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From The Editor

As vote counting for the election to the second Constituent Assembly comes to an end, no political party has secured the much needed majority to form the government all alone. The people's mandate to parties in the second Constituent Assembly is fractured. Be it for the formation of the government or for writing the new constitution, the four major parties need to forge consensus first. Given the past experience, political instability will continue in the county and writing the constitution will get more difficult in the days ahead. Despite the compliments by the national and international election observers for the successful holding of the second CA election in an impartial and fair manner, the UCPN-Maoist, one of the major parties in the elections, and other regional and ethnic based parties, which failed to secure expected seats in the elections, have termed them as massively rigged. They have announced several protest programs to oppose the election results. This indicates that more anarchy and instability will be there in the coming days. Although the UCPN-Maoist opposition cannot bring any major political upheaval in the present context, when all national and international forces are endorsing the fairness of election results, it can create a nuisance in the streets and disturb the normal life. Similarly, the opposition will make it virtually impossible for the two political parties to promulgate the new constitution. All these indicate that Nepal will see the political instability prolonging. We look at the present state of politics through different perspectives as a cover story of the week. As senior advocate Ganesh Raj Sharma used to say, any constitution and political system is doomed to fail given Nepal's geostrategic situation. We have not found any logic to deny this.

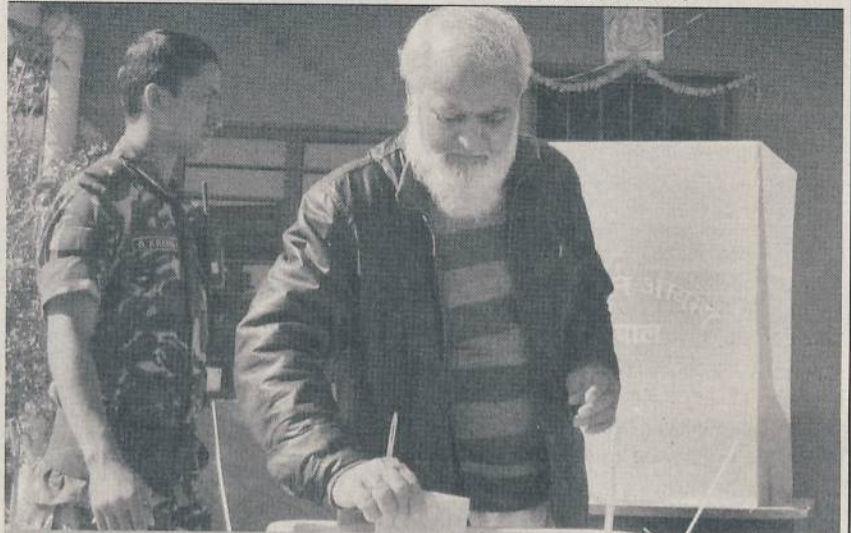
Keshab

Keshab Poudel

Editor

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UK Priority Visa Service

British Ambassador Andy Sparkes returned passports of Prem Kumar Rai and Chhali Rai- the first people to use the UK's new priority visa service in Nepal.

Prem Kumar Rai and Chhali Rai are travelling to visit their daughter at the birth of their grandchild. Their daughter is a high risk pregnancy. They wanted to get to the UK quickly to help care for her and put her mind at ease. So they took advantage of the priority visa service, which cut the waiting time for a visa from 15 working days to just six.

Ambassador Sparkes said, "Our new Priority Visa service is already helping ensure people like the Rai family get to the UK quickly for important family occasions or business deals. I encourage anybody who is qualified and needs to be in the UK at short notice to take advantage of this service, which I am



confident will boost UK-Nepal ties."

From 6 November 2013, customers in Nepal who apply for a UK visitor visa can request a brand new Priority Visa service. For an additional fee of NPR 7000/- (including taxes), the Home Office will expedite the visa application and return the documents in 6 working days.

According to British Embassy, using the Priority Visa service does not guarantee that the visa application will be successful. All applicants must meet the requirements of the UK's Immigration Rules

US Ambassador Bodde Swears In New Peace Corps Volunteers

Twenty-four American Peace Corps Volunteers, the second group since the organization suspended its operations in Nepal in 2004, were sworn in today by the US Ambassador to Nepal Peter W. Bodde in a ceremony that took place in Kavre. Prior to their swearing-in, the Volunteers completed an eleven-week Nepali language, culture, and technical training program in Sindhupalchowk District.

The Volunteers join 16 other second-year Volunteers working with Nepali counterparts to promote food security through agriculture, sanitation, and health activities with villages in the Western and Mid-Western Region districts of Baglung, Syangja, Parbat, Dang, Pyuthan, and Surkhet.

These Volunteers join the ranks of more than 4,200 Volunteers that have served here in Nepal in the past, and the more than 8,000 Volunteers currently serving in 76 other countries across the world.

Fewer Nepalese In American Colleges

For the first time, the number of Nepalese students has declined in American colleges and universities.

The 2013 Open Doors Report on

International Educational Exchange, released recently, finds the number of international students at colleges and universities in the United States increased by seven percent to a record high of 819,644 students in the 2012/13 academic year.

Students from Nepal in the United States decreased by 7.3 percent to 8,920 in 2012/13, making it the 14th leading place of origin, and 257 American students studied in Nepal in 2011/12, 22.4 percent more than the previous year.

Nepali students who would like to pursue higher education in the U.S. may use the services offered by the United States Education Foundation-Nepal's (USEF) Education USA Advising Center.

According to a press release of the U.S. Embassy, students may attend advising sessions to learn about applying to U.S. colleges and universities, application essays, standardized exams, scholarships, and student visas.

U.S Embassy Launches Book Bus

American Ambassador Peter W. Bodde inaugurated the U.S. Embassy's first ever mobile library, called the Book Bus, at Shivapuri Higher Secondary School in Maharajgunj

The Book Bus will allow the U.S.

Embassy to reach underserved remote communities in Nepal. Mobile Internet access and tablet computers are included in the bus, which will give Book Bus visitors access to educational websites and help visitors to learn how to use the latest computer technology