finds itself caught between its foundation and its objective. Because the problem of indeterminacy is not resolved by the rule of law, the Liberal State

is unable to resolve the problem of power legitimization without destroying itself by defeating the premise of objective value.

Despite the almost universal rejection of pure mechanical formalism, it must be the starting point for any review of the claim that law is autonomous from morals. To begin here is not to encourage tilting at straw men, for the failure of formalism to sustain this separation of law and morals and thereby to solve the problems of indeterminacy and legitimization is replayed in the corresponding failure of the positions of principles and, policies. David Kennedy noted that formalism contrasts facts with values, objective with subjective, and ultimately law with morals, precisely to permit a determinacy in the legal order.

Whether laws are rules, customary behavioral patterns or feelings of interactive obligation, the rule of law is a specific response to the problem of social indeterminacy. It permits social stability by obfuscating the conflicts between custom and discretion, real and ideal, particular and universal. This stability is purchased by a social preclusion of progress beyond the stability of routine contradiction. Law does not solve the contradictions, which motivated it. Rather it imprisons us within them. Such imprisonment may sometimes be preferable to the chaos of social confrontation with the disharmonies within us. But Law, then, also prevents us from confronting that tradeoff openly by denying society a transformative vision.

In reality, no view of law has successfully resolved the problem of social innovation. Jurisprudence, from early formalism to modern Dworkinian legal theory, fails to disguise the disharmonies within law. The rule of law has shielded us from the puzzle within us between our own needs and fear of others. Our legal constructs have obfuscated the conflicts, which divide us internally and from each other. They have protected us from the disillusioned anguish of facing moral indeterminacy. In the process, however, as already noted, they have imprisoned us (individually and collectively) in a pattern of arbitrary social hierarchies, which seem frozen and legitimate.

(d) Holistic Constitutionalism

The idea that governments derive legitimacy from the consent of the governed (a notion inherent to modern democracy) has Greco-Roman origin. The early modern European political theorists added substantially to the concept of sovereignty as residing in the people. To prevent governments from trampling on rights by exceeding the power delegated to them by the sovereign people, the constitution created systems of internal checks and balances within a separation of law-making powers. Each branch of government would have independence in the law-making scheme, but these powers would overlap, thus constraining institutional reach within a system providing for broad popular participation.

Constitutionalism (or rule of law, in broad sense) means that the power of leaders and government bodies is limited, and that these limits can be enforced through established procedures. As a body of political or legal doctrine, it refers to government that is devoted both to the good of the entire community and to the preservation of the rights of individual persons. Under constitutional theory, government must be just and reasonable, not only from the viewpoint of majority sentiment but also in

conformity with higher law, which is the constitution. Rule of law further suggests that if our relationships with each other (and with the state) are governed by a set of relatively impartial rules, then we are less likely to become the victims of arbitrary or authoritarian rule. The political obligation implied by the rule of law applies not only to the rights and liberties of subjects and citizens but also with equal claim to rulers and governors. Indeed, John Locke was very clear when stating that "Freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it."

Law making therefore must take place within certain parameters. In particular, the basic framework of a constitution laying out the powers of the different branches as well as the limits on governmental authority cannot easily be changed because of the wishes of a transient majority. It requires the consent of the governed expressed in a clear and unambiguous manner, however unmanageable that may seem.

The basic principles of ensuring democratically created law include the consent of the governed, the involvement of the people at all levels of law-making, open access to the process of law-making whether through voting, petitioning, or filing lawsuits, or through judicial review of statutes, administrative rules and regulations, and executive office actions, and reliance on fundamental principles of government. Through democratic law-making and a holistic constitutionalism alongside relevant remedial institutions, more chances can be given to people to resort to justice and claim and enjoy more rights in the society.

(e) Towards a Change Theory

A holistic account of law as a conceptual and factual structure engenders a complex theory of change. If law as a conceptual structure is understood to result from, and influence, social action, the theory of change must account for its relationship with social changes. Such an exercise needs to be able to address the issue of instrumentalism and to create complementarities between law and change.

