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## From The Editor

Despite prolonged political instability, Nepal has made several gains in the development sector over the last decades. Nepal's achievement in the Millennium Development Goals is remarkable. As the deadline for MDGs is coming closer, Nepal is in a state of achieving some Goals of MDGs and remains far from others. Nepal is in the set target of reducing the people living below poverty line, reducing infant mortality, fighting HIV/AIDs and Malaria and ensuring environment and sustainability. Another important area we have chosen to look at in the cover story of this issue is the election to the local bodies. At a time when the CA election is still uncertain, the country has to go a long way before holding the local bodies' elections. From mobilizing the local resources to providing new leadership to the center, local bodies have made enormous contribution to promote the grass-root democracy in Nepal. Except in the period of last six years, Nepal has not faced a long vacuum in the local bodies. As there is rampant corruption in the absence of elected leadership, local bodies are in disarray. We have decided to look at the approach launched by MIREST-Nepal to make the local bodies more accountable through various institutions as our cover story of the week. Along with this, there are also regular columns and articles related to various current issues.

*Keshab*

**Keshab Poudel**

Editor

# NEW SPOTLIGHT FORTNIGHTLY

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## British Ambassador in Jhapa

British Ambassador Andy Sparkes inspected a mushroom farm in Dharmapur Village of Jhapa district. Upon his arrival, British Ambassador Sparkes was greeted by the villagers.

He visited the village to see the status of mushroom farming done with the help of the UK government. According to a British Embassy press release, 19 women from 19 households had received Mushroom Production training. Seed and shed construction support was provided to them.

Women were provided assistance to



start the enterprise equivalent to NRs. 265825. With the support, they have earned NRs.181580 by selling mushroom within 5 months. Recently they have extended the enterprise in individual level.

## OHCHR Concerned Over Adhikari Couple

OHCHR expressed its concern over the deteriorating health of the parents of Krishna Prasad Adhikari before they broke their fast recently.

The Office of the UN High Commissioner for Human Rights (OHCHR) expressed the concern over their deteriorating health while on hunger strike for more than a month.

"We find it deeply disturbing that the parents of Krishna Prasad Adhikari see this hunger strike as their only recourse to persuade the authorities to investigate their son's murder which occurred some nine years ago," said OHCHR Spokesperson, Rupert Colville.

## KOICA conducted Mid-Term workshop

Korea International Cooperation Agency (KOICA) held a mid-term workshop on the project Health Services Improvement in Tikapur (HIT). The workshop was organized to share its activities and achievements since the commencement of the project.

According to a press release of KOICA office, HIT project started after the MOU for the project was signed between the Korean and Nepalese government on Dec 9, 2011. KOICA's



budget for this project is US\$ 5.5 million with the main objective of supporting the national initiative of the Government of Nepal to enhance the quality of primary health care, contribute to enhance the health services by upgrading the health infrastructure and reinforcing community health program and to improve health service management by strengthening the capacity of the health workers in the project site.

In the workshop, Resident Representative Ms. HaengLan Jo expressed sincere gratitude to the MoHP for its support to KOICA in implementing different health projects and programs. She also emphasized that the health sector is one of the priority sector of KOICA in Nepal.

## Indian Ambassador Presents Credentials

Indian Ambassador to Nepal Ranjit Rae presented his credentials to President Dr. Ram Baran Yadav on September 4, 2013, in a ceremony at Shital Niwas. Rae, who also heads Nepal and Bhutan desks in South Block, shifted here from working as Indian Ambassador to Vietnam.

## US Support For Drinking Water Project

Armed Police Force and the US Embassy signed a Memorandum of Understanding (MOU) to construct deep tube wells near designated open spaces in the Kathmandu valley. These wells will allow the Armed Police Force to better serve the citizens of Nepal in the event of a disaster by providing safe and reliable drinking water to displaced people.

## British Army Trains Nepal Army Engineers

A team of five C-IED experts from the British Army provided training to Nepal Army Engineers in Counter-Improvised Explosive Devices, Explosive Ordnance Disposal, Route Opening and War Materiel Removal techniques.

The two-week long training was conducted at the Nepal Army's Explosives Ordnance Devices Holding Unit based at Tribhuvan International Airport. The training concluded on 30 August.

## Twenty-seven Peace Corps in Nepal

U.S. Ambassador Peter Bodde welcomed 27 new Peace Corps trainees to Nepal. Twenty seven new Peace



Corps arrived last week in Nepal. According to U.S. Embassy, the group will spend the next three months learning the Nepali language and specialized skills. After their training is complete, the trainees will be sworn in as Volunteers and serve in rural Nepal for two years.

## Think-Tank Summit Concludes

A think-tank summit was organized in Kathmandu on August 29-30 by the Consortium of South Asian Think Tanks (COSATT) led by Institute of Peace and Conflict Studies, Delhi, Centre for South Asian Studies, Kathmandu in cooperation with the Konrad Adenauer Stiftung.

Heads of think-tanks of all 8 SAARC countries are participating in the 2 day conclave including former foreign secretary of India Salman Haidar. According to Dr. Nishchal N. Pandey, Director of the CSAS, Kathmandu, the venue of the conclave was selected to be Kathmandu keeping in mind the next SAARC Summit which is also supposed to be taking place here in the near future.

## FNCCI EXCELLENCE AWARDS

**Modesty Shows Up**

There are only rare people who can dare to praise colleagues, giving them all the credit for making the program success. Although his involvement was there in all the sides including as a Master of Ceremony, young industrialist Saurav Jyoti has shown his modesty and team spirit by giving credit for the grand success of FNCCI National Excellence Award 2010 to his teams and colleagues.

Just after the completion of the award ceremony, Jyoti congratulated his colleagues Harsha Shahani, Charu



Chadha and Awashis Ojha and others for their hard work and dedication. By showing the humor and greatness, Jyoti followed his grandfather late Mani Harsha Jyoti and father Padma Jyoti's tradition.

Although he himself was the Master of Ceremony and the organizer, Saurabh Jyoti publicly praised and gave the credit of organizing the program to his colleagues, writing in his facebook wall immediately after the program. Although there are many comments with words of praise for running the program, Saurav's hailed the persons involved in it.

Saurav Jyoti, chairman of productivity and quality committee at the FNCCI, is involved in setting the criteria for award and hosting the program. Nepalese Chamber of Commerce and Industries (FNCCI) last week conferred one of its prestigious awards, National Excellence Awards 2010, to Unilever Nepal Ltd., Quest Pharmaceuticals and Get Paper Industries. President Rambaran Yadav presented the trophies to the representatives of the enterprises amidst function held in the capital.

In other categories, the Life Time Achievement Award was conferred on business entrepreneur Prabhakar Shumsher JBR for operating enterprises with a clean and healthy atmosphere. Upendra Mahato bagged the NRN Businessperson of the Year Award with his new business expansion in Russia and Belarus. Similarly, the Business Person of the Year Award was given to Min Bahadur Gurung, the founder of the Bhat Bhateni Supermarket.

New York based renowned fashion designer Prabal Gurung was conferred the Young Business Achievers awards in the male category while Milee Shrestha and Nikita Poudel bagged the same award under female category.

**Panchakanya Celebrates 40th Anniversary**

The Panchakanya Group celebrated its 40th anniversary. According to the company, prominent figures from various business and non-business communities attended the program.

The group handed over a check for Rs 251,000 to Chief Secretary Leelamani Poudel to support Mahakali flood victims. The assistance was provided as per the group's corporate social responsibility (CSR) initiatives. The in-house journal of Panchakanya Group was also launched.

**Thai Trade Fair Concludes**

The first Thai Trade Fair has concluded. Organised by the Department of International Trade Promotion (DITP), the three-day long fair aimed to promote Thai products in Nepal. "Though the two countries have a good history of trade, the volume is very low. We aim to increase the volume of trade between the countries significantly through such events," Tharadol Thongruang, the minister counselor (commercial) at the Royal Thai Embassy, said at the opening of the event.

According to Thongruang, Nepal and Thailand make up an average of Rs 100 million dollars in bilateral trade a year. He also said the fair would be held annually. "Nepal could be a good commercial hub from the point of view of tourism, hydropower and handicraft."

**KBL, BoK Signed Accord**

Kumari Bank Limited (KBL) and Bank of Kathmandu (BOK) have signed an agreement to provide remittance service, Kumari Remit, which is the remittance business of KBL.

**BoK Profit At Rs 617 Million**

Bank of Kathmandu earned a net profit of Rs 617 million in 2012/13. A meeting of bank's board of directors decided to distribute Rs 12.4 million (0.73 percent of paid up capital) as cash dividend and Rs 235.8 million (14 percent of paid up capital) stock dividend as bonus shares to its shareholders. The benefits, however, are subject to approval by Nepal Rastra Bank and the bank's annual general meeting. "The bank's total deposit reached Rs 27.70 billion and loans and advances reached Rs 23.05 billion at the end of 2012/13," the bank said in a press statement. In comparison to last fiscal year, the total deposit, and loans and advances increased by 10.84 percent and 19.31 percent, respectively

**Bajaj Launches Festive Offer**

HH Bajaj has introduced its latest scheme 'Dusavatar', targeting the festive occasions of Dashain and Tihar. According to the company, the scheme offers every customer buying any Bajaj motorcycle with sure-shot instant cash prize ranging from Rs 5,000 to Rs 100,000 and a weekly lucky draw of one million rupees.

"The instant prizes will be given according to the scratch coupons and the weekly bumper will be decided through a lucky draw," the company said in a statement. Talking about the offer, Shekhar Golchha, executive director of HH Bajaj said, "The year 2013 is a special milestone for us because it marks the 10th anniversary of the introduction of Bajaj bikes in Nepal."

(Sources: various newspapers)

## CA Polls Sans CPN-M

Dr. TILAK RAWAL



The agreement between major political parties and the alliance of parties led by CPN-Maoist to hold a round-table political conference spread some rays of hopes, which, however, did not last long because the major parties concluded that it was simply a time buying tactics of the agitators who under no circumstance wanted polls to be held. Major political parties have geared their activities towards selection/election of candidates to contest the poll. Party leaders and other aspirants are visiting nook and corner of the country. Parties are likely to finalize the list of contestants soon and are determined to organize polls despite threat floated by Kiran and his associates. In the selection of candidate, it is feared that loyalty to leaders, heading different groups within a party, would be counted more than popularity and dynamism of aspirants. People want all political forces to participate because they know with a major political and disruptive force like that of Kiran remaining outside, it will not be possible to hold polls in a satisfactory way. Therefore, they want the negotiation door not to be closed on Kiran and have him on board electoral process even if it results in little delay in the election. Chances of reopening negotiation, however, are very slim and line agencies accordingly have begun to make necessary preparations to hold polls on the stipulated day of November. The government seems to have seriously taken Maoist's threat to disrupt the election as the Ministry of Home Affairs has demanded Rs. 9.21 billion to implement the integrated security plan for the polls, which is expected to be unveiled shortly. Despite very disappointing performance of the economy, there should not be any problem in providing the funds demanded because the current budget has set aside Rs.16 billion, Rs. 10 billion for security and Rs.6 billion for poll

related activities.

Sharp depreciation of Nepalese currency is the major problem that has attracted the attention of almost everyone in Nepal which has huge trade deficit with rest of the world, mainly with its major trading partner India. In the last couple of weeks, each US dollar is exchanged at Rs 100 and above. There is, however, very little we can do to correct because we have to walk the line drawn by Reserve Bank of India, our currency being pegged to Indian money. Indians are worried that the economy that grew between 8-9 percent during 2004-10 is growing by less than 5 percent currently. Trade deficit and current account deficit as proportion of gdp stand at 10.4 and 4.8 percent, respectively. Mounting budget deficit, currently at 10 percent of gdp, is the problem that Indian

has lost over 19.5 percent against the dollar since the slide started in early May. To check dollar outflows, RBI has further curbed gold imports and cut the overseas investment limit for companies' to 100 percent of their net worth from 400 percent. India still has a reserve of 278 billion dollars, which is sufficient to cover country's merchandise import requirement for 6.7 months. Some arguments circulating suggest that we should seriously think about appreciating our currency: our currency could be demerged or the pegging could continue even after appreciation. Any decision on currency appreciation, however, should not forget to look in our trade deficit with India (Rs.316 billion last year), which is 18.6 percent of our gdp and that Indian economy is still growing at a rate higher than ours

**Looking at the human carnage in Egypt, alleged gassing of hundreds of Syrians by Assad and remembering how Kaddafi of Libya made his forces fight till the last moment, peaceful relinquishment of power by the last representative of Shah dynasty, who enjoyed unquestioned loyalty of the Royal Nepal Army, deserves due appreciation. Hope the current commander, President Yadav, is aware of this and sees that the army is not pushed into serious action even at the drop of a hat.**

authorities are finding difficult to handle. Generally, capital is attracted to places/economies that ensure better return on investment. In the past, lots of capital came into India because it was growing well and offered attractive returns to investors on their investment. Now outflow of hard currency is on the rise because Indian economy is not doing well and ailing economies in Europe (France and Germany) and that of US have shown some signs of improvement. Federal Reserve in the US seems inclined to slowly do away with the stimulus (quantitative easing) that it has been providing to stir the ailing economy, paving way for outside funds to flow there. All these factors have led to depreciation of Indian currency, which

despite the fact that their economy is currently growing at the slowest pace in a decade. Moreover, the economy is not likely to get into a situation of the kind in 1990 when gold from India had to be sent abroad to secure loans. This situation will not last long as the economy should bounce back taking not too long a time. Stronger US dollar might have made remittance receiving families and exporters happier but what should not be forgotten is the fact that our export base is weak and it becomes little difficult to take advantage of the depreciating currency in the short run. Therefore, with exports not increasing satisfactorily, trade deficit could further widen and inflation could climb up on account of rising import costs. It should also be

## MDGs

## Major Gains

*Despite facing a series of political instability, Nepal has made a tremendous progress to achieve some major targets of the Millennium Development Goals*

By A CORRESPONDENT

From bloody insurgency to change in the political regime and frequent change of the government, Nepal has been passing through the most unstable period in its history. Despite being in the bad times, Nepal has made achievement in the development sector that is unbelievable.

