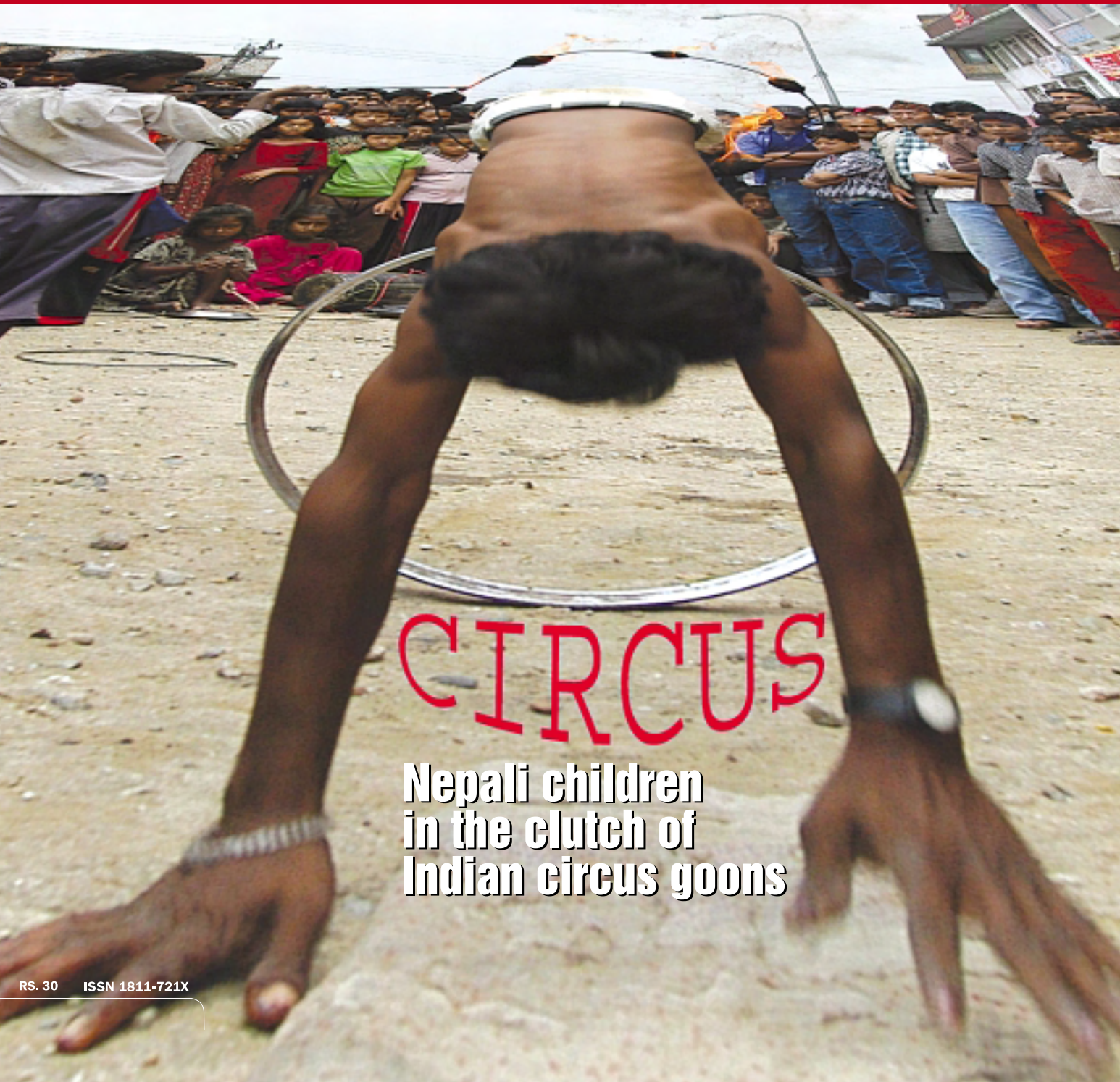


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CIRCUS

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in the clutch of
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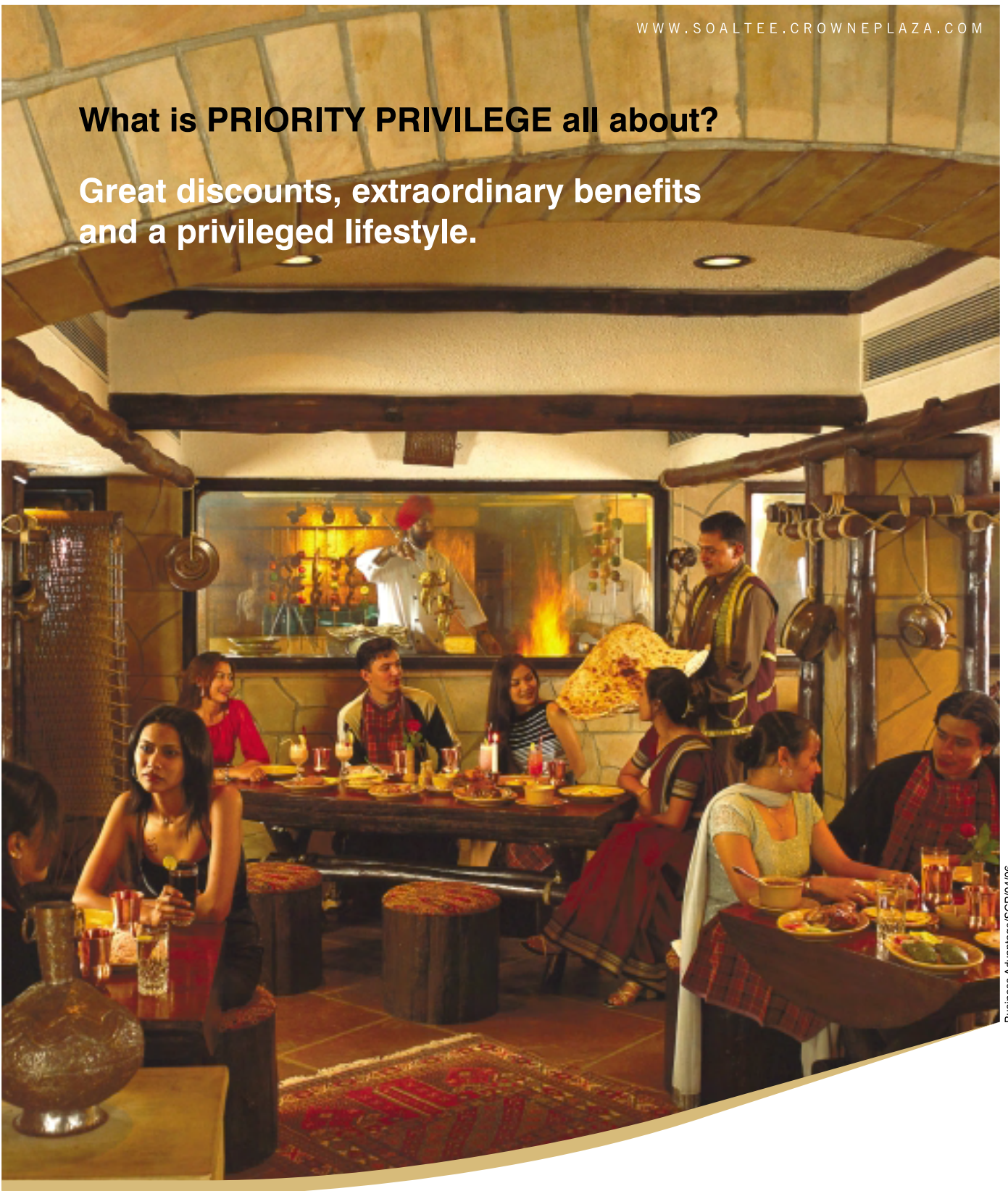
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Letters



“The Maoists continue with ways which are terrorist by UN’s own definition.”

RAM S. MAHAT

Defending St. Xavier’s

REPRESENTING A GENERATION OF Xavierians from a single family, it is a natural compulsion to respond to Pradip Silwal’s opinion about “what might have been at St. Xavier’s” (Re: “Darkness Under The Lamp,” Opinion, June 7). His points of views are well taken but they are entirely an outsider’s opinion lacking much information and knowledge about the history of the school and the challenging and difficult circumstances in which the Jesuit Fathers commenced their educational tryst in Nepal.

“If wishes were horses beggars would ride”! What a delightful situation that would be if all Nepali children could prepare for life in a school such as St. Xavier’s. But the responsibilities of providing an optimal education for the entire nation rest primarily with the leaders who formulate national policies and wield the economic wand. At the non-governmental level, what is targeted and achieved has got to be scaled down out of practical necessity. St. Xavier’s Godavari started in Nepal with an urgency to translate into reality a center of excellence in high school education (of the types already in operation in India). The challenges and uncertainties faced by the pioneer Jesuit Fathers can be read in “Moran of Kathmandu” by Don Messerschmidt.

And St. Xavier’s was by no means a school entirely for the elite. There were many students who completed their education there despite being unable to pay the fees, which is even today, amongst the best bargain in comparison to other schools. During the early years, the classes were very small and

the revenue generated from the fees was nominal. The school ran successfully, largely because of the unflinching devotion of the wonderful teachers. Accommodating an entirely free admission/education policy for the needy local community naturally needed to wait. The success of St. Xavier’s and the impact this institution has made in the different arenas of life in Nepal speaks volumes for the dedicated teachers. They have been behind the St. Xavier’s dream. Then success story also reflects on the staggering shortcomings of the government educational system which is largely responsible for providing basic education to the needy. That is where our fingers need to be pointing.

ANIL BANSKOTA
BANSBARI

On UN mediation

I AM HAPPY THAT MY VIEWS ON UN mediation on the Maoist problem evoked interesting responses from the readers (Re: “Talk of UN Mediation Is Premature,” Cover Story, June 20). Let me clarify certain points.

1. Being a former the UN employee myself, I would be more than happy, if peace could be restored with UN’s immediate mediation. In fact, in my writings elsewhere, I identified five areas in which the UN’s role in the peace process of Nepal could be useful. These include: an exercise in quiet diplomacy to find meeting point for settlement between the concerned parties, relief and rehabilitation of conflict victims, monitoring of human right violations and the UN’s moral pressure on the Maoists to stop violence to attain

this political objective. Based on my talk with the UN Secretary General's Special Advisor, Tamrat Samuel, I conclude that it is this role the UN seems to be interested in. The chief of the UN's Nepal office, Matthew Kahane's recent statement also indicates the same. The UN itself may not be interested that its good name should be used, when Maoists continue with ways which are terrorist by UN's own definition. What is important at this stage, therefore, is confidence-building measure, through quiet diplomacy, and not high-profile mediation, spending more time on formalities, paraphernalia and publicity. I have seen such over-publicized mediation not bearing results for years and years in other countries. Also, our own experience tells us that the so called peace exercise can be used by both sides to consolidate their respective military positions for renewed violence. We must guard ourselves against repeating past mistakes. I would certainly welcome them, if the Maoists are genuinely interested to join political mainstream sans arms through UN mediation, and not just to gain legitimacy for their "people's war" without giving up their violent ways.

2. I am as concerned as anybody else about daily violence, killings and destruction. In fact I myself, including my own family, have been at the receiving end of Maoist atrocity. We all want to see this come to an end as early as possible. But mere peace-and-mediation rhetoric will not address the problem. There must be a comprehensive national approach to the problem without which even the UN's mediation cannot yield desired results. Unfortunately, that does not exist at the moment, and the situation has only benefited the Maoists. We do not even have a representative government accountable to a functioning legislature. The UN is no substitute to our own efforts and national commitment. It is not a supra national authority that can force its will on the contending parties.

3. The reference to Brest-Litovsk Treaty and the Chunking negotiations does not reflect my 'erudition'; they were taken out from the statements of Maoist leaders like Prachanda. They have left us under no illusion that all talks of negotiation is only to advance the cause of their revolution, and they

consider the "revolution" in Nepal a joint effort of national liberation movement and the world proletarian revolution. Nepal would be a new base area for world proletarian revolution, and weapons would not be discarded until the final construction of communism. Many may consider this as impracticable romanticism. But this is what they believe in. The only hope is that the geopolitical and other realities of the modern world would force them to realize the futility of this adventurism, and that they negotiate to work under a peaceful multi-party democratic polity in which all ideas and philosophies can compete without the fear of gun and reprisals.

RAM S. MAHAT
BANSBARI

FOURTEEN YEARS OF WILDERNESS would make anyone despair; it is apparent that the refugee population in Jhapa is getting restive (re: "Red Alert," Cover Story, June 27, by John Narayan Parajuli). And fears of Maoist penetration seem well-founded. While it is understandable that the Maoists, who are always in the lookout to expand their sphere of influence, would want to influence the restive population, that alone doesn't explain the new dynamics in refugee camps—assuming that there is a Maoist-refugee nexus. There are a number of other variables. One is certainly Jhapa's close proximity to Bihar and West Bengal—both Maoist/Naxalite strongholds.