(i) *Instrumentalism*: Law and change literature has much focused on the problem of legal instrumentality. This inquiry has essentially taken two forms. First, following Weber's lead, theorists have attempted to establish certain necessary legal conditions to economic development. By setting up a legal institution of the western type, economic change could be permitted. This literature was hampered by the frustrating reversibility of legal doctrine and economic result. Weber had recognized the "problem of England", an industrial society achieved with an anarchically feudal system of property laws. Economic development seemed compatible either with a legal structure freeing individual energies or with one structuring interactions.

Second, instrumentalism is also critical to bring about discretionary changes in the customary social structure: the translation of discretion into custom. Instrumentality will vary inversely with law's differentiation from custom. The more autonomous law is from society, the more difficult it will be to implement change. This conclusion can be roughly drawn from the factors isolated by thinkers like Karts, Friedman and Evan as responsible for resistance to innovation.

Actually, for Karts, instrumentality also depends on the disaffection of the middle level institutions and classes with the old order, which protects the upper classes and leaves the lower classes insecure. By focusing on the strata, rather than on the whole society, Karts demonstrated that implementation would be

easier if those to be mobilized favor the change. Belief in the possibility of instrumental law given an appropriate connection between legal institutions and the social order leads to faith in the possibility of meaningful reform within the legal structure. In other words, if institutions can be developed which are responsive to social needs, meaningful change can be brought about.

In reality, law exists both within and without society. A theory of change must, therefore, account not only for the differentiation of law and society but also for their union. It must explain innovation as well as implementation. The process of law's response to changing social patterns is, indeed, one of change. This is the drive shaft of doctrinal change in law. The conceptual legal structure responds to divergences between legal explanation and facts by the creation of a new legal fiction. This dialectic process of response to diverging theory and reality explains the expansion of legal concepts to cover an ever-greater area of social life. This merely subjects new situations to old conceptual patterns, however. It extends oppressive conceptual structures but does not permit innovation outside those structures.

(ii) *Complementarity*: The dual problems of innovation and implementation can only be faced if the reformers who protect or issue law are stripped of their illusions about its instrumentality. This process can be begun by exploring the complementary development of legal theory in response to social phenomenon.

Generally speaking, legal concepts are responses to the contradictions of man's individual and social existence. This claim can be substantiated by examining legal doctrine for reenactments of these tensions. As the tension becomes apparent in a given legal doctrine, the faith in mediation can be maintained by restructuring the doctrine parallel to the tension. In other words, legal doctrine would develop by applying a mediating strategy. This occurs in two ways. First, law expands hierarchically subjecting deeper levels of doctrine to the same structure. Expansion along both the axes, however, reaches a limit. As hierarchic development progresses, faith in the meaningfulness of higher-level distinctions is eroded by each reenactment of the tension. Nevertheless, the distinctions continue to be used to determine outcomes. As this startling combination of reliance upon, and disillusionment with, legal categories affects the legal profession, faith in the autonomy of law dwindles, and a tendency to regard law as irrelevant to social activity starts to prevail. In its irrelevance, it ceases to mediate social tensions. Simultaneously, however, the horizontal expansion of legal theory brings larger areas of social activity within the legal order. In the process, the model mutates in all its previous applications to become more general. Its generalization makes it seem less outcome-determinative. Finally it reaches such a level of abstraction that it has contradicted its own premises. At this point, faith in law as mediator breaks down. The two developments recreate the contradiction, and an explosion of legal structure occurs.

There are, then, two dimensions to the interplay of law and change. Ideas stifle change not only in implementation, but also in innovation. This is the result of law's existence within and without society, as a response to both custom and discretion, but not autonomous from either. When reformers can change behaviors, they cannot see the ideal beyond the real. Moreover, when this perception is possible, they cannot implement in a frozen social structure from which they remain separate. No midpoint is possible between these dilemmas, for by their nature, the existence of either denies the other, and yet each is insufficient for meaningful change. ■

STRIKE TENDENCY

Knee-jerk Reaction

Organizing strikes, riots and shutdowns have become recurrent and increasingly effective way to press the government

By SAHISHNU POUDYAL

The street seems to be literally dictating the government. Groups of every shade and character have jumped into the strike bandwagon. Although in many cases the government's action or inaction itself triggers the strike, a very deadly message that you can have your way through violent strikes is getting highlighted.