Released by vice chairman of National Planning Commission Dr. Rabindra Kumar Shakya, Nepal Millennium Development Goals Progress Report 2013 revealed many positive progresses made by Nepal in the last 13 years. However, there are dismal points as well.

Nepal has already achieved a majority of the health related goals or is on track to achieving them, except two indicators in MDG 5, the contraceptive prevalence rate and the unmet need for family planning and one in the MDG6, the proportion of the population with advanced HIV receiving antiretroviral combination therapy.

"It is a great pleasure for me to say that Nepal has made a great achievement in meeting MDG goals," said Dr. Rabindra Shakya, vice chairman of National Planning Commission. "Had Nepal got the political stability, Nepal's progress would have been much faster and higher," said Shakya.

Although Nepal has seen over a half dozen governments and two political systems and crucial phase of violent insurgency, nothing has hampered Nepalese people's quest to make progress.

Whether it is in primary enrolment or girl child's enrolment and immunization or infant mortality rate, Nepal has made a major progress.

"Nepal's achievement in the MDGs is exemplary among the least developed countries," said



UNDP resident representative Jamie McGodrick. "Nepal needs to take some more steps to make progress in the areas of inclusion."

Presenting the highlights, former vice chancellor of NPC Jagadish Chandra Pokharel said Nepal needs to set the priority to achieve those goals beyond 2015. Chief secretary Leelmani Paudyal expressed that the progress made by Nepal is exemplary.

Mohna Ansari, member of National Women Commission, said gender based violence and exclusion continue to be major problems in Nepal. Yubaraj Bhushal, secretary at National Planning Commission, held the view that this is a success for all Nepalis.

Despite achieving the success, Nepal's challenges in the future are to maintain the achievements and progress made during the last several years. ■

noted that an economy does not gain from nominal currency depreciation when faced with high level of inflation, because inflation differentials play a major part in determining real effective exchange rate of currencies of trading partners. We have to delve into the matter but avoid making hasty decisions.

In our case political settlement seems to be a prerequisite to faster growth because we have not been able to grow satisfactorily in the past years of political instability and to achieve meaningful stability, major political forces should be made a party to important political decisions and events. Successful conclusion of talks between the High Level Political Committee and the two alliances of agitating parties led by Upendra Yadav and Ashok Rai, respectively, could not bring about any change in the attitude and approach towards election of the Kiran-led Maoists. With formal and informal talks with them failing to produce any positive result, the major political forces have concluded that they should now be prepared for the polls even without the agitating party. Maximum flexibility shown by the major forces, as demanded by all, could not produce any positive result, proving correct the apprehension of major parties correct. With the agitating Maoists almost certain to boycott the polls, it may be advisable that they take resort only to persuasive methods to keep voters away and not harp on violent ways of disrupting polls. Maoist leaders need not fear deployment of Nepal Army to ensure smooth conduct of polls because it has always been under sensible supreme commanders who never wanted too much blood of their own people spilt to safeguard their positions of power. Looking at the human carnage in Egypt, alleged gassing of hundreds of Syrians by Assad and remembering how Kaddafi of Libya made his forces fight till the last moment, peaceful relinquishment of power by the last representative of Shah dynasty, who enjoyed unquestioned loyalty of the Royal Nepal Army, deserves due appreciation. Hope the current commander, President Yadav, is aware of this and sees that the army is not pushed into serious action even at the drop of a hat. The need of the hour is to do everything possible to have agitating forces on board the electoral process and discourage those not participating from being violent. They should either participate in the polls or boycott it nonviolently. Kiran jee, nobody can stop you from choosing one of these two options related to the forthcoming polls.

*Dr. Rawal is a former Governor of NRB*

## POLITICS

# Continuing Stalemate

*Despite several efforts of major political forces, the political situation is yet to be completely conducive for the Constituent Assembly elections to be held on November 19, 2013*

By KESHAB POUDEL

Although four parties have cleared almost the last hurdle for November 19, 2013, elections by signing an agreement with the Federal Socialist Party-Nepal, led by Ashok Rai, their failure to persuade CPN-Maoist to take part in the elections has affected work to create a congenial poll environment.

Given the current political stand taken by both the groups, any agreement to ensure peaceful elections is unlikely soon. Formally, the talk has already broken down. However, UCPN-Maoist leader Prachanda and Dr. Baburam Bhattarai held several informal talks with Maoist leaders recently. Similarly, Nepali Congress and CPN-UML also held informal meetings with CPN-Maoist leader Vaidya. However, nothing has materialized.

On Monday (9 September) evening, Maoist leader Vaidya met president Dr. Ram Baran Yadav privately and discussed the political scenario. According to reliable sources, Vaidya requested president Dr. Yadav to give them some space for face saving.

As his earlier private meeting with UCPN-Maoist, Nepali Congress and CPN-UML leader, Vaidya requested president Dr. Yadav to help postpone the elections till the last week of March or beginning of April 2014. Vaidya's group told other leaders earlier that they will drop all the demands and take part in the elections in case the elections were postponed till the first week of March 2014. Although no words have been expressed from any quarters, given the strong pressure from Nepal's development partners and two neighbors India and China to hold the elections on November 19, 2013, political parties are likely to take the

initiative to convey the message of Maoists.

Nepali Congress leader Dr. Minendra Rijal expressed hope that Vaidya will take part in the elections. However, CPN-Maoist leader Dev Gurung said that they will not participate in the November 19 elections.

## All Party Meet

At a time when the High Level Political Committee has been negotiating with CPN-Maoist, the interim government has organized an all-party meet. During the meeting, almost all political parties represented in the previous CA stressed the need to hold the elections on November 19. The possibility of holding the elections in November 19 has increased. However, nobody is sure what will be the level of political violence in an election without participation of CPN-Maoist.

As the four-party alliance has already made it clear that they cannot negotiate on the condition of postponement of November 19 elections and Maoists have shown their determination to disrupt the poll, violent clashes are likely to erupt in the coming days. Maoists have already announced a series of general strikes just before the beginning of the poll process. As most of disgruntled Maoist combatants are with CPN-Maoist, they are likely to create nation-wide troubles. Meanwhile, as per the existing calendar of events, the political parties should submit their lists of candidates to the EC by September 23.

## President's Role

The role of president Dr. Ram Baran Yadav is going to be crucial at the last minute as he has to sign some



President Dr. Yadav

ordinances to amend the laws and constitution. As Maoists is still opposed to the date, the government is yet to move the bills required to make amendment in the constitution and election law.

Because of the delay in sending the amendment ordinance to president Dr. Ram Baran Yadav, who took a stand last week that he is unlikely to ink any amendment clause without the agreement of all the disgruntled parties, the election process has already been affected. Chief Election Commissioner Neelkanth Uprety told New Spotlight that the process of printing materials has been delayed because of the uncertainty in the number of CA members and number of political parties.

## Internal Party Equations

Political parties are making efforts to use the current stalemate in their favor. UCPN-Maoist insisted to sign the agreement with Madheshi Janadhikar Forum Nepal because it wants to have electoral adjustments in Madhesh with MJF-Nepal. Similarly, Nepali Congress and UCPN-Maoist woo Ashok Rai led Federal Socialist Party-Nepal hoping that it will politically benefit their candidates. CPN-UML was reluctant to bring Rai led party in the elections because overwhelming members of Ashok Rai led party are former sympathizers of UML. Nepali Congress and CPN-UML



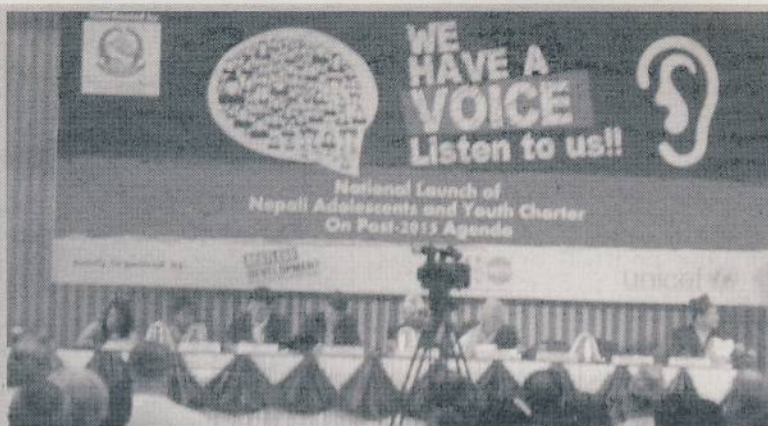
are negotiating with Maoist on the elections agenda. UCPN-Maoist leaders want Maoist out of elections process as a separate political force. Thus, UCPN-Maoists leaders are privately negotiating with CPN-Maoist for the possible electoral alliance or to make a joint front.

#### Political Scenario

Along with successful agreement between Ashok Rai led Federal Socialist Party Nepal and four party led High Level Political Committee (HLPC), the political scenario was dominated by the indefinite fasting by Krishna Adhikary's parents, demanding a murder charge against a Maoist cadre and Supreme Court's decision to quash 14 petitions related to appointment of current chairman of council of minister without hearing. The raid by Revenue Investigation Department at the office of former chief of Nepal Bar Association Sambhu Thapa also sparked major controversy. Adhikary duo broke their fasting following arrest of Maoist worker on murder charge.

#### What is Next?

As the election date is approaching, the options are getting narrower before the political forces. As there is a little time left, choices are limited. Given the current political stands taken by political forces, political confrontations are likely. The postponement of the election may create more constitutional crisis as it will raise the question of legitimacy of the government. If the political crisis prolongs, it will definitely bring the president at the center stage. Another broader political agreement, accepting the present government's constitutional status for certain period of time, may be likely as well. By taking part in the formal negotiations with the present government, Maoist led alliance has already indicated that they can accept the legitimacy of the government. If Maoists agree to go for polls, withdrawing the demands for roundtable meeting and accepting the legitimacy of the government, parties are likely to consider postponing the elections for a few more months. Here the role of president Dr. Yadav is important. UCPN-Maoist leader Narayan Kaji Shrestha confided that they will postpone the election in case of Maoists agree to go for polls with written commitments accepting the present political and constitutional set up.



#### ADOLESCENTS AND YOUTH

## Voice Of Note

*Although Nepal's over 20 percent of population are below the age of 25, their voices are yet to be heard by the policy makers*

By A CORRESPONDENT

Despite waiting for a long time to see favorable policies from the government, adolescents and youth of Nepal finally decided to do something for them: bringing Nepali Adolescents and Youth Charter for the Post 2015 agenda.

According to Nepal's 2011 census, there are 6.4 million adolescents aged 10-19 and 24 percent of the total population and the youth aged 15-24 is 5.3 million or 20 percent of total population. Their voice, however, is rarely heard.

Prepared by the adolescents and youth after a consultation, the youth of Nepal handed over the Nepali Adolescents and Youth Charter for the Post 2015 agenda to vice chairman of National Planning Commission Dr. Rabindra Shakya amid a function. The charter is an official document accepted by the government of Nepal.

The charter document was prepared after a series of district and regional level consultations among the youth. The consultation was held in 16 districts of five development regions. The initiative was coordinated by Ministry of Youth and Sports, with technical and financial support from UNFPA and UNICEF. The whole process was facilitated by Restless Development Nepal and other civil

society organizations.

Addressing the national launch event, vice chairman of National Planning Commission Dr. Rabindra Shakya assured the adolescents and youth that the government will take care of the concerns of the children. Minister for Youth and Sports Ram Kumar Shrestha said the government will provide much needed support to the youth. "Youth are the future and youth are the present," said Minister Shrestha.

Despite certain achievements, majority of Nepalese adolescents and young people continue to face challenges including exclusion in the main process. Their voices are unheard and ignored. "This charter represents the voice of the people. Restless Development is happy to work to prepare the charter," said Rabindra Shakya, country director of Restless Development, an INGO working in the areas of young people.

Hanaa Singer, Country Representative of UNICEF, stressed the need to address the problems of youth. Secretary at the Ministry of Youth and Sports Hari Prasad Nepal expressed his commitment to the charter. Joint secretary of Ministry of Women, Children and Social Welfare Upendra Adhikary also spoke on the occasion. ■

# 'My Priority Is CA Elections In November'

-ASKO LUKKAINEN

With a long experience of working in Nepal, ASKO LUKKAINEN, the first resident ambassador of Finland to Nepal, is a close observer of the ongoing political developments. Finland is also providing support to the coming elections in addition to its regular assistance for development and governance. At a time when there is a growing uncertainty about the November 19, 2013, elections, **NEW SPOTLIGHT** spoke to Finnish ambassador LUKKAINEN on various issues: Excerpts:

As Nepal is coming closer to the elections of the Constituent Assembly, how do you view the overall scenario?

I was just attending a meeting organized by the Election Commission, which was informing the Heads of the Foreign Missions about the status of the preparations for the CA elections. The Commission seems to be in full swing and I got the impression that the preparations have advanced well. The alarming issue is the coalition of CPN (Maoist) + 33 parties, which still have not been registered for the elections. Hopefully, the coalition will do so. I am also very alarmed by the coalition's plan, in case it does not attend the elections, to disrupt the elections by any means. This is against the Election Code of Conduct and the fundamental right of every voter to elect their representatives. Those who plan the disruption do also despise the democratic values. Organizing bandhas, related to elections, is in the same category in my opinion.