SUBASH PATHAK
TIKHEDEWAL

BHASKAR GAUTAM ASKS SOME difficult questions to the UN and the Nepali state in their commitment to the Bhutanese refugees ("For Want Of Some Papers," Opinion, June 27). To me, it is very simple: both Nepal and UNHCR have failed the refugees. The UN now wants to leave the refugees in the lurch, but why doesn't Nepal take the 100,000 refugees in its fold? After all, Bhutan is a totalitarian state and one can't really expect it to welcome the ethnic Nepalis with an open arm. Not now, not ever. Nepal could do better than that.

RESHAM KARKI
DAMAK, JHAPA

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SEE PAGE 16

Did you, too, O friend, suppose democracy was only for elections, for politics, and for party name? I say democracy is only of use there that it may pass on and come to its flower and fruit in manners, in the highest forms of interaction between people and their beliefs—in religion, literature, colleges and schools—democracy in all public and private life...

Walt Whitman



Picture of the Week



BEPATTA: Chunauti Tripathi with a picture of her father Gyanendra Tripathy, who was abducted by the security forces
nw/Sagar Shrestha



Court Calls

The Army should obey the court orders before more and more Nepalis start wondering: does it have a moral superiority over those it is fighting against?

BY JOGENDRA GHIMIRE

The Supreme Court's recent criticism of the Royal Nepal Army, vis-à-vis its interface with the judicial process, is something the armed forces could do without. For an Army that is fighting an insurgent force, which seems to have graduated beyond all bounds of cruelty and inhumanity, decline in its public standing and moral authority, should be a matter of serious concern. The members of the armed forces should go an extra mile to win the war on the public relations front.

The June 22 censure, issued by a division bench of the Supreme Court comprising Chief Justice Govinda Bahadur Shrestha and Justice Balam K.C., was issued in the context of a *habeas corpus* petition filed on behalf of one Kamal K.C. As publicly available accounts of the case indicate, Kamal K.C. was allegedly taken away—blindfolded—by members of the armed forces from Kirtipur in September last year. His family members allege that he is being held incommunicado at the Bhairabnath Battalion, and have petitioned the Supreme Court to order the Army to have him released or presented in person before the Court.

During the last three months, Bhairabnath has failed to honor the order of the Supreme Court to furnish it the reasons behind the detention. Perhaps out of frustration with the Army's attitude, the judges took the opportunity to remind the Chief of Army Staff that he, as a responsible state official, should refrain from disobeying court orders. They also ordered the Army chief to "assist the Court in protecting the human rights" of the citizens and also instructed him to ensure that henceforth the orders of the summons and notices of the court are followed by the authorities concerned.

This is unprecedented. No predecessor of Pyar Jung Thapa has been at the receiving end of such a harsh commentary from the apex court. However, as far as the response of the security forces to the court orders is concerned, it's a rather long list of gross neglect. Nepal Police too has a pretty inglorious record of defying the court orders, or deliberately stonewalling and misleading the judges in its responses. Queries from the National Human Rights Commission (NHRC), the statutory watchdog of human rights, have met a similar fate in more than one instance. In one interesting incident more than three years ago, a district police office in western Tarai publicly announced that it had released a detainee from its custody. Only weeks earlier, they had written to the NHRC in that the person in question was not in their custody.

What this does, besides of course the violation of the rights of the individual(s) in question, is that it ends up giving the security forces a very bad name—clearly more than what their fair share of bad name should be.

Like it or not, because of the unfortunate reality of the insurgency, the current Nepali state is heavily militarized, with the Royal Nepal Army playing a key role in the running of the affairs of the state. The way the institution—and its individual officers—behave and conduct themselves,

therefore, has a very strong bearing on the image that the state creates for itself among the Nepalis and before the rest of the world. Because it is the principal state institution which has a decisive sway over important matters, it is but natural that the RNA will be in the spotlight all the time. It is important that the Army adheres to the ideals of rule of law, or at least makes a sincere effort to adhere to it. Only in such a situation can the opinion-makers be expected to give the Army their benefit of doubt when it fails to do so. People will then be more open to Army's claims that on certain cases use of force is unavoidable if order is to be established.

Towards that end, the security forces should take some urgent steps. First, they should try and make a marked departure from their current tendency of holding suspects indiscriminately and keeping them incommunicado for months. Second, they should honor and promptly reply to queries from the judiciary and every other watchdog institution regarding the whereabouts of individuals. Third, the Army should recognize that as the most influential institution in the affairs of the state, it is likely to face the most scrutiny from the media, the judiciary and the civil society. It'd better. It should be willing to face up to the vigilance, rather than taking cover



under the "national security" umbrella. Fourth, the Army should explore possibilities of trying insurgents in its custody in a military court if it has justifiable national security reasons for not trying them in civil courts.

If need be, the government should be forthcoming with legislative enactments to facilitate that process. Sure, it will be a hard sale and may even make things difficult for the security forces, who are not always used to meeting the bare minimum of the legal requirements. But if Army leadership realizes that the Nepali state needs to maintain a high moral authority in its counterinsurgency measures, it should start changing its ways right away. The first step could be putting to rest the practice of demeaning the Supreme Court. Or else more and more Nepalis will start wondering: are our security forces any different from the people they are battling against? **N**



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NC supremo

Nepali Congress President Girija Prasad Koirala has said that he is open to the idea of a constituent assembly if it helps resolve the political stalemate. This is the first time the NC supremo has weighed the option, though several NC central committee members in recent days have asked the party to review its support for monarchy. Koirala, who took a hardline approach to the insurgency as prime minister, vowed to initiate dialogue with the Maoists and bring them back to mainstream politics.



Terrorist tag

The government has officially removed the "terrorist" tag slapped on the Maoist student wing, ANNISU(R). The decision was made during a Cabinet meeting after schools and colleges remained closed for 12 days following an indefinite educational strike called by the Maoist students demanding the removal of the tag. The Krantikaris called off

the strike last week after the government agreed to lift the tag.

Crippling dalits

Maoists crushed the lower limbs of eight dalits in Thalsa, Achham. Maoists said it was a punishment for defying their call to the dalits to abandon their landlords. The dalits were tortured in full public view in the premises of a local school. The Maoists warned that any dalits, who continue to work for their landlords, would meet a similar fate. They also prevented the dalits from receiving medical attention and warned health workers that defiance of their order would lead to persecution.

SC verdict

The Supreme Court ruled that its earlier verdict to acquit alleged drug trafficker, William Gordon Robinson, deserved a revision. This ruling came in response to a petition filed by the office of the attorney general at the Court asking for such a review. Robinson, a British national, was arrested last year at the Kathmandu airport. He was in possession of more than two kilograms of brown sugar during the arrest, according to the charge sheet. The alleged trafficker was



BHOTO JATRA: A guthi sansthan official displaying jewel-studded bhoto of Rato Machhindranath deity at the end of the jatra in Lalitpur

acquitted in a controversial decision by a joint bench of Justices Krishna Kumar Verma and Balram Kumar. Earlier a Special Court had handed him a 17-year jail sentence and slapped a fine of Rs. 1 million.

Budhanilkantha blues

Narayan Prasad Sharma has been reappointed as the principal of Budhanilkantha School, a post that has remained vacant for the past four months. The story is that Sharma was earlier shown the door following his differences with the Attorney General, Sushil Kumar Pant, a member of the school management committee. After Sharma's reinstatement, Pant submitted his resignation to the chairman of the committee, the Secretary at the Ministry of Education, Nepal Samacharpatra reported.

Spilt milk

The dairy farmers in Kavre dumped their milk on the streets infuriated by a decision from the Nepal Dairy Association (NDA) not to accept milk from local producers for two days. The NDA, which represents private sector dairies, refused to take milk from the farmers to protest charges against private sector dairies that they were marketing milk infected with coliform bacteria, Kantipur reported. The Panauti-based Anamol Dairy, which collects milk from some 1,000 farmers, was the dumping site for the angry farmers. One of the highest milk-yielding districts, Kavre produces 120,000 liters of milk everyday.

Busy ministers

Minister for Physical Planning and Works Prakash Man Singh requested the public not to invite the prime minister and ministers to official functions. He said that cabinet members needed to focus on the grave problems before the country rather than attending daily rounds of programs. There are currently only three ministers in the Deuba Cabinet and the CPN (UML) General Secretary Madhav Kumar Nepal attributed the delay in cabinet expansion to Prime Minister Deuba's indecision.

Cricket win

Nepal kept alive its hopes of playing in the ICC Trophy in 2005 by beating Afghanistan by 47 runs in the Asian Cricket Council Trophy. ICC Associate Members (non-Test playing) like Nepal can gain entry into the cricket World Cup through sterling performances in the ICC trophy. Nepal had earlier lost to Qatar and the encounter against Afghanistan was a must-win situation to keep alive its hopes.



New envoys

The King appointed Madan Kumar Bhattarai as ambassador to Germany and Kedar Bhakta Shrestha as ambassador to the United States of America. Madan Kumar Bhattarai is the spokesperson at the Foreign Ministry. Kedar Bhakta Shrestha was former Foreign Secretary and has also served as the ambassador to Belgium.



Valley security

The Royal Nepal Army claimed it has foiled a major Maoist operation in the Valley. The Army said that the Maoists were planning a huge explosion, possibly through a motorcycle, on a government installation. One possible target could be security forces outside Singha Durbar. The Army said it had seized a huge cache of explosives, mostly pager bombs, socket bombs, time bombs and pressure cooker bombs in locations around Tokha, Chabhil and Teku.

Nationwide blackout

The entire country was enveloped in darkness for some 15 minutes on Friday. The blackout occurred due to technical problems in the transmission lines of the Kali Gandaki "A" powerhouse, Kantipur said. With a maxi-

mum capacity of 144 MW, the Kali Gandaki "A" is the country's largest hydroelectric project.

Circus probe

The Indian Human Rights Commission sent a three-man team to Gonda, Lucknow to investigate the Great Roman Circus incident involving the forced labor of Nepali children. There are an estimated 500 Nepali children working in circuses all over India.

Bus accident

Two people died and more than two dozen went missing when a Malangwa-bound bus from Kathmandu plunged in the Trishuli river on Sunday. Nepal Samacharpatra said the bus, with 48 people on board, fell off the Mugling-Narayanghat Highway when some of the passengers were pushing the bus after its engine had failed to restart after a traffic jam. Reports quoted traffic officials as saying that the accident was caused by a brake failure. Though follow-up reports said that a search and rescue operation was still be-



ing conducted, the whereabouts of the 41 people who had gone missing is still unknown.

Nepathya abroad

For the first time, Nepathya is traveling abroad. On July 4, they will perform in the United States at the annual convention of the Association of Nepalis in the Americas (ANA) in Phoenix, Arizona. The band has just concluded its Shanti Ko Lagi Sikchya Tour 2004, which took them to 14 locations all over Nepal. It has been considered the biggest tour by any single artist or band in the history of Nepali music. Nepathya took to the road with its message of peace

while the country remained near-paralyzed by bandas.

Fertiliser scam

A Special Court has granted the CIAA permission to keep Managing Director of Krishi Samagri Company (KSC) in police custody for 25 days. CIAA will now investigate Chaturbhaj Bhatta and his son Deepak. They are accused of opening a Letter of Credit (LC) account for the purchase of fertilizers and embezzling Rs 1.2 billion, Nepal Samacharpatra said.

SAF name change

The South Asian Federation (SAF) Games has been renamed the South Asia Games, according to Pakistan News Service. The first South Asia Games will be held in August next year in Colombo. There will be 19 disciplines altogether as compared to 15 in the 9th SAF Games in Islamabad. The new disciplines include wushu, judo, cycling and archery. There had been talks of dropping squash, rowing, weightlifting and wrestling from the games but they still remain on the list.



TO BUILD A FIRE: Four-party protests resort to Masal Julus to protest regression

2PM CELEBRATES HAMAL'S BIRTHDAY

2PM instant noodles, manufactured by Asian Thai Foods, organized a special event to celebrate the birthday of their brand ambassador and Nepali film actor Rajesh Hamal at Dragon World on June 19. The event was organized to allow children to celebrate the film star's birthday with the actor himself and many of them had their pictures taken with the actor. Many other celebrities attended the event as well. The adults also participated in the fun fair along with their children. The event also featured magic shows, games, free rides and live musical performances by Nepali pop artists.

FAMILY AWARDS 2060 AT PHOTO CONCERN

Photo Concern recently organized its Family Awards for the year 2060 B.S. at Hotel Baishali, Thamel. It gave away two "Lifetime Honor" awards to Saradanath Baskota and K. B. Chitrakar, one "Outstanding Award" to M. M. Khan, the Chief Photographer, "Staff of the year 2060 B.S." award to Sanjeev Lal Shrestha, Marketing Executive, and 30 Letters

of Appreciation to various employees in its organization.

MALAYASIA TRULY ASIA

Tourism Malaysia has launched its "Malaysia Truly Asia" destination program in Nepal. Tourism Malaysia's Destination marketing partners are Marco Polo Travels, Qatar Airways and J&T Associates. The program will be launched during a Mega Cultural Event in early July. Some of the highlights of the calendar of events in Malaysia are "Food & Fruit Fiesta Month" in July, "Malaysia Mega Sale Event" in August, various sports events in September, "Malaysian Motor Cycle Grand Prix" in October and "Kuala Lumpur Mega Sale Carnival" in November and December.