"The message seems to be simple. If you want to fulfill your demand, adopt the

to be fumbling with policies and actions, different groups have become frustrated and resorted to strikes. And the weakened government, on its part, seems to be bowing down to their demands – triggering series of strikes from various quarters. These days it has become an easy tool for the people to organize strikes.

At times civil society organizations stage rally demanding announcement of the election date; at times staffs of Kathmandu Metropolitan City (KMC)

Then there was the huge strike against petro price hike last week. Tyres were burnt, vehicles vandalized and properties destroyed during the two-day strike that forced the government to withdraw the hike decision.

The tea industry is in a state of limbo as the workers have organized strike demanding increased pay and perks. Their strike since August 6 has derailed the whole industry. Farmers are suffering as they cannot sell their tea-leaves to the factories. Even as workers are organizing rallies and demonstrations, the entrepreneurs have said they cannot meet their demands.

"If the ongoing problem of the workers is not solved then we all workers are going to street for strike in coming days," said Deepak Tamang, president of Nepal Tea Farm Workers' Organization.

This is the fault of the government that it only listens to its people when they turn to the street to raise their voice. They ignore humble requests and appeals that generally precede the harsh strikes. The authorities would do well to ponder over this aspect.

On the one hand, strike affects common citizens and, on the other hand, it also is bad for economy. The tea strike has affected all the tea industries. The 14 orthodox tea industries of hilly region and 23 CTC tea industries of terai region have been closed due to the strike leading to destruction of 20 lakhs kg of green leaves in hilly region and 50 lakhs kg of green leaves in terai region per day. In normal situation, Nepal produces 12.6 million kgs of readymade tea per year. This strike has caused heavy loss to the national economy.

Whether it is tea or oil; whether it is students or civil society, everyone seems to have genuine grievances. What they lack is genuine concern from the authorities. In the absence of 'visible government concern' towards their plight, they are forced to resort to strikes. If this tendency is not nipped in the bud, the country could be engulfed in a state of anarchy. ■



Strikes: Increasing frequency

method of strike. It will do the magic to make your demand fulfilled," said a driver caught in a traffic jam caused by protest rally. After the April movement, many Nepalese had thought that the rioting days were behind them. They expected the new government to meet the aspirations of the people and prevent strikes from happening. However, as the new government seems

abandon their work demanding stable employment; and sometimes residents do not allow the dumping of garbage. At present, students of Center for Technical Education and Vocational Training (CTEVT) are continuing their one-and-a-half month-long strike demanding to get equivalent recognition by the Tribhuvan University.

US IN NEPAL

Strategic Interests

A flurry of visits by American officials and political leaders seem to point to the unease the superpower feels about the uncertainties prevailing in the Himalayan kingdom

By A CORRESPONDENT

The US assistant secretary for south and central Asia, Richard Boucher, was the first senior foreign dignitary to visit Nepal after the political upheaval in April. The top US official in charge of the regional affairs met a number of leaders, officials, army chief and the civil society members.

Three months later, a top senator Arlene Specter (chairman of the Senate Judiciary Committee) came visiting followed by a congressional delegation last week.

The bi-partisan congressional delegation led by Republican Jim Kolbe was probably the most forthright in making known the US position and intentions vis-à-vis Nepal, as was evident from a news conference that he addressed at the end of a four-day visit, at the American centre. Excerpts:

On Situation in Nepal

We are hopeful and confident that the Nepalese people will achieve their goal of having a democracy, a constitutional democracy and also having peace and stability that will bring a kind of economic development that will lead to a rise in the

living standard of the people. We believe that the US will lead the rest of the world as donors in this development effort. We understand that as a precondition, there must first be peace, stability, political stability in order for the kind of physical re-development that needs to take place in this country.

On Inducting the Maoist Rebels into Government

As far as including the Maoists into the government without disarming them

is concerned, this process is for the Nepalese to decide, not for us to direct. But we do believe, I think most people in Nepal also believe, that it is impossible to have democracy and stability if one side continues to have arms and continues to do the kind of activities that the rebels are doing. Unfortunately, we have seen in urban centers like Kathmandu where extortion and other things occurring. It makes very difficult for political process to move forward. If the Maoist truly disarms, truly puts their arms aside, then they can become a political party. You already have a communist party as one of the constituents in the coalition. That way they can become a part of the political process. They must, in order for this process to go forward, disarm. They must agree to set their arms aside. We would certainly concur with the



Congressman Kolbe (center) addressing a press meet: Elaborating the US perspective Photo:TKP

agreement that has been reached. At this point they need to set their arms aside before they proceed further.

On Using Force to Disarm the Rebels

We discussed this with the prime minister Koirala. Whatever the mandate of the UN is likely to be here it will not include the ability to use force to disarm the Maoist rebels. Indeed, if you look at the mandate of the UN in Lebanon with the Hezbollah, it does not even include disarming the Hezbollah. And there is a much larger and serious problem. So it is very unlikely that the UN will have such a mandate here. As for the decision about using force to disarm the rebels, we hope that the Maoists would lay down their arms and set their arms aside as agreed upon in the peace agreement. We believe that this is what should occur. We believe that this is what should happen. We hope that this process will go forward voluntarily. And any decision to use force is up to the Nepalese government to decide.

On Tibetan Refugees

We have indicated a desire to take five thousand additional Tibetan refugees to the US. We have resettled a large number over the past two/three decades. So, we continue to take some of those. Most of them chose to live in northern India. We want to be helpful in that process.

On Nepal's Strategic Importance

I believe very strongly that we have a moral as well as strategic responsibility to be very much involved to help Nepal build its democracy. This is a very important country, small country sandwiched between two giant powers – India and China. But nonetheless and because of that, Nepal is strategically very important for both of those sides and the rest of the world. So, success in creating a democracy and bringing peace and stability here is extra-ordinarily important for the stability in the entire region between those powers as well as the rest of the world. I personally feel that the US has a responsibility to help this happen. We can not do it alone. There will be other donors and others in

the process. In the end, it will have to be the Nepalese people that make this happen. We can assist in that.

On Terrorist Tag on Maoists

Nothing is set in concrete. If the Maoists were willing to truly set their arms aside, truly participate in the political process, they can become part of the political process. It is absolutely essential that they agree to this before the terrorist tag is removed from them. They are acting in a fashion that is contrary to the peace agreement, contrary to the best interests of the Nepalese people. If they are willing to stop that, then we can review the question of whether they are terrorists or not. But they need to set their arms aside.

On Bhutanese Refugees

We also have emphasized to the Nepalese officials that the lack of resolution of this issue with the Bhutanese government should not hold up the going forward with the program to resettle those people who wish to be

re-settled, who voluntarily wish to go to the third country. That process should move forward regardless of what the Bhutanese government says.

On Future of Monarchy

It is entirely up to the Nepalese people. The future of monarchy here is a question which must be settled by the Nepalese people. It is not an issue on which the US government has a position. Whether or not there should be a future for monarchy is entirely up to the people of Nepal to decide. ■

(The visiting US Congressional delegation included Representatives Jim Kolbe, Republican from the State of Arizona; Fred Upton, R-Michigan; Ander Crenshaw, R-Florida; and Brian Baird, D-Washington. Rep. Kolbe chairs the House Appropriations Committee's Subcommittee on Foreign Operations, Export Financing and Related Programs, which funds USAID and the US Global HIV/AIDS initiative, among others)

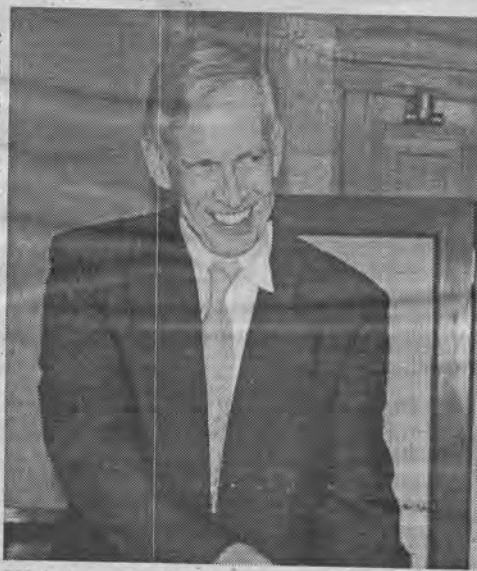
“I Have Not Made Any Phone Calls To Get Support For Ceremonial Monarchy”

— JAMES F. MORIARTY

At the press conference held at the American Center on August 28, US Ambassador to Nepal James Francis Moriarty said that he has not been involved in moves to get support for ceremonial monarchy in the country.

“The future of monarchy is for Nepalese people to decide,” he said, adding, “I have not made any phone calls (or anything) to get support for ceremonial monarchy.”

His remarks came at a time when a section of Nepali intelligentsia and politicians have accused the US government for tacitly supporting even



US Ambassador Moriarty: Reiteration of position encouraging the concept of ceremonial monarchy advanced by Prime Minister Girija Prasad Koirala.

INIFD

New Fashion School In Town

Aiming to tap the growing market of fashion, a premier Indian institute joins hand with Nepalese entrepreneurs

By A CORRESPONDENT

There is a good news for all fashion-lovers in the capital. The reputed Inter-National Institute of Fashion Design (INIFD) has opened a center in Kathmandu in cooperation with Nepalese entrepreneurs.

At a time when vocational subjects have been drawing more and more interest from students, fashion-designing offers tremendous potential to utilize the creativity ingrained within them.

Besides, the consciousness for fashion has been on the rise in the capital valley. The number of boutiques has substantially grown in the recent years. Modeling has become a booming business. Fashion shows are frequent. Therefore, it was only a matter of time before premier institutes would begin to seriously consider the Kathmandu market.

Femina Miss India Earth, 2005, Niharika Singh, inaugurated the Inter National Institute of Fashion Design (INIFD) Nepal Center amidst a ceremony in the Nepali capital on August 27. Described as the largest private design institute in the world with a network of 180 center in India and abroad, INIFD joined hands with the Incentive Group of Companies to launch its maiden center in Kathmandu.

Addressing the function, Niharika—a well-known Indian model—said it was her first visit to Nepal and was overwhelmed by the love and affection showered by the people here towards her. Niharika, 23, hails from Deharadun—a beautiful hill station in the Uttaranchal state of India.

Her mother is a director at a fashion design university, while her father happens to be a senior Tourism official

in Uttaranchal state. He even worked a campaign for her during the Femina Miss India pageant.

Ms Singh said fashion designing was often confused with walking on the ramp with tiny outfit. "Fashion designing is a creative work and fashion a medium to reach out to people," she added. She said she hoped to come back and see the



Singh inaugurates INIFD Center: Unleashing creativity

photo:nepalnews.com

students at the Nepal Center turn into well-known talents.

Vice president of the Chandigarh-based INIFD, Aditi Srivastava, said INIFD had been set up a decade ago with a view to provide opportunities to all the local talents so that they could pick up local heritage and present it to the international platform.

"We provide good education at nominal price and believe in offering every student an opportunity to explore his/her creative instinct and make a mark for them," she added. She said fashion designing had emerged as one of the

promising area of employment for young people in India. Nearly 10,000 students graduate from INIFD centers alone every year.

Chief of the Nepal Center of INIFD, Manju Lama, said fashion was an ever-growing industry in Nepal and that the new Center had been set up to cater to the need for quality fashion education in the country. "We are bringing the fashion revolution a step closer to you," she added.

Chairman of Nepal Center, Bimal Chapagain, said students today come up with their own bright minds, creativity and talent. "Of course, they need guidance and support, which this Center will provide."

The Center offers multiple courses for a one year professional diploma in

Fashion Design, Interior Design and Textile Design. Some of the programs are of up to three years in duration. According to the Center, INIFD has tied up with the Los Angeles Design Academy (LADA) where Nepali students could go for further studies.

The Chief Operating Officer of the center Hariman Lama added that the center will cater to the growing demands for quality vocational education. "The discipline of fashion-designing will also help create job opportunities to the youths of the country," he said. ■

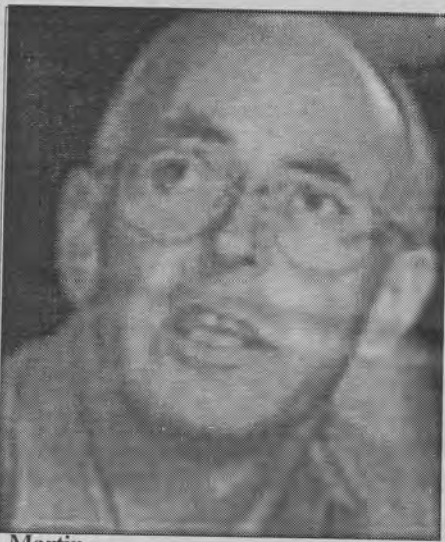
Framework For Arms Management Will Be Prepared: Martin

Ian Martin, the newly appointed Personal Representative of United Nations Secretary General Kofi Annan, has said that his team will engage in preparing modalities for arms management, ceasefire monitoring and election process.

Addressing his first press conference as the Personal Representative of Annan, Martin said "This is not exactly a fact finding mission, but my role will be to work with the government and the CPN-Maoists as well as other key national interlocutors, to help move from the basic understanding that now exists to the design and establishment of actual assistance by UN to the peace process."

Martin said he would consult with UN resident coordinator, OHCHR; and his team while conducting his duty. In his team,

four experts including those on military, election and political process remain to be appointed. Martin said that he is very optimistic for lasting peace in Nepal. He added that he is optimistic about the success of Nepal's peace process as both the sides have shown determination for peaceful resolution of the decade long conflict in Nepal.

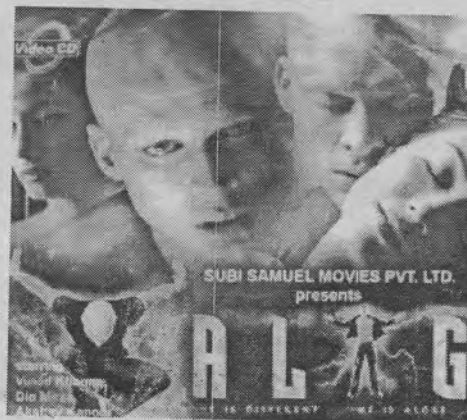


Martin

Elaborating his role in Nepal, Martin said he will work with government and the CPN (Maoist) as well as other key national interlocutors to design and establish the actual assistances that were requested by the government and the Maoist. Martin, who has described his new responsibility as a "heavy responsibility" said, "I am encouraged by the welcome expressed by the Government, Maoist and the representatives of civil society for success."

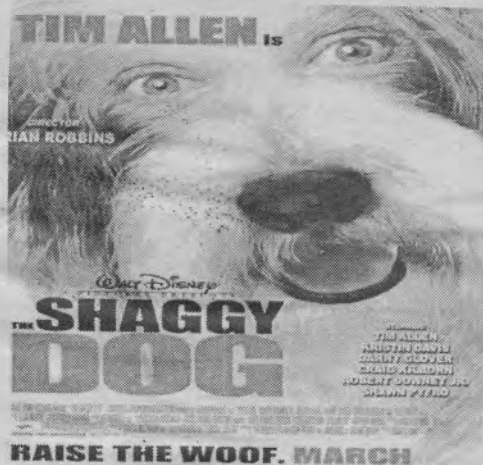
Martin said, "The role of United Nation is just to support a peace process which was demanded and is led by the Nepali people." Martin did not say whether the UN will give recognition to the temporary camps established by the Maoists. "Let my military advisor join me first," he added.

CINEMA



Hindi

- Phir Hera Pheri*
- Chup Chup Ke Fanna*
- The Killer*
- Omakara*
- 36 China Town*
- Gangstar*
- Krish*
- Alag*
- Goalmaal*



English

- Shaggy Dog*
- She's the Man*
- Down in the Valley*
- House of Dead 2*
- Hale Light*
- Tuespasseus*
- Kidulthood*
- Over the Hedge*
- The Boston*
- Madea's Family Reunion*

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TENTH SAG

Encouraging Achievement

Despite dismal show in martial arts, 10th SAG provided encouraging results to Nepalese athletes

By SANJAYA DHAKAL

Although bagging only six gold medals in martial arts (including Wushu, karate and taekwondo) came as a shock to Nepal who had pinned high hopes on them, the winning of gold and silver medals in other disciplines has helped the country perform its best South Asian Games outside home.

By bagging the total of nine medals, Nepal has broken previous best record of winning seven medals in the Ninth South Asian Games (SAG) held in Islamabad. Although it is nowhere close to Nepal's best performance in 8th Kathmandu SAG, when the country had won 31 gold medals, there are enough reasons to rejoice.

There were 40 gold medals on offer in martial arts events alone. And Nepal had expected to win a lot of them. However, due to better preparation by athletes from other countries and sometimes due to lack of fair umpiring, Nepal – which is traditionally known as regional powerhouse in the martial arts discipline – had to be satisfied with only six gold medals.

In a historic achievement, Deepak Bista bagged gold medal by defeating an Indian player in the final match of Welter Weight category of Taekwondo. He created a history by bagged gold medal in three consecutive South Asian Games (SAG). He is the second Nepali

player to have completed a hat-trick of gold medals after marathon player Baikuntha Manandhar. Manita Shahi won another gold medal for Nepal in taekwondo. She won the medal in the Light Weight category.

Likewise, Kushal Shrestha won the gold medal in the men's 65 kg kumite of Karate competition. He defeated a Sri Lankan karateka in the final. Furthermore, Karateka Sulochana Sijakhwa won the women's individual kata gold at the Colombo SAG

In Wushu, Bina Khadka Lama won the gold medal in Nan Quan all round of the

Thaulo (demonstration) event. Likewise, Raj Kumar Rasaili won second gold in San Shau 52 kg final of Wushu.

Reputed taekwondo player Sangina Baidya, karateka Deepak Shrestha and Wushu players Panchaman Maharjan and Macharatna Maharjan were unlucky not to bag the gold medals.

Apart from martial arts, Nepal bagged three gold medals – two in athletics and one in weight-lifting. Weight lifter Kamal Adhikari won the first gold medal for Nepal in the Colombo SAG.

Setting a record in itself, Nepalese athlete Rajendra Bhandari won two gold medals in the SAG. A day after he bagged a gold medal in 5000 m race, Rajendra added another feather in his cap by winning 3000 m steeple-chase. The cool and confident army man finished the steeplechase race in 8 minutes 51.76 seconds breaking his own national record of 8:57:30. Bhandari is the first Nepalese athlete to have bagged double gold medal in SAG. Bhandari won the 5000 m race setting the South Asian record of 14 minutes 1.19 seconds.

In football, Nepal bagged bronze medal after it lost 2-1 to Pakistan in the semifinal. Arjun Kumar Basnet won silver medal in marathon. He completed the race in 2 hours 28.10 seconds. Kanchhi Maya Koju, a woman athlete, also bagged a silver medal. Nepal also bagged a bronze medal in women's volleyball tournament.

In total, Nepal bagged 9 gold medals, 15 silver medals and 31 bronze medals. It stood fourth in the medal tally. India won the games by bagging 118 gold medals followed by Pakistan (43 gold medals) and Sri Lanka (37 gold medals). A new entrant Afghanistan stood at fifth position by winning 6 gold medals. Bangladesh was in the sixth position with 3 gold medals followed by Bhutan with 3 silver medals. Maldives did not win any medal. The 11th regional games would be held in Dhaka, Bangladesh. ■



Bhandari: Double feat

Kantipur

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