In the past, Finland has been supporting Nepal's elections process, how are you supporting the elections this time?

As soon as the election date was announced, Finland disbursed 2.5 million Euros into the account of the



Nepal Peace Trust Fund, which will channel the money to the needs of the Election Commission. In rupees, this amount is equivalent to 350 million rupees. So we are, as so many other countries, heavily involved in the election financing. I am really happy and proud that we are part of the process.

Given Nepal's past experiences, political parties have repeatedly changed the elections date. If they change the date this time, what would be the response of Nepal's democratic friends, particularly from the west?

At the moment, Nepal has no elected parliament, no elected Constituent Assembly and no locally elected bodies. So, one can argue that the state of democracy is weak, if not existing in Nepal right now. This is why a huge majority of Nepali people want to have the CA elections in November. Changing the date, November 19, would not give any benefits to the country. The West, and

probably also the North and the South, would certainly be disappointed and it is possible that the postponement of the CA elections would have economical consequences too. We all want to support democratic Nepal and if there are no elections, at least some countries which support Nepal will have to reconsider their future plans regarding this country. It is very difficult for instance to convince our headquarters that we should increase our support to Nepal if the present situation prevails.

As Nepal has not held local elections for the last 16 years, how is it affecting the development projects supported by Nepal's development partners like Finland?

Since Finland's assistance to Nepal is directed to the poorest people, we are active, especially in the rural areas. When the elected local bodies are not in place, all the planning and implementation of our projects is discussed with the civil servants, not with the representatives who have the

mandate of the people. I have nothing against the civil servants, I myself am one of them, but this situation is not democratic and can lead to decisions which do not benefit the people in rural areas in a maximal way.

Don't you think Nepal needs to have local elections?

Obviously my opinion is yes, local elections are needed soonest. My priority order is CA elections in November, local elections in 2014.

At a time when Nepal's overall development highly depends on the foreign aid, Nepal government is saying that it wants to change the Foreign Aid Policy. How do you look at this?

It is good that Nepal wants to have Foreign Aid Policy since this shows that the Government wants to be in driver's seat in the development of the country. I welcome this initiative and hope that the new policy will emphasize Nepal's Government's leadership in aid coordination. But I also like to emphasize that the new Foreign Aid Policy should be discussed with the donor community before its approval. Our comments should be considered in case there are some.

Due to delay in the formation of Disappearance and Truth and Reconciliation Commissions, many incidents related to conflict period are coming up. How do you look at this?

I understand that the content of these bills is under discussion. My firm opinion is that the content should be in line with the international standards. As long as the bills are not approved new cases will most probably come up.

What is your reaction to the delaying implementation of transitional justice system to look at the incidents related to rights violations?

The victims and their relatives and in some cases the perpetrators also would like to see the transitional justice system function since the

waiting is painful. Only after cases have been thoroughly discussed and agreed those who have been involved can get the peace into their minds. So the situation is difficult right now. I understand the extreme complexity of the situation and hope that the Government finds an acceptable way out of it.

How will Nepal's development partners react in case of failure to hold the elections on November 19?

I believe I already gave an answer to this question by answering your question number 3. But let me use this opportunity to extend my best wishes to the people of Nepal. Times during the civil war and during the political turmoil after that have been difficult and hopefully the most difficult period is over now. I put my hope into the CA

elections in November and elections of the local bodies after them.

What is your impression about Nepal?

As you know I have been serving in Nepal, in 2000-2004, and now again since September 2011. During all these years I have learned to know many Nepali friends and what seems to be common with them is the desire for stable democratic political situation in the country which would enable the investments here which again would lead to the increase of the jobs available. I am sure that the politicians in the country are aware of the opinion of the people and will join their hands in order to make this country a prosperous one. This is what the people really want. ■

### सूचना हाम्रो अधिकार, सुशासन र विकासको आधार ! कुनै पनि सार्वजनिक सरोकार, थाहा पाउने जनताको अधिकार !!

- सूचनाको हक भनेको सरकारी तथा अर्द्ध सरकारी संस्था, सरकार वा विदेशी दातृ संस्थाबाट रकम प्राप्त गरी संचालित गैर सरकारी संस्था, राजनीतिक दल तथा सङ्गठन र नेपाल सरकारले तोके बमोजिम सार्वजनिक निकायमा रहेको सार्वजनिक महत्व र आफूसँग सम्बन्धित सूचना माग्ने र पाउने सम्पूर्ण नेपाली नागरिकको अधिकार हो ।
- लोकतन्त्रको आधार नै सूचनाको अधिकार हो ।

#### यो पनि याद राख्नुहोस्

- सरकारी कर्मचारीहरूको तलब र सरकारी कार्यालयको खर्च तपाईंले तिरेको करबाट चल्छ ।
- आफूले तिरेको कर के काममा कहाँ र कसरी खर्च हुन्छ भनी जान्ने (सूचना प्राप्त गर्ने) लगायत सूचनाको हक संविधान प्रदत्त नेपाली नागरिकको मौलिक अधिकार हो ।
- सूचना माग गर्ने निवेदनमा कुनै पनि दस्तुर लाग्दैन ।
- सूचना प्राप्त गर्दा पनि १० पेज सम्मको सूचना निःशुल्क पाइन्छ ।
- तपाईंले कुनै सार्वजनिक निर्माण कार्यको लिखत, फाईल हेर्न र निर्माण कार्यको निरीक्षण गर्न सक्नु हुनेछ ।
- सार्वजनिक महत्वको कुनै काम, कागजपत्र, अभिलेख हेर्न/जाँच्न सक्नु हुनेछ ।
- कागजपत्र वा रेकर्डको टिपोट, प्रमाणित प्रतिलिपि, मुद्रित डिस्कट, पेन ड्राइभ, टेप, भिडियो, क्यासेट वा कुनै पनि ईलेक्ट्रोनिक वा मुद्रण रूपमा सूचना प्राप्त गर्न सक्नु हुनेछ ।
- अतः सार्वजनिक महत्वका विषयहरूमा सूचना लिने दिने बानी बसालौं र खुल्ला सूचना संस्कृतिको विकास गरौं ।



राष्ट्रिय सूचना आयोग, पेरिसडाँडा कोटेश्वर, काठमाडौं ।

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## NEPAL POLICE

# Unstable As Ever

*Nepal Police has been facing a single challenge over 58 years of its history: to give stability to its organizational structure*

By KESHAB POUDEL

"I would give all my fame for a pot of ale, and safety," a frightened boy cries out before a battle in Shakespeare's King Henry V. Internal security is the enduring yet elusive quest of all the individuals. Nepalese are no exception.

As the pace of modernization and urbanization grows, various criminal activities like extortion, kidnapping, killing, and cyber crimes increasing occur, along with road accidents and so on. Internal feuds, terrorism, fake currency, human trafficking, and smuggling also rise. Increasingly, involvement of external players in the internal situation also becomes a major issue.

Maintaining the law and order in such a situation requires a well-equipped and stable police force. However, this is what has been lacking in Nepal Police.

Sandwiched between Asia's two emerging powers India and China, Nepal has its national police force working in a very difficult position. As a frontline civilian organization to provide safety to Nepalese citizens, Nepal Police needs to keep vigil all the time in providing a sense of security and law and order to the people.

However, Nepal Police- which aims

to maintain internal order- has always been an institution of disorder since its formation 58 years ago as a modern organization. Some blame politicization as responsible for the present disorder. Others disagree and stress for radical change in the organizational setup.

Had Nepal Police followed the radical change with all political changes, the organizational and institutional setup would have completely crumbled. Nepal Police retained its identity and organizational stability because it followed the evolutionary path.

The state survived on hope of the people and the police was the organization that helped retain the hope all the time. Once the state failed to fulfill people's hope of living in orderly society and secure environment, the utility of the state will be lost. This reminds of the importance of internal order and role of police.

At a time when Nepal Police has been facing several challenges and passing through a course of prolonged political instability and growing apathy, the Center for Justice and Security Studies (CSJS), led by former Additional Inspector General of Police Dr. Govinda Thapa, has published a book named *Kashautima Nepal Prahari*

(Nepal Police on Test). The book discusses the overall aspects of Nepal Police and its role in internal security.

Consisting of articles written by various scholars, the book is the first of its kind, which discusses the internal security situation and role of Nepal Police. Edited by journalist Kiran Nepal, the book has articles by senior police officer Bhuwan Chandra Bhatta, Dr. Govinda Prasad Thapa, Anantaram Bhattarai, Rabiraj Thapa, Rameshwor Bohara, former attorney general Dr. Yubaraj Shangraula and former home secretary Shreeakanta Regmi.

### Importance of Law and Order

Maintaining law and order, providing justice and externally defending the border are the fundamental functions of the state. Thus, the police organization is directly associated with the fundamental part of the state, although this aspect goes missing in the broader debates about the country's internal security.

The experiences have shown that an organization thrives only in evolution. Nepal Police is no exception. Despite facing several troubles and upheavals, Nepal Police survived and maintained its identity because of it was sticking to its old acts for 58 years. But, in the name of change, politicians have manipulated Nepal Police Regulations several times, such as, by changing the tenure of police officers.

By imposing 30 years threshold just after the People's Movement in 2006, the organizational set up was made in favor of then home minister. After the introduction of this provision, a long list of efficient and capable young police officers retired and many other are going to follow suit.

Despite the jolt of instability, Nepal Police is making certain progress. "We have made a lot of improvement in training. The development of organizational structure is a regular process. It remains perfection oriented. In countries like ours, it is impossible to have a radical change. This is a reality," said Nepal Police Chief Kuber Singh Rana, addressing the book launching.

For the past 58 years, Nepal Police

has gone through a series of instability. At a time when the country itself has been mired in political instability, the challenge faced by Nepal Police is no different.

It fought a brutal and violent conflict as a front runner organization in the 12-year long Maoist insurgency, losing hundreds of officers, personnel, and infrastructure in various parts of the country.

#### Tragedy

At one time, the institution shrank from 1915 in 1996 to 749 in 2007. Out of 10 chiefs of police in the last 15 years, six chiefs are facing one or other accusation on several charges of misuse of authority. Out of them, only one chief recently got a clearance. These chiefs led the police organization in crucial times and physically survived from violent attacks. However, they got stuck with legal battles at the end of their career. Compared to Panchayat days, Nepal Police suffered a lot during the period of democracy.

Nepal Police has seen three phases of political system. It was set up in 1955, just five years after political change of 1950, to provide law and order. Then it was under the elected government of 1959 and its organizational and institutional capability grew during the period of 1960 to 1990. Along with maintaining law and order, Nepal Police is also given the role to prosecute politics related cases.

As Nepal has been in the long process of political transition, there is no easy way out for Nepal Police. "Nepal Police has a very important role to provide a secure environment to the people. Whatever the situation it faces, Nepal Police will need to guarantee the people's right to live in peace," said Khadga Jit Baral, former chief of Nepal Police.

At a time when Nepal has been passing through a prolonged political instability, Nepal Police, despite being embroiled in sporadic cases of misuse of authority, has been able to provide the security to the citizens. ■

## TRISHULI 3 A On Track

*Despite so much disturbance and policy shifts, Trishuli 3 A project has almost completed over 60 percent of civil work*

BY A CORRESPONDENT

For the last three years, Chinese invested projects and Chinese companies working in Nepal have been facing many difficulties. The trouble in Trishuli 3 A augmentation is one of them. The disputes and debates on Chinese projects are making the headlines in the Nepalese media.

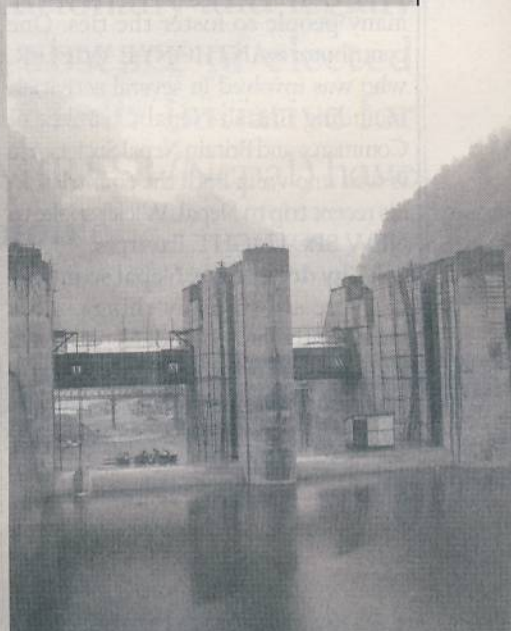
Although the disputes over whether to augment Trishuli 3 A from current 60 MW to 90 MW continues, civil work contractor Gejuwa Water and Power Company has completed over 60 percent of the civil work, including dam and tunnel.

The run-of-the-river type project is being developed by Chinese contractor China Gezhouba Company Group at a cost of US\$ 89.18 million through soft loan from Exim Bank of China. Had it been allowed to work smoothly, the project would almost be at the final stage of completion.

Lying close to Nepal's northern border or just 7 kilometers north of India-built Trishuli Power Project, Trishuli 3 A has been facing severe difficulties from the first day of the work. It is the first project where all the trade unions, including two Maoist affiliated, CPN-UML affiliated and Nepali Congress affiliated, are going hand in hand.

Recently, the project also faced a threat from a major landslide at the dam site where contractors had to evacuate staff and security officials, following major landslides that continued to bury the camp site.

At a time when the country has been facing severe power crisis even during the winter



session, nobody understands the reason behind the opposition to the augmentation of the project. However, the construction which is now halted due to re-modification will start soon after September. If the government provides necessary security and local people cooperate, it will complete as per its schedule.