ASIAN PAINTS EXCLUSIVE SHOWROOM

Asian Paints launched its first exclusive Color World showroom at Teku in Kathmandu recently. With around 1,200 shades of colors, the exclusive Color Showroom provides customers with over 127 shades of green, 206 shades of blue and 118 shades of yellow. The computerized process of the Automatic Tinting Machines

in the Color Showroom ensures that the shade produced is consistent over time. Asian Paints already has 24 Color World outlets in Kathmandu and 13 more in various other locations throughout the country but this is the first time that the company has made a foray into exclusive showrooms.

NEW KYMCO BRANDS

Star International Limited has recently launched three new models of Kymco brand motorcycles: the Pulsar 125, the Hipster 150 and the Spike 120. Star International is actively promoting the Spike 120 as the ideal ladies' scooter for Nepali women. It has an engine displacement of 123cc, a maximum output of 8.79 BHP and a mileage of 50 kilometer per liter. Taiwan-based KYMCO exports its bikes to 72 countries.

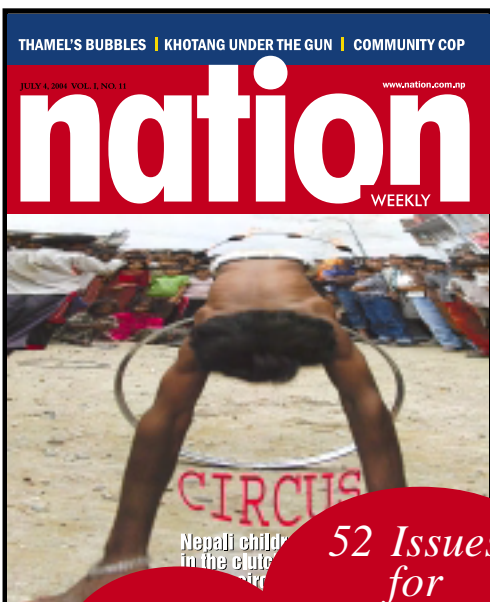


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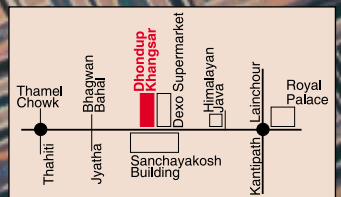
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THE CHAIRS ARE STILL EMPTY

While the wrangling inside and between the parties over prized ministerial seats continues, the nation is waiting

BY SATISH JUNG SHAHI

Major party offices were buzzing this week with meetings of Prime Minister Sher Bahadur Deuba's aides and senior party leaders over opening the cabinet to more ministers from other parties.

Though the contents of what Deuba aides are calling a "common minimum program" still hasn't been made public, the Rastriya Prajatantra Party and CPN-UML offices are still lingering with lists

of demands that they want Deuba to fulfill. The UML's Madav Nepal welcomed the amendment of the work performance regulation that his party claimed was empowering the Royal Palace with the cabinet's executive powers. However, the official go-ahead is yet to come, with its list of ministers: its arrival will be a relief to the prime minister.

"We are still working over the legalities," says Subash Nembang, UML senior leader, whose party has come up

with 51-point, 35-point, 18-point, 9-point demands that has now come down to three major points to correct regression, resume peace talks and line-out progress since they quit the joint street protests with four other parties after Prime Minister Deuba's appointment on June 2. "Things still do not look easy, keeping in mind the present turbulent political scenario in the country, apart from our few demands like amending the work performance regulations," says Nembang.

RPP's senior leader Lokendra Bahadur Chand immediately denied he had amended the regulation to favor the Royal Palace, as the Deuba government accuses. "The government should make [the regulation's] contents public," said Chand to a room packed with reporters at his residence in Lokanthali. "It was Deuba who himself handed over powers to the King in October 4, 2002."

After his re-appointment from the Palace, Deuba has been maintaining that "regression" is now over. However, the Nepali Congress and the smaller parties are in no mood to show mercy: they are all saying that the UML is falling into a trap set by the Royal Palace. The Rastriya Prajatantra Party is simply waiting until the UML makes the first move in joining the government.

"We have been repeating our stand for a broad national consensus, at least among the parties in the dissolved parliament," says Roshan Karki, RPP spokesperson. She adds her party is willing to make party unity the top priority, even including members from the Thapa faction in proposed ministerial berths for an all-party government.

Many say factional infighting and the RPP's decision to take to the streets de-



nw/ss

Maoists Are Into Revolutionary Romanticism



SS/ANU

As a negotiator, do you take any responsibility for the failure of the talks?

That is up to the people to decide. Any negotiation depends on both sides to the conflict but we were reasonable and flexible. We had gone for talks with an idea and strategy. The Maoists rejected us outright.

Wasn't the government too rigid in its stand against constituent assembly?

We said we were even ready to re-write the constitution and sit down and decide on a consensus to implement our proposals. Our point was that there are three forces: the Maoists, the constitutional King and the parties and it was necessary for all to re-engineer the political house united. It was clear that they only wanted to give legality to one-party Maoist regime. They wanted to dictate an interim government and reach the villages with a psychology of having achieved victory and conduct elections with guns.

The key areas of differences that ultimately led to the breakdown of the talks?

The government side was willing to sit for more talks but the Maoists said there was no point talking. We decided the talks had been stalled, suggesting it shouldn't be called off. Even Maoist Chairman Prachanda issued a release, saying the ceasefire wasn't broken. However, a third force overruled

him within his own party. They are certain elements carried out by revolutionary romanticism.

How much influence did the Palace have on the talks?

The government made the entire proposal during the peace talks and the Palace was duly well informed. The interest of the Palace was that peace should be restored come what may and that all parties should be involved in the process. The Maoist demand to discard the constitution created by a government that came through the 1990 people's movement wasn't reasonable.

There was a perception that the security forces had gone off-track in Doramba by shooting to death unarmed Maoists while the peace talks were on?

The incident wasn't responsible for the breakdown in ceasefire. We had problems before that. By that time, they had already rejected our proposal. We came to know of the Doramba incident only 2-3 days after the dialogue (in Hapure.) But that the incident took place at all is indeed unfortunate.

Is it now time for foreign intervention to resolve the Maoist problem?

We have the goodwill of all the countries and I think they mean well by offering help. But we should try to solve the problem ourselves and not look too much on other sides. Look at Afghanistan, they threw a monarchy and started a communist revo-

lution to give way to civil war. Then they went through religious dictatorship of the worst kind and there is now a multinational government. We should take lessons from this and avoid being carried away by revolutionary romanticism.

What are your views on the much-hyped amendment to the Work Performance Regulation carried out by the Deuba government?

It was never an issue when I was the government. I tabled the policies from my side as Finance Minister, including the new budget, and the cabinet decided it on its own. It has now become a political issue with the UML and a few other parties who want to justify that their movement has achieved something.

How does your faction within the RPP view the ongoing street protests?

I am glad to see that the UML has backtracked. Anyone's appointment would be made according to Article 127. The tendency to say 127 is regression unless when one is prime minister is bad. The parties should be addressing issues that are of concern to the people. The people want peace within multiparty framework and constitutional monarchy. We are willing to help under that condition and hope UML-Deuba combine will be able to fulfill the mandate to form an all-party government and hold elections provided by the King. Though that still remains a huge challenge. **N**

manding the resignation of its own government was one of the key reasons Thapa's tenure as prime minister ended. But both Thapa and Rana were in a jolly mood after their meeting at Thapa's residence in Maligaon last Monday, the first meeting since Thapa stepped down from office on May 7.

"We [Thapa and Rana] do not share any enmity," said Thapa, talking to jour-

nalists at his residence. He denied rumors that he was starting a new party. "I just made one request to the party president to see the decisions made by the party when I was in government."

One major decision made by the party during Thapa's tenure as prime minister was to expel one of Thapa's key aides, Kamal Thapa, from the post of the party's general secretary. The move re-

duced Thapa's hold on the party: his influence had already been weakened by Rana's appointment as president at the party's general convention at Pokhara in 2002.

Despite the smiles on party leaders' faces, the RPP may have a lot of internal reunification to do before it joins the new government. Waiting for the UML could give them the time. **N**



NEPAL ON TIER 2

Nepali parents find their children living a life of servitude in an Indian circus. But they also find out that trying to extract their own children from the circus can be dangerous

BY SUSHMA JOSHI

When four parents from Bijauna village in Makwanpur left for India on June 13 in an attempt to rescue their children from The Great Roman Circus near Lucknow, they did not know they were going to end up in jail. The raid organized by the Nepal Child Welfare Foundation (NCWF) and the South

Asian Coalition Against Child Servitude (SACCS) turned violent as circus employees attacked the activists and journalists present. Of the estimated 35 Nepali children working in the circus, only one of them, Nita Lama, escaped with her parents. She too found herself held in custody at the magistrate's office in Karnailganj, Uttar Pradesh.

The story illustrates how international and national mechanisms that protect children are strongly determined by

local conditions. Laws vary from country to country and state to state, leaving local police to devise their own standards of protection. In states like Bihar and Uttar Pradesh the law often collaborates with local criminal elements: trying to extract a child from a site of trafficking can be dangerous. Parents and legal guardians often stand on thin ice during judicial procedures if it is found out that they were involved in transactions where they accepted money in exchange for their children.

NGOs like Nepal Child Welfare Foundation (NCWF) are at the forefront of the anti-trafficking movement, but there is strong consensus that the government needs to get involved. Lobbying from human rights organizations has often bought the issue of international agreements against trafficking on the table. While informal accords have been floated, no strong international law has been created at a regional level. In Nepal,



nm/Sagar Shrestha

Bureaucratic Red Tape In The Way

Gauri Pradhan, Founder President of Child Workers in Nepal, spoke to Nation Weekly's Yashas Vaidya about the current protests over the Great Roman Circus incident.

What is the aim of this protest?

We are requesting our government, the Indian government, the UN and the SAARC Secretariat to help rescue the Nepali children trapped in the circus and their return home and to punish those accused of exploiting the children and attacking Mr K Satyarthi and the human rights activists who tried to rescue the children. We are also asking that the Indian government to take responsibility for the security of Nepali members of the rescue team and Mr Satyarthi.

What has been the response to your demands?

The Indian Ambassador to Nepal informed us that he had not yet received an official request from the Nepali government asking for the return of the missing children. On the

other hand, we did approach the Nepali prime minister who gave us his assurance that he would look into this matter immediately.

The botched rescue attempt took place on June 15 but there have been no developments since. Can't the two governments do something?

Nepal's prime minister is now aware of the situation. The Indian government states that it will not hand over the children directly to the INGOs. There is a lot of bureaucratic red tape getting in the way and slowing down the process. Other than that, it's a fact that there is a big Indian crime network involved. We believe that the local police and the magistrate are in league with the circus owners. Also, there is a big syndicate that has been bringing Nepali children from villages and selling them into forced labor in Indian circuses, going a generation back.

We plan to create more pressure for the fulfillment of these demands. This protest rally is by various organizations

that stand united on this issue. The Global March Against Child Labor, with offices in 150 countries is also involved in this. We plan to approach Indian embassies all over the world though the organization and thus create more pressure on the Indian government to take some sort of action. We also aim to create international pressure about this issue.

So there is a larger focus than just this single case?

There is a bigger issue at hand. The drive against girl trafficking may be successful, but now children are being trafficked and taken to India to work as domestic laborers or in circuses. There they are forced into labor and become the victims of sexual exploitation in many cases. It is just like old wine in new bottle. We do still face the problem of sexual exploitation. Also, we are making an attempt to classify circus work as hazardous and not appropriate for minors aged below 18. This is not the case now. Our aim is to create legal restrictions and stop children from being exploited. **N**

the Human Trafficking Control Act of 1986 criminalizes trafficking in persons, but comprehensive legislation has yet to be enacted and implemented.

Gauri Pradhan, Founder President of Child Workers in Nepal (CWIN) says his NGO has a simple goal: "We are asking that all the children who have been illegally smuggled and sold into forced labors in circuses in India be provided safety and rescued, returned to their motherland, reunited with their families and helped to readjust in society."

Earlier this month, the U.S. government underscored the seriousness with which it regards this issue when it released the fourth annual Department of State Trafficking in Persons Report in Washington D.C. The 141-country report looks comprehensively at the efforts of governments to combat severe forms of trafficking in persons. The report, which calls trafficking "modern-day slavery," suggests various best prac-



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'Indian Authorities Are Corrupt'

For the past one year or so, Khem Thapa, head of the Hetauda-based Nepal Child Welfare Foundation (NCWF), has been at the forefront in rescuing Nepali children from Indian circuses. But it was only after the circus owners attacked rescuers in Karnailgunj in Uttar Pradesh that the plight of Nepali children came to light. Thapa talked with John Narayan Parajuli of Nation Weekly over phone from Karnailgunj (near Lucknow) where he, alongside Indian activists, has been waging a courageous, and often dangerous, battle to rescue Nepali children from The Great Roman Circus.

What is the situation on the ground?

From the very beginning we knew it would be difficult due to the notoriety of the circus owner. The raid which was conducted in the presence of the local authority, that is, the Sub Divisional Magistrate Mr. Havaladar Yadav and an inspector of the police station in Karnailganj, (but) the thugs from the Great Roman circus started to beat up the activists and parents who were there to release the children while they (the local authorities) were mute spectators. Then onwards, a lot of pressure was applied by the concerned citizens and numerous social organizations but the local authority has turned a deaf ear. There is a great danger from the circus owner who is freely roaming around Gonda and Karnailganj with his hoodlums. We know they are armed and many death threats have been received by the activists of the BBA.

There are reports of missing children, how many of them are missing?

We had affidavits from the parents of 11 children of whom four accompanied us to Karnailganj. Only one child was rescued on the 15th of June. Although seven other children were also present during the raid (according to the girl who was rescued) of which one was snatched away by the goons of the circus from her father. Now the circus people are saying none of the girls whose affidavits were presented are there. It appears they got the names from somewhere and the girls have been hidden

away from the circus. So, 10 girls are now missing.

How do you describe the mental and physical condition of the children?

Unfortunately, I cannot comment on the mental and physical conditions of the children because we are not allowed to meet them at the circus. But I can safely say that they are under great threat from the owner of the circus and I would not be surprised if there are permanent or long-term psychosocial problems. The girl who is in the police custody in Gonda is also under tremendous mental and psychosocial pressure. The girl needs to be removed into a safer environment immediately.

How do you describe the role of Indian authorities?

I have never seen or heard of such a corrupt and uncaring authorities. They are all in league with the owner of the circuses.

And the Nepali side?

As soon as the raid was conducted and the behavior of the authori-

ties came to light, I contacted the founder President of Maiti Nepal Mrs. Anuradha Koirala and other leading NGOs in Nepal, including Mr. Gauri Pradhan of CWIN. All of the NGOs have been very supportive and they have moved heaven and earth to help our cause. A delegation from NGO Fed have already seen the prime minister of Nepal and the Indian ambassador in Kathmandu. The Nepalese Embassy in Delhi has been in contact with me since 18th of June and they are fully supportive of our cause.

What do you think must be done to secure the safe release of these and many other children trapped in the circus?

We need to continuously apply pressure from Lucknow as well as from outside. Now the Nepali government is involved, I strongly feel that a representative from the Nepali Embassy must be in Lucknow to deal directly with the state government and the local authorities. In the meantime all social organizations must maintain the pressure on the central gov-

ernment of India as well as the local government in UP.

Indian NGOs have been in the forefront of all these. How do you describe their role?

Without their involvement, it is difficult for a Nepali NGO to carry out any activity in India. That is why we formed a partnership with BBA more than two years ago specifically to deal with the problem of child labor in Indian circuses.

Are raids in circus the best way to free these kids?

We have been working towards freeing the children who are in bondage in Indian circuses since 2002. We have had numerous conferences with the Indian Circus Federation where they had declared that they would not recruit children; they even made a token gesture by handing over nine children during a big press meet in Delhi on the 27 January 2004. They have repeatedly gone back on their promises of freeing children or even supplying names of children working in the circuses. Furthermore, not all the circuses are members of the federation and they have no reason to comply with the declaration made by the Indian Circus Federation. We do not believe in confrontational approach and we tried the negotiation and dialogue route for a long time with very little tangible results. Therefore it was imperative that a raid had to be conducted to free the children from the clutches of the circus owners.

What other measures do you suggest?

A commission should be set up to investigate the working conditions inside all circuses. All circuses must submit the list of names of all artists working in the circuses with their details. Recruitment of children under the age of 14 in the circus must be outlawed and anyone found breaking the rules must have his license revoked. **N**



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tices to deal with the transnational problem.

Nepal was placed in the Tier 2 group, a soft rating. "The Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking," says the report, which then adds, "however, it is making significant efforts to do so." If a country's practices land it in Tier 3, it faces sanctions, as Bangladesh and nine other countries found out.

A porous border that allows traffickers to transport their victims with ease compounds Nepal's trafficking woes. Across the border are Uttar Pradesh and Bihar, two states whose police and law are some of the most corrupt in the world. Nepali victims often end up farther away in cities like Mumbai and Delhi, where they remain due to economic constraints and vulnerability.

The case of the 35 girls in the Great Roman Circus is hardly unique. Estimates vary, but activists say about 500 Nepali girls are working in major Indian circuses. Most of these girls come from Makwanpur. Like Nuwakot and

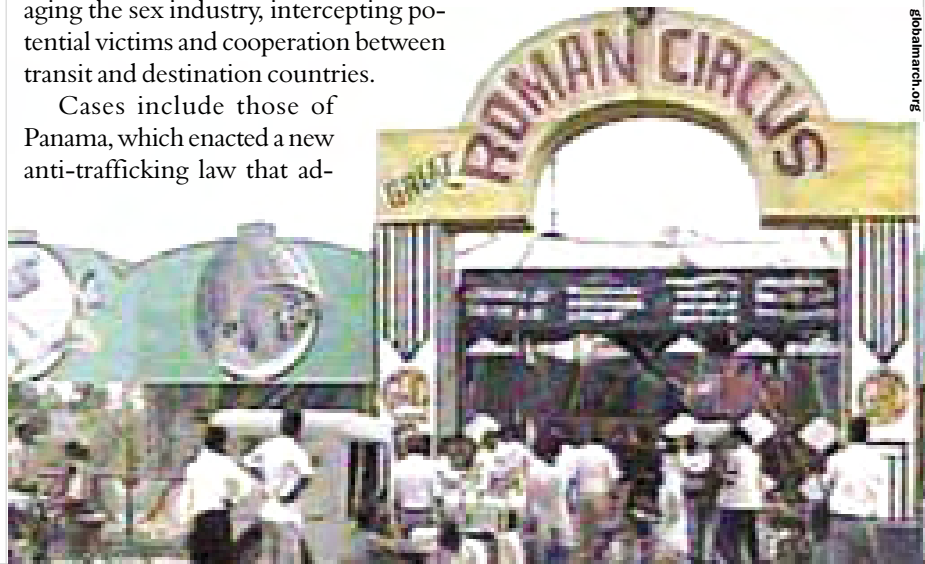
Sindhupalchowk, other districts close to the capital that suffer the most poverty and from where large numbers of women get trafficked, Makwanpur is also a district whose economy has been impoverished with its proximity to the capital.

The U.S. report suggests best practices for ending trafficking, including linkages amongst diplomats, diplomatic protection for victims, using surprise inspections on labor agencies, discouraging the sex industry, intercepting potential victims and cooperation between transit and destination countries.

Cases include those of Panama, which enacted a new anti-trafficking law that ad-

resses trafficking and takes child pornography, sex tourism and the use of the Internet into account. Among other stipulations, the law obligates airlines, tour agencies and hotels to inform customers in writing about the prohibitions of the new law.

Laws of this nature would warn potential customers who see the South Asian region as easy game for child pros-



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Public Appeal

Nepal has ratified Convention against Torture; therefore, as an obligation government submitted the report recently to UN. Human Rights Treaty Monitoring Coordination Committee is preparing the alternative report and the secretariat office is established at the central office of CVICT, Nepal, at Bansbari, Kathmandu. The secretariat office is organising discussion programmes in Biratnagar, Kathmandu, Pokhara, Nepalgunj, etc. areas in this regard. Therefore, the secretariat requests all stakeholders and the civil society to provide valuable suggestions and available torture related information and be the part of the effort in preparing the alternative report.

We primarily focus to:

- Consult all human rights organisations, journalists, lawyers, victims and care providers, in series of meetings/workshops to discuss and collect general and expertise views;
- Analyze the media news and findings, research findings and related literature.

Therefore, we request to

- Government agencies including the security agencies,
 - Non governmental organisations and human rights organisations
 - Media organisations and professionals working in human rights and torture fields,
 - Civil society and
 - Victims of torture and the professionals working closely for the victims
- to join this effort to prepare the alternative report to submit to UN treaty monitoring body.

Centre for Victims of Torture, Nepal (CVICT)

P.O.Box NO.: 5839, Bansbari, Kathmandu

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OPINION

We Have Lessons To Learn

BY SALINA JOSHI

The recent incident at “The Great Roman Circus” comes as a shock. But perhaps less to those of us who have been working on areas of cross-border trafficking.

Rescuing women and children has always been a very difficult task in the absence of a clear legal mechanism, bilateral agreements and extra-territorial jurisdiction. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution can perhaps be a starting point to develop such a mechanism.

In recent times, several Nepali girls were stranded in India after

they were rescued and awaiting repatriation. It was the complex legal framework that led to this unfortunate incident. Many of the girls didn't have access to NGOs, who could otherwise have stepped in on their behalf.

Unsurprisingly, Nepali human rights organizations and the civil society groups at large have been at the forefront in the current campaign to free the children from The Great Roman Circus. They have met Prime Minister Deuba and the Indian Ambassador, Shyam Saran, urging them to take immediate action to find, rescue and repatriate the children. Human rights organizations in India have joined forces. The National Human Rights

Commission in India is already in Gonda investigating the entire episode.

If both Nepal and India are committed to preventing such horrific pain inflicted on children, both the countries need to work out a clear legal framework for rescuing and repatriating the survivors as well as punishing the criminals. As we have found before in separate incidents, it is once again evident that circus rings are protected by the police. Many NGOs working for rescue and repatriation of trafficked survivors have been stonewalled time again and again. The bureaucratic apathy and vague legal framework have not helped.

The current incident has brought to light various malaises: the trafficked women and girls are not just used in the circus stunts. Often times, they are forced to perform sexual services and are deprived adequate food. As a human rights worker, I hope the Roman Circus debacle will play a catalytic role in at least speeding up the process of setting up a well-defined legal system that tackles extremely contentious issues of cross-border human trafficking.

Initiatives to develop a bilateral agreement have started and it is imperative that roles of police and NGOs in Nepal as well as in India are clearly defined in the accord. But just as importantly, there needs to be constant pressures for its implementation.

(Joshi works for the Forum for Women, Law, and Development, FWLD)

titation. Interestingly and perhaps predictably, cases of street children being molested in Thamel has not raised the same ire in child rights activists as cases of children being molested in Indian brothels. Individuals who have busted child sexual abuse amongst the expatriate community have been ostracized in the past, pointing to a deeply entrenched culture of silence.

The other case is that of the Ministry of Foreign Affairs (MFA) of the Dominican Republic, which has created four “anti-trafficking networks” among diplomats in its embassies in countries that are major destinations for trafficked Dominican women. These networks

encourage diplomats to be proactive in addressing trafficking issues. They work with host governments to identify and assist Dominican victims, many of whom have escaped their traffickers and fled to their consulates for help, to collect information on trafficking patterns and to identify traffickers. This information is reported back to the MFA's consular affairs office and is shared with the Dominican Republic's allies in the anti-trafficking fight. A network of this nature, established by the Nepali government, is sorely needed in the Gulf countries.

Nepalis stranded in Malaysian jails seem to make the front page on a regular

basis. They would greatly benefit from shelters like the ones the Indonesian Foreign Ministry operates at its embassies and consulates in a number of countries, including Malaysia, Singapore, Saudi Arabia and Kuwait. Over the past year, these diplomatic establishments sheltered thousands of Indonesian citizens, including potential trafficking victims. In coordination with government agencies, the embassies also assisted with repatriation of victims.

These are some of the best practices followed by other countries. Until comprehensive legislation comes into place in Nepal, victims like Nita Lama might find themselves stranded in jail in a foreign country while they await justice. For Lama, who has filed a case of severe abuse against the circus employees, the wait for justice might take a while as the police investigate her claim. Her parents will stay with her until she is allowed to go. For other girls in the circus, the moment of freedom is still far away.

CWIN's Pradhan says that the fight against child labor is not yet as organized as the drive against girl trafficking. He quickly adds, “But we are only beginning our fight against this sort of exploitation. I do believe affirmative action will be taken, but it depends on the pressure we can create.” **N**





UNDER THE GUN

People working in governmental and non-governmental organizations say the same thing about Diktel, though in different languages. They say that the Maoists' movements are increasing day by day, and anything could happen anytime

Maoists have already attacked the headquarters of other hilly districts in the east, including Sankhuwashava, Bhojpur, Solukhumbu and Okhaldunga.

Even the security officials feel the Maoists' intense pressure. "Yes, their mobility has increased in this district in the later days," says Shiva Lamichhane, Deputy Superintendent of Police at the District Police Office. He adds quickly, "but it is more propaganda than reality."

People working in governmental and non-governmental organizations say the same thing, though in different languages. They say that the Maoists' movements are increasing day by day, and anything could happen anytime. Bikash Rai, executive chief of People's Service Cen-

BY DEEPAK KHANAL IN DIKTEL

Twenty-three year old Radha Rai, resident of Diktel, has been living in a state of fear for the last year. She has nothing to do with the Maoist rebels or the security forces; she doesn't even know much about them. But the regular rumor that Maoist activists are

preparing to attack Diktel, headquarters of Khotang, is in her mind every night.

From her teashop Rai says, "I have heard that they are coming here with big guns. We might be killed." Rai is not alone in her fear. Khotang is under heavy Maoist pressure these days. Everyone in Diktel is afraid of getting killed in a shootout. They point out that the

ter, a popular NGO working in the rights sector, is acutely aware of warnings of attack.

There are 76 VDCs in Khotang. Apart from Diktel and Aiselukharka, five hours walk away, all are controlled by the Maoists. About 1,200 security personnel from the police, the Armed Police Force and the army are working and guarding the district. In Aiselukharka a new army platoon has been set up with three hundred soldiers. "We have managed the security arrangements as per our capacity," DSP Lamichhane says.

Diktel is under curfew from 7:30 p.m. to 4 a.m. During curfew even the security personnel do not move. There are no night patrols, but in the daytime security forces are highly visible. A local resident asks, "How can they provide security to us while they themselves are not sure about their security?"

DSP Lamichhane reluctantly agrees. "We have not reached the people, and our access is limited," he says. Several incidents involving the security forces, especially the army, have damaged their reputation. A local hotel owner says the Army, "came and tied me and my husband and beat us badly without any reason. They charged us of opening the hotel late," she says bitterly. The local people protested against the army officer who was involved: later he was transferred.

Occasionally, army patrols reach villages outside the headquarters. According to residents, the teams observe the situation of villages from a distance and sometimes shoot or torture school students, local youth and others on the charge of being Maoists. If security forces see someone walking fast and carrying a bag, they conclude that the person is a Maoist and attack him. The local people say that a number of such inci-

dents and innocent killings have taken place in Khotang's villages. "We don't need the army and police for our security," a man in Rabhuwa says.

The local people also feel insecure if they encounter strangers. We faced this: people watched us suspiciously and didn't want to answer questions.

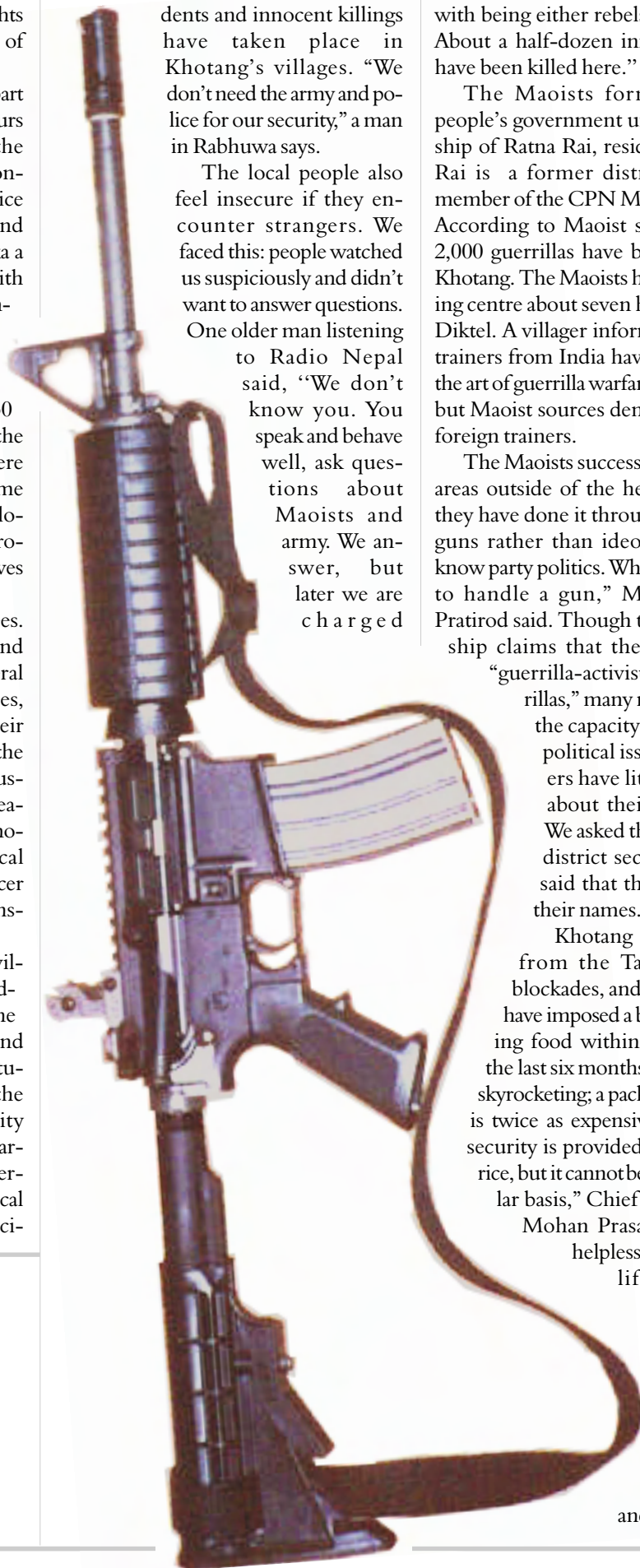
One older man listening to Radio Nepal said, "We don't know you. You speak and behave well, ask questions about Maoists and army. We answer, but later we are charged

with being either rebels or informants. About a half-dozen innocent villagers have been killed here."

The Maoists formed a district people's government under the leadership of Ratna Rai, resident of Haleshi. Rai is a former district committee member of the CPN Marxists-Leninist. According to Maoist sources, around 2,000 guerrillas have been working in Khotang. The Maoists have built a training centre about seven hours walk from Diktel. A villager informed us that two trainers from India have been teaching the art of guerrilla warfare to the Maoists, but Maoist sources denied the claim of foreign trainers.

The Maoists successfully control the areas outside of the headquarters, but they have done it through the power of guns rather than ideology. "I do not know party politics. What I know is how to handle a gun," Maoist guerrilla Pratirod said. Though the party leadership claims that they have formed "guerrilla-activists, activist-guerrillas," many rebels don't have the capacity to deal with the political issues. Even officers have little information about their party leaders. We asked them to name the district secretary, but they said that they didn't know their names.

Khotang is now isolated from the Tarai by Maoist blockades, and Maoist activists have imposed a ban on transporting food within the district for the last six months. Food prices are skyrocketing; a packet of iodized salt is twice as expensive as before. "If security is provided, we can import rice, but it cannot be done on a regular basis," Chief District Officer Mohan Prasad Sapkota says helplessly. If the Maoists lift the ban on transporting food, there is enough to feed everyone. Until then, Khotang is facing both fear and famine. **N**



Diktel is under curfew from 7:30 PM to 4 AM. During curfew even the security personnel do not move

NEGATIVE ECONOMY

Vegetable giants have opened offices in Banepa which finance farmers' purchases of the essentials for planting. Farmers who take the financing must sell all their produce to the financiers, who fix the price of the harvest

BY SUNIL POKHREL

Govinda Prasad Luitel, a frail old farmer of Panch Khal, is in despair over the declining profits from his vegetables. Luitel has a deep sense of anger over the lack of distribution, storage and pricing mechanisms that would enable farmers to increase their earnings and improve their lives.

Forty kilometres north of Kathmandu, the Panch Khal valley is a different world. It is one of the most fertile regions in Nepal. The construction of the Arniko Highway paved the way for farmers to grow cash crops and send them to Kathmandu via Banepa. It was a lucrative business initially.

"Last year, I lost Rs 150,000 because the price for 2.5 kg of tomato was less than two rupees," Luitel says. He decided not to pick his ripe tomatoes: cost of labor would have been greater than the money the crop would have fetched him. This year most of the farmers again didn't grow tomatoes at all.

Farmers of Panch Khal have little understanding of the factors that determine the price of their products. Ram Bahadur Thapa brought cauliflower to Banepa last week. A businessman from Kalimati promised him a good price. Thapa came with the businessman to Kalimati and waited for the whole day to get his money. Later in the evening Thapa was given Rs. 6 per kg. His cauliflower was sold for Rs. 14 per kg to the customers. "A clique of businesspersons has formed a syndicate, which has monopoly over the price," a

distressed Thapa says. Farmers of the area haven't been able to come together with a collective voice for their rights.

Some vegetable giants have opened offices in Banepa, from which they finance farmers' purchases of the essentials for planting. Farmers who take the financing must sell all their produce to the financiers, who fix the price of the harvest.

Farmers also believe that the vegetable giants short-weigh their vegetables. "The difference in the weight of any product at Banepa and Kalimati goes as high as 5 kg," says Bidur Dhahal, a farmer from Nala.

The wholesale price of vegetables announced by the Kalimati Fruits and Vegetables Development Board and broadcast every morning by Radio Nepal seems to have no logic. Laxmi Neupane from Chovar came to sell tomatoes at Kalimati. When businessmen identified her as new to the place, nobody was willing to give her more than Rs. 5 per kg even though they were selling tomatoes for Rs. 35 per kg to the customers. She returned back home with her load.

"The businessmen are pressing farmers hard, very hard, to sell as low as possible," says Bhupal Dahit, a porter who has been around the Kalimati area for 24 years. "I have not seen any significant improvement for any farmer who regularly comes to sell his products, but the economic advancement made by the businessmen in the area is unbelievable," he adds. Businessman



Survey of some items at the Kalimati Fruits and Vegetables Market, Rs / kg

Item	Price given to farmers	Price paid by consumers	Profit Margin
Potatoes (round)	7	11	57%
Ginger	35	70	100%
Garlic	16	32	100%
Tomatoes	28	35	25%
Cauliflower	6	14	133%





SS Brajesh Kumar Jha denies the charges that the farmers are cheated: "We don't have profit margin of more than Rs. 4 on any product," he says. Our informal survey at the Kalimati market suggests otherwise. (See table)

Frequent bandas are a grand festival for businessmen at Kalimati. They collect vegetables in advance from the farmers at the lowest possible price. In case of extended bandas, farmers rush to sell their vegetables before they get spoilt. The same products are sold at three to four times the cost during the bandas.

In recent years, to add more misery to the lives of farmers, the productivity of Panch Khal has been on a decline. According to Gopi Kunwar, Junior Technical Assistant at the Horticulture Center, Panch Khal, farmers use three times as much chemical fertilizers as is required. They lack information about the harm caused by excessive use of chemical fertilizer; that has cost the farmers and the biodiversity of the area dearly. Kunwar says that he no longer sees the large flocks of butterflies that were common in the area 15 years ago. The farmers' use of pesticides also exceeds the national average.

Desperate farmers are now resorting

to the use of hybrid seeds. This has caused yet another problem: native seeds have been displaced by new hybrids that are infertile. New seed stock must be purchased every year at high costs. Hybrids are also very vulnerable to pest attacks. In Panch Khal, farming has in fact become a negative economy, with farmers spending more to buy costly essentials than they receive for their produce.

Determined to provide urbanities with fresh vegetables but without leverage, the farmers of Panch Khal are facing ruin. If the situation persists, the farmers may have to leave the profession they like most, with their dreams shattered. **N**



Sunil Pokhrel

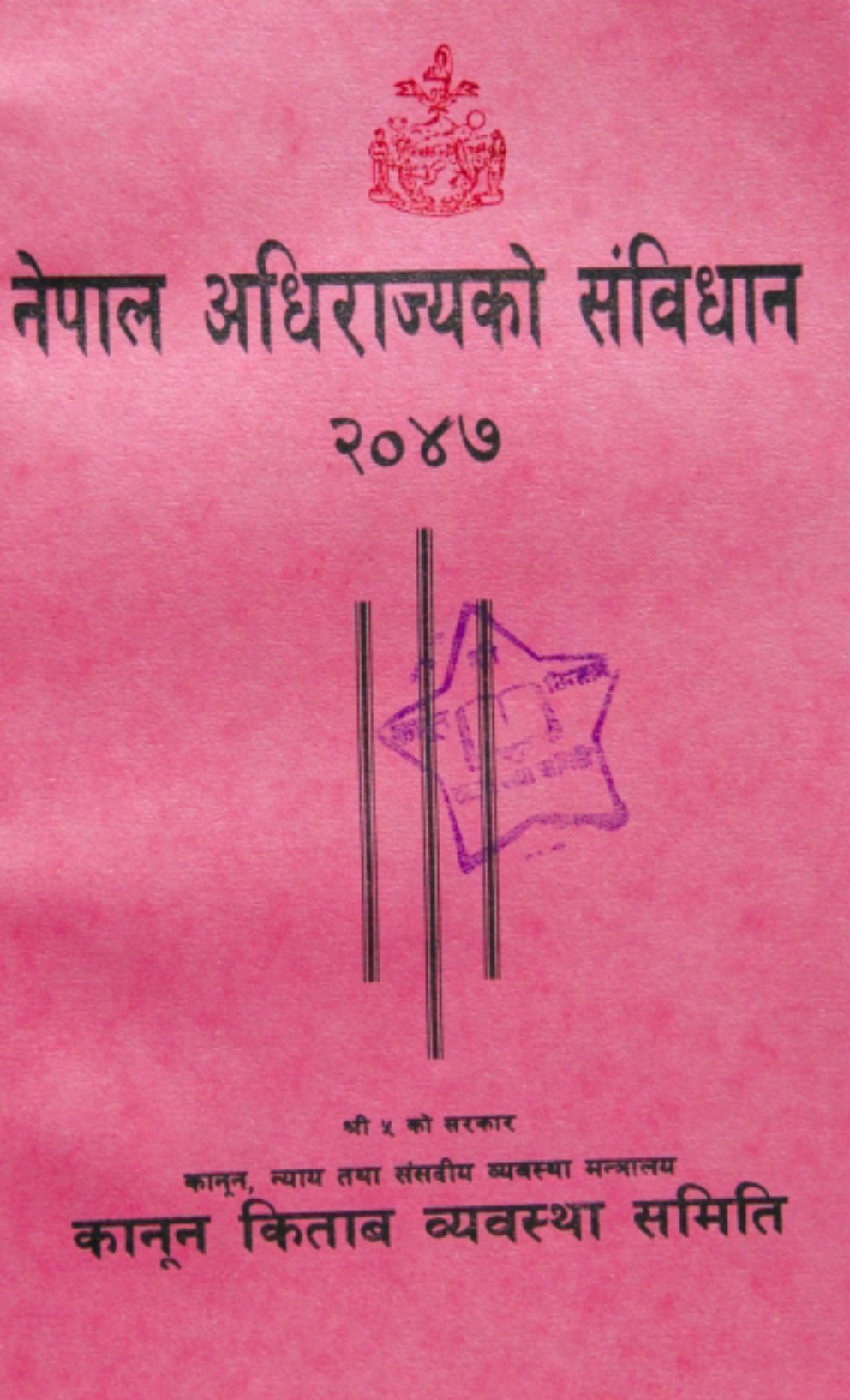


CONSTITUTIONAL CRAFT THEN AND NOW

BY SWARNIM WAGLÉ

Anyone scanning the front pages of Nepali broadsheets on 22 June must have been struck that they all carried Girija Prasad Koirala's public declaration about his "openness" to the options of electing a Constituent Assembly or holding a general referendum to break the nation's impasse. This was noteworthy, not because Mr. Koirala's musings merit consideration all the time, but because he is one of the last serious politicians from a mainstream political party to lend credence to the option of electing a Constituent Assembly. In fact, until recently he spoke against the idea, hence perhaps the prominent coverage of his apparent shift in position – and intensification of the debate fifty-four years on.

On February 18, 1951, King Tribhuwan declared: "We desire and so decide that henceforth, this nation's governance shall be in accordance with a republican [sic] constitution as formulated by a Constituent Assembly elected by the people." B.P. Koirala, among others, has clarified in his *Aatmabrittanta* that the word "republican" was unintentionally used because its Nepali translation "ganatantra" was confused with a deceptively similar term for democracy, "prajatantra." The larger point, however, is that after the fall of the Ranas, Nepal did brace itself for a progressive constitution fit for a new democratic age. But immediate instability that followed was complicated by the posturing of King Tribhuwan's son, Mahendra, who acceded to the throne in 1955. Historian Surendra K.C. notes that by June 1958, amidst much discord and exhaustion, even the Nepali Congress and the Communist Party had given up their demand for a Constituent Assembly in favor of elections for a legislating parliament.



With Ivor Jennings' inputs, a nominated committee, and not an elected assembly, then drafted the kingdom's third written constitution. This gave sweeping "emergency" powers to the King under Article 55, which he duly abused two years later.

Ganeshman Singh vividly describes in his memoirs, "Mero Kathaka Panaharu," the day of February 18, 1951, when King Tribhuvan introduced the idea of Constituent Assembly: "It began a cold day in Kathmandu. But by 10 a.m., the warmth of the sun had beaten the foggy nuisance, and the sky was completely clear. From children to old folks, everyone felt the warm sun, the new experience of being free citizens, and subjects no more." But this political poetry from an otherwise inarticulate man, to today's talkative Maoists, I believe, exaggerate the benignity of Tribhuvan's statement. The transfer of sovereignty then was glaringly incomplete. It was a mere intra-aristocracy hand-over of authority from the Ranas to the Shahs. It was not a real democratic step of recognising the people as the source of all state power. In fact, the transfer was farcical in its literal manifestation. On February 17, 1951, one day before the royal pronouncement, Mohan Shumsher actually returned to King Tribhuvan the "panjapatra" obtained by Jung Bahadur Rana from a Shah king, as his seal of rights to govern under murderous circumstances in the 1840s. Despite this gap, everyone hails Tribhuvan's Falgun 7, 2007, statement as truly landmark. Why?

The answer lies perhaps in the dramatically different relationship between the monarch and his people then and now. In 1951, the interest of the Shah King was intertwined with that of the people. The people brought back a King who had vacated his throne, and fled. Before he fled, they had conspired with him for ten years using an assorted crew of helpers: Brahmins, bodybuilders, vendor of sweets, and Nurse Erika. The King and his people in 1951 were on the same side, everyone believed and hoped

for the best in Tribhuvan's promise for greater freedom. Today, there is little trust between the King and the people's representatives, with an unnecessary zero-sum game being played over their respective constitutional rights. This intensified, ironically, after June 1, 2001, when two of the most underexposed Nepali institutions, the Royal Palace and

less – they need this gesture to justify their entry into mainstream politics. The Constituent Assembly, they hint, is a trade-off for peace. Second, even those who saw between 1991 and 1994 that the King could, if he wanted, be a textbook model of a constitutional monarch, have lost faith, feeling the need for a tighter regime to police him.

Tacitly, the Maoists see in a Constituent Assembly a distant, smoky hallway that could one day lead them to power. The monarchy sees in it the contours of its own coffin. The silent majority, including this columnist, that doesn't want to see either of the options unfold, is concerned and clueless. But it does know a thing or two: drive for a republic through the vehicle of a Constituent Assembly elected on the strength of guns, is as dangerous as the false expectation that the Maoists will capitulate without significant concessions. The puzzle for negotiators is, how much should we bend backward to accommodate the leftist extremes without provoking a cataclysmic rightist backlash? How should this dangerous fault line be tread by the Nepali Middle? The debate that is set to advance will no doubt inform the details, but broadly, the stakes for all parties in the upcoming gamble over crafting the country's sixth constitution in six decades must be lowered. And this includes not-



the Royal Army, got demystified. They always knew they were no holy cows, but today they know the people know too.

And, so, it's now official. The 1990 Constitution needs a handsome upgrade, and these big questions need quick answers: rewrite, renew, or replace the constitution with what, when and how? The existing document is ductile enough to be moulded to include much, from new structures of devolution and representation, to reform of the Army, and a more binding, contractual status given to the Directives of the State, etc. Yet, the clamour for a Constituent Assembly continues to grow for two reasons. First, the Maoists wouldn't settle for anything

the following reality at a time when staunch anti-monarchists themselves concede that they would accept a reformed monarchy with curtailed powers as a final compromise. Many in the Middle know that pushing for a republic in haste is like ejecting toothpaste out of the tube – you can't put it back if you discover soon that dental hygiene is really not your most important concern. The Maoists, of course, would have us believe that, in their utopia, our teeth won't need brushing; but then, we are all old enough to realize that Santa Claus doesn't exist.

(Views expressed in this column are personal, and do not necessarily reflect those of institutions the writer is affiliated with.) ■



PICTURING THE WORLD

Digiplus brings world-class technology to Nepal

BY BAISHALI BOMJAN

A digital camera takes pictures in a computer-like form rather than by exposing a roll of film. A few years ago digital cameras were expensive novelties, but the technology has improved greatly. Today professional photographers, hobbyists, travelers and mobile-phone users are all snapping

away. Digital photography is taking Nepal by storm.

Digital photo studios are ready. In April, Digiplus opened a professional photo studio that is a completely digital environment with an array of services for both digital and conventional photography under one roof. Passport photos; life size portraits; laminating, mounting and framing; developing and

printing of rolls and digital media – they do it all, and there’s always someone to assist customers.

“We want Digiplus to be a one stop photographic solution for our customers,” says Amar Pradhan, Chairman of the company. Pradhan has been actively involved in the photographic industry in Nepal for over 17 years. He says the studio was “an opportunity and a vision to



Say Cheese

Nation Weekly talked to Madhu Pradhan, Managing Director of Digiplus Pvt. Ltd. about the digital photography trend, the improving technology and how the photography business has flourished in recent years.



How has the digital photography trend been like?

Since the last couple of years digital photography has made a big impact in Nepal, especially in the urban areas. The number of customers aware of the technology has grown rapidly enough to sustain even a totally digital company like ours.

But isn't digital photography more expensive?

Yes, digital photography is still expensive in comparison to the traditional format. Digital cameras are still out of the reach of the common man whereas the traditional camera is almost a common commodity. Even the

equipment and accessories used in a digital work is very expensive. However the heartening fact is that world wide digital photography is fast replacing the analogue format because digital technology is getting cheaper. I strongly feel that it will not be too long before digital photography will be within the reach of everyone, even in Nepal.

How's the competition?

Currently there are not many companies in Nepal that can match Digiplus as far as digital photography goes. Yet with our advent, the competition has really heated up and it revolves around the issue of 'price'. However, we intend to win the hearts of our customers not by cheap pricing but with quality products, good service and total customer satisfaction.

Why should customers still choose Digiplus?

We provide professional quality solutions for almost every imaging need that a customer may have. So any customer walking into Digiplus can have the peace of mind that all their photographic needs will be taken care of under one roof. We have well-trained staff and we provide international standard quality service. We have an array of services lined up to suit customers with every demand. From the smallest passport size photo to the largest life size portraits, large format inkjet

printing for both indoor and outdoor needs, laminating, mounting and framing of your photographs, commercial and outdoor photography, digital solutions like prints from digital media, image editing... the list is endless. We even have special privileges for customers who join the Digiplus membership program. Program members are entitled to a host of attractive discounts and free gift vouchers.

What technology do you use at Digiplus?

Digiplus brought the latest state of the art, worldclass digital technology within easy reach of the Nepali consumer. Whether it is developing and printing of a roll of film, studio photography, large format inkjet printing, digital scanning or any digital solutions, we have carefully chosen the best equipment in every category from the world over. To give you an indication of our superiority in technology, we use an 11 megapixel medium format digital back mounted on a hasselblad camera to shoot portraits in our studio. Even in a large market like India there are only a couple of such devices in use.

Is it possible for you to survive the cutthroat competition?

Digiplus has been started with a vision to develop it as the leading professional photographic institution in Nepal. And we can innovate. We hope to change the face of the digital photographic industry." **N**

do something in Nepal equivalent to the west. We know the technology and we have the skill, with trained professionals in our staff, so why not?"

Digiplus is stocked with world-class equipment from leading manufacturers, including Macintosh computers with color-calibrated displays and graphics tablets. Their lights are the latest, replacing old flash technology. They have a top-of-the-line Hasselblad high-resolution large-format camera and a flatbed scanner with up to 10,000 dpi resolution. For photographers still using film, they offer one of the world's best film processing systems, imported from Italy. The proof of the picture is the print: Digiplus has two first-class photo printers, in-

cluding one that can print on a variety of media.

The well-trained staff exercises strict quality control procedures. "We have over 35 people on our staff who were trained for two months prior to the opening," says Pradhan. The list of services includes studio, outdoor and commercial photography, developing and print-

ing, retail merchandising, pre-press services, digital archiving and a photo gallery. A membership entitles studio users to discounts: the membership fee has been reduced to Rs 500 as a part of their promotional campaign. The response has been "very good, and better than anticipated, especially from embassies and the expatriate community," says Pradhan. **N**

Doors Of Perception

BY TIKU GAUCHAN

Robert Powell's paintings seem to catch you unawares wherever you find them. His portraits of landmarks, richly detailed subjects isolated from their surroundings and etched onto stark backgrounds, always demand more than a second look. Describe them as you will—ethereal, surreal, hyper-real—but there's no denying the power they can have over you.

Why is that so? Try to get the artist to explain why, and the sage-like white haired Australian will not rattle off a longwinded explanation. "I paint subjects that I'm drawn to. Some places have a special energy about them and that's what I try to capture," he says. His paintings of everyday sights that we overlook—for example, a bicycle loaded with radishes, or a rundown building in Bhaktapur—are like images around us unveiled in their essence for the first time before our desensitized eyes. His paintings of Mustang's village dwellings, chortens and the haunting caves of the region's windswept terrain look like animated beings. The subjects of his paintings are isolated from the everyday noise that they exist in and shown in their element.

Sometimes it's hard to figure out exactly how "real" the representations are. Powell is a trained architect (he graduated with a B. Arch. from New South Wales University) who meticulously studies his subject. He often takes over 50 photos from different angles to understand better what he's painting, and he usually takes up to three or four months to finish his work. But after he sifts through the details, he chooses what he wants to accentuate in his paintings and what to leave out. His technique of coloring certain portions—a bold splash of ochre on a ceremonial gate in Mustang, a bright yellow dab that drips from a huge charm against evil spirits hung on a house's limestone façade—

seem to highlight the soul, the energy of the place.

In some of his work, Powell uses creative license to paint surreal portraits where objects from day-to-day life are juxtaposed in strange combinations. For example, by placing gigantic ram horns (considered charms against evil spirits) atop a Mustangi house he creates an imaginary abode that seems all prepped up to do battle against the harsh Mustang climate. And as if to keep you from questioning the validity of the dream image, the horns are made to look like natural outgrowths of the house: they are coated with a mosaic of colorful tiles and you can almost hear Powell chuckling in the back-



ground, saying, "You bet this is real." Powell's "imaginary" works are not arbitrarily slap-dashed together to give them that surreal feel just for art's sake. The surreal depictions hit you with an emotive force, the force of the place that the artist might have felt in the first place, and which may not come through in a more realistic format.

But perhaps most importantly, Powell's paintings accord sanctity to the landmarks. It's like he's saying, "Look, this is how precious your heritage is. You look but you don't see how important your humble landmarks are." By including details of older bricks behind the crumbling plaster in the houses of Bhaktapur, by showing the dampness seeping through the painted walls of a school in Chahabil, he documents the times the buildings have seen. The paintings acknowledge the intimacy that someone at sometime shared with the landmark—places infused with a sense of the common man's history. He doesn't paint landmarks touted as "historical sites" by the state but attempts to give dignity to places that people hold dear. Towards that end, most of his paintings have long captions that explain the meanings of the cultural symbols incorporated in the works.

Powell first came to Asia in 1974 when he visited Ladakh. He's been living on and off in Nepal for over 26 years. He's documented landmarks in Ladakh, the Kalash and Swat Valleys in Pakistan and the Anhui province in China. While in Nepal, he's lent his services to Bhaktapur's lokta paper workers, helped UNICEF design cards and worked with the Janakpur Women's Art Center. His portraits of Nepal have been displayed at the Smithsonian Museum in Washington D.C. and in the Museum of Ethnography in Zurich. He won't tell you this, but apparently the government hasn't done one whit to help him stay here. By next week, Powell, a native son through his deeds if not by creed, will have already left Nepal for Cambodia. Probably for good. His creations are the visual landmarks he'll leave behind. **N**

(Prints of Powell's work can be bought at the Pilgrims Bookhouse)

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FIRST PERSON

The Belly Of The Beast

Thamel seems to have developed as a result of the demands of those who claim to want “the real Nepal,” but still ask for the comforts of home

BY KIRSTY FISHER

Two months ago I checked into a guesthouse on the edge of Thamel, where many visitors head after touching down in Kathmandu. They want to collect their thoughts, reset body clocks and adjust to a different country and culture. The irony is that these people have flown thousands of miles specifically to come to Nepal yet they congregate in Thamel, a place that could not be further removed from the culture and spirituality of the country.

Every restaurant offers a menu from every country of the world, all remarkably similar. It’s as if they have all agreed to provide the same bland mash of cultures. At any one time your ears are assaulted by western music from at least three conflicting locations: snatches of reggae riffs compete with the overplayed Hotel California intro bit or, this seems to be a favorite here, a rendition of the Door’s “Roadhouse Blues” for domination of the sound-scape. The streets in Thamel are littered with trash, and the traffic becomes gridlocked several times a day. Mass produced souvenir-kitsch is sold across Thamel at specially inflated tourist prices, and children patrol the streets tirelessly, attempting to sell jew-

elry, bags or other such artifacts to wealthy and largely disinterested tourists.

Many people who come to Nepal appear to be determined to get what they expect out of the experience, no matter what. They seem to have preconceived ideas and are unwilling to change them. Perhaps this is the reason so many visitors are blind to the irony of Thamel. It has developed to meet the demands of those who claim to want “the real Nepal” but still ask for the comforts of home. Businesspeople keen to make a fast buck are eager to oblige and have created the colorful and vibrant yet disturbingly fake world of Thamel. Look a bit deeper and you will see beneath the veneer: nothing can hide the fact that Nepal is a third world country with a lot of problems, not an idyllic and peaceful land where everyone exists in peace and harmony, as many of the people who come here would like to believe.

To reach one of Thamel’s meditation centers, an oasis of calm and stillness enclosed by a high fence, you have to walk down an alley where on some nights a man sleeps curled up in his colorfully painted rickshaw. If you look

closely you’ll see the body of a rat has been left to decompose in the alley for the last two months. Yet most of the people who make up the ever-changing tourist population of Thamel seem happy to wander the streets oblivious to this underbelly. The familiarity of the coffee shops, bars and restaurants makes those far from home feel safe, and this blinds them to the fact that what they are experiencing is not typical Nepal and does not truly represent the lives of people across the country.

It is truly astonishing to hear tourists in cafés complaining that the replicated western food is not quite the same as at home. One is forced to wonder why such people spent their money on a plane

ticket and endured the long flight if what they want is the food they can get in the comfort of their own homes.

Perhaps the reality of Nepal would spoil the

The tourists enjoy their own image of Nepal

fable of Shangri-la, so a bubble enclosing Thamel has been created to shelter the seekers of enlightenment and mountain tranquility. Recently Thamel has become more than just this. It is also a haven from the political turmoil that is paralyzing normal life across the rest of the city. On bandh days most of Thamel maintains business as normal. The noise of the ever-blasting music drowns out the sounds of the daily protests in the streets not so far away. This raises a question: is it right that people should come to a country with so many troubles and be allowed to lead a perfectly comfortable existence, totally oblivious to these issues?

The ethical issue may not matter. Thamel’s bubble used to seem solid: parties, protesters and Maoists were generally happy to allow this oasis a sheltered existence. But in recent months Maoist bombs have gone off in and around Thamel. Blasts at a massage parlor and in the parking lot of the Sanchaya Kosh building sent tremors rumbling through the tourism business. Foreign countries now routinely issue frightening travel advisories about Nepal to their citizens. Could it be that the time of tourists blindly enjoying their image of Nepal is over? Is the Thamel bubble going to burst? **N**

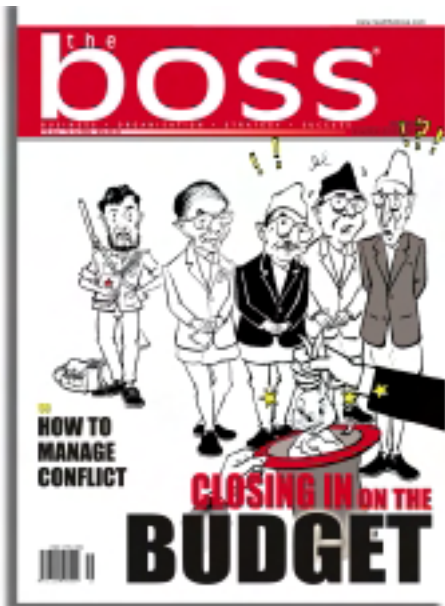


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Guru of Meanderings

The wisdom of a teacher isn't located in his brain. It emerges, often beautifully, from the interaction among the teacher, the students, and the text

BY SAMRAT UPADHYAY

For me the joy of teaching literature comes from its surprises. Literary works are not memorandums, policy documents, or mathematical equations with precise answers, so readers can enter them from multiple angles, and come out with multidimensional, complex understanding. Literature floats in a sort of an airy-fairy space that allows readers to enter and exit at will—that's why it's often instructive to open a page at random and start reading, for a work of literature often bypasses our usual linear, cause-and-effect thought mode that seeks easy answers to complex issues of human living. For this reason I dislike entering a class with pre-conceived notions of what I'm going to say about a particular text. This strategy has worked well for me, even as the moment before I approach the classroom I am beset by a mild anxiety: What am I going to say? As a teacher, don't I have a responsibility of "illuminating" the text for my students? Don't the students expect the teacher to know more than they do? Don't they look upon me as their guru—if not of love, then at least of infinite wisdom they themselves don't have?

But the wisdom of a teacher isn't located in his brain. It emerges, often beautifully, from the interaction among the teacher, the students, and the text. If I start a discussion of a literary work with what I think it "means," then the next thing the students will do is begin to take furious notes, which instantly kills thoughtful contemplation. Taking notes comes from our age-old fear of being "tested" on the text: what does this passage mean? How do you link this evidence to the earlier thesis statement? If X travels at the speed of 25 miles per hour, how long will it take X to reach from point A to Z? Literature often doesn't travel from point A to Z. It stops for a scenic refill at point D, then returns home to point A, pick up a left-behind character, zooms through D to F at 100 miles an hour, only to receive a speeding ticket at G, gets caught in the evening rush-hour until point M, and the path from N to Z reveals that the character picked up earlier is merely a ghost, that he's actually watching TV back at point A. Does it make sense, then, for the guru to blather on about what the book means when the meandering travel itself dictates that we travel along meanderingly?

The best way to kill my mild anxiety is to ask, after I've taken my teacherly seat, "So, what do you think?" This puts the onus squarely on the students, and I can start relaxing. It goes without saying that this strategy works better with graduate students, who have a propensity towards verbosity and who are often better read than I am. The "what do you think" question works because it doesn't demand a specific answer. More importantly, it doesn't tell them what I am thinking, which often is not much. But it also leads the discussion to exciting territories that I alone, despite my guru status, wouldn't be capable of thinking. A good example is my graduate contemporary short story course's discussion of Ha Jin's *The Bridegroom* last semester. A writer of infuriatingly delightful spare prose, Ha Jin's body of work focuses on the social changes in post-Cultural Revolution China. I was thinking of discussing how the short story handles themes of politics (we'd read South African writer Nadine Gordimer's "Jump and Other Stories" recently), but my "What do you think?" question led the students, one in particular, to immediately zero in on Ha Jin's stories' brilliant defiance of creative-writing-school dictum about point of view, a dictum that holds that point of view switches from one character to the next, especially in a short story, often alienates the reader. In Ha Jin's "Saboteur," the point of view is closely tied to Mr. Chiu, the protagonist, as he gets imprisoned for a minor altercation with policemen in the town square of Muji (yes, funny in Nepali) and is accused of sabotage. But the last few paragraphs move away from Mr. Chiu to his lawyer, who witnesses his client eat at many restaurants after being released, and the last section adopts an objective point of view that informs us that "eight hundred people contracted acute hepatitis"—Mr. Chiu's revenge on his oppressors.

The point of view discussion dominated our three-hour session, and we talked about how some "international" writers, who haven't attended creative writing schools, feel less restricted by rules that can seriously hamper budding American writers. For future writers, as my students are, Ha Jin's play with point of view turned out to be a poignant lesson on how good literature often makes its own rules. And for me, the session proved, once again, that I don't need to illuminate anything for my students—they'll travel toward the light themselves, and best thing I can do is hop in for the joy of the ride. **N**

(Author of novel "The Guru of Love," Upadhyay teaches in the MFA writing program at Indiana University, Indiana.)



CITY This Week

EVENTS

Films @ Lazimpat Gallery Café

Free Admission; Time: 7 p.m. For information: 4428549

JUNE 29: LOVE ACTUALLY
This directorial debut by Richard Curtis, screenwriter of "Four Weddings and a Funeral," "Notting Hill" and "Bridget Jones's Diary," is a romantic comedy that boasts a jaw-dropping line up of A-list British and Hollywood talent, including Hugh Grant and Colin Firth. "Love Actually" is a delightful mess, which interweaves 15 stories of love and heartbreak, and is unpretentious about what it is: cute, fluffy and utterly charming.



JULY 1: SHREK 2

The sequel to the Oscar winning animated flick, "Shrek," explores what exactly does the "after" in "happily ever after" mean for Shrek (Mike Myers) and Princess Fiona (Cameron Diaz). They are supported in the movie by the annoyingly funny Donkey (Eddie Murphy), the suave Puss in Boots (Antonio Banderas) and a multi-

tude of colorful characters. Shrek 2 is an enjoyable feature appropriate for the whole family.

The Yale Whiffenpoofs

The world famous acappella band, the Yale Whiffenpoofs, return to Nepal with a repertoire ranging from their own renditions of classic jazz, English folk songs and Motown hits to their own authen-

tic arrangements. Time to soar high among the clouds along with The Yale Whiffenpoofs. June 29 and 30. For information: 4248999 ext. 2865.

Secret Moments

An exhibition of paintings by Bhairaj Shrestha. Siddhartha Art Gallery, Baber Mahal Revisited. Till July 15. Time: 11 a.m. -6 p.m. For information: 4218048

An Evening with Pankaj Udhas

McDowell's No.1 presents an evening with Pankaj Udhas at the Hyatt Regency Ballroom 6 p.m. onwards on July 2. Tickets: Rs. 3,000 (includes dinner and drinks). For information: 2080392. Also at Ratna Hotel, Biratnagar on July 3.



British Film Festival 2004

British Council is organizing the British Film Festival from June 28 to July 2 at the Gopi Krishna Cinema Hall. The festival boasts a varied line up of movies from different genres. "Touching The Void" (June 28) describes an extraordinary story of survival and adventure. Based on the international best seller by Joe Simpson it tells the story of a climb Simpson and his climbing partner, Simon Yates, undertook in the Peruvian Andes in 1985. "Dirty Pretty Things" (June 29) is an urban thriller set in a world of asylum seekers that lies behind the familiar urban metropolis of London. It is a tale of two cities, both of them in London. "The Warrior" (June 30) is a timeless story of an epic journey of a warrior from the deserts of

Rajasthan to the snow capped peaks of the Himalayas. "Anita and Me" (July 1) paints a poignant and colorful portrait of village life in 1972 in the era of flares, power cuts, glam rock and decimalization

through the story of 12-year old Anita. "About A Boy" (July 2) based on the book by Nick Hornby tells the story a rich, child-free and irresponsible Londoner who just happens to meet a certain special boy.

Tickets free of cost from the reception at British Council. Remaining tickets available on the day of the show from 6 p.m. at Gopi Krishna. For information: 4410798



Unwanted Guests

I believe that the majority of foreigners living in Nepal have chosen to be here out of a genuine desire to contribute to the country's development. But the government does not make it easy for us

BY MERA THOMPSON

Last year I met an American doctor setting up a medical training program for monks and nuns and building a series of small clinic-hospitals in the villages of Nepal's far-flung mountain regions. He had traveled regularly to Nepal—on his own dime—and was committed to seeing through a project that he believed would be of great assistance to the resource-deprived hinterland. About a month after our first meeting, I received a surprising e-mail from the doctor. He was leaving Nepal, this time for good. A meeting with senior officials at the Ministry of Health had failed to yield the necessary visa that would enable his work to go ahead and had ended badly with a straight-out demand for cash bribes. Pleas from the U.S. ambassador on his behalf were of little help. The ministry officials showed little interest in his proposed work or the potential benefit for those without access to state-sponsored health care, the doctor said. The doctor was headed for India, where he hoped his project would be met with a warmer welcome.

Despite the varying impressions the public at large may have of foreigners, I believe that the majority of us living in Nepal have chosen to be here out of a genuine desire to contribute to the country's development. Many go to work in the remote districts, filling a void left by educated Nepalis who choose to settle in the relative comforts of Kathmandu or beyond. But the government does not make it easy for us. My Nepali friends are consistently shocked to learn that even a tourist visa cannot be accrued for more than five months running (India, by contrast, offers five and 10-year tourist visas), and if you're hoping for a long-term business or work visa, you better be willing to pay. Many foreigners possessing skills of potential value to the local economy and to local communities, like the American doctor, are shut out essentially from the get go.

I lived in China for a number of years before moving to Nepal. Despite their continuing reservations about foreign culture and "ideas," Chinese authorities have realized that a certain degree of openness is necessary in this day and age. At least 50,000 foreign nationals now live in Beijing alone, bringing with them technology, trade and investment that have played a role in local development: Americans have set up schools, Canadians have opened hospitals, and Germans have designed research and development centres that employ thousands. Real estate development, shopping centers and entertainment venues designed to accommodate these expatriates, and the upwardly mobile locals they train, employ and attract back

from overseas, have made the municipal economy one of the strongest on the mainland.

Which raises the question—why hasn't a comparatively foreign-friendly country like Nepal followed suit with its Asian neighbors? It is clear that keeping us out has become a big money business in certain quarters. Last I heard, the going rate for "arranging" a work visa was in the range of Rs. one to three lakh, while the state-levied fee for a Non-Tourist Visa (required for those working in the development field) can reach \$100 a month. Alternately, a Resident Visa might be offered to foreigners interested in a one-time investment of \$1 million in a local industry of their choice. The difficulty in obtaining a visa has reached such a peak that on meeting another foreigner in Kathmandu, one of the first questions generally asked is along the lines of, "So ... how are you managing your visa?" The range of answers is truly mind-blowing. (Out of sympathy for those resorting to these unconventional methods, I won't mention them here, but there are certainly loopholes to be found by the persistent and the resourceful.)

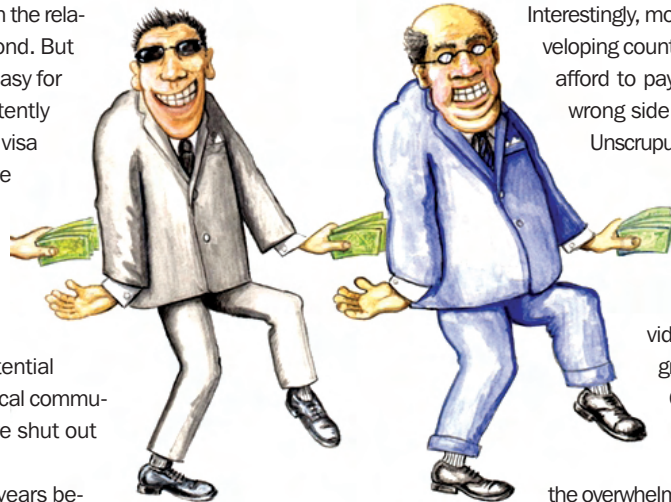
That being said, the risks of straying into these "gray areas" of the law are considerable. Take a visit to the Public Relations Office at the Central Jail in Sundhara and you'll learn that easily half of the foreigners incarcerated in Nepal have been jailed for visa fraud of some sort. Interestingly, most of those sentenced are from the developing countries of Africa and Asia. Those who can afford to pay off officials who catch them on the wrong side of visa regulations tend to walk free.

Unscrupulous officials, pockets bulging a little fatter, are only too happy to oblige.

The fact is that few foreigners in Nepal—INGO and diplomatic staff being the notable exceptions—work for organizations that are able to provide long-term visas. Though non-profit groups registered with the Social Welfare Council are on paper able to apply for at least one visa per foreign staff, they are often dissuaded from doing so by

the overwhelming bureaucracy and the arbitrary palm greasing it will involve.

Perhaps it's time to start a renewed debate on the issue—do average Nepalis really believe that allowing more foreigners to live in this country would do more harm than good? Keeping a stranglehold on visa issuance clearly increases the propensity for graft in direct service and for those in power, but does it benefit Nepal on a macro level? It might seem petty to wrangle over a comparatively trivial issue when so many more immediate crises loom over the country, but perhaps at this time of impending change in Nepal it would be in due course to give a rethink to opening the country's doors a bit wider. Doing so has certainly served other nations well. **N**



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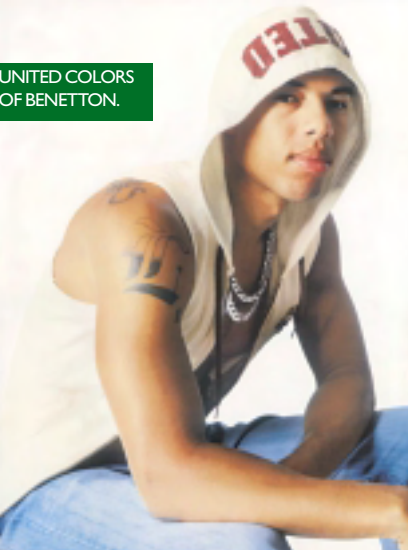
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Not So Royal

BY AJIT BARAL

The Academy has become a conveyor belt that consistently churns out low quality books

The Royal Nepal Academy was instituted in 1957 to promote language, literature, art and culture. Till 1996 it had published 467 books (12 books per year or so.) In the last few years it has been publishing on average 20 books a year, apart from a clutch of journals and literary magazines. To date it has published more than 650 books. Most people therefore expect it to be a full-fledged publishing house, but it has never acted like one.

Every publishing house should have the mechanisms of writing—commissioning, peer reviewing, substantive editing, copy editing, etc.—in place. The Academy however doesn't. It doesn't commission books, send submitted manuscripts for peer review or substantially edit the manuscripts. What it does by way of editing is proofreading. And writers have to have the right connection and a good reputation in order to get published. The result: the Academy has become a conveyor belt that consistently churns out low quality books.

Although the Academy publishes books on all sorts of subjects and genres: criticism, history, travel, stories, poems and culture, books of poems and criticism top the numbers list. Criticism books are all like the Basudev Tripathi type, that is, written in the old *dharra*, style. Poetry has only a small readership, yet the Academy keeps bringing out collections of poems.

Travel books are high on romantic rumination and low on life. The journals are erratic. A good scholarly work gets clubbed together not infrequently with pedestrian articles. What is worse, research articles, especially those written in English, are badly written. And

most of the English books are guest-edited by those with exaggerated reputations but with no proven editing skill.

If the contents of the Academy's books are nothing to write home about, its packaging of books is slapdash at best. It doesn't package its product the way professional publishing houses do. Academy books look shabby. Little surprise then that the Academy puts its publications on sale every year at 10 to 80 percent discount to clear its stock.

Instead of trotting out *thelis* of books of criticism and poetry that have little readership, the Academy should give grants to books that need to be urgently written. A book on Nepali contemporary art and language comes immediately to mind. Those writing in English can refer to books like "The Art of Fiction" by John Gardner, "The Elements of Style" by William Strunk, "The King's English" by Fowler, and "The Use and Abuse of Language" by Eric Partridge to learn the nitty-gritties of good writing. But those writing in Nepali cannot consult any such books.

Professional publishing houses have to worry about where to get money for the next titles. So they set their one eye firmly on the market and the other on quality. But the Academy gets a certain amount of money each year to publish books irrespective of their quality. There-

fore there is no real emphasis in bringing out saleable books. It's time that the Academy had a separate publishing department headed by someone who knows the tricks of the publishing trade and the department be given complete autonomy and made to run mostly on the sale of its titles. Only then can it start publishing good books. **N**



Book Mark



Imagine Metro's 26-year-old television news anchor Usha Bhatta loves fiction and books that analyze social trends. "It's also a way to increase your knowledge," says Bhatta of her reading habit. She also likes reading research related articles and says that the reading helps her in her writings. Though she mostly reads Nepali books, she doesn't ignore English works either.

First reading memories

Comics and storybooks—Chacha Chaudhary, Betaal and Archie's. We used to hide them between our textbooks and read them in class. The teachers never caught on. I also remember story books such as "Yomari Maiya" and "Siruki Bhakri." It's sad to see that these books are not read by present day kids.

Last read

"Nepalko Rastriya Jhanda, Itihas, Baiseshitya Ra Prayog" by Dr. Daya Ram Shrestha. It won the Madan Purashkar in 2053 and deals with the various codes of conduct that should be followed regarding the national flag. It was an interesting read—had some interesting facts that I would have otherwise never known.

On my bookshelf

"Arms and the Man" by George Bernard Shaw and "Emma" by Jane Austen.

Favorite writers

Paarijat and Purushwottam Shumsher Rana. I like Rana's writings on Nepal's history.

Book I want to read but haven't had time for
"Living History" by Hillary Rodham Clinton and Bill Clinton's newly released book, "My Life." **N**




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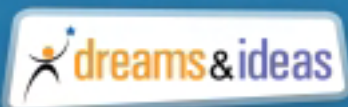
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It's A Circus Out There

It would perhaps have never come to our notice. And hundreds of Nepali children would have continued to toil under huge tents in faraway Indian cities, entertaining others their own age, never allowed to speak their own language, and seldom venturing outside the narrow confines of their compound. And few of us in Nepal would have got to hear their stories of distress. Much less decide to do something about it.

All this came to light for most of us when the activists of the Nepal Child Welfare Foundation and South Asian Coalition on Child Servitude were attacked by the goons of The Great Roman Circus in Karnailganj, near Lucknow. The activists knew that the circus had children working for it and

mute spectators even as the circus hoodlums attacked the rescuers: the raid took place under the nose of the Sub Divisional Magistrate, Havaladar Yadav. Two weeks on, the goons of The Great Roman Circus still roam freely in Karnailganj (in the district of Gonda, UP). And it is the rescuers who are beginning to fear for their lives. It has been some circus, all this.

It hasn't all been a waste however. The Indian Human Rights Commission last week dispatched a fact-finding team to Gonda and actor Nandita Das famously joined hands with the activists. That's good news for an estimated 500 Nepali children who are in the tight clutches of Indian circuses. We are with Khem Thapa, head of the Hetauda-based NCWF, which has been at the forefront in these rescues, when



were conducting what was to be a surprise raid to free them. They were emboldened by a similar raid in April when they rescued 29 Nepali children from The Great Indian Circus at Palakkad, Kerala. The youngest one was only seven.

The Lucknow operation drew everybody's attention, simply because it ran afoul. We are shocked that the four parents who had accompanied the activists would not be allowed to return home with their own children. We are even more shocked by the fact that local authorities present during the raid remained

he says we need to continuously apply pressure to the circus owners from Lucknow. The Indian Circus Federation declared in 2002 that it would not recruit children and even freed nine children during a high-pitch press meet in New Delhi in January 2004. We call on the Indian government to ensure that they follow-up on their promises. Even in these shockingly violent times, violence against children continues to shock us.

Akhilesh Upadhyay, Editor

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