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SPOTLIGHT

June 29-July 05, 2007

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CA Elections : Date Fixed
Interim Plan : In The Offing

Interview :
Radheshyam Adhikari



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All for one, Tuborg for all!



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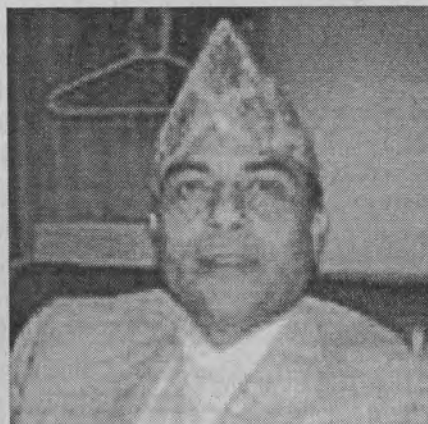
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COVER STORY: Role of Media

Independent, credible and responsible media is pre-condition for success of any democracy Page 12



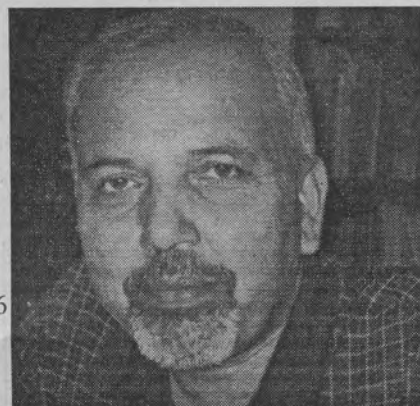
CA POLLS: Date Fixed

Having fixed the date for Constituent Assembly elections, the government now needs to control security situation Page 10

INTERVIEW: Radheshyam

Adhikari Senior lawyer and MP Adhikari, laments the violation of rule of law and disregard to constitutionalism

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SPOTLIGHT

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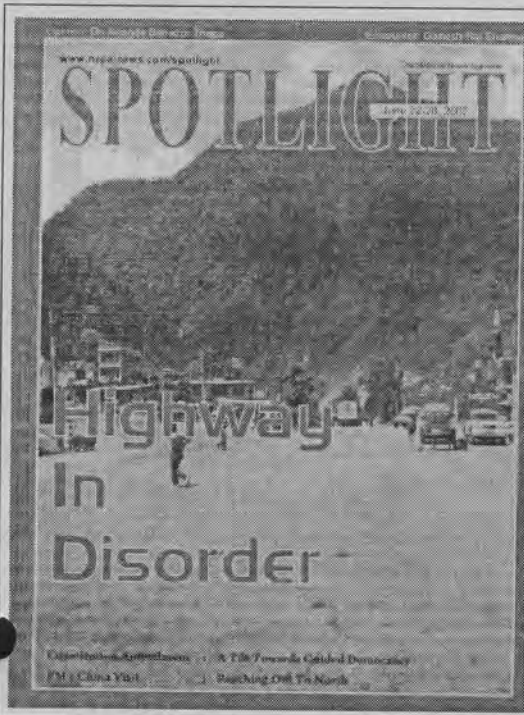
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The announcement of the polling date to the Constituent Assembly by the eight party government should have come as the most welcome news to all the countrymen and filled their hearts with joy and hope. But the bitter experiences of the last fourteen months, the total disregard shown by the government to take the people in confidence and generate trust in their workings and the blatant discrimination against the so called overwhelming non-collaborators have only contributed to make them apprehensive of receiving any justice and fair-play, have made them skeptic towards the announcement. Moreover, the total absence of law and order throughout the kingdom, the hush hush timing of the polling date which is most impractical, not giving any orientation to the uneducated millions about the constituent assembly and most important of all the undemocratic behavior of the government to deprive the millions of opposition of their voting rights have only turned the announcement into a farce. It is a great pity that the greatest democratic countries of the world have shut their eyes towards this naked murder of democracy in Nepal. Moreover, the impracticability of the polls being accomplished successfully is crystal clear. With hardly five and half months left for the polling date and the country facing the rainy season and the national festivities, how the Elections Commission will fulfill its commitments is difficult to visualize. If only good will and wishful thinking can achieve the impossible, we will take over hats off. Moreover, the polls to be concluded in one day seems another juggernaut problem of providing ample security. There will be tens of thousands of polling booths and under the circumstances prevailing in the country, it will be nothing but foolhardy, even to think that polls will be conducted peacefully without the supervision of fully equipped security forces. Do we have enough security to man all the booths apart from maintaining law and order in the country and guarding the borders. Or is it the ploy to invite foreign troops in the country? Looking at the portents in our political sky, it does not seem to be very improbable. And our pliant and unscrupulous politicians do not possess very strong knees and are prone to kneel down whenever it become necessary in their own interest. Even though there are few who are optimistic that the polls well be held at the stipulated date, can we hope the Election Commission will set an example by staying just and impartial? Former Chief Justice Viswanath Upadhyya has shown the way how a non-committed citizen should behave. All honest and patriotic Nepalis should not be shy to follow his step.

Madhav Kumar Rimal
Madhav K. Rimal
Chief Editor & Publisher



Chaos Rules The Roads

Apropos the cover story "Highways In Disorder" (SPOTLIGHT June 22), it is clear that chaos rules the roads of Nepal. You cannot go beyond a few kilometers before encountering some local disputes, strife or unrest. In even petty matters, people have started to descend on the highways and impose bandh for hours. This has greatly troubled the psyche of common people. They are increasingly getting frustrated and disappointed with the political leadership for their inability to control the situation.

*Harsa Gurung
Manbhawan*

Dashed Hopes

In Nepal, highways have been in chaos regularly since Maoist insurgency began a decade ago ("Highways In Disorder" SPOTLIGHT June 22). After the advent of Loktantra there was euphoria among people from different aspects of lives that there would be long lasting peace. Many people even speculated that there would be no more bandhs. To the disappointment of people, the violence in various parts of the country escalated and there have been innumerable bandhs in various parts of the country. In recent months there has been a trend to call strike and disturb highways by different local, ethnic and political groups in the name of pressurizing the authority. There is also a feeling among the local residents near the highways as if the highways are their own private property. They feel that they can shut down the highways whenever they want. These days there are many reports in the media about the highways being shut down by the locals demanding huge compensation from the transport entrepreneurs. Such regular strikes and chakkajam in the highways are causing huge economic loss to the country. The government should also clamp down on any group that tries to

disturb the highways unnecessarily. The government should declare the highways as peace zones. New laws need to be formulated so that the families of the victims of accidents get impartial justice. Whenever a vehicle kills pedestrians in the highway, people tend to accuse the drivers only, whereas the pedestrian may also be responsible for the accident. Therefore, people need to be careful and follow the traffic rules strictly in highways, where the vehicles move in their maximum speed.

*Pratik Shrestha
Via-email*

Highway Drama

The lack of security has led to a situation where any group of people can call bandh or obstruct transport movement in highways "Highways In Disorder" (SPOTLIGHT June 22). The fear psychosis is so high that thousands of transporters and passengers are cowed down by a couple of dozens of people who threaten with dire consequences if they ply their vehicles. It is also strange that why the Maoists are not using their so-called power to bring about stability in the country. They have YCL, why don't they mobilize YCL cadres to clear the roads and highways rather than using them to unleash atrocities on common

people. That way, they could also earn name and fame.

*Bishal KC
Hattisar*

Character Of Despotism

After reading the article "A Tilt Toward Guided Democracy" (SPOTLIGHT June 22) it became evident to me that the present government has despotic character. The analogy

between the present interim constitution and the constitution of Panchayat system made it clear that the present system in the country is also like the Panchayat system. The only difference being that there were no parties in the Panchayat system but there are eight parties now. The members of parliament are not elected by the people and don't have the confidence of people. Their job is to conduct the elections for Constituent Assembly.

Although different leaders of the eight parties in their speech say that the CA must be conducted within Mangsir. They predict disastrous consequences if it is not conducted on time. However, their acts seem that they are reluctant to conduct it on time. The tyrannical character of the parliament is shown by its amendment of the constitution to prevent the people who are indicted by the commission of inquiry to contest the election. The inclusion of the article to abolish monarchy by the parliament is ridiculous. The leaders who claim that the monarch is powerless confuse people by saying that he may conspire to disturb the CA. It is not the monarch who people should fear but the despotic parliament which is trying to address all the issues that should have been dealt by the CA. The judiciary is no more independent as parliamentary hearing is necessary for the appointments of judges of Supreme Court. I am sure that in the near future, the press will also be directed by the dictatorial parliament. Although the constitution claims that the people are sovereign, some articles trying to constrain their fundamental rights.

*Suresh Dhakal
New Baneshwore*

YCL To Launch Door-To-Door Campaign

Amid growing criticisms against it, the YCL has decided to launch door-to-door campaign in Kathmandu valley to collect suggestions from general public. The meeting of Valley bureau of YCL decided to launch the campaign from Monday (June 25). Cadres wearing YCL's uniform will be dispatched to streets and households to collect suggestions. They will also ask the public to name four persons who live nearby their houses and who they think are corrupt, smugglers, agents or thieves. Likewise, separate group of YCL cadres will also be dispatched secretly in plainclothes to learn about public viewpoint. *Kantipur daily reports*

Saptari Bandh By Maoists

Protesting the killing of their district in charge Gobinda Chaudhary by activists of Janatantrik Terai Mukti Morcha (JTMM-Goit faction), Maoists imposed three day bandh in Saptari district from Sunday. They also shut down Sunsari, Morang and Udaypur districts. They forcefully closed down markets and roads. In Rupani area in Mahendra highway of Saptari district, they set to fire four trucks carrying tens of millions of rupees worth of goods. Enraged by this, the cargo entrepreneurs have announced nationwide strike. *Leading dailies report*

Employees Withdraw Strike

The civil servants have withdrawn their agitation after the government signed a five point pact with them on Sunday (June 24) assuring to increase their salaries, among others. The government has agreed to increase salaries based on revenue growth. Likewise, employees up to section officer level will be allowed to join trade union. "Promotion of employees will be guaranteed based on report of taskforce (of Ministry of General Administration)," said Peace and Reconstruction Minister Ram Chandra Poudel, who led the government team in the talks. According to a representative of the employees,

promotion of those who have served for over 10 years will be guaranteed. "We have also assured them of reliable security," Poudel added. *Compiled from reports*

YCL Threatens Madi Blast Victims

The Maoist-affiliated Young Communist League (YCL) have issued death threats to persons injured in the Bandarmudhe blast. The YCL on Friday (June 22) evening threatened to kill post holders of the Bandarmudhe Victims' Committee who have been raising their voices against the Maoists demanding reparations, among others. The YCL cadres threatened the committee's deputy chairman Krishna Adhikary not to "act smart" and "speak against the Maoists." According to Adhikary, the village had grown fearful after the YCL members publicly threatened to kill four persons on the committee. According to a local, the YCL members said that the Bandarmudhe incident would not "cool down" until 2/4 people were "set right." Previously, the Maoists had asked the victims not to meet the press, warning them not to "widen the fissures" by publicizing their demands through the media. Following the dispute Prachanda's visit to the area was cancelled while package distribution program and construction of a memorial pillar was indefinitely postponed. At least 39 passengers were killed while 72 others were seriously injured when Maoists blew up a passenger bus at Bandarmudhe River in Madi nearly two years ago. *eKantipur reports*

Power Still Lies In Army HQ And Palace: Prachanda

Maoist chairman Prachanda made a blistering attack against the government claiming that it does not hold the power. "What is the reason why they do not make public the report of Rayamajhi Commission? Why they do not take action against those named guilty by the report? All this indicate that the power still lies in Army Headquarters and Narayanhity Palace," Prachanda said. Addressing a program organized by the

families of people disappeared by the state, on Thursday, Prachanda said, "Until the power remains in Army Headquarters and the Narayanhity Palace, it will only be an intellectual exercise to talk about holding Constituent Assembly elections, having republic or making the whereabouts of disappeared persons public." Stating that he still believes in consolidating the eighty party unity, Prachanda added, "But if the need arises, our party will not hesitate a moment to take a tough decision. Let there be no doubt about this." *Compiled from reports*

Nepalis Can Invest Abroad

The government has initiated process to allow Nepalis to invest abroad. Entrepreneurs, industrialists and financial institutions had been demanding the permission to invest abroad for a long time. After 40 years, the government is initiating the process to lift ban on investing capital abroad. The government is preparing to amend the Act prohibiting the investment of capital abroad. Due to legal restriction, capital investment abroad has been taking place in roundabout manner at present. Nepalis have invested in places like India, Gulf, Sri Lanka, UK etc. Non Resident Nepalis have investment in many places. But the nation has not benefited directly from this capital flight. The new law will allow Nepali restaurants, finance institutions, and established industries to invest in foreign countries. "We are considering this. But there will be certain conditions," said Finance Minister Dr. Ram Sharan Mahat. The new legal provision is expected to be announced in the budget to be made public in mid-July. "It is good to allow investment. This will help to invest in areas from where general public can get maximum return," said Radhes Pant, president of Bankers Association of Nepal. He added that this area should be opened in a careful and gradual manner though. The authorities are considering allowing investment abroad, initially through three procedures. First, through mutual funds established by commercial banks under certain specifications. Second, through the transfer of Nepali skills and technologies and, third, the

organized industries can invest certain amount of capital in course of expanding their businesses. *Kantipur daily reports*

Govt Health Official Rescued From Clutches Of YCL

Following abduction of senior government official by YCL cadres in Nepalgunj who accused him of corruption, police raided their office on Wednesday (June 20). Police rescued regional health director Dr. Piyush Bahadur Rajendra and also vacated the building being forcefully occupied by the YCL. Protesting the raid YCL cadres burnt tires, raised slogans against the Prime Minister and Home Minister and obstructed traffic movement. They also later vandalized the statue of late King Birendra. Along with Dr. Rajendra, police also rescued one Ganga Gurung from Pokhara who was held captive since past one and a half month. Chief District Officer of Banke, Narendra Raj Sharma said he has received directives from the government to control activities like abductions and detentions. *Leading dailies report*

Double Salaries: Report

A secretary-level taskforce formed by the government to study the problems faced by civil servants has recommended doubling their salaries. The taskforce made the recommendation on the basis of report presented by National Pay Commission – 2061. The coordinator of taskforce Yubaraj Pandey, Secretary at the Ministry of General Administration, said the recommendation will be submitted to the government on Thursday. The government had formed the taskforce after its employees launched agitation demanding timely increase of salaries on the basis of market inflation, and formulation of Civil Service Act, among others. As per the taskforce's recommendation, monthly salary of a secretary should increase from existing Rs 14,000 to Rs 27,700. Likewise, it has suggested increasing the monthly salaries of joint secretary to Rs 23,300; under secretary to Rs 18,900;

section officer to Rs 15,200; Nayab Subba to Rs 10,200 and peon to Rs 5500. In order to fulfill its recommendations, the government will need to allocate Rs 50 billion to pay salaries of civil servants – up from current Rs 30 billion. *Kantipur daily reports*

RPP-Nepal Stresses On Constitutional Monarchy

Stating that the monarchy is essential for smooth functioning of democracy, the Rastriya Prajatantra Party (RPP-Nepal) has said it will follow the path of constitutional monarchy and Hindu nation. President of Rastriya Prajatantra Party (RPP-Nepal) Rabindra Nath Sharma has said that the institution of monarchy is necessary to preserve national unity and integrity. "In order to save national unity and integrity, the institution of monarchy is necessary," said Sharma, addressing a press meet at the end of two-day national gathering of his party in Lalitpur on Tuesday (June 19). Sharma said that at present the national unity is in a 'dangerous position.' He also said that the recent second amendment of constitution whereby two-third majority of MPs can vote out the monarchy is unacceptable. Sharma said that even the Constituent Assembly cannot decide the fate of monarchy. "Only referendum can do so," he added. *Compiled from reports*

SC Interrogates Jana Ashtha Editor, Journos Protest

The Supreme Court interrogated Kishor Shrestha, the editor/publisher of Jana Ashtha weekly, on Monday (June 25). Shrestha along with other journalists of the weekly including managing editor Rajendra Sthapit and sub editor Chudamani Bhattarai were summoned to the SC to record their statement for publishing news two weeks earlier about "sexual abuse" by the Chief Justice. They face contempt of court charge. "Since the defendants denied the charge of contempt of court, they should be let off on general court date as per Section 118 (5) of the Court Management Chapter of Civil Code 1963," a division bench of

Justices Kedar Prasad Giri and Sharada Shrestha ruled. The bench also called the Nepal Bar Association and the Supreme Court Bar Association to appoint amicus curiae to help the apex court settle the case. The court later let off the journalists of the weekly without demanding any bail amount or any personal guarantee. Meanwhile, saying that the summoning of the editor of Jana Ashtha is against the norms and spirit of free press, representatives of various media organizations including the Federation of Nepalese Journalist (FNJ), Weekly Fortnightly Newspapers Network and Press Chautari Nepal picketed the Supreme Court (SC) for an hour this morning.

Samacharpatra Resumes Publication

Kamana Publications has resumed the publishing of Nepal Samacharpatra daily and Mahanagar evening paper from Sunday (June 24) after five days of obstruction by pro-Maoist workers. The publications were resumed after the pro-Maoist workers withdrew their agitation and ended obstructions. At a meeting held, on Saturday, among the representatives of Publications, pro-Maoist trade union, and workers working under Customer Solution company – which has been out-sourced to distribute the newspapers – the latter agreed to withdraw their strike. "I hope similar obstruction do not take place again. It is the victory of press freedom," said Pushkar Lal Shrestha, executive chairman of the Publications. Meanwhile, on Saturday Shrestha was invited by Prime Minister Girija Prasad Koirala at his residence in Baluwatar where the former briefed him about the agitation leading to obstruction of publications. "It is the press freedom that shows whether there is democracy in the country. I cannot tolerate the situation of obstruction in press in democracy," Shrestha quoted the PM as saying. Media workers and political parties had strongly denounced the move by Maoist workers to obstruction the publications. ■



Idols stolen from Dolpa monastery returned to Nepal by Tibet *Annapurna Post*

MINISTER FOR WORKS AND PHYSICAL PLANNING

Hisila Yami has unveiled her Ministry's plan of constructing the east-west highway across the northern hilly region. At a press meet, Wednesday, Yami also came out with plans ranging from short and medium to long-term (1 to 3 to 20 years). She informed that the government aimed to connect with road the headquarters of Bajhang, Bhojpur, Sankhuwasabha and Jajarkot districts within this year. The Ministry's plan also includes improving postal roads and roads in Inner Terai and hilly regions. The plan includes building 30 bridges and 4200 km of roads. It also includes plans to link Humla, Manang and Khotang district with roads. It also aims building tunnel way linking capital valley with Terai as well as building ropeways and railway lines. The plan aims to complete Melamchi project on time and build 80 new drinking water projects; expand ring road and create 15 model villages and 3 model cities during the period. Likewise, the plan envisages constructing half a dozen north-south roads linking India and China. The plan will have to be adopted by the cabinet before it can be put into implementation.

WITH THE AIM OF CONTROLLING the Iron Deficiency Anemia (IDA) among children, the government, UN World Food Program (WFP), PSI, Micronutrient Initiative and private sector have joined hands to come up with a new, delicious, affordable, naturally fruit flavored, child nutrition product called Champion. "The Champion Fortified Complementary Food- has just been launched in Nepal. The product - packaged in a colorful tiger-design box - aims at improving the nutritional status and health of children throughout Nepal," states a press release by WFP. "The need for an affordable alternative to expensive commercial complementary food brands is long overdue as currently over 8/10 Nepali children within the 6 to 12 month age range suffer from a condition known as iron deficiency anemia (IDA). IDA severely affects the health, nutritional status and development of children throughout Nepal and without sufficient intake of iron through supplementation or healthy eating can lead to the long term health effects of irreversible cognitive and physical

development problems and life-long reduced intellectual capacity."

THE MINISTRY OF WORKS AND PHYSICAL PLANNING has informed that the Asian Development Bank (ADB) has shown interest to renew the funding commitment and carry on with the Melamchi Water Supply Project (MWSP). In reply to the letter sent by Minister Hisila Yami, the ADB has agreed to send its mission team to study about the issues related with the project, the Ministry said. The team could arrive in the country in the first week of July, reports say. The fate of million dollar drinking water project had become uncertain after ADB - its principal donor - had said it might not renew the funding commitment, which expires on June end, until the government fulfils pre-conditions. The dispute had arisen after Minister Yami refused to allow Severn Trent to take over the management of valley's water distribution system even though the earlier government had approved the same. Subsequently, the Severn Trent withdrew from the project.

FOLLOWING THE REFUSAL BY FORMER Chief Justice Biswo Nath Upadhyaya to head the National Human Rights Commission (NHRC), Prime Minister Girija Prasad Koirala has requested another former CJ Kedar Nath Upadhyaya (Upadhyaya duo are brothers) to head the same. PM met with Kedar Nath on Wednesday (June 20) at Baluwater and made the request to which the latter replied that he will accept the offer only if other members of the NHRC are chosen from among independent persons. Meanwhile, PM also held meeting with Speaker Subas Nemwang to discuss about filling up vacant positions in constitutional bodies through the Constitutional Council (CC). Apart from PM, CJ and Speaker, the CC has three other PM-nominated ministers as members. PM Koirala has recently nominated ministers Ram Chandra Poudel, Krishna Bahadur Mahara and Pradip Nepal as CC members.

THE GOVERNMENT IS LAUNCHING the scheme of full-time insurance for overseas workers worth Rs 500,000. According to Minister of State for Labor and Transport Management Ramesh Lekhak, workers are under risk due to lack of insurance as many of them face various accidents. Currently, most workers only have insurance covering 'duty hours.' Around 500 Nepalis go overseas everyday and send Rs 100 billion as remittance every year. As the incidents of their accidents and deaths have increased, the government is preparing to implement compulsory insurance from mid-July. In Qatar alone, one Nepali worker dies every three days on average. With this scheme in effect, families of even those who die of natural causes will receive insurance amount. The fund for insurance will be collected through 2 percent service fee that will be gathered from each worker. "Although this provision was in place since long time, it had not been enforced. This time this will be enforced through budget announcement," said Keshar Bahadur Baniya, director general of Department of Labor and Employment Promotion. ■

“Social, economic and geographic conditions of Himal, Pahad and Terai are different. So I think there should be region-wise plan to achieve balanced development.”

Prime Minister Girija Prasad Koirala, advocating region-wise plans, while inaugurating the National Development Council meeting.

“When I had conversation with (PM) Koirala five years back, I thought that he was trying to find artful ways to abolish monarchy but now I feel that he was trying to save the monarchy artfully.”

Prachanda, Maoist chairman, in an interview with CNN-IBN.

“No one should be given undue benefit of doubt at a time when any wrong move could alter the history of this nation.”

Surya Bahadur Thapa, former Prime Minister and president of Rastriya Janashakti Party (RJP) rejecting notions that Young Communist League (YCL) should be given time to improve, in Disha Nirdesh, Nepal Television.

“They (Maoists) are violating even our basic rights like right to movement and right to organize.”

Kishore Kumar Biswas, vice president of Madhesi Janadhikar



Jana Bhawana

Forum (MJF), demanding that the government ban YCL and eject Maoists out from government, during his meeting with the Prime Minister.

“In order to save national unity and integrity, the institution of monarchy is necessary.”

Rabindra Nath Sharma, president of Rastriya Prajatantra Party (RPP-Nepal), at the end of his party’s two-day national gathering.

“In the hilly regions, the Maoists continue to spread terror and violence. They seize vehicles even of police and have not returned properties they have captured. On the other hand, there is violence in Terai region. Elections cannot

be held without improving these situations.”

Sher Bahadur Deuba, former prime minister and president of Nepali Congress (NC-Democratic), talking to reporters after completing two-week-long visit to far and mid west regions.

“If the King is abolished, the PM will have to share the fate similar to CDO of Kanchanpur. No one will be able to protect him then.”

Kamal Thapa, former Home Minister during King Gyanendra’s direct rule, referring to an incident that took place a few months ago in Kanchanpur where YCL cadres had assaulted Chief District Officer in presence of security personnel.

TRANSITION

NOMINATED: Ram Chandra Poudel, Minister for Peace and Reconstruction, Krishna Bahadur Mahara, Minister for Information and Communication, Pradip Nepal, Minister for Education and Sports, by the Prime Minister, as members of Constitutional Council, as per the Interim Constitution. Other members of the CC include Chief Justice and Speaker. The CC is chaired by Prime Minister.

FORMED: A special committee headed by Peace and Reconstruction Minister Ram Chandra Poudel, by the

cabinet, to initiate the procedure of “integration, supervision and management” of the Maoist army to carry forward the earlier understanding of integrating PLA into the Nepali Army. Other members of the committee include Home Minister Krishna Sitaula, Information Minister Krishna Mahara, one UML minister and representatives from PLA and NA.

APPOINTED: Maheshwore Man Shrestha, as a member of National Planning Commission.

WITHDRAWN: Strike by government employees, after signing five point pact

with the government on salary increase, promotion etc.

RESCUED: Dr. Piyush Bahadur Rajendra, Regional Health Director of the government, from the clutches of Young Communist League, by Police in Nepalgunj.

STEPPED DOWN: Matrika Yadav, as the president of Maoist-affiliated Madhesi National Liberation Front (MNLF). Forest Minister Yadav stepped down in favor of party-nominated Ram Kumari Yadav, who will head the ad hoc committee of the Front.

NAUMURE OR BHALUBANG SITE FOR HIGH DAM

West Rapti Project

- By Dr. AB Thapa

It is reported in local newspapers that the Government is intending to implement the West Rapti Project, which will have a dam at NAUMURE for power generation.

Hydropower generation is a component of the West Rapti Project but, more important, this river is vital to irrigation development in five districts of Southern Nepal. We should take utmost care to ensure that the irrigation potential of this river would not be placed in jeopardy.

Two sites have been identified to build high dam across the West Rapti river. The first one is at Bhalubang. A pre-feasibility level study to build a dam up to 120 meters in height has already been completed by the Department of Irrigation for irrigation together with generation of power. Similarly a preliminary study of the high dam further upstream at Naumure has also been carried out by the Electricity Department for the generation of the electricity. The height of the Naumure dam is in the range of 200 meters. There is a need to conduct through studies of both these projects before taking decision to implement any of them.

West Rapti a Lifeline for Four Districts

There are three major rivers that cross the Terai region of the western half of Nepal before entering into India. They are the Gandak, Karnali and Mahakali rivers. These three rivers carry on an average annual flow in the range of 3500 cumecs. Such enormous flow of these rivers could bring under year round irrigation a vast area of lands to the north of the Ganges river in the western Bihar and eastern UP. Nobody has any doubt that sooner or later the water drawn from the giant hydraulic structures built in Nepal would be transforming the vast tract of lands in India to the north of the Ganges river into one of the most advanced regions in agriculture production. Unfortunately such unbelievable opportunity to greatly uplift the agriculture production in India would mean nothing to our own farmers in the western Terai particularly those living in Kapilabastu, Rupandehi, Deokhuri and Banke. Most of our farmers in these districts would be forced to watch the miracle of agriculture development on the other side of the border in great amazement and perhaps in disbelief while their own parched lands would continue to be denied opportunity to quench in want of water.

Most part of the Deokhuri, Banke, Kapilbastu and Rupandehi districts are not easily accessible to extend the canal system to deliver irrigation water drawn from either the Gandak or the Karnali. So we would be finding it very difficult to use the Gandak and Karnali

waters in our own country to irrigate sizeable area of lands in above districts despite the fact that the agriculture on a vary vast area of lands extending as far as the Ganges in the south would be thriving on waters drawn from our major rivers. Fortunately what we would have missed out in not being able to use to a reasonable extent the water drawn from our major rivers to irrigate our own lands, the development of the West Rapti dam project to some extent could help to make up. However, we should be extremely careful in drawing the plan to implement the West Rapti project. We could be easily misled because it is a very complicated multipurpose project. Apart from irrigation the electric power generation component of this project is also quite significant. We should completely refrain from doing anything that would in anyway jeopardize the prospect to use the full irrigation potential of the West Rapti river.

West Rapti Development Strategy

The West Rapti high dam project should be planned primarily to focus on irrigation despite the fact that it is a multipurpose scheme because almost the 2/3 districts of the Terai in the western half of Nepal would be dependant on the Western Rapti river for adequate supply of water needed to provide round the year irrigation. Unfortunately the West Rapti is a tiny river by comparison with the Karnali or the Gandak. The annual flow of the West Rapti river is very limited. The average annual flow of this river is only in the range of 100 cumecs whereas such flow of the Gandak or the Karnali is in the range of 1500 cumecs. Moreover, the greater part of such total West Rapti annual flow is carried in the monsoon months when the demand for irrigation water is very much limited. Thus there is a need to explore the possibility to provide a very large West Rapti storage reservoir that would allow to hold back if possible the entire flood season surplus water. In this way it would be possible to extend the coverage of irrigable area to the greatest extent possible. This type of massive withdrawal of West Rapti water from the storage reservoir for the purpose of extending the irrigation coverage would have very much positive impact on power generation. It would be possible to generate greater part of the electricity in dry months when the demand for the electricity in Nepal is the highest. Such generation of electricity in dry season would fetch higher price.

Substantial Flood Control Benefits to India

During the monsoon season the West Rapti flood damages are not at all insignificant despite the fact that this is relatively a small river. In recent time almost every year widespread submersion and the loss of life and property in the Indian territory due to the West Rapti floods are reported. The rise of the West Rapti water level is exceptionally high at the time of big floods. In the last century until 1975 the recorded highest flood water level of the West Rapti river at Birdsghet near Gorakhpur area had exceeded the warning stage level by a huge margin of over 9 feet. By comparison with the West Rapti, the peak flood water level rises in other rivers are relatively small. In the same above period the recorded highest flood water level of the Ganges at Patna, Yamuna at Delhi, Gandak at Bhainsalotan and the Bagmati at Hayaghat around Samastipur had exceeded the warning stage level by far smaller margin of just 3.4 feet, 5.4 feet, 2 feet, and 4 feet respectively. No wonder the West Rapti high floods devastate vast area of lands despite the fact that it is relatively a small river. Very large West Rapti storage reservoir would help to keep at bay flood damages across a vast area of lands in the north-east UP of India.

Despite the fact that the main focus of the West Seti project would be on irrigation, the power and flood control components of the project would not be insignificant. The same West Rapti water on its way to irrigate lands would be used at the beginning to generate electricity without any negative impact on irrigation. The storage dam would provide protection against the West Rapti floods to peoples in Nepal as well as India. Such multiplicity of benefits accruable from the West Rapti project makes this scheme very attractive.

Need For Bigger Storage Volume

The average annual flow of the West Rapti river is in the range of about 100 cubic meters per second. It implies that the annual flow of the West Rapti would be around 3,000 million cubic meters. Preliminary study carried out to examine the possibility of building a high dam at Bhalubang indicates that it would be possible to provide a storage reservoir over 3,000 million cubic meters in volume if the dam height is raised to about 120 meters. If the dead storage volume of the reservoir is presumed to be about 400 million cubic meters as in the past studies, the total regulating capacity of the storage reservoir would be over 85% of the total annual flow. In the context of Nepal it might not be wrong to roughly say that the flow of West Rapti river might be fully regulated to provide an uniform discharge throughout the year if the regulating capacity of the storage reservoir is over 60% of the total annual runoff.

The capacity of the proposed Bhalubang storage reservoir would be far in excess of the volume necessary to regulate the annual runoff to provide uniform flow throughout the year. In fact the capacity of the West Rapti reservoir would be adequate to hold back completely the entire monsoon flow of the West Rapti. The storage of almost entire monsoon flow would not have much adverse impact since the demand for irrigation water as well as electricity supply would be very insignificant during the monsoon period. The conserved monsoon flow could be used to double the availability of water in dry months lasting 3 to 4 months when the demand for water to generate electricity and to irrigate lands would be the highest.

We should not shy away from building the high dam to provide storage reservoir even far in excess of the annual flow if such decision suits us. We can draw a lesson from the High Aswan Dam built in Egypt. The annual runoff of the Nile river is about 83,000 million cu. m. The High Aswan Dam constructed in 1971 has a storage capacity of 164,000 million cu. m nearly twice the annual flow of the river. Decision to provide such large storage reservoir was made despite the fact that the annual loss of water due to evaporation is 12,335 million cu. m which is very high.

Main Irrigation Distributaries

There would be two main irrigation distributaries to draw water from the West Rapti reservoir. The first one would be an open channel that would draw water from the tailrace of the hydropower station at the foot of the high dam. This canal running parallel to the West Rapti river would be irrigating lands in Deokhuri and Banke. It is also equally possible that a certain stretch of the West Rapti river itself be used in place of canal to reduce the total length of the distributary. The construction works of the Sikta Irrigation project which was abandoned after completing few preliminary works should be restarted as an integral part of the West Rapti project. The next main distributary would be a tunnel that would draw water directly from the storage reservoir. The tunnel would deliver water to the hydropower station located at a certain distance from the storage reservoir. The total gross water head at full supply level of the storage reservoir is expected to be 220 meters. The water discharged from the power house would be carried by open canal running to the east. This canal could be planned to irrigate lands in Kapilbastu, Rupandehi and Nawalparasi districts as far as possible to cover maximum area. Planning of the sublateral canals should be done giving due consideration to existing irrigation systems such as the Banganga project, existing ground water projects etc.

(Dr. Thapa writes on water resources)

CA POLLS

Date Fixed

Although the date for elections is fixed, how Terai behaves in next few months will be crucial for holding the credible polls

By SANJAYA DHAKAL

After months of dithering, the government finally fixes the date for Constituent Assembly (CA) elections – on November 22 On June 24, the cabinet meeting finally made that long-awaited decision by coming up with a date for elections.

However, fixing date is only a first step. Creating the political and security situation favorable for free, fair and fearless elections are pre-requisites, which the government must fulfill if the elections are to materialize.

Just like the UNMIN said, in response to decision of fixing the date, a date is necessary, but not in itself sufficient. "The parties must now put forward a realistic plan and timetable to achieve rapid progress on simultaneous fronts, both technical and logistical as well as on political and security issues," it said.

A few days ago, former prime minister and president of Rastriya Janashakti Party (RJP) Surya Bahadur Thapa, too, had said that the major players (PM Koirala, Prachanda and Madhav Nepal, according to him) must have unity in action and thought geared towards holding the credible polls. Otherwise, one cannot believe it will happen, he said.

The cabinet decision to fix the date had come in the week of repeated pleas by the Election Commission and other stakeholders. Earlier, the CA elections were scheduled to be held in mid-June but could not take place after Election Commission expressed inability to hold it due to lack of electoral legislations and

law and order.

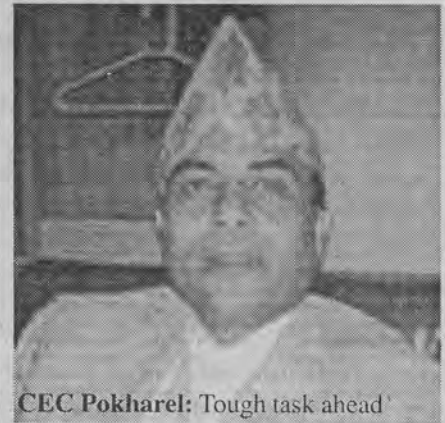
"Now that a date has been set for the election, it is essential that all parties commit themselves to addressing the considerable challenges that remain in order to create a free and fair atmosphere for the ballot," the UNMIN said.

It most probably referred to ongoing unrest in the southern plains where over nine armed outfits are operating. Tens of millions of Nepalis residing in these areas are held hostage to constant terror, violence, bandhs, abductions, intimidations, threats and so on. They are not at all in a mental stage where they can think clearly and coolly about the impending CA elections.

Home Minister Krishna Sitaula has vowed that the government will intensify its security mechanism after the fixation of polls date. It is yet to be seen, whether he keeps his word this time.

But initial signs are not encouraging. A day after election date was announced, Terai witnessed surge in bandhs. The Maoists imposed three-day bandh in Saptari, Sunsari and Morang district protesting the killing of their Saptari in charge Gobinda Chaudhary by JTMM-Goit cadres. After Maoist activists set four cargo trucks to fire destroying goods worth tens of millions of rupees in Rupani of Saptari, the cargo entrepreneurs have announced indefinite strike.

Birgunj has turned into a garrison city with security fortifications surrounding it. And yet, the violence continues there as bomb explosions have become routine.



CEC Pokharel: Tough task ahead

Besides, there are enough signs of increasing bitterness between Madhesi Janadhikar Forum (MJF) and Maoists. Each of them have demanded banning each other. MJF leaders met with Prime Minister Girija Prasad Koirala last week and demanded ban on Maoist-affiliated Young Communist League (YCL) and sacking of Maoists from the government.

Prachanda, on the other hand, has said that his party will soon organize agitation in Madhes region to protest the spate of killings of Maoist workers and leaders. Prachanda said the agitation will be held in a peaceful manner by holding public meetings in various places. "The agitation is against the series of killings," he said. As things stand now, one cannot rule out more Gaur-like head on clashes between them.

"It is vital that the Interim Government continue to engage in real dialogue with historically marginalized groups - Madhesis, Janajatis, Dalits and women and others. This dialogue is essential to ensure that there is a broad consensus among all elements of the electorate on the electoral system," the UNMIN has advised.

"Public security continues to be a fundamental challenge. This requires not just a plan for security at the time of the election itself, but the creation of conditions in all districts and villages which allow all parties to conduct their activities from now on without facing intimidation and violence."

Whether these suggestions will be heeded by the government and other stakeholders remain uncertain. ■

INTERIM PLAN

Critical Roadmap

As it comes during critical transitional phase, the interim plan has assumed higher significance

By SANJAYA DHAKAL

The National Development Council (NDC) has approved the approach paper of the three-year interim plan, which focuses on reconstruction, rehabilitation and infrastructure development, among others. The interim plan period will begin from coming fiscal year 2007/08 (starting from mid-July) and will follow the Tenth Five Year Plan.

"The NDC meeting has given a message that now the development will move forward based on understanding," said Dr. Jagadish Chandra Pokharel, vice chairperson of National Planning Commission (NPC).

The plan also accords top priority to communications, transportation, reconstruction and rehabilitation. The plan formulated by National Planning Commission – which has representatives of major political parties – has aimed to spend Rs 587.77 billion on development activities in the next three years.

It has set ambitious aims of economic growth, development expenditure and foreign assistance. It aims that there will be 5.5 percent average annual growth of economy; and plans to bring down the percent of population below poverty line to 24. During the period of Tenth Plan, economy had grown merely by 3.4 percent.

The interim plan aims to invest Rs 587 billion in the next three years, achieve a 5.5 percent annual growth rate and reduce the poverty level to 24 percent. "Quite ambitious," says Dr. Shankar Sharma, former vice chairman of National Planning Commission (NPC). Given the fact that the economy is growing at minimal rate of just over 2 percent this year, it is, indeed, ambitious to expect 5.5 percent growth next year.

Earlier, inaugurating the NDC meeting on Sunday (June 24), Prime



Roads: Stress on transport infrastructure

Minister Girija Prasad Koirala urged them to consider formulating region-wise separate plans for hill, Terai and mountains. "Social, geographic and economic situation in three regions are completely different," he said.

Meanwhile, the Minister for Works and Physical Planning Hisila Yami also came up with her Ministry's plan of constructing the east-west highway across the northern hilly region. At a press meet, last week, Yami also came out with plans ranging from short and medium to long-term (1 to 3 to 20 years). She informed that the government aimed to connect with road the headquarters of Bajhang, Bhojpur, Sankhuwasabha and Jajarkot districts within this year.

The Ministry's plan also includes improving postal roads and roads in Inner Terai and hilly regions. The plan includes building 30 bridges and 4200 km of roads. It also includes plans to link Humla, Manang and Khotang district with roads. It also aims building tunnel way linking capital valley with Terai as well as building ropeways and railway lines. ■

SECOND STAGE VERIFICATION COMMENCES

The second stage verification process of Maoist PLA in cantonments formally commenced from Tuesday (June 19) from Chulachuli camp in Ilam. Over 3000 Maoist personnel gathered for the verification process, from the three outlying satellite sites on the first day.

"The process involves individual interviews to determine whether each person registered as a combatant was over the age of 18 on 25 May 2006, and that they had joined the Maoist army before that date," states a press release by the UNMIN.

UN verification teams are led by an UNMIN arms monitor, and each team includes a UNICEF child protection officer and specialist UNDP registration personnel.

There are over 100 UN staffs involved in this verification process. General Jan Erik Wilhelmsen flew by UN helicopter to Chulachuli, with Maoist Deputy Commander Pasang, to oversee the beginning of the verification process. He said, from Chulachuli, "I am very pleased that the verification process is finally underway. The cooperation with Maoist army personnel on the ground in Chulachuli today has been excellent, and after a late start due to heavy rains the process has gone ahead smoothly."

According to the statement, the UN will not be publishing numbers of Maoist army personnel verified each day. At the end of the verification process in Chulachuli, a similar process will begin in the next cantonment site working westward through all seven main cantonment sites.

"UNMIN cannot say at this stage how long the process will take, but will have a clearer timeline after the experience of the first week of the process on the ground."

The UN Secretary General Ban Ki-Moon has welcomed the beginning of the second stage of registration (verification). "This is a crucial stage of the implementation of the Agreement on Monitoring of the Management of Arms and Armies," he said. "The Secretary-General reiterates to all parties the need to cooperate in the creation of a conducive environment to holding the Constituent Assembly election later this year," he is quoted as saying. ■

RIGHT TO INFORMATION

Role of Media

And Citizenry

As in the previous Constitution, Interim Constitution also guarantees the right to information as a fundamental right of citizens but in reality the situation is different. From government to media, no one is serious to provide impartial and free flow of information to the common citizens. The government keeps everything secret and media writes everything looking at the corporate and ideological interests or to scandalize the character of individual. Despite the upsurge of the number of media and informed citizenry, one of the major challenges of the society is how to protect the right to information. For media, establishing long lasting trust worthiness and reputation as independent are major challenges

By KESHAB POUDEL

"Today's media, more than ever, hunts in a pack... It is like a feral beast just tearing people and reputations to bits," said British prime minister Tony Blair. While summing up his expression, British prime minister Blair lamented the role of media.

In his recently published article in the British newspaper, The Guardian, British journalist Polly Toynbee agrees with British prime minister Tony Blair's comment on media. Toynbee writes: "It is a fleet of runaway mechanical diggers without driver, or brakes, beyond accountability or control even by those who nominally run them."

According to Toynbee, the newspaper agenda, slavishly followed by the BBC, reflects "a profoundly dystopic image of a society where nothing works, everything gets worse, public officials are inept, public service fail, tax is wasted, lethal dangers proliferate, and everyone conspires to lie about it. Then sententious editorials complain that the

children are being locked in by frightened parents. News editors spike most stories that don't fit that simple template. That means good specialist correspondents at the BBC and in serious newspapers who know the complexity of their subjects in great depth hardly bother to offer any story that doesn't exaggerate some minor failings, leaving the bulk of an essentially favorable report as an afterthought. Good crime, health or education figures are distorted by reporting of the one indicator that has turned downwards."

This situation is not only unique to the oldest democracy of the world but a country like Nepal has also been facing similar kinds of problems. For the past few months, the Chief Justice of Supreme Court Dilip Kumar Poudel has been facing serious allegations from the media. Although the CJ is yet to clarify his position, the judiciary- one of the important institutions to protect the rights of citizens - is weakening.

Similarly, Prime Minister Girija Prasad Koirala also appeared in controversy following his remarks on media. He complained that his views were misquoted by news media because of their lack of understanding of English language.

When there is contradiction and confusion about the news, credibility suffers a lot. If prime minister has credibility among the people, the media will fail its attempt to spread the lie. If the media is credible, prime minister, however powerful he may be, will be seen as a liar.

"Ultimately, it is not the money or power which can create a lasting impression in the minds of people. It is the credibility which is built up and earned slowly and gradually and step by step. The impact of media is so serious and far reaching that it has a record of creating Hitler as well as creating Nelson Mandela," said a political analyst.

Right to Information

Right to information is the one of the fundamental rights declared by the Constitution of Kingdom of Nepal 1990 and it has been reaffirmed in the present Interim Constitution also. According to article 16 of the previous constitution, every citizen shall have the right to demand and receive information on any matter of public importance.

According to 1990 constitution, matters of public importance fell under right to information. Now under the Interim Constitution, the right to information has been enlarged. According to article 27 of the Interim Constitution, every citizen shall have right to demand and receive information on any matter of his own or any matter of public importance. But in practice it has been reduced while encountering day to day policy actions.

Persons are being scandalized by inquiry commission report headed by Krishna Jung Rayamajhi which in statutory terms is completely secret - but persons are being haunted as tainted based on that report.

"Right to information should not be denied or withheld simply because the government has some other issues in terms of priority. The basic information directly related to life, liberty and property of the citizens could be disseminated including whereabouts of persons and properties," said former attorney general Badri Bahadur Karki. "The government needs not provide all information to all the people but definitely the government needs to provide information related to particular individual and particular community. Otherwise, media and people start making guesses and spreading rumors. That would be ultimately more dangerous and injurious to the society at large."

Although media have been publishing contents of the report, the inquiry commission's report is not available to concerned people. Even governor of Nepal Rastra Bank Bijaya Nath Bhattarai or industrialist Dr. Roop Jyoti were

refused their departure from the country on their business meeting abroad because they are supposedly named as culprit in the commission's report. But these persons are not allowed to see what is there in the report against them. Dr. Jyoti, who went to Apex Court, was granted interim order in his favor some months back. Despite the order, he was again refused departure and again he went to the court with a plea that he has not been able to see what is there against him in the report.

"Had the provision of this Interim Constitution about the right to information been followed by the government, Bhattarai and Dr. Jyoti would not have been detained without informing them about adequate facts and reasons. A person has a right to know about that thing which the state might have done or not done effecting his/her interest," said the analyst.

Even in some cases, media do not speak about themselves but one has to read through other media to know about the issue. For instance, publication of Kantipur daily, a leading daily was hampered by Maoist-affiliated trade union a few days ago. But, one had to read Gorkhapatra, a government daily, now under the command of Maoists, to know about the dispute in Kantipur.

Although media in Nepal has been stressing the need for independence and freedom, their actions are not always in keeping with that. Professionalism has not grown as desired while corporate or ideological interests prevail. Like the global trend, access to free flow of information is denied to overwhelming Nepalese.

According to former president of the World Bank, James D. Wolfensohn, which he noted in his speech in 1999, five billion people have no access to a free press and the 1.2 billion are increasingly served by a press in service more to private profit than the public interest.



Free media: Vanguards of democracy

Diminished Role

The state has failed in one aspect and media, too, has failed in its role to disseminate correct and credible information. It is in the interest of citizenry that the state is more open so that it could be held accountable for doing or not doing something legally essential.

Similarly, the media has a social obligation to impart true and credible information to the people. Both the state as well as media discards unavoidable obligations towards citizens of the country to get informed and have proper and balanced opinions of their own regarding the state and community at large.

The central purpose of journalism is to tell the truth so that people will have the information that they need to be sovereign. This is the area where media lags behind. From Maoists to other political parties and individuals, all have complained the role of media.

According to media experts, journalism needs to provide something unique to a culture - independent, reliable, accurate and comprehensive information that citizens require. It is impossible to maximize political

stability, economic growth and democracy without free flow of information.

"One of fundamental weaknesses of Nepali media is that we still lack the practice of healthy competition on the basis of pluralism. Perhaps this is because of frequent political instability. When we can still find everyone trying to install their own mouthpiece," said Rajendra Dahal, chairman of Press Council. "Everyone wants his/her own microphone instead of using a common one."

Category of Media

Media in Nepal are generally categorized in various headings. Government media, mission media (Ideological and party media), business or corporate or professional media, scandalous or blackmailing media.

With the restoration of democracy in Nepal 1990, corporate sector jumped into the media sector investing huge amounts of money. Most of the broadsheet dailies, television channels and some FM radio stations are controlled by them.

The mission media are mostly run by political parties with certain ideology. All the communist parties have their own papers. Democratic parties, too, have ideologically close media. There are some tabloids which prefer to publish news scandalizing the events. Compared to other media, corporate houses have done a lot better in supporting the professionalism. One can criticize corporate media for its biased reporting but one cannot afford to ignore them.

"Every instrument and weapon can be used or misused so is with the media also. One way, media is a source of information. In negative way, it can be used as an instrument of disinformation. Due to the development of technology in print as well as electronic and audio visual, its ambit has increased tremendously. If it is runs through a professional commitment keeping in view the larger interest of the community, it has significant role to impart information and keep the community aware of things it requires," said the analyst.



Supreme Court: Judiciary under pressure

Upsurge of Media

According to Department of Information, there are more than 4286 newspapers including dailies, weeklies, fortnightlies, 52 FM radio stations, four television channels and dozens of websites. There are 313 dailies, 106 weeklies, 10 half weeklies, 300 fortnightly, 1313 monthly, 267 bi-monthly, 419 quarterly, 76 yearly, 60 half yearly and 22 four-monthly papers. The number of media continues to increase.

"Media's numerical growth is alright and welcome but it has yet to mature and behave responsibly," said former attorney general Badri Bahadur Karki, who led a high level task force on government media. "Government media too needs to mature and serve in the public interest."

Along with their number, the influence of media, too, has expanded. "As its influence has increased much in day to day life of the people, its negative importance is as an instrument of disinformation for creating mass hysteria and molding the public opinion according to the needs of the corporate interests which may have any state or other interests behind it," said the political analyst.

How to Make Media Responsible

How to keep the role of media responsible and useful to the community is a big problem. Even for developed democracy, these kinds of problems are haunting.

When an outgoing prime minister of an oldest and stable democracy like Britain has such kind of anguish with the irresponsible role of media, one can simply imagine what could be the experience of persons in the street as well as in the seats of power in newly born and fragile democracies like Nepal.

"One thing is quite clear, Nepali media has not been able to lure professionals with high caliber – it is neither financially nor intellectually attractive enough. Furthermore, although media has produced highly skilled professionals through years of experience and exposure, it has failed to retain those human resources," said Dahal.

A responsible media with a positive impact in the community has to compete with others and survive in a choice of free competition. As an economic law, bad coins remove the good coins from circulation - so is the situation with the press.

A media with sensational headlines

and topics get prompt response than the ones with sober headlines and balanced viewpoints. Although, this is the situation in developed countries also, it is much more serious in developing democracies. This creates a problem of survival of media in the market economy and an open society.

"There are two parallel currents reflected in media growth in Nepal. One is the current of professionalism which is more dedicated and has talent coming in. Parallel to it, runs another current of journalism in which the promotion of corporate interest, yellow journalism and blackmail journalism are the dominating trends. Future of Nepalese journalism will depend on which trend ultimately wins," said Yubaraj Ghimire, senior journalist and editor of Samaya (Nepali Weekly) and News Font (English weekly).

Party's Interests

Western democracies have their own problems of corporate policies of media in the big business interests. But in a newly born democracy like Nepal, besides the corporate interest in the media, there are political parties' interests also in dominant position.

With a demand to form union, CPN-Maoist affiliated Trade Union disrupted the publication of Nepal Samacharpatra daily and Mahanagar evening of Kamana Publications for five days just last week. Along with their own mouthpiece, Maoists are said to be pressuring corporate media not to go against them. "Threat to Nepal Samacharpatra is a first step towards this direction," argued a media expert.

Compared with other liberal democratic parties, communist parties are very specific to have media as their party mouthpiece to propagate their ideology and promoting the party interest.

Role of Citizenry

People from developed west say that a section of Nepalese have a habit of analyzing role of some mysterious external elements in their politics. They say that Nepalese don't realize their own strength to overcome that problem.

"Compared with the developed



Parliament: Supremacy of Nominated Legislative?

infrastructure and back up supports from the enlightened citizenry, well trained and organized bureaucracy, institutions of administrative, judicial systems and highly developed economic infrastructures, it is not the same in a country like Nepal which is in a pre-industrial phase where all infrastructures of administration, judiciary, media and other paraphernalia of a well, neat, organized and developed society. It is unjust and unfair to expect the role of a Nepali citizen like that of a highly developed system of the western democracy," said the analyst.

Even if there is enough political enlightenment and awareness, a person in Nepal does not have back up support of developed infrastructures like that of the west. The quality of citizenry in

Nepal lags behind in many things which are available in other countries of even South Asia region.

However, the adaptability and flexibility in character which Nepalese citizenry has are something quite positive and praise worthy.

It is impossible to have one hundred percent credible media anywhere in the world, even in developed democratic. Judging Chinese leader Deng Xiaoping's formula, if the media is 60 percent good, it is good. If it is 60 percent bad, it is bad. One has to feel proud of being rated 60 percent good. If media coverage is 60 percent good, no one including the prime minister of highly stable and developed democracy needs to complain about its role of imparting the free flow of information. ■

“For The Political Purpose, We Are Violating The Rule Of Law And Constitutionalism”

- Radheshyam Adhikari

I am very afraid how people will judge us in the history when they will see we had included the clause on the basis of a report which nobody knows about.

Senior advocate and Member of Legislative Parliament **RADHESHYAM ADHIKARI** is a well known person in legal sector. Adhikari - who also led Nepal Bar Association, an apex body of lawyers, recently, fought tooth and nail to bring changes in amendment clause of constitution and Constituent Assembly Member Elections Act. Although his views have been rejected by the parliamentary sub-committee, senior advocate still holds the view that some of the clauses in the act and interim constitution are not at par with the concept of rule of law. Adhikari spoke to **KESHAB POUDEL** on various issues regarding the amendment. Excerpts:

Despite you and your colleague Harihar Dahal's vehement opposition on certain clauses of the Constituent Assembly Elections Bill and Constitution Amendment bill, the parliament passed both without accommodating your views. How do you look at is?

Yes, we were unable to convince other members regarding legality of those clauses. So far as our roles were concerned, we recorded our dissenting views in the parliament committee. As a legal practitioner, I always oppose violation of the rule of law, constitutionalism, and supremacy of law. Even if I have to compromise for political reasons, I still hold the view that certain clauses included in the Act and article in Interim Constitution violates the rule of law and constitutionalism.

Which were the clauses in the acts and articles in the constitution you opposed?

We opposed the inclusion of clause 19 (h) in the CA Election bill. According to the clause, a person shall be disqualified to contest the elections in case he/ she is indicted by the (Rayamajhi) commission report. Interestingly, nobody knows what is in the report. The point of disagreement in the amendment of interim constitution was the inclusion of clause stating that Supreme Court judges should go through parliament hearing.

When you voted in the parliament, didn't it mean your justification to the act which disqualifies a person who is indicted in an inquiry commission report?

There is no question to justify it. We vehemently opposed the inclusion of that clause in the parliamentary committee saying that it has no political justification as well as no legal basis. Whatever views I hold, as a member of Nepali Congress which is the main constituent of the government and parliament, I was also a part of my party. Of course, in political compromise, our party sacrificed it and issued the whip which compelled me to vote. So, I am part of the act now.

Have you changed your opinion, then?

I am still saying that this is against the rule of law and constitutionalism. We have added in the act that the person indicted by the commission should be disqualified to contest the elections. I am very afraid how people will judge us in the history when they will see we had included the clause on the basis of a report which nobody knows about.

People including the members of commission are arguing that people can be prosecuted on the basis of their report as the commission had mandate to indict anybody?

First of all, we must be clear that Rayamajhi Commission is just a fact finding commission constituted under Inquiry Commission Act. The report of fact finding commission is just a narrative of reports. We can't indict a person on the basis of such fact finding commission report. This report may be taken as a basis for further investigation. It is only through the judgment of the court, one can be indicted.

How do you see the report itself, then?

I have already said that it is just a report of fact finding commission. If that report was alone enough to indict someone, why the government needed to send it to the Commission for Investigation of Abuse of Authority (CIAA) for further investigation? If those former ministers were really culprit, why is the CIAA investigating them now? We opposed the Royal Commission on Corruption Control on the ground that the commission was given right to investigate, prosecute and punishment. Do we mean the status of Rayamajhi Commission was like that of Royal Commission? If that is not so, we have to see Rayamajhi Commission report just as a document of history.

How can you say that?

If you study the Inquiry Commission Act, it is clear that such commission report needs to be put in secret. Only in case of appropriate situation, the government makes such report public. It is up to the government to decide whether is appropriate to make it public or not. Even the members of commission who were qualified, know about this legal provision. I don't see any justification that people of some quarters are pressing the government to make it public. It is ridiculous to see members of the commission demand the same. If you want to be popular in streets, everything can be justified. In legal terms, it is for the government to decide the fate of the report.

At a time when there are so many practicing lawyers in seats of power including Speaker

Subas Nemwang, Harihar Dahal, yourself and home minister Krishna Prasad Sitaula, what compelled all of you to vote in favor of a law, which is against the basic rule of law?

In private conversations, all of them agree with the position taken by me and Hariharji. Since they are politicians, they are unable to go against populism. For the political purpose, we are violating the rule of law and constitutionalism. Everyone knows that the act is against the spirit of rule of law and constitutional amendment is not at par with the parliamentary democracy. It is unfortunate to say that nobody is out there who is willing to take risk of political backlash by opposing these things.

How do you see the present constitutional provision to appoint the judges of Supreme Court after hearing by a committee in parliament?

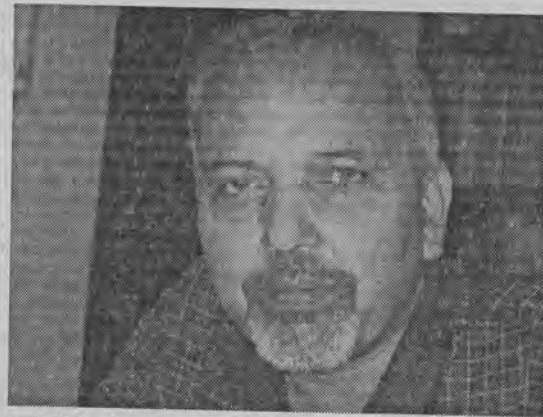
It is very unfortunate to include the judges under the hearing of parliamentary committee. First of all, we have to make clear whether the appointment of judges is executive power or legislative power. We are now mixing both. It is the practice of presidential system like in the United States where president appoints judges after a public hearing in the Senate. However, our system is a parliamentary system where prime minister is accountable to the parliament and the prime minister needs to prove vote of confidence. Every minister is accountable to the parliament. In this case, parliament controls all the appointment of executive. The present system is theoretically wrong.

Some of your party leaders in the government and opposition members are saying that there is no question to follow constitutionalism and rule of law to deal with political problems. What are your views?

That is a wrong perception. If that is the case, then why do they need to bring constitution amendment bills twice in the parliament when eight parties are united and have consensus. By bringing these two amendments in a short span of time of 58 days they have shown that political consensus is not enough to govern the country and run the administration. There is a need of constitution to govern the country and constitution should be based on constitutionalism. There requires political consensus but it must be based on rule of law and constitution. Even during the period of making the interim constitution, I requested to then members to follow the constitutionalism. My views were ignored then.

As a member of liberal democratic party, how can you justify the violation of rule of law and breaking of conventions and practices evolved in the practice of more than five decades?

There is no question of justifying all these acts. There are still possibilities to correct the mistakes through judicial review. As a lawyer who has spent almost all my career pleading the rule of law upholding the spirit of constitutionalism, it is very



painful situation to be a part of all these nasty developments.

How does your party leadership react to your assertions?

Party leadership listens to us. Had our views been totally ignored, we would not have been sent to take part in discussions in those committee meetings. Our party never said that the views which were taken by us were against the party policy. Otherwise, we would have been asked for explanation. But the situation is such that our party is not in majority in the legislative parliament. Majority of the parties in the current parliament do not believe in rule of law and constitutionalism. Our liberal views were discarded by them. It is a reality that Nepali Congress also is making political compromise sacrificing some ideals. If we had taken the stand firmly, the bill would not have passed and the elections for CA would have been further delayed.

At a time when the law and order situation is deteriorating and various rebel groups in Terai are threatening, how do you see the prospects of holding the elections for Constituent Assembly?

There is no alternative other than holding the elections for Constituent Assembly as we have already scrapped the previous constitution and interim constitution cannot last long. In this context, we must hold the elections for CA. If we are unable to hold the elections, our whole political position will be derailed. This is a very dangerous thing.

How do you see current attacks against Judiciary?

In other countries, people make effort to strengthen their institutions by defending them. In our case, it is different. We always criticize the institution to the extent that they are destroyed. Of course, we have lacunae and weaknesses. We have been making all our institutions as laughing stocks. I am not saying that there are no lacunae in the judiciary but the judiciary is the only institution which is transparent and open. Because of openness and transparency, the corruption in the court is comparatively lower than other institutions of the state. A lot of hard works have been done to bring the judiciary in its present shape. Discrediting and scandalizing the institution of judiciary is not going to serve anybody's interest. ■

Majority of the parties in the current parliament do not believe in rule of law and constitutionalism. Our liberal views were discarded by them. It is a reality that Nepali Congress also is making political compromise sacrificing some ideals.

GLUE IS STICKING WITH KATHMANDU KIDS

- Karen Choy

Inhalant abuse is known by many names and comes in many forms. Typically, the user takes chemical products and inhales the vapour through their nose and mouth to experience a drug induced high. This practice of inhalant abuse is also known as glue sniffing, dendrite use, volatile substance abuse, solvent use, huffing, and bagging.

According to the Canadian Health Network, there are a variety of methods of inhalant abuse. "Sniffing" occurs directly from containers. Users sometimes heat the containers to produce fumes at a more rapid rate. This practice places users at high risk because many inhalants are highly flammable. "Huffing" involves soaking fabric into a solvent which is then placed on the user's nose and mouth where chemical fumes are inhaled. "Bagging" occurs where the substance is placed in a bag. The bag is placed over the nose and mouth for the user to inhale the fumes.

Child Workers in Nepal Concerned Centre (CWIN), established in 1987, is a non-government organization that has been promoting childrens' rights. CWIN Program Officer, Sanu Giri, first learned about the practice of glue sniffing in 1998. Since 2001, Giri has noticed glue sniffing becoming a serious problem among street children in Nepal. SAATHI is another non-profit organization that has been working with street children by providing shelter, counseling services, and non-formal education. Samjhana K.C. has been working as a SAATHI Outreach Worker since 2001 and has found glue sniffing to be particularly prevalent in the Thamel, Jamal, and Basantapur districts of Kathmandu.

Costs of Sniffing

Glue sniffing has become popular among street children because it is available, cheap, and produces an immediate, euphoric high. In Kathmandu, dendrite is the most commonly used inhalant among street children. Dendrite is a brand of industrial grade adhesive often used for shoe repair or home renovations. According to

SAATHI Outreach Workers, a child can purchase enough dendrite to produce a drug induced high for 2 to 3 rupees. A tube of dendrite costs between 30 to 50 rupees. Inhalant users may experience euphoria, hallucinations, or a sense of invincibility. Accessibility is a key difference between dendrite and other street drugs. Various household items can be used for inhalant abuse. Permanent markers, correction pens, nail polish remover, aerosol hairspray, paint solvent, and gasoline are examples of easily accessible inhalants. Addicted children can easily purchase inhalants from local shopkeepers and shoemakers without suspicion.

The health costs of glue sniffing range from chronic health problems to death. Inhalants produce deleterious effects on a child's neurological, respiratory, and digestive system. In addition to such grave health consequences, glue sniffing has the potential to develop into a widespread trend among children in Kathmandu. SAATHI Outreach Workers have observed both street children and school children engaging in glue sniffing. Why are children sniffing? A report published by CWIN in 2002 has found motivators for inhalant abuse include: peer pressure, easy accessibility, physical addiction, and drug use as a coping strategy.

A hidden addiction

The lack of awareness about glue sniffing is another serious concern. According to Babita Basnet, President of Sancharika Samuha, "media are not aware of this problem and parents are not aware." The lack of information and research on glue sniffing has contributed to the low profile of this serious issue. The general public is largely unaware of glue sniffing entirely. As a result, addicted children can inhale dendrite openly because the community and police have not taken any measures to prevent this activity. Sancharika Samuha, a media awareness and advocacy organization, has suggested more research on glue sniffing be made

available to sensitize media personnel of this issue in order to promote greater public awareness.

What is being done?

Child welfare organization SAATHI is currently conducting exploratory research on the needs of dendrite addicted street children. SAATHI is gathering data from Kathmandu street children in order to develop effective long term interventions for addicted children. CWIN has completed research on glue sniffing in the past and currently engages in anti-drug campaigns targeting addicted street children. "Most crucial is a rehabilitation center. Many of the street children are aware of the harmful effects. There needs to be long term support and strong government policies to address this issue," said Suvkeycha Rana, Child Program Coordinator of SAATHI. Currently, there are no long term drug rehabilitation facilities for children in Kathmandu. Such services are only available to youth and adults. Furthermore, both CWIN and SAATHI emphasize the need for a comprehensive, long term approach to addiction among street children. Support services, long term rehabilitation centers for children, public awareness, and strong government policies combating glue sniffing are key elements in a comprehensive approach. Simply criminalizing inhalant abuse and penalizing dendrite distributors will only drive glue sniffing underground. In this situation, the more vulnerable street children would be subject to further exploitation. Instead, what is needed is community dialogue between individuals and child welfare agencies to begin addressing this serious issue.

Awareness campaigns about the consequences of glue sniffing should focus not only on the affected children, but also the community, police, shopkeepers, and shoemakers. Samjhana K.C., SAATHI Outreach Worker, has found shopkeepers and shoemakers to be the main distributors of inhalants in Kathmandu. Pooja Niroula, Program Manager of Richmond Fellowship

Nepal, stresses that rehabilitation centers for children must take into account the specific needs of street children. For example, many street children enjoy significant independence living on the street. Thus, interventions aimed at addicted street children must attempt to strike a balance between providing structure for recovering addicts and maintaining individual autonomy. Niroula suggests a more effective approach would be peer based education coordinated by recovering addicts.

Why should this matter?

Inhalant abuse kills.

Dendrite use has the potential to become a widespread problem among children in Kathmandu. Many would argue dendrite use has already become an epidemic problem. Rates of inhalant abuse have dramatically increased among street children over the past 6 years. School children have also been seen glue sniffing by SAATHI Outreach Workers. From her experience at Richmond Fellowship, Pooja Niroula finds most recovering addicts started experimenting with drugs through inhalant abuse.

Increasing awareness about glue sniffing should include both the health consequences of inhalants as well as publicizing the symptoms of a dendrite addicted child to parents. According to the Canadian Health Network, some symptoms of inhalant abuse include: abdominal pain, vomiting, or diarrhea; chemical smell on clothing, hair, or breath; stains on fingers or hands; drooling and spitting; watery or bloodshot eyes; headache and dizziness. Other general signs of a drug use problem include: emotional withdrawal, sudden changes in daily routine, trouble at school, trouble with the law, and new "friends".

Inhalants abroad

Inhalant abuse is a problem not limited to Nepal. Countries around the world have struggled to address inhalant use among children. The Canadian Health Network advises that many children may not realize inhalants can kill both a first time user and a long term user. According to the National Inhalant Prevention Coalition, it is estimated that 100 to 125 Americans die per year as a result of inhalant abuse. During

November 2000, the Canadian government responded to a request to intervene and address the issue of 39 gasoline addicted children living in a small Aboriginal community in Labrador, Canada. As a response to the number of gasoline sniffing deaths among Australian Indigenous communities, the Australian government in 2005 promoted a new type of gasoline which has low levels of aromatic hydrocarbons, the substance which gives gasoline sniffers a drug induced high.

Many areas struggling with high rates of inhalant abuse are highly fractured communities experiencing a number of other social issues. Some children turn to glue sniffing to escape their daily reality of life on the streets. Regardless of the individual motivations for inhalant use, the increasing trend of glue sniffing among Kathmandu street children raises larger questions. Why are so many children addicted to inhalants? Perhaps, this is a symptom of larger social problem and the needs of Kathmandu's children are being overlooked. Exploring these issues further requires open dialogue about inhalant abuse and the needs of street children.

Equal Opportunities for Children

In law, all children are equal. Section 13(1) of Nepal's Interim Constitution of 2007 states, "All citizens shall be equal before the law. No person shall be denied equal protection of the laws." In practice, all children should be valued as they are the future of Nepal. Failing to address the needs of children is a failure of society as a whole. Addiction is a powerful force in which many struggle their entire lives to overcome. The increasing numbers of children addicted to inhalants is an alarming reality. Child welfare workers in Kathmandu have seen a marked increase in glue sniffing in recent years and predict this trend will continue. It is crucial for the government, social welfare agencies, schools, parents, and the public to act now and address this serious problem that is risking the lives of Kathmandu's kids.

(The author is a Canadian student working as an internee at Sancharika Samuha)

UN ELECTORAL TEAM VISITS

The United Nations Electoral Expert Monitoring Team (EEMT), established under the mandate of the Security Council resolution 1740, left Nepal after completing the first of a number of visits on 24 June, reports UNMIN press release.

The five-member team comprised of Dr. Rafael Lopez-Pintor, the team leader (Spain), Ayman Ayoub (Syria), Stefanie Lüthy (Switzerland), Antonio Reis (Brazil), and Bong-Scuk Sohn (Republic of Korea) had stayed in the country for two weeks.

During their stay, the team held a wide range of introductory meetings with national as well as international actors to gather information and listen to their views related to the electoral process, and to explain its role. In addition to meetings in the capital, members of the EEMT travelled to Biratnagar, Bhojpur and Kavrepalanchowk. They met with the Prime Minister, the Peace Minister, the Minister of Foreign Affairs, the Minister of Industry, the Speaker and Deputy Speaker of the Legislature-Parliament, election Commission Commissioners and staff, political party leaders, civil society organizations and national and international electoral observers groups.

"Appointed by the Secretary-General, members of the EEMT are responsible for assessing the electoral process on a regular basis in order to determine whether it is proceeding in a manner which will lead to a result that accurately reflects the will of the Nepalese people."

The EEMT reports to the Secretary-General on the conduct of the election. The Secretary-General will share reports of the EEMT with the Government of Nepal. The EEMT is not a part of UNMIN. It operates separately from the UNMIN Electoral Assistance Office, which provides technical assistance to the Elections Commission. ■

ROW IN CASINO

Tarnishing Image Of Nepal

Rakesh Wadhwa's efforts to control Nepal Recreation Center(NRC) and casinos by using every mean has damaged the image of Nepal in the tourism sector

By A CORRESPONDENT

At a time when Nepal's tourism industry is gradually recovering after years of insurgency and bad publicity generated by the hijacking of Indian Airlines plane some time back, a new row over the ownership of NRC schemed by Rakesh Wadhwa, an Indian citizen, has started tarnishing the image of Nepal again.

For Wadhwa, it is said, who also holds some shares in casinos in the Indian state of Goa, disputes in Nepal's casino industry will not affect him adversely but it will vigorously damage the tourism industry in Nepal.

Although all the legal documents show that R.D. Tuttle is still chairman of NRC and he holds majority shares, Wadhwa is now trying to mislead claiming that he is the real majority stake holder in the NRC.

The row has put Richard D. Tuttle, who has made major contributions to modernizing casinos and promoting casino tourism in Nepal since 1976, under unnecessary stress.

Since his arrival in Nepal, he has been publishing a number of magazines to promote tourism in this part of the world. In the fight Wadhwa has nothing to lose.

For the people of Nepal, any disturbance in casino will be a major loss in terms of revenue generation and employment opportunities to poor Nepalis. The casino generates millions of rupees of revenue to the government and provides employment to more than 15,000 poor Nepalis.

The recently published article in Times Network, The Times of India's news agency, manifested Wadhwa's



sinister interest.

"Rakesh Wadhwa, a finance whiz from Delhi who operated casinos in Sri Lanka before they were closed by the government, holds stakes in a group of floating casinos in Goa, is the majority stake holder of NRC," writes the Times Network.

If Nepal's casinos are involved in unnecessary rows of such kinds for a longer period, the tourists coming to Nepal for recreation will be diverted to new destinations, which will ruin Nepali industry that has been nurtured through the efforts of more than three decades of R.D. Tuttle.

For the promotion of casino industry in Nepal, no one can deny the important role played by Tuttle. When Tuttle took over the control of casinos in Nepal, they were very much in initial stage.

The investment made by Tuttle has transformed them and their infrastructures have been completely modernized. Tuttle - who has been running the casinos and making unprecedented improvements at par with international standard- worries that it could have a very bad impact on Nepal's overall tourism and may discourage investors from coming into Nepal.

The unsavory tactics used by

Wadhwa to prove his imaginary claims must be brought to the notice of all concerned and the local government. His dispute with Tuttle started following his attempts to control NRC through registering companies in Nepal and Hong Kong under the same banner owned by R.D Tuttle.

In legal terms, NRC is still owned by a Hong Kong Registered Company, Cannosa - which owns 80 percent of shares of NRC, a company of which R.D. Tuttle is the founder and promoter.

The Declaration of Trust signed in Hong Kong, under the Dartford Limited of 701-02 Commercial House, 35 Queen's Road Central, in February 1990, states: "I/we Dartford Limited (hereinafter called "the trustee") hold the shares specified in the schedule hereto and all dividends and interest accrued or

to accrue upon the same, including bonus rights and other privileges arising from such share or any of them, upon trust for Mr. Richard D. Tuttle of Soaltee Oberoi, Kathmandu Nepal (hereinafter called "the Beneficiary") and hereby agree to transfer, pay deal with the said shares and the dividends payable in respect thereof any bonus rights and privileges arising therefrom in such manner as the beneficiary shall from time to time direct."

According to Trust, Cannosa Investment Limited has eighty-seven thousand four hundred ordinary shares of HK\$ 10.00 each and Tuttle is the ultimate beneficiary.

To stake control of the NRC, Wadhwa registered a new company in the name of Cannosa in Hong Kong with 99 percent shares with him recently. This itself exposes his foul intentions to embarrass Tuttle.

Although the case regarding the Cannosa is still pending in Hong Kong Court, Wadhwa claims his newly registered company to be the genuine one. According to Hong Kong Government Act, all property and rights whatsoever vested in or held on trust for the company immediately before its dissolution belongs to the government.

Nepal's continuous political instability and traditional legal system have discouraged overseas investors particularly from the west to invest in Nepal. The recent efforts to harass Tuttle, an American investor pioneering in modernizing tourism business in Nepal, may further aggravate or discourage prospective investors to come to Nepal.

So far the imaginary claim of Wadhwa about controlling all the shares of NRC is concerned, it could not be possible because as there are other shareholders as well. Under the permission granted from the Department of Industries as per the company act 2049, consent has been given to transfer 600 numbers of shares Rs. 1,000 to 600,000 to the American national Mr. Henry Howard Tuttle out of Mr R.D. Tuttle's shares on May 7 1998. Similarly, in April 1996, R.D Tuttle bought



Purushottam S. Rana's 8000 shares and Manjari Ghosh's 7000 shares of Rs. 1000 each under the approval of Department of Industries on condition to invest in convertible currency in favor of a Nepali investor.

Under the same token, 1000 shares amounting to Rs.10 lakhs belonging to Mrs. Uraiwan Jozef Tuttle were also transferred. Even on June 13, 2007, R.D. Tuttle, Chairman of Nepal Recreation Center, chaired the meeting of the board of directors inviting the board directors Bonnie June, Ketsarin Singnark, Sirphorn Kaosoo and Rakesh Wadhwa.

All the documents show that legally R.D. Tuttle still is chairman of NRC with all the shares under his possession. So far the issues of Cannosa Investment Limited are concerned, the case is pending in the Hong Kong Court. Wadhwa has already launched propaganda war against Tuttle, who till now has been silently watching the developments.

Wadhwa also tried to sully Tuttle's image by publishing newsletters indicting him for his mismanaging the casinos. After modernizing and successfully operating casinos for more than three decades, Tuttle, chairman of Board of Director of Nepal Recreation Center (NRC), which runs eight casinos in Nepal, has been unnecessarily

embroiled in baseless rumors of mismanagement by his former manager Wadhwa, who is now claiming to be the legitimate owner of the NRC.

"Disputes are normal in business. There are disputes between families, fathers and sons and partners. But I have not seen such situation in business disputes and that, too, by a person who worked as a good manager for a long time," said a close aid of Tuttle. He further added that, "it can be compared to a situation where the invited guest tries to push out the owner of the house." It may not be irrelevant to bring to the notice of the public that some time back Wadhwa's casino in Sri Lanka was closed by the government when it came to know that Wadhwa had been secretly funding the Liberation of Tamil Tiger Ealem (LTTE). For the past few years following his eviction from Sri Lanka, Wadhwa worked as a manager of Tuttle's NRC where he is still a member of Board of Director.

"This is no good for the country, casino industry and foreign investment in Nepal. These kinds of disputes will tarnish the image of Nepal," said Tuttle's aid. The dispute has to be settled justifiably without delay after the court in Hong Kong gives its final verdict. ■

OHCHR-NEPAL REPORT

On YCL Excesses

The UN rights body comes down hard against Maoist-affiliated YCL for rights abuses

By A CORRESPONDENT

The Young Communist League (YCL), which the Maoists formed less than six months ago, has earned a dubious distinction very rapidly due to its use of intimidation and utter disregard to rule of law. Although it has tried to earn public sympathy by engaging in social works like city clean ups, the YCL has earned very few friends outside of its party circle.

Last week, the OHCHR-Nepal Office released its report on YCL activities and their rights abuses. The report, which was also handed over to Prachanda, was prepared after carrying out extensive monitoring and investigations in the districts.

“OHCHR-Nepal has noted with concern that reports of YCL and other CPN-M abuses have started to increase again particularly since mid-April this year. The level and type of YCL activities and reported abuses vary from district to district. Most of the reports of disruption of political and other activities have been received from the Western Region, though some also in the Central and Eastern Regions. Violence related to land issues has largely been reported in the Far and Mid-Western Regions. The highest number of abductions occurred in the Western and Central Regions.”

The report says that many of the abductions recorded in the report occurred within the context of YCL “law enforcement” activities. According to OHCHR-Nepal’s information, some 24 individuals have been abducted since 28 May alone. They were taken to places which were not official detention centers, interrogated, in some cases beaten and threatened before being released or handed over to police after a short period in captivity.

The YCL has justified these actions on the grounds that the police are not taking action against criminals. “While there are legitimate concerns regarding the weaknesses of law enforcement agencies and other state institutions, as well as regarding delays in implementing the provisions of the Comprehensive Peace Agreement (CPA), these arguments cannot be used to justify actions which amount to human rights abuses. These abuses violate international human rights law, the CPA and domestic law such as the Interim Constitution.”

The OHCHR report adds that the human rights abuses committed by the YCL are contributing to a climate of fear and intimidation. “They also act as a constraint on legitimate political, journalistic and other activities particularly related to freedom of expression and assembly.”

The report says that despite commitments expressed by Maoist leadership to check YCL excesses, there has so far been “little improvement and indeed over the past few weeks allegations of abuses appear to have increased.”

OHCHR-Nepal recommends in the report that the CPN-M and YCL leadership must give clear directives to the YCL to stop abuses and that they will not be tolerated.

“In addition to any internal disciplinary measures that may be accountable by the State authorities, police must be instructed to intervene to prevent and investigate any kind of violence or abuse whether by the YCL/CPN-M, by state agents or others, and to arrest and investigate those responsible,” the report adds. ■



Prachanda: Under pressure

TRUST FACTOR STRESSED

In her statement to the press on June 22 before she returned after wrapping up her tenure as chief of Office of High Commissioner for Human Rights – Nepal, Lena Sundh stressed on the importance of trust factor among the parties.

“The lack of trust and dialogue contributes to an environment of confrontation in which violence frequently occurs. The lack of trust also makes it more difficult for the parties to join together and take difficult, but necessary decisions on how to proceed in the implementation of the process leading up to the Constituent Assembly election, including many issues of utmost importance to human rights.”

Sundh expressed that success of peace process will depend to a large extent on how Nepal’s political leaders, and its many different traditionally marginalized groups, are able to resolve legitimate claims to fair representation and participation in the State.

“There must be a genuine framework for dialogue, which addresses both the urgent issues related to an electoral system which is broadly acceptable to all groups, and which provides a process for dealing with longer term issues. Traditionally marginalized groups must also commit themselves to only peaceful means of advocacy and protest, and also work to ensure that their communities understand that while it must start now, lasting change must take place over time,” she stated. ■

Prachanda Warns Agitation; Expresses Desire To Be Prez

Maoist chairman Prachanda has warned that there would be very serious mass movement in the country led by his party if the Constituent Assembly (CA) elections do not take place in Mangsir.

In an exclusive interview with Karan Thapar of CNN-IBN (broadcast on Monday, June 25), Prachanda said, "I think if we'll not be able to hold elections in December, it will be disaster in this country. The whole political scenario can change to a very serious anarchy in this country."

Prachanda reiterated that despite the passage of second amendment of interim constitution, which allows the parliament to abolish monarchy if the latter is found conspiring to derail CA elections, his party pushes for immediate announcement of republic. "We want that parliament should take initiative and monarchy should be demolished immediately," said Prachanda. He also said Prime Minister Girija Prasad Koirala will be to blame if elections to the constituent assembly elections are not held on time.

Meanwhile, zeenews.com adds that Prachanda also expressed hopes to be the President of Nepal after the next elections. He hoped that he would be the President of Nepal with executive powers as he expected his party to get majority in the next election. He added that he would not become President for life, but only for a single five-year term.

"Maoist chief Prachanda has favored special relations with India with the two countries having open borders and close cultural ties," the report says. Appreciating India for helping the peace process, the Maoist leader said, "There are ups and downs, twists and turns in our relations with India....(but) there is a sort of unity in interest between the two countries." "Delhi played a very positive role in the ongoing peace process...We want special relations with India in the sense that we have open border, close cultural and traditional ties," said Prachanda. He, however, said that his party wants equidistant relations with India as well as China.

Prachanda criticized PM Koirala for lacking clear view about monarchy. "He always vacillates between the question of monarchy and Republic." "When I had conversation with Koirala five years back, I thought that he was trying to find artful ways to abolish monarchy but now I feel that he was trying to save the monarchy artfully," he said. The report adds that when asked about possible "dangers from the military as Army chief Rukmangad Katuwal has close relations with the King," Prachanda ruled out any possibility of coup, but admitted that some sections of the Army may be active towards that end. (Courtesy: nepalnews.com) ■

Book List

- Fateful Interview, Madhav Kumar Rimal,Rs. 400.00
- Beyond The frontiers Women's stories from Nepal Padmavati Singh/2006.....Rs 200.00
- Bonded Labour Kamaiya in Nepal. Padma Raj Lamichhane/2005.....Rs. 350.00
- Dhoopee "The Juniper" A Long Poem.Toya Gurung/ 2006.....Rs. 185.00
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- Nepal 's conflict and its impact on Public Ananda P. Shrestha \Hari Uprety \2006.....Rs 150.00
- 15. Peaks and Pinnacles Mountainering in Nepal Harka Gudung\2004.....Rs. 500.00
- The Sakyas, Ajaya Kranti Shakya \2006Rs. 350.00
- Simple Convictions My Struggle for Peace and Democracy Girija Prasad Koirala\2006.....Rs. 250.00
- 18 Uncertainty on a Himalayan Scale, Thompson \Warburation \ Hatley \2007..... Rs. 250.00

“China Supports Nepal’s Quest To Achieve Peace And Stability”

-Zheng Xianglin

Since his arrival to Nepal two months back, Chinese Ambassador to Nepal Zheng Xianglin has been actively taking part in different activities. In the last two weeks, Chinese Ambassador Zhen Xianglin has already given interviews to a couple of newspapers. In his recent effort to explain Chinese policy towards Nepal, Ambassador Xianglin addressed a press meet at the Reporter’s Club. Excerpts of his address:

On the issue of Monarchy:

China does not have specific views on future of monarchy in Nepal. China does not have any policy to interfere in the internal matter of any other country. It is for sovereign people of Nepal to decide the fate of Nepal. We will accept the verdict of sovereign Nepalese people expressed through the elections of Constituent Assembly.

On Peace and Stability

China is concerned about Nepal’s peace, stability, development and Nepal and Nepali people’s sovereignty, regional and territorial integrity. China always supports Nepal’s quest to achieve peace, and stability.

On Peace Process

China wants to actively take part in the peace process. China is ready to

provide necessary support required by Nepal. Within a few weeks, some Chinese officials will visit Nepal to study Nepal’s ongoing peace process and to further support the process. China will treat equally all the forces involved in peace process.

On Bilateral Relations

Nepal and China’s relations are centuries old and the relations are always friendly, and cordial. The high level visits by the leaders of two countries have helped to further strengthen it. China has very excellent and cordial relations with Nepal. I will try my best to strengthen and expand cordial and friendly existing relations between the two countries.

On the Railways in Tibet

The road and rail network in Tibetan Autonomous Region have already been expanded considerably. The expansion of railway links Tibet with the rest of China. We have a plan to improve the road between Lhasa and Khasa.

On Internal Matters of Nepal

China opposes any kind of interference in internal affairs of any country of the world including Nepal.

China has always supported Nepal’s sovereignty and territorial integrity. China believes that Nepalese people are capable themselves to settle their issues.



On Maoists

Maoists have already joined the government and entered the parliament. They seem to be like other parties. Our dialogue with them is like with other parties.

On China’s Aid

Under the Chinese cooperation, Syaphrubeshi- Rasuwagadhi road, Polytechnic school in Banepa and construction of Civil Servant Hospital are going on. China is ready to increase support in Nepal’s economic, technical and educational sector. I will make my best effort to start Syaphrubeshi-Rasuwagadhi road soon.

On the Visit of Nepalese PM

The home work is going on regarding the proposed visit of Nepalese prime minister Girija Prasad Koirala to China. The forthcoming visit of Nepalese prime minister Koirala to China will focus on economic development in Nepal. The date will be announced soon. The visit will add new dimension in the relations between the two countries. A high level Chinese delegation will also visit Nepal by the end of this year.

Powell Stresses Need To Ensure Free And Fair Polls

The US ambassador-designate for Nepal, Nancy Powell has stressed on the need to ensure that elections are “as free and fair as they can be so that there is no reason for groups, whether it’s the Maoists or others, to reject the results.”

Participating in the hearing at the Senate Foreign Relations Committee, President’s nominee to serve as US ambassador to Nepal said that in order to assure that the elections are free and fair when they do take place, “the government must urgently restore law and order throughout the country, complete the legislative and logistical groundwork for a well-administered election, and reach out to disaffected groups to ensure their adequate representation and peaceful participation in the political process.”

Powell said that peace and democracy in Nepal would directly serve US interests in stability and democracy in South Asia. “The Seven Party Alliance and the Maoists who together comprise the interim government have agreed to a political roadmap that, if fully implemented, has the potential to deliver peace and democracy to Nepal,” she told the Committee chaired by

John F. Kerry, Democratic Senator and US presidential candidate during 2004 elections.

Powell, however, added that despite much progress, success is far from assured. “Although the Maoists joined the government on April 1st, they continue to violate commitments they have made in the course of the peace process. Unrest in the lowlands along the Indian border has further complicated efforts to restore law and order and the authority of the government throughout the country.”

On the Maoists, she said that “they have not shown 100 percent commitment, particularly with the founding of the Young Communist League. Intimidation, extortion, some of the kidnapping has been continuing.” About the weapons deposited by the Maoists in containers, Powell said that it was not clear that that is the entire cache. “My experience in South Asia is that even if they had locked up all of those in their possession, it isn’t that difficult to get new ones in the region,” said Powell, who had served as US ambassador to Pakistan in the aftermath of 9/11 attacks.

Powell also spoke about the role of India.

“They have enormous amounts of influence with the various political groups, including the Maoists, over the years, and so they will continue to play a very important role,” she said.

On the issue of Chinese ability to help, she said, “They have, again, a long border with Nepal. They have rejected the idea that these are people that are somehow tied to their former leader and have spoken out in favor of the current peace process. And I would hope that they would be engaged in promoting that.”

She added that achieving durable solutions for the 108,000 Bhutanese refugees in Nepal continues to be a US priority. “If confirmed, I look forward to working with the government of Nepal to implement current plans for a voluntary resettlement program that would accommodate at least 60,000 of these refugees. I will also encourage the government of Nepal to ensure that the rights of all Tibetan refugees, resident in or transiting Nepal, are respected.” Powell is expected to replace James Moriarty as US ambassador to Nepal sometime next month. Moriarty is returning after completing his three-year tenure. ■

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