As contract for the project is taken by the internationally renowned Chinese contractor having experiences of building three George hydro power project, it is a matter of a year for Gezhouba Company to complete the task. The decision of how to go for completion of the project lies with Nepal Electricity Authority and Nepal Government. ■

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# 'Every Nation Wants To Help Nepal'

- ANTHONY E. WIELER

As Nepal and Britain are celebrating two hundred years of bilateral relations, the occasion should remind us of the contribution made by many people to foster the ties. One contributor is ANTHONY E. WIELER, who was involved in several activities, including British-Nepal Chamber of Commerce and Britain Nepal Society. He is well known in both the countries. In his recent trip to Nepal, Wieler spoke to NEW SPOTLIGHT. Excerpts:

## Why do you love Nepal so much?

There are so many things, most importantly the people of Nepal. I have a family to look after me. Purna Bahadur Tamang is still one of my best friends. He stayed in my house since 1964 till 2008. Many retired colonels, generals, brigadiers and current generals and brigadiers of Nepal Army used to visit my home in London whenever they came for training.

## How are you retaining your relations?

I am a member of Britain Nepal Society, Britain Nepal Chambers of Commerce, and Gurkha Welfare Trust. They give me opportunity to get involved in Nepal.

## How did you connect to Nepal?

I was connected to Nepal through National Service in the seventh Gurkha Rifle in 1959. During that time every British citizen had to serve two years of voluntary service in the army. I served three months as a recruit. It was the time I was exposed to the Gurkhas. At that time I met Nepalese Prime Minister B.P. Koirala, who came from his visit to the People's Republic of China. Late Koirala also talked about the political situation of Nepal, including the political system. B.P. Koirala was a very young personality at that time. He visited 7<sup>th</sup> Gurkha Rifle in his stopover in Hong Kong. Similarly, late King Mahendra also visited our rifle since there was monarchy at that time.

Nepal has gone through several political upheavals and changes

since your first visit to Nepal. How do you observe them?

Yes, I have seen many changes and transformation in Kathmandu. When I first came to Nepal, there was monarchy and now Nepal is a republic. The roads, buildings, education institutions, hospitals have expanded over the time. I am concerned how much benefits the people of Nepal get from them. I think the poverty of Nepal has drastically reduced. But, it is yet to completely wipe out. That is one of visible problems I have been encountering in Nepal. Politicians who seem to come to work for people are making money for themselves. This is a great tragedy.

## How important is the coming election for Nepal?

The whole world is now looking to you, to see what can happen on November 19. Look at Syria where American, Russians and British and Chinese don't agree at all on the agenda. In Nepal, you have agreement of every nation, China, America, Russia, Australia, Britain and India. Everybody wants to help you. You deserve this. You need properly elected and properly accountable government to rule the country. People want a government they deserve through the elections.

Nepal and Britain are celebrating two hundred years of diplomatic relations between the two countries. What do you say on this?

It is good to know but I am also interested in two hundred years of Brigade of Gurkhas. Since 1815, Gurkhas have been serving in British Army. Since then, Nepal and Britain have had several links and link of British Gurkha is the most important one.

You are also involved with British-Nepal Society. How does the society contribute to strengthen the relations?

British-Nepal Society and Nepal Britain Society are promoting people



to people relations through culture, laws and other things. Currently, Pratima Pande is leading Nepal Britain Society and she has been dedicating her efforts to strengthen people to people relations. However, I am now more concerned with Britain Nepal Chamber and Commerce. There is also Nepal Britain Chamber of Commerce under the leadership of young industrialist Rajendra Kumar Khetan. We are working to promote bilateral trade between the two countries. Our aim is to make trade more valuable than the aid. We don't want to feed a mammal a fish a day. We prefer to teach how to fish a day and benefit for the life. This is a sustained way for economic prosperity.

Nepal needs to generate hydropower so that it can make money. Similarly, Nepal also needs to promote art and artifacts, sculpture as well as export agriculture products.

## How much possibility is there to expand the trade between the two countries?

We can work together. There are many areas in which we can cooperate. NBCCI Chairman Rajendra Kumar Khetan has been making efforts to identify the areas. If we can cooperate and work together, it will benefit both of us. We don't have had enough members in Britain and we don't have secretariat at all. However, NBCCI has better secretariat in Nepal.

For detail logon [www.spotlightnepal.com](http://www.spotlightnepal.com)

# MIREST NEPAL

## Local Accountability

At a time when the local bodies are constitutionally and legally dysfunctional and unaccountable in the absence of elected representatives, the programs launched by Media Initiative for Rights, Equity and Social Transformation (MIREST/Nepal) have shown there is a way to make them accountable

By A CORRESPONDENT

For almost over a decade, residents of Ratanchura Village Development Committee of Sindhuli District, 200 kilometers east of capital Kathmandu, did not know how their Village Development Committee functioned and how it spent its annual budgets.

Not only the residents of Ratanchura, but also the people all over the country faced a similar knowledge gap. After the dissolution of the local bodies in 2002, several unaccountable mechanisms were put in place to run them. The bodies are now under a secretary, who runs them single handedly.

The Local Governance Act 1998 has put a lot of check and balance to make the local bodies accountable to the people. However, after the expiry of the tenure of the elected representatives of the local bodies in 2002, the misuse of resources and irregularities has continued for want of an accountable system.

At a time when Nepal's development partners, political leaders and civil society organizations are expressing their concern over how to make the local bodies accountable, MIREST-Nepal's ongoing multiple interventions program has shown a way as to how the local bodies can be made accountable through the social forum of various groups. MIREST-Nepal is applying an independent third party mechanism, social networking and public hearing tool, to

make the local bodies accountable.

Supported by Norwegian government, the program has made a lot of progress in making the local bodies, and others with powers devolved in them such as the livestock, education and health offices, accountable to the people. MIREST-Nepal has been continuing with the program for the last three years. Along with making the planning process and budget allocation more friendly to children, youth and indigenous communities, the program also increases the awareness about the functioning of the local bodies.

In the absence of elected representatives, there has been a serious problem of accountability at the local level. Although the local bodies are given important roles, such as making recommendations for obtaining the citizenship certificate, birth certificate, death certificate, certification for migration and so on, out of 3915 Village Development Committees, the posts of 800 secretaries are vacant.

"We are experimenting with the program in seven districts. There is the need to improve the capacity of local officials, build their capacity and raise awareness. At a time when there is a lack of an accountable system at the grass-root level, MIREST-Nepal, through its multi-media program, is focusing on providing social forum," said Suresh Acharya, president of



MIREST NEPAL'S Public Hearing

MIREST-Nepal.

It has had major impacts on the planning process, budget allocation, and target group. Our program increases the awareness level of the local people during the planning process. It also raises the awareness among children, youth, women and disadvantaged and ethnic groups. In some of the districts, VDCs and DDCs have started to allocate separate budgets for children and youth.

"We will support all the programs which are helping to make the local bodies accountable," said Dinesh Thapaliya, spokesperson of the Ministry of Federal Affairs and Local Development. "MIREST-Nepal has been implementing the program that has been supporting the local bodies."

As there is increasing awareness among the youth, children and

indigenous communities, everyone is now seeking their share in the decisions. Through the independent third-party mechanism, MIREST has been monitoring the information management system and investigation through mobilization of the media practitioners to manage information. This helps to identify the gaps to make the projects successful.

Through its public hearing programs, MIREST-Nepal is bringing policymakers, policy implementers, service providers and service receivers together. The program helps to minimize the gap that has existed in the service delivery and service coordination in several places. After the implementation of the program, a large number of women are activated. Women's level of awareness has also gone up.

"We mobilize the youth at all the levels of local bodies. We are also working to create the local bodies friendly to persons with physical disability. We have conducted several programs, including 220 for leadership level, and 215 RTI and 1055 participated in interactions. More than 12000 people are involved in local governance discourse," said Acharya.

Along with carrying out administrative and legal functions, the local bodies have also given a whole lot of responsibility for development planning at the local level. As there is a virtual mess of all the actions, MIREST Nepal has been making the local bodies transparent through its Social Accountability program.

MIREST has been working now in Sankhuwasabha, Sunsari, Sindhuli, Mustang, Dang, Humla and Kanchanpur. The programs are running in seven district headquarters, 3 municipalities and 21 VDCs, according to MIREST-Nepal.

The program includes public hearing, interactive television shows in rural areas, and use of RTI tool in rural areas to make the local bodies accountable. Over 400 people and local leaders were trained for RTI.

By doing all this, MIREST-Nepal has shown that there is a way to make the local bodies accountable by using various media. ■

## 'We Have Shared The Knowledge Of Local Governance'

With a long experience of work in the local bodies, SURESH ACHARYA, president of MIREST-Nepal, spoke to **NEW SPOTLIGHT** about the new programs directed to make the local bodies accountable.

**What is the importance of the program?**

Our aim is to make the local bodies election a national agenda. We have already conducted several programs, including 220 at leadership level, and 400 RTI related activities. Some 1055 participated in interactions. We have already trained more than 12000 and mobilized 20,000 people in local governance discourse in the last six months. We have shared the knowledge of local governance and accountability with the people.

**How do you intervene with the program?**

The program includes public hearing, interactive television program, and use of RTI tool in rural areas to make the local bodies accountable. Along with the local bodies, we are also working to make the devolved bodies like livestock, education and health units, making them accountable to the people. MIREST-Nepal has a 20-point modality for accountability. We also organize programs to improve service delivery.

**Where have you introduced the RTI component?**

In Rattanchura VDC and Kamala Mai Municipality. We have already implemented the Right to Information component there. To enhance the capacity of change agents like social mobilizers and journalists, MIREST is organizing refresher courses. Public hearing and public audit are important components of our program. We have been doing the right to information sessions in all seven districts. We are publishing the exercise books of each district separately.

**What is MIREST-Nepal's role in this context?**

MIREST-Nepal focuses on local bodies. However, there is an oversight mechanism as well. There are various executive mechanisms in various levels, prime minister at the center, VDC chair at village level and DDC chair at district

level. There are many mechanisms to see all this functions. The Commission for Investigation of the Abuse of Authority remained vacant for many years, National Vigilance Commission has not been given any role as per its mandate, and National Information Commission is now without commissioners. There are 12 oversight mechanisms. They are constitutionally and legally created but most of them are dysfunctional. The parliament is the key oversight mechanism of the country. It is unfortunate that there is no parliament.



**What tools are you using now?**

At a time when the legal mechanism has weakened, MIREST-Nepal has been launching campaigns using various medium of social accountability mechanism to make the local bodies accountable. We exercise social accountability tools from grass-root levels. MIREST-Nepal's program focuses seven districts. In eastern Nepal, our program focuses on Sankhuwasabha, Sunsari, and Sindhuli. We also have Mustang, Dang, Humla and Kanchanpur. We cover seven district headquarters, three municipalities and 21 VDCs.

**What are the highlights of your program?**

We are launching public communication to enhance accountability. Public communication includes public hearing, and interactive TV sessions at grass-root level. This is a forum where local people can give their voices to send up to policy level at the center.

*For detail logon [www.spotlightnepal.com](http://www.spotlightnepal.com)*





By HEMANG DIXIT

## Missing, Missing And Lost

Occasionally one reads advertisements in the papers about someone who is not quite in his normal senses and has been lost. Where this person, unable to fend for himself or herself is and spending the night on an empty stomach, are questions his or her family members ask themselves? Similarly small notices with small passport size photos of young boys and girls who have gone missing are sometimes seen. Where have these youngsters gone? Have they been trafficked to labour camps in India or

such comments are more pertinent here now.

Other tit-bits from the same report has news of a campus required to be based at Kalimati but was at Putali Sadak instead. Campuses listed as being at Lalitpur were found functioning at Kathmandu. Is this as per our saying, 'Kam kuro eka teera, kumlo boki Thimi teere'? Some few of the campuses were found to be functioning under different names. Was this due to dread of the donation drive of the CPM (Maoist) cadres who

of students have classes in one room which perhaps leaks during the rainy season!

But all is not bleak. There are plenty of generous people from countries of the Far East to the lands of North and South Americas whose citizens, having come to this land of ours are enamoured by its beauty but saddened by the poverty and illiteracy all around. This has prompted many to help or set up schools in Nepal to salvage a generation of children from being lost too.

Doubts are being raised about the quality of 10+2 colleges which the Higher Secondary Education Board is supposed to sanction and monitor. The quality of these is being questioned especially as regards the education provided in this Public & Private mix of educational experimentation in our land.

So whose responsibility is it to control the chaos around us? The Education Ministry? The University? The Colleges or the Professors who run it? Finally is it the students who through the 'Student Unions' decide when and how the examinations should be held, what questions should be set and who all should be passed? One cantake ones pick for a reason.

The question now is the credibility of our educational institutions. Are the examinations held properly and fairly to elicit the standards of the students sitting for it? Or is it time to think about newer methods of assessments so that students are allowed to carry a limited number of books into the examination hall and use them to answer the question paper. Where the papers going to be sent for marking has to be kept top secret if undue pressure on examiners is to be prevented. Some institutions in the world have already adopted this allow books method of assessment to counter the threats from the examinees. ■

**The question arises as to the quality of our SLC graduates who have not had the education that has been touted over the years. 'Education for all' has not really succeeded. Basically we read in newspapers about schools which are non-existent.**

decreed that no foreign names should be used for denoting institutions i n

sold to the *kothis* run by Nepali 'madams' in the red light areas of Kolkata, Mumbai or other 'Indian cities? Another group of the missing are the cases of abduction. Some of this group, usually unlucky to be saved, end up in the fields, their bodies decayed beyond recognition, irrespective of whether their ransom was paid or not. Such are the realities of Kathmandu life.

Recently, in the first week of August a leading English daily of Kathmandu proclaimed, "No trace of 30 TU affiliate colleges in the Valley". This headline speaks volumes about the state of education of our land. If Tribhuvan University, est. 1959 could trace only 212 out of its 242 colleges in the valley, one wonders as to what the reckoning about its colleges in the rest of the country? We Nepalis have been conditioned to thinking and pronouncing that it is places south of our border that are *naakali* and deal with fake certificates! Things and matters have changed over the years and comments such as this are perhaps

Nepal? The more like likely reason is due to the 'moolah' involved and a precaution in case the taxman cometh to look at the records.

Another item in vernacular daily of the same date stated that a *naakali* examinee, sitting an examination instead for his *bhauju* or sister-in-law, had been caught at the Bakharihat Examination Centre in Mahotari. This same reports some other instances at attempts to cheat. My inquisitiveness here is whether the boy was in ladies attire when he went for the examination, for otherwise there has to be connivance of the examination authorities too.

The question arises as to the quality of our SLC graduates who have not had the education that has been touted over the years. 'Education for all' has not really succeeded. Basically we read in newspapers about schools which are non-existent. Then there are the other reports of schools elsewhere that have the full quota of teachers but very few students. In some primary schools, so the reports say, three grades



## TURKISH AIRLINE Europe Link

*Turkish Airlines started Istanbul-Kathmandu-Istanbul flights directly linking Nepal with Europe nearly after 16 years*

By A CORRESPONDENT

This gentleman wants no credit for the work he has done, nor is he in the limelight. Joy Dewan, managing director of Zenith Travels, always prefers to place himself in the shadow. After nearly a gap of 15 years since the discontinuation of direct flights from Europe by German Airline Lufthansa and Austrian Air's discontinuation of its flights six year ago, Turkish Airlines, a competent and world class airlines, launched its flights linking Europe with Nepal again.

Joy Dewan played a very important role to pursue the Turkish Airlines to operate its scheduled flights to Nepal. Dewan, however, was not seen in the picture when Turkish Airlines and Nepal's General Sales Agents, Zenith Travels, organized a press conference in Kathmandu.

Decades ago when Nepal was in a very difficult situation to connect with the rest of west-Asia and Europe, Dewan's Zenith Travels was the General Sales Agent of Nepal for Qatar Airlines, which is now a leading airlines to offer regular services to Nepalese workers in the Gulf as well as a fleet to link Nepal with Europe and North America and Africa

through its hub in Doha.

In the past 15 years, Lufthansa, Austrian Airlines and Transavia discontinued their services. However, the prospects of Turkish Airlines are better because of the drastically increasing volume of passengers heading for Europe and northern America.

"It is great news not only for the tourism industry, but also for trade between Nepal and Europe," said Joy Dewan, group managing director of Zenith Travels, the GSA of the Turkish Airlines in Nepal.

When Turkish Airlines Plane landed on September 1, it was 16 years after suspension of the regular flight by German's Lufthansa Airlines and six years after Austrian Airlines which directly linked Nepal to Europe. Turkish Airlines is now 27th Airlines to operate its flight to Tribhuvan International Airport.

According to a press release of Turkish Airlines, round trip flights between Kathmandu will be operated four times per week, namely on, Monday, Wednesday, Friday and Saturday, linking two historical cities of Europe and Asia.

"We are working to improve the

standards of TIA. The recent flight disturbance caused by path-hole in the runway will be sorted out once we receive help from international consultant hired to overview the situation," said Ratish Chandra.



Joy Dewan

Nepal Tourism Board greeted the occasion as a milestone in promoting tourism in Nepal. "We are very happy to say that Nepal can lure more tourists from Europe," said Aditya Baral, director of Nepal Tourism Board. "Nepal is now more close to America and Europe than before," said Baral.

"This is a great moment for us also. Turkish Airline is proud to start its maiden regular air service to Nepal. We will expect that Turkish Airline will have daily flights in the near future," said Sezgin SAGLAM, senior vice president, marketing and sales (II region).

"Introductory round trip fares are available from Istanbul to Kathmandu starting from 406 Euros (including taxes and fees). Additionally, for the first six months of operation to our new destination, there is a special offer for our Miles and Smiles members, with a reduction in the miles needed to redeem either award tickets or upgrades," said Adan Aykac, general manager, northern and Eastern India.

"It is the happiest moment for me to see direct connection between Turkey's capital Istanbul and Kathmandu. The two cities have many things to share as there are many cultural similarities," said professor DR. F Gunseli Makoc, honorary consulate general of Nepal to Turkey.

Talking to this scribe, Joy Dewan, managing director of Zenith Travels Pvt. Ltd, GSA of Turkish Airlines in Nepal, said this is the first time since the suspension of flights by German Airline Lufthansa, Nepal is once again directly connected to Europe. "It will definitely increase the volume of passengers." ■



# Building New Bridges

By ABIJIT SHARMA

'India's Look East policy has started paying rich dividends,' said Prime Minister Manmohan Singh earlier this year. 'The policy has helped India strike strategic partnerships with many of the South East Asian nations in wide arrays like trade, investment, maritime etc. This has allowed us to explore opportunities and take the development process forward in even a better manner,' he said.

The Look East policy might indeed be reaping great benefits, but there's more in store for India. As India establishes itself as a significant strategic partner of South East Asia despite recent setbacks to the country's economy, it has caught the eye of many emerging economies of the West. One of them is Turkey.

India - Turkey relation dates back to the years of 1481 - 1482 when there had been the first exchange of diplomatic missions between Ottoman Sultan and the Muslim rulers of India. However in recent times, bilateral relations were formed only in the 1920s after India actively supported the Turkish War of Independence. Bilateral ties between the two countries remained tense over the last couple of decades due to Turkey's closeness with Pakistan and its stand on Kashmir at international forums.

That is the past. But the present is different. And the future promises to be even more different.

Why is Turkey suddenly interested in India? The first reason is their status as a rising economy in the global platform. With a booming economy and a GDP of 1.073 trillion dollar, Turkey now boasts of being one of the fastest growing and steady economies and a highly favored investment destination. It recorded a staggering growth rate of 9.2 percent and 8.8 percent in 2010 and 2011 respectively although it did hit a road block in 2012. The country is among the world's leading producers of agricultural products, auto mobiles, ships and other transportation equipment. More particularly, Turkish Construction companies have enjoyed great reputation since long and continue to be one of the most favored construction companies all over the world. Boasting about the country's growing status Prime Minister Recep Tayyip Erdogan said earlier this year that that the world was infatuated with Turkey's economy. 'We are soon going to become one of the world's top 10', he said proudly.

On the other hand, India too has risen by leaps and bounds in recent years. Recognized as one of the leading emerging economies of the world, India has attracted investments from all over the world especially since its liberalization policy of 1991. The rupee crisis and the outflow of some foreign investment in recent times coupled with less than satisfactory growth have cast a pall of gloom in India. But the fact remains that the last two decades have witnessed unprecedented development with the country recording a highest economic growth rate of up to 10 percent.

A collaboration between these two rising economies would result in mutual benefit and have the power to create ripple effect in not only Asia but across the continent. Bilateral trade in July 2012 stood at \$ 7.5 billion with a target of doubling it by 2015. A developing India, which places high importance on infrastructure can benefit greatly out of Turkish

construction companies, automobile and ship undertakings whereas Turkey can expect vital exports to India and investments from Indian MNCs as well as the government. Not surprisingly, recent bilateral visits have greatly focused on tapping these potentials and boosting economic co-operation.

The two countries' significant geopolitical positioning and their role as regional power will also act a stimulus. Recognized as a contiguous transcontinental country, Turkey shares its border with eight countries

and lies as a strategic connector between Asia and Europe. Not to forget, its proximity to the Middle East makes its geopolitical position even more significant. Given its crucial positioning and rising economy, Turkey is now being considered as an emerging regional power with great influence. Although a Muslim majority country, Turkey's image as a progressive, liberal and secular state has led to it becoming the role model and highly favored global partner.

India, too, holds vital significance in terms of geo-politics. As a regional superpower and staking a claim for a permanent seat at the UN Security Council, India's influence has been growing not only in South Asia but the whole of Asia. It also acts a bridge between the South East Asia and the Middle East. Turkey's growing interest in collaborating with India appears to be greatly influenced by this factor. Both India and Turkey can assist each other in forging better relations between their respective regions. Turkey's interest is further fuelled by the fact that it has had a strained relationship with India's long-running rival China after the July 2009 Ürümqi riots, in which Turkey vocally criticized China for suppressing its own citizens. The criticism invited strong Chinese reaction. The hands of friendship and cooperation with India would thus seem strategically also judicious for Turkey.

Both countries realize the mutual benefits that they can accrue by boosting cooperation. This realization has grown in recent times. It in this context that President Pranab Mukherjee's impending visit to Turkey may be viewed. The Indian head of state is due in Ankara next month in the first visit of Turkey by an Indian President in 15 years. The visit is expected to unfold new modalities and avenues of partnership between the two countries to take the bilateral ties to a new height in accordance with the changed times and global and regional realities.

Sharma is Research Associate at India Center Foundation, New Delhi  
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HANDS OF COOPERATION: Indian prime minister Singh with his Turkish counterpart Erdogan



## The five years' BBM-LLB Course of the Kathmandu University Law School

By **BIDUSHI ADHIKARI**

With plans of erecting the Kathmandu University School of Law (KUSL) solidified, the Steering Committee has been discussing the kind of five-year BBM-LLB program to be offered during the year 2014-2015, when the first batch of law students will arrive at the University.

The "Preliminary Feasibility Study" of the School of Law prepared by Nepal Constitution Foundation (NCF) in November, 2012, states that the five years will be comprised of a "traditional curriculum" with an additional focus on corporate legal subjects in the later years.

Anup Acharya, a member of the School of Law Steering Committee, said, "Corporate law is a combination of business, management, and law. In this sector of legal education, which includes entrepreneurship, the banking system, and developmental projects, there is a lack of good lawyers. The Kathmandu University is trying to address this problem and provide quality lawyers through its programme."

Advocate Sunil Pokharel, the General Secretary of Nepal Bar Association, added, "Right now, there is a need for quality lawyers in the commercial and foreign sectors of Nepal. We need lawyers who will sell in the foreign market or at least are in high competition with lawyers from the neighbourhoods."

Undergraduates of law will be trained extensively in accordance with two legal methods: case method ("a method of studying landmark cases") and Socratic Method ("a method examining students on the reasoning of the court in the cases studied" [NCF study]).

Dr Sanjay Nath Khanal, a senior professor working at the Accreditation of the University, said that the new School of Law hopes to incorporate "hands-on experience in additional to theoretical aspects," like "how to build and present a court case," in the program. "The whole idea is that it shouldn't only be the book," he said.

The first-year students will be able

to attend problem-solving workshops to tackle real world challenges that cover wide bodies of law. Legal research and various writing courses would also be on offer as a way of instilling essential skills needed for the practice of law in court and outside.

Not only within the classroom, but the course attempts to bring learning into informal and out-of-the-classroom experiences. These include reading groups which would provide students the opportunity to interact directly with their professors, many of whom will be recruited from abroad, and discuss matters of law and development, customary courts, terrorism, and climate change amongst others.

Acharya said that the main advantage of this interaction will be the "exchange of ideas." He added, "International experts will come and learn about Nepal's position on management and business. In return, in the weekly seminars, these professors will give new perspective on national and international issues of concern or something like a court's decision on a case."

Sabita Baral, a practicing senior lawyer, said, "Right now, law is a highly developing field in Nepal. The Nepal Bar Council is responsible for licensing lawyers and training new entrants in the profession by giving internships and so on. However, this rarely happens. Students newly out of their five-year long programs have no practical knowledge, and no reputed lawyer or firm will hire them, unless there are personal connections. There is no space in private offices, and students are not equipped with the practical skills needed in the court. In law schools of today, there is no parallel between practical skills and knowledge."

To emphasize not only the theoretical aspects of the law, but also the practical skills that are lacking in students, as Baral states, the School of Law has

clinical courses planned. For example, as Acharya mentioned, dummy courts will be established, with judges, witnesses, and lawyers who will be debating several cases. This way, students get the practical education of being a lawyer as well.

Dr Bipin Adhikari, a constitutional expert who is leading the School of Law Steering Committee, said, "Students will be allowed to attend moot courts, where they will observe and study legal proceedings. They will be encouraged to visit courts and interact with leading



Kathmandu University

judges and prosecutors of the country. Regular exchange will be arranged with the Nepal Bar Association and its leading lawyers. The prosecutors from the office of the Attorney General will also be involved in training the students. Several similar opportunities will be given to the students to interact with business and management professionals. So it will be a compact course aimed at all-round development in the corporate law students."

As undergraduates move to more advanced levels of learning, their courses would include "a mix of classroom, clinical works, and writing and cross registration credits" and selecting subjects that are consistent with the students' interests. The University has planned two different programmes of study (general practice and corporate practice) to choose from when the time comes.

The University has available disciplinary opportunities within and outside the Kathmandu University for the students to be able to "experience law in practice and to understand how

law appears from the perspective of other activities and approaches," states the NCF report.

Towards the last two years of their course, students will be able to work in advanced seminars, writing projects, and clinical practice that test their knowledge, skill, and methodological tools in response to gripping legal issues of today, as the report states.

At the end of their first five years, graduates will be able to work towards pursuing the highest advanced degree in law: Master of Laws (LL.M).

Khanal added, "We are very much hopeful that the program will be a success. The advantage of a five-year program is that while it offers basics in the management, it has specializations within the law. Students can start with one area and pick up others along the way. Students will grasp the basics in both management and law by the time they graduate, but due to the program's length of five years, it allows students to specialize in corporate laws."

While the Steering Committee is very optimistic about the results, others say that a conclusion cannot be reached just yet. Pokharel, who has a long experience with the activities of the Nepal Bar Association, added, "The success of a law school depends on various things, such as the course of study, the teachers hired, the teaching methodology, and, ultimately, on the students themselves. As judiciary realizations and needs are further addressed, there will be a need for quality lawyers in those areas."

He further added, "Looking at the production quality of Kathmandu University, we know that there are standards the School of Law will meet. However, we will have to wait to see how just successful it will be."

[Adhikari is an Intern]

## BOOK

# On Peace Building

By A CORRESPONDENT

Although Nepal is in the process of concluding the peace process, there are still a lot of problems related to the process. Due to the failure in constituting the Disappearance and Truth and Reconciliation Commissions, the society is yet to reconcile with the past. The victims of the twelve-year conflict are yet to get justice.

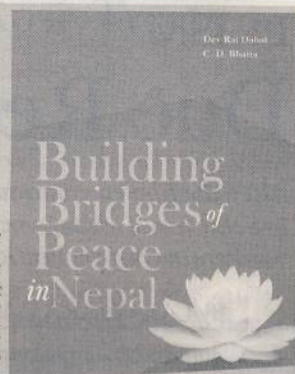
In this broader context of the peace process, the book, which takes up to discuss building peace in Nepal, is very relevant. Peace is not possible without bringing all the actors of the conflict together. The gap, that exists in the society, needs to be bridged step by step.

The Comprehensive Peace Agreement, signed between then Maoist rebels and government, defines various institutional and operational aspects. The formation of the Disappearance Commission and Truth and Reconciliation Commissions are a major one. Similarly, the aim of CPA was to ease conflict, eradicate structural injustice of the society and to eliminate the future sources of conflict.

In fact, there are gaps in the core constitutional and political issues. "The deviation of the leadership from the course of peace building and efforts of aggrandizement of expulsive power reflected digression from the spirit of peace accord. Worse still, the ruling parties have taken over almost all independent institutions of the state, spoiling many positive opportunities available to citizens. It demonstrates the gap between commitment and accountability and the denouncement is: continuous deadlock over various constitutional issues. It has delayed the process of drafting constitution in time and transforming negative peace into positive peace as neither the Maoists nor the ruling parties are willing to work for the common good," writes Dev Raj Dahal, head of FES-Nepal, in his preface.

The book consists of five articles written by four prominent writers, analyzing the ways to achieve peace in the country. The

article Building the Bridges of Peace in Nepal by Christian Wagner and Dev Raj Dahal discusses various stages of the peace process and failure of Nepal's leadership to achieve it.



### Building Bridges Of Peace In Nepal

Editors: **Dev Raj Dahal** and **C.D. Bhatta**

Published by Friedrich-Ebert Stiftung (FES), Nepal (2010)

Price: Undisclosed

Pages: 367

Role of media is always important in the peace process as it helps to bring various forces of peace together giving space to express disenchantment. The paper written by Yubaraj Ghimire and Dev Raj Dahal discuss how mass media can play its role as a bridge builder of peace in Nepal.

The paper by C.D. Bhatta on Agent of Regime Change or peace builders discusses the role of various agents in transforming Nepalese society by changing social and political structure of the state. Bhatta argues that the frequent regime changes can be attributed to the inability of regime to address the minimum basic needs of the people and failure to adjust with the changing situations.

Change has no meaning in case of failing to bring the governance on track. In his paper, ordering public goods in Nepal: Challenges of putting the governance track, Dahal discusses various institutions and legal frameworks.

"Building a productive relationship with the cultural industries such as media, civil society, public intellectuals, and intermediary institutions and movements can awaken the leaders to their accountability of drafting a social contract, structural reforms and sustainable peace through a broad rational consensus," writes Dahal, Head FES-Nepal, in the preface. ■

## PRISM

# Due Recognition

*After the implementation of the Poverty Reduction of Informal workers in Solid waste Management sector (PRISM) by Practical Action, informal workers in waste collection have found some recognition and new identity*

By LALA NARA DADCI

"A job does not necessarily define who the people are. For us, it did over a long time," said Purna Man Waiba, President, "Samyukta Safai Jagaran", an organization of IWWs, formed in coordination with PRISM to provide recognition to waste picking as a decent job and waste pickers as decent workers.

"We work very early in the morning and late in the evening to provide an essential service for everyone. Without us for a few days, you will not be able to breathe freely. Without us, you cannot walk in the streets; go to work by bus, scooter or taxi. Without us, you cannot survive without being in a perpetual strife."

The collection of garbage is a low paid work, regarded untouchable. The collectors are discriminated all over and there is no respect and no recognition for them. This is where Practical Action's program has helped to change the things.

"As the countless Hindu deities, we are thousands of precious beings living in the hidden places, creating from the destroyed, protecting from the diseases. But unlike divinities we are not worshipped, rarely thanked. We were left out of the community, considered "untouchable," said a local untouchable.

The situation has changed. Thanks to intervention made through the PRISM project, there is a lot of change in that perception now. "Since we got the opportunity to be master of our own fate, things have started changing. Now we wear special gears, a bus passenger's hand definitely contains much more microbes than ours," said a worker.

Did you find out?

Informal workers in the waste management sector, divided between waste pickers, waste segregators, door-to-door collectors, door-to-door waste

buyers and scrap owners, allow collecting 800 tons of waste per month for the sole city of Kathmandu.

It is difficult to foresee the future. Especially since facing the poor living conditions and degrading image those workers have been experiencing can only be regarded from a social perspective for now; this issue is not being included yet in the political agenda. Nonetheless, by observing practical findings obtained along with the PRISM project (Poverty Reduction of Informal workers in Solid waste Management sector), one cannot be but enthusiastic. Informal waste workers were undergoing and therefore somewhat perpetuating a bad image themselves.

According to CIUD, it is estimated that there are 10-15,000 waste pickers and 700-800 Kabadis in Kathmandu Valley. Although these workers play a vital role in dealing with the waste generated in the Valley, the profession is considered shameful and degrading, and its contribution is unrecognized by society as well as local and state authorities.

But once wearing special protection for working became common, they started to see each other differently. The PRISM project in collaboration with the Centre for Integrated Urban Development (CIUD), Practical Action Nepal, and the European Union was launched in 2011.

Workers have gathered ever since to create SaSaJa, their own NGO. Samyukta Safai Jagaran (SaSaJa), literally meaning "all united for cleaning awareness", has changed the overall perception on waste management workers, beginning by the workers themselves, now proactive actors of their life.

Awareness often needs to start by

self-consciousness to gain sustainable and deserved respect. Change will now have to culminate in improvement of living conditions. Otherwise each one will continue on competing with one another for day-to-day money so as to be able to survive, to struggle for life.

"Working in 5 municipalities of Kathmandu valley, the overall objective of the project is improving the living



conditions of informal workers in the solid waste management sector. It will also improve waste services for residents and protect workers' interests. The specific objective is to enhance the social protection of informal sector waste workers and vulnerable groups dependent on waste for their livelihoods," said Srijana Devkota Adhikari Project Manager of Practical Action Nepal.

Supported by European Union, Practical Action-Nepal is implementing the program with the partnership of Centre for Integrated Urban Development (CIUD), Solid Waste Management and Resource Management Centre (SWMRMC), UN-Habitat Water for Asian Cities Program Nepal, Nepal Reuse and Recyclable Goods Entrepreneurs Association (NRRGEA).

"The project targets around 4,000 waste workers, to increase their health and safety, leading to better health outcomes: 2,000 have increased incomes, and 1,000 have access to affordable health care and insurance. We expect that at least 50% of beneficiaries will be women," said Nabin Maharjan, project coordinator of the PRISM.

(Lala is an intern from France)



## Misleading Publicity Surrounding Kosi Treaty

- DR. AB THAPA

At present our public is completely misled about the Kosi Treaty. Similarly our people are misled about the vast opportunity for the development of our country within relatively a short period if we succeeded in taking right decisions on implementation of the projects in Kosi basin.

The Gandak River Treaty signed between Nepal and India in 1959 had totally curtailed our country's right to use freely the water of rivers in Gandak basin within our territory except in three months of the monsoon season when all Gandak tributaries are in full spate. There was a widespread condemnation of that Treaty within Nepal. Few years later our country started serious negotiations with India to revise the Gandak and Kosi treaties.

### The 1966 Revision of Kosi Treaty

Unfortunately very few know about the revision of Gandak and Kosi treaties. The Gandak Treaty was revised in 1964. After this revision the restriction imposed on use of Gandak water in Nepalese territory has been considerably relaxed. Next, our then government succeeded in securing the revision of the Kosi Treaty. The 1966

revised Kosi Treaty is a landmark treaty entitling Nepal absolute right to use the entire water of the Kosi in whatever way Nepal pleases. Thus, India has without any reservation recognized Nepal's absolute right to use the entire water of the Kosi and its tributaries. Surprisingly, there is still a hangover of the bad feeling among most of Nepalese from the 1959 Gandak Treaty biased against Nepal's legitimate right. Still, people suspect foul-play in Kosi Treaty.

### Indian Recognition of Nepal's Absolute Right

The Clause 4 of the revised Kosi Treaty guarantees Nepal's absolute right to use the entire water of the Kosi: *Clause 4- HMG shall have every right to withdraw for irrigation and for any other purpose in Nepal water from the Kosi river and from the Sun-Kosi river or within the Kosi basin from any other tributaries of the Kosi river as may be required from time to time. The Union (India) shall have the right to regulate all the balance of supplies in the Kosi river at the barrage site thus available from time to time and to generate power in the Eastern Canal.*

Thus the revised treaty allows Nepal to draw for

irrigation or any other purposes the entire flow of the Kosi even to the extent of drying up the river and virtually to cut off totally the water supply to the existing Kosi barrage and also to any other barrages to be built in India in future. It should be remembered that Nepal would have to use for irrigation in Eastern Terai the entire dry season flow of the Kosi, which is about 300 cumecs, if multipurpose storage dams are not built to augment the dry season discharge.

### Doctrine of Absolute Right

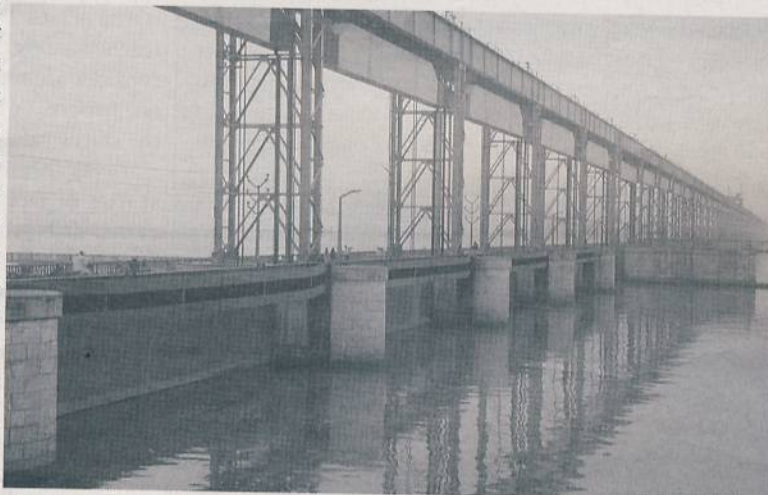
India had been pursuing the doctrine of absolute right to water of the upstream country since the independence from the British Empire. India's claim on Jangipur barrage and the West Bari Canal drawing water from the Sutlej river for irrigation in Pakistan on the grounds that India is

upper riparian country had triggered the Indus river dispute. The dispute had been referred to UN Security Council. Similarly, India had denounced the Barcelona Convention in order to construct the Farakka barrage for diverting the Ganges, which is a navigable river, from flowing into then East Pakistan. India's had

then been following water right policy favourable to both our countries, which must have had bearing on the 1966 amendment of the Kosi Treaty.

### Change from 99 Years to 199 Years

The validity of the revised Kosi Treaty has been amended to 199 years from the previous 99 years. It is quite obvious that this amendment serves solely Nepal's interest. The amended Kosi Treaty would allow our country enough time even if our country would have to follow time-consuming path to implement on our own various projects in the Kosi basin to utilize the entire dry season flow of the Kosi for irrigation exclusively in Nepal in the event the governments of Nepal and India failed to reach an agreement on development of very large multipurpose projects benefiting both Nepal and India. Strangely some of our water experts still consider that it was a mistake to amend the treaty to 199 years. They even blame King Mahendra for the amendment of the validity of the treaty to 199 years. They allege that the validity of the treaty was amended under Indian pressure. ■



# Equestrians & Sculptures

By CHANDA RANA



My eyes were glued to the equestrian statue of Jung Bahadur Rana. I just couldn't take my eyes off it, both the horse and its rider were so lively. The details were so brilliant as if the rider will gallop on his horse any moment.

Seeing the degrading state of such priceless pieces of art, which are the national heritage and which represent, reflect and revive the history of the country, I decided to take an initiative for their preservation. I informed the Department of Archeology (DoA) and took the permission from Nepal Army Headquarter to work on this. Former Chief of Army Staff (COAS) General Pyar Jung Thapa (Retd) was always supportive to our work.

We started coating preservative coats around the statues of Jung Bahadur Rana and made beautiful

Singhadurbar. The place was a slum and was often used as a protest zone at the heart of the city. We renovated coating preservatives around statue of late King Prithvi Bir Bikram Shah. Himalaya Bank Limited and SEF sponsored the work. It was one of my best projects for which I devoted my time and my colleagues from SEF assisted me.

While admiring these statues through the eyes of an admirer, I began hunting for detailed information about how these statues were casted and delivered safely to the country. I thought it must have been quite a difficult and expensive object for anyone to transport a full size equestrian statue in those days. I was even more curious to find out about the genius sculptor who casted it.

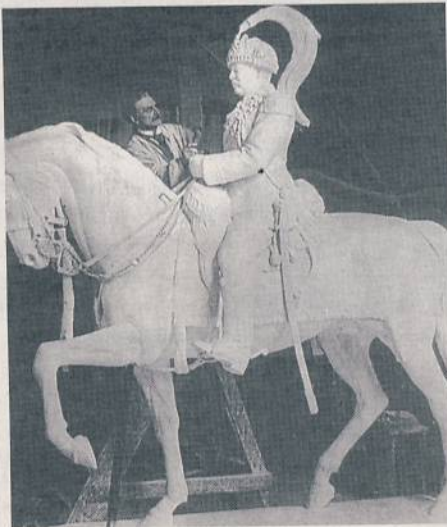
Finally I got hold of one of the triplets

The name of the sculptor who casted these statue is Domenico Antonio Tonelli (1865-1956). He was from Surrey England. He joined South Kensington National Art training school, and worked under Sir Alfred Gilbert [noted sculptor of "Eros" in Piccadilly Circus]. A Gold medal was awarded to Tonelli in 1886 for his renowned work.

According to information I gathered from Peter, Domenico Antonio Tonelli's Art commission in Nepal are as follows: "The earliest reference comes from a letter from the Nepalese Legation [Embassy] to Tonelli dated 5th Sep 1936 where it mentions the statue of late Dev Sumsher Rana "has reached safely" quite a feat when you consider around 1930 when there were no airports or formed roads to deliver the statue safely through porters only.

I was thrilled seeing the picture of statue of Dev Sumsher Rana being casted at Fulthorpe studio along with Domenico Antonio Tonelli's working on it. I got more excited seeing the statue of Dev Sumsher Rana being unique and different than other statues, instead of sword in his hand a "Roll of his reform bills" is folded in his palm. It says a lot about his broad thinking for the freedom, development and contribution for the country even then.

You can see the statue of Dev



Statue of Prithvi Bir Bikram Shah

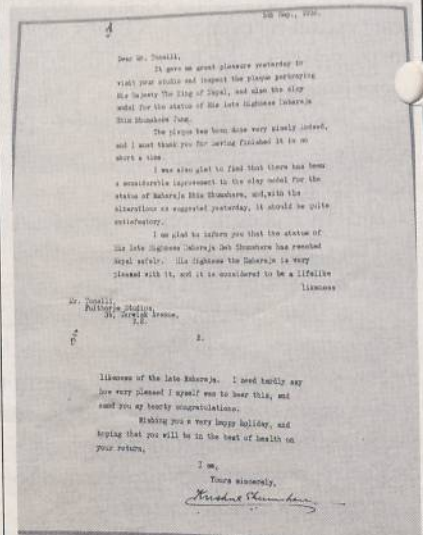


Statue of Dev Sumsher Rana

garden along with plantation of Sakuras at the belt. In my efforts, few Rana family members like Prabhu Sushmer Rana, Pashupati Sumsher Rana, Prabhakar Sumsher Rana, Himalaya Sumsher Rana, Ashoke Sumsher Rana, late Amar Sumsher Rana, Victory Rana, Rani Basanta Sumsher Rana and Rajpal Singh have made contributions for renovating the statues.

I started my work making Bhadrakali Shanti Udhyan, close in the east to Bhadrakali and the triangle of

of the sculptor Peter Tonelli, grandson of the sculptor who casted most of these Rana statues. While corresponding with him and asking him to do a favor by sending me all the details about his grandfather's work, I got thrilled in receiving the full details about these statues along with the rare pictures of them being casted at his studio in London including a rare letter written by late Krishna Sumsher Rana, dated 5th Sep 1936, inquiring about the progress of the statues.



Letter of Krishna Sumsher Rana





Chanda Rana inspecting garden in July -2013

Sumsher in front of the Zoo. Next project of preservation I am going to work on is the statue of Dev. S. Rana, near where I will help make a garden, if it is not moved to another site. I am already working on it.

In his long career, Domenico Antonio Tonneli's commissioned several sculptures. They include statue of late King Prithvi Bir Bikran Shah at Bhadrakali, Juddha Sumsher Rana's statue at zoo and new road gate in 1906, Bhim Sumsher Rana's statue at Jawalakhel Zoo in 1936, Karna Kumari [ sitting ] mother of Dev and Chandra at Zoo, 1934, Statue of Rani of Chandra Sumsher Rana at zoo 1909, Equestrian statues North side of Sahid Gate and statue of Ranodip Singh, statue of Chandra Sumsher Rana, bronze bust of one too.

With great excitement and a keen interest, and with my own personal resources and funds I collected, all this information about these existing statues of various rulers which are part of our history and heritage, I made a complete booklet compiling all the pictures and letters I received from Peter Tonneli.

I also organized an inauguration program where representatives from the Department of Archeology and the chief guest, Chairman of Rajparishad late Parshu Narayan Chaudhari, was present. I had handed over 50 copies of the booklet to representatives of DoA for their records. He had thanked me saying it would be a great asset for DoA regarding the details of the existing statues of which they were not aware of before. I am eager to preserve these valuable pieces as a heritage of the country.

RANA is founder of SEF  
www.saveenvironment.org.np

## HEALTH

# Ending AIDS

*Nepal presents its strategically focused HIV Investment Plan*

By A CORRESPONDENT

Towards the global vision of reaching Zero new HIV infections, Zero discrimination and Zero AIDS-related deaths, Nepal presented its plan to guide focused HIV investment, on Monday 2 September 2013

Informed by evidence of where most investment will be needed, and geared towards achieving greatest returns, the Nepal HIV Investment Plan lays out areas where the country will strategically focus its resources to address HIV in the next three years.

Within the framework of the 'Nepal National HIV Strategy 2011-2016', the Investment Plan crystallizes 'Getting to Zero' as a joint venture between the Government of Nepal, civil society, and external development partners.

"We are proud of the progress we have made over the last decade to slow down Nepal's HIV burden," said Dr Tirtharaj Burlakoti, Chief of Policy, Planning, and International Cooperation in Nepal's Ministry of Health and Population, at the presentation of the plan, in Kathmandu. "Too often, resources are stretched so thinly that they are unable to make impact. This plan will help ensure valuable resources are spent where they can make the most difference for Nepal," he said.

The most prominent element in this HIV Investment Plan is that HIV testing in Nepal must be scaled up without delay, focusing on the most affected populations. The new WHO HIV Treatment Guidelines, and the UNAIDS 'Treatment 2015' initiative, provide both the evidence and the tools to apply recent scientific evidence on where and how to invest.

Nepal's HIV Investment Plan also calls for strategic investments for full engagement of and partnerships with HIV competent communities to implement HIV programmes and strategies of a scope, scale, intensity, speed and quality to indeed achieve the Zeros.

Dr Naresh Pratap K.C., director of

Nepal's National Centre for AIDS and STD Control, cited the importance of meaningful involvement of HIV-affected communities within the development of the plan, who provided "crucial information and insights into the state of Nepal's HIV burden, and how we must invest to reduce it."

New strategies and frameworks for gearing investment towards an effective, efficient, and information-driven HIV response were introduced to Nepal by the Joint United Nations Program on HIV/AIDS (UNAIDS) at the end of 2012. Financial planning innovation, coupled with advances in science, provides a critical opportunity to build on progress made and rapidly secure further success.

"For the first time in the history of HIV, we have science firmly on our side," said Dr Ruben F del Prado, UNAIDS Representative to Nepal and Bhutan. "The fact that anti-retroviral treatment also has an impact on preventing new HIV infections means we have an opportunity to progress even faster than before. To get the best results, we must let the evidence about what works best lead us to ending new infections, and keeping people with HIV alive, healthy and well."

Kul Chandra Gautam, former Assistant Secretary General of the UN, Deputy Executive Director of UNICEF, and special adviser to the Prime Minister of Nepal, remarked: "the people who make changes in the HIV response understand that HIV is a burden to the entire society, not just the groups that epidemiology has identified as at-risk. Reducing the burden of HIV requires a lot of resources, but even more than resources, intelligent use of those resources across government and civil society."

By instituting an HIV investment approach, Nepal positions itself as a compelling recipient of donor funds. UNAIDS applauds its partners in Nepal for charting an ambitious, evidence-driven, and crucial course towards sustainable results. ■



## MENSTRUAL HYGIENE

# Breaking Silence

*WaterAid Nepal organized a program bringing various stakeholders to help people break the silence on menstrual hygiene*

By A COREESPONDENT

Barsha Tharu, a student of Gautam Buddha High School of Kapilvastu district, usually avoided school for four days a month until a year ago. Due to her monthly period, Barsha found it difficult to attend classes.

"Due to our social and cultural restrictions and unavailability of toilets, I used to remain absent for four days a month from my school," said Chaudhary. "After a campaign of local NGO and construction of separate toilet for girls, most of the girl students, including me, now go to school," said Chaudhary.

Mina Koirala, 60, a resident of Banshigat Slum, has seen a lot of transformation in her life. When she was young, with menstrual periods, girls were usually isolated from the rest of the family and put in unhygienic places. "I faced many trauma of living separately. Although menstrual cycle is a biological process, we were treated as bad as animal during the period." The situation has changed now as everyone understands this in urban areas.

Organized by WaterAid Nepal, the

function saw people from different walks of life taking part and breaking the silence on menstrual hygiene: hearing unheard voices. Nepal's renowned artist Karishma Manandhar also shared her experience of first menstruation. "My family put me in isolation for two weeks," Manandhar said. "Because of my own bitter experience, I gave freedom to my daughter."

"Menstruation is a natural, biological process in female body, not a sin from past birth. So, holy bath and worship are not required. If you don't want to fast or take holy bath or do worship that's your choice. Thank you, everyone, who came to support us," writes Ashutosh Tiwari, Country representative of WaterAid Nepal in his face book wall.

"We broke the silence on menstrual hygiene today together with our NGO partners hearing unheard voices and calling to translate commitments to actions. Many thanks to our supporters including renowned Nepali cine actress Karishma KC Manandhar, singer, government officials

representing and responsible addressing issues on menstrual hygiene, civil society organizations working for sanitation and drinking water, development partners, media and student from community school"

The WaterAid and partners' program at Trade Tower Thapathali saw Karishma Manandhar, Amrita Gyawali, Pema Lhaki, Rose George, Anita Pradhan, Govind Shrestha, Rajendra Aryal, and so many more colleagues, friends and well-wishers, he noted.

"Menstruation is natural process, not a sin! Women in Nepali society are taught what not to do from religious and cultural aspects rather than how to maintain hygiene during the menstrual period," said Sarala Khadka, 45, from far west Nepal.

Dilli Ram Sharma, Director of Department of Education, stressed the need to make toilets in the schools. "The government is planning to construct 2,000 toilets in the school," said Sharma.

Under secretary of Ministry of Federal Affairs and Local Development Ramesh Adhikary said his ministry is ready to allocate budget for school sanitation. "There is the need to make the toilets friendly for girls and women," said Ram Chandra Sha, under secretary of Department of Drinking Water and Sewerage.

"The government is giving high priority to sanitation sector. Sanitation is one of the major components of health," said Dr. Tirtha Raj Burlakoti, joint secretary at the Ministry of Health and Population.

At a time when overwhelming rural Nepal regards menstruation period as a sin, this kind of program helps to change the scenario. Organized by WaterAid with coordination with nine local NGOs working in sanitation sector, the program was the first of its kind to break silence on menstrual hygiene. ■

## MOVIE REVIEW

## ShuddhDesi Romance



Live-in relationships are a commonality in the West, but it still raises eyebrows in India. It's often considered taboo and spoken about disapprovingly by the orthodox in towns and also by several people living in a metropolis. SHUDDH DESI ROMANCE is, perhaps, the first Hindi film that looks at live-in relationships and pre-marital sex in the heartland [Jaipur] of India. Sure, Yash Raj did have a look at live-in relationships in SALAAM | NAMASTE, but that film, if you recall, was set in Australia.

True to its title, SHUDDH DESI ROMANCE is indeed a shuddh [pure] take at live-in relationships involving desi characters and looks at the highs and lows that come with it. Although the spectator has, over the decades, witnessed innumerable interpretations of love and romance, Maneesh and writer JaideepSahni make sure they don't take a leaf out of been-there-seen-that kind of situations. Instead, they ensure that the three characters in SHUDDH DESI ROMANCE follow their hearts and don't succumb to the diktats of the society. Also, they speak an uninhibited lingo, which hasn't been spoken in Hindi films earlier. They are not rebellious, but straightforward. And that, in all honesty, is the prime reason that gives this film an edge.

Sachin-Jigar's soundtrack garnishes the goings-on wonderfully. The gifted composers, who have delivered musical hits in the past, live up to the faith reposed in them. 'Gulabi' and the title track are infectious compositions. The DoP captures the rustic flavor with meticulousness.

After leaving a tremendous impression in his first Hindi outing, Sushant Singh Rajput wows you with a remarkable portrayal yet again. He brings a lot of freshness with his unpretentious and spontaneous act. Parineeti Chopra gets into the bindaas zone yet again, a role that's become synonymous with her of late. She seems to be going from strength to strength with every film. Vaani Kapoor is self-assured and doesn't seem overwhelmed by her skilled co-stars. Rishi Kapoor is, like always, in terrific form. Rajesh Sharma is okay in a cameo.

On the whole, SHUDDH DESI ROMANCE caters to the youth and reflects the mindset of a chunk of the youth these days. The film, which speaks a different lingo, is a gutsy attempt that defies the stereotype. Told in an entertaining format, it is sure to strike a chord with not just the youngsters, but also with those who love shuddh [unchartered, in this case] storylines. Refreshingly different, give this one a chance. Recommended!

(Courtesy: Bollywood Hungama)



## MOVIE PREVIEW

## Grand Masti

Genre : Comedy  
Release Date : 13 Sep 2013  
Length : 2 Hrs 17 Min  
Director : Indra Kumar  
Cast : Vivek Oberoi, Ritesh Deshmukh, Aftab Shivdasani

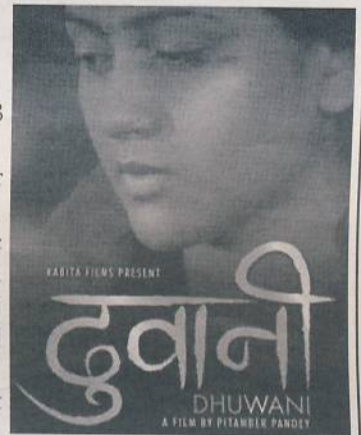
After a hiatus of 9 years, taking forward the legacy of the brand, the 'Masti' team is back again with a sequel 'Grand Masti' which promises to be bigger, funnier and dhamakedaar.



## Dhuwani

Genre : Crime, Social  
Release Date : 13 Sep 2013  
Length : 2 Hrs 10 Min  
Director : Pitambar Pandey

Cast : Kishore Khtiwiwoda, Prabin Khatiwiwada, Dhiren Raj Thapa, Sagun Shahi, Anuj Gayak  
DHUWANI is all about human trafficking.



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## Civil Service Act, 2049 (Third Amendment) Bill, 2068

The civil service is the permanent mechanism of the state. The effectiveness of the state depends on the capacity of the state to a large extent. The government which is political in nature keeps changing. The civil service is also called as the permanent government because civil service employees stay in their posts for a longer limited time. In a democratic governance system the civil service employees are the main advisors and important assistants. The civil service provides help to the government in policy and decision making according to their expertise. Not just that but the civil service has an important role in implementing the law of the land. In summary the civil service provides service to the people, assists the government in creating and deciding policies, and ensures the effectiveness of the governance. For this the civil service must be able to provide quality service and be accountable towards the government and the law. The values and professionalism of the civil service is reflected by the laws related to civil service.

### Nepal's civil service: Legal provisions and exercises

Throughout history Nepal's governance has been dictated by culture, tradition, and beliefs and its civil service employees recruited and administered as per the wishes of the rulers. The first time legal provisions were established with the objective of choosing capable and qualified persons for the civil service was through the establishment of the "Recommendation Council" created in 2004 BS as per the law of Nepal then. After Nepal's Interim Governance Bill, 2007 was established the Civil Service Commission structure began to take shape for the purpose of appointing civil service employees according to the merit system. The Civil Service Act, 2013 was announced to give permanence to the civil service as per the suggestions and recommendations of the Buch

Commission established in 2008 BS, and the Administration Improvement Commission created in 2013 BS both of which were formed to strengthen the civil service. Various governments have been creating various commissions and committees with the intention of improving the civil service and encouraging the morale of the civil service employees who are serving the public and the nation. In this context the Civil Service Act 2049 was proclaimed in 2049 BS to increase the quality of Nepal's civil service and make it more effective, competitive, service oriented, capable, improved and service focused. However because the acts and laws related to civil service were amended from time to time for personal gains the civil service administration is still not as developed as it should be. Nepal's civil service is still not as stable. Problems remain due to factors such as constant changes in the organizational character and shape in the name of improvement, inability to develop a work culture based on professional values, lack of organizational development, lack of motivational factors, the culture of avoiding responsibility, political interference, lack of trust, instability in the name of correction, lack of proper use of reward and punishment. There is no doubt that in a democratic state system, the civil service should be independent, unbiased, professional, respected, and not just symbolic but actual effective too. Whatever efforts have been made to make Nepal's civil service competitive, responsible, and effective, it has still been unable to develop. Politicization has severely affected the civil service. Due to the race to strengthen political parties hold over the administration, the civil service has been unable to develop professionally. There is widespread politics in the civil service in the name of professional organization. The core values of the civil service have not been able to be followed, promoted or institutionalized. Works are more process oriented than result oriented.

The positioning, relocation, promotion, relegation, and rewarding of the human resources within the civil service, are yet not as scientific so as to make the management predictable. Unless relocation and promotion process can be made transparent there will not be as much attraction towards the civil service. Various challenges such as the compulsion to work in a politically unstable environment, lack of commitment to professional values, effect of party politics, lack of vision in making amendments force Nepal's civil service to be where it is. Corrections should be made keeping in mind that there needs to be a fine line between politics and administration to make the civil service progressive and strong.

Promotions within the civil service are in reality not relative, scientific or predictable. Because the evaluation of work is yet unscientific there is the tendency to try and please the bosses. There is a need for a more secure system to ensure that those who are worthy and capable get the deserved promotion. There is a need to have a better system for promotion. There are no indications for multi-approach promotional system as per the international norms. It will be more appropriate to use a system that identifies the entry group or batch as the base, and promote starting from Section Office to specialization.

The speciality of the civil service is the merit system. Because current activities show that there is more focus on other factors rather than meritocracy, there needs to be corrections in the law to honor and protect meritocracy so that the civil service does not come to lack intelligent persons and capable, qualified, and talented individuals do not leave the country and are attracted towards civil service.

The Civil Service Act and Regulations need to be amended as per the suggestions and recommendations of the Administrative Restructuring and Improvement Commission in order to make the civil service more

capable, service oriented and accountable. While improving the Civil Service Act and Regulations the posting and promotion system should be made predictable.

The provision for promotion through evaluation of work and experience as per the Civil Service Act 2049, Article 24 C, is not in line with the fundamental values and norms of civil service, such unhealthy trends must be stopped and those who are already promoted should be reposted and integrated immediately.

The issue of professional associations within the Civil Service must be given a thought to make the Civil Service more honorable. Various wrong trends have been established due to political parties patronizing professional associations which compete to show their strength by faking the number of members they have rather than showing their actual numbers. Such trends to create fake membership within the professional associations have resulted in various corruptions within the system, and created an uneasy atmosphere with regards to posting and promotion due to the unhealthy activities of the associations, as have been claimed by long time civil service employees. There needs to be elections for an official trade union and legal provisions put in place to make the activities and roles of the employee trade unions more honorable.

#### Third Amendment Bill of the Civil Service Act 2049, 2068

The Civil Service Act 2049 was proclaimed to make the Civil Service more capable, improved, service oriented, accountable, professional and honorable, and reflect a sense of security to the employee about the service, provisions related to the filling of posts, promotion, reposting, and other perks. The First Amendment was done in 2055 while the Second Amendment was done in 2064. The Third Amendment Bill was presented in the Legislative Parliament in 2068 BS, to address issues related to filling vacant posts, reposting, and promotion with the following intentions:

- Correcting the current promotion system and considering the work efficacy and seniority as the main basis while promoting to vacant posts
- Management of employees who have been promoted on the basis of the evaluation of their work and experience
- Increase the age limit to increase the number of physically challenged people in the civil service
- Make the reposting system more managed to give continuation to the service
- Honor those who have been working as temporary Women Development Officer for a long time, provide social security and reevaluate their service period

#### Fundamental Special Aspects of the Proposed Amendment Bill

- While filling vacant posts seniority will be taken as the main basis, while for the classless, non gazetted fifth level posts 70% will be filled through open competition, 20% through internal competitive examination, 10% through evaluation of seniority and work efficacy. For the non gazetted First Class post, 40% will be through open competition, 20% through evaluation of working capacity and 40% through seniority and work efficacy. Gazetted Third Class posts will be filled through 70% open competition, 30% through seniority and work efficacy; for Gazetted Second and First Class posts 10% through evaluation of working capacity, 35% through internal competitive examination, 20% seniority and 35% through evaluation of working capacity. This proposed system has given more priority to seniority in the current system.
- For Gazetted Special Class Secretary or posts equal to that, only those who have achieved 95% or above in the evaluation of their work efficacy will be considered while in the Gazetted First Class posts those with the most experience will be promoted and of the vacant posts 20% will be given to seniority. Of the remaining vacant posts for which the promotion committee has recommended thrice the amount required 80% will be filled through evaluation of work efficacy. As the system has separated a specified percentage for seniority it aims to increase the morale of those who have in service for a long time.
- As it seems appropriate to give priority to work efficacy and seniority experience in the promotion system, it might not be relative to give different marks on the basis of educational qualification for different levels. Therefore provisions have been made to give 9 points to the achievement of required academic qualification during the entry phase and three points to achievement of higher levels on the concerned subject.
- In the regular promotional system corrections will be made to give priority to seniority, and while making promotions in such manner there will also be evaluation of work efficacy educational qualification, trainings and experience in different geographical areas. In evaluating in such manner, those who receive 95% percent marks, and have a minimum of SLC level education for non gazette posts are to be considered whereas for Gazetted Second Class posts a minimum of Bachelors and trained for at least one month in the concerned service, and with experience of having worked in such geographical conditions will be considered for promotion.
- In order to manage and integrate those employees who have been promoted on the basis of work efficacy and experience, a pool assigning will be created; those who have been promoted and appointed in such manner or those who are yet to be appointed will be integrated in such pool assigning, their current posts will automatically be vacant once they



receive such appointments.

- In order to avoid having vacant posts due to reposting of employees recommended through open competition and promotion, who although are recommended on the basis of their qualification, might be reposted without completing their term, legal provisions have been made making it mandatory for them to complete their first tenure before being reposted.

To make positive discrimination a reality and increase the number of physically challenged in the civil service, the age of those with physical challenges who wish to enter the civil service through open competition has been raised to 40 years

- For those women employees who are working in permanent Women Development activity in a temporary manner, their service period will be begun to be counted within 60 days of their appointment being made permanent.

**Notes and Suggestions on the Bill**

This Bill seems to be addressing only provisions related to promotion rather than attempting to address problems in general related to the Civil Service Act 2049 and that too in a temporary manner. The bill seems to have concentrated more on integrating past promotions, proposed giving priority to seniority and attempted to only address a few problems related to women employees working in permanent Women Development Program posts.

Nepal's civil service has not been able to turn professional, result oriented, and institutionalized because of political instability, political interference in the beurocracy, employees undertaking other means to get lucrative posts, increasing numbers role and political influence of employee trade unions, unscientific and irrelative manners of promotion, reposting, academic leave among many others. It is therefore important that this reality be given a serious thought, the entire Civil Service Act 2049 be re-analyzed, and amended accordingly, suggestions taken from relavant experts committees, and their recommendations be integrated to amend the Civil Service Act 2049.

This research and recommendation paper was prepared by constitution and legal analyst Kashiraj Dahal for the Nepal Constitution Foundation with inputs from women, indigenous peoples communities, Madhesi, Dalit, youth and other related pressure groups. The Foundation is grateful to Dr. Sushmita Singh, Dr. Govinda Prasad Kusum, Bhojraj Pokharel, Khadag Bahadur Biswakarma, Ang Dawa Sherpa, Nirupama Yadav, Ram Kapali, Bhimdev Bhatta, Bharat Raj Gautam, Hari Upreti, Rajendra Bahadur Singh, Shayam Kumar Biswakarma, Keshav Raj Pandey, Abhishek Adhikari, Phurpa Tamang, and Dr. Bipin Adhikari.

*This research has been supported by The Asia Foundation and opinions expressed in this report are of the authors and don't necessarily reflects of The Asia Foundation.*

# Aches And Pains

By BUDDHA BASNYAT, MD

SitaRana, a 38 year old Nepali woman presented to the doctor's office with diffuse pain throughout the body associated with fatigue, insomnia, and difficulty concentrating for three months. The pain was difficult to localize but was not relieved by taking "brufen" ( ibuprofen). She also had a long history of being anxious. On examination she had generalized pain on pressing the muscle of her neck, back, arms and legs. Her laboratory tests were completely normal.

The problem that Sita presents is common throughout the world, and is also regularly seen in Nepal. When we were in medical school we were unaware about this disease entity, now called fibromyalgia. In a general practitioner's office, fibromyalgia patient population may be as high as 5 to 10 %. Fibromyalgia is not confined to any particular geographical region, ethnicity or climate. In our country patients like SitaRana will do the usual rounds of different doctors. As a matter of fact in the past, when we saw patients like Sita we would strongly consider sending them to the "bone" doctor ( an orthopedic surgeon).

The mechanism of this disease is unclear, but it occurs in a 9:1 female- to- male ratio; and the disease is associated with disturbed sleep and abnormal pain perception as seen in Sita. It is classically said that the

focus of treatment should not be eliminating pain but rather improving function and quality of life which includes multifaceted exercise programme with aerobic exercise, strength training, and incorporating relaxation techniques like yoga and Tai Chi.

Drug therapy is available for fibromyalgia, but drugs like ibuprofen have no role. Importantly antidepressants like amitriptyline which can also double up as pain and sleep medicines have shown some efficacy. In medicine it is important to realize that in the same manner as effective drugs are vital for treatment, it is equally important to avoid unnecessary drugs. Many doctors will not know about fibromyalgia, and due to the diffuse aches and pain will prescribe pain killer drugs like ibuprofen which is unhelpful.

Fibromyalgia is apparently so common that, although it was required to demonstrate pain on palpation at 11 of 18 tender pre- determined point sites ( back of neck, arm, hip and so forth), this was abandoned in the updated criteria because strict application of threshold of pain lead to under diagnosis of this common condition. Although general internists should be able to help patients with fibromyalgia, rheumatologists like DrBuddhiPaudyal from Patan Hospital are the specialists in this field. ■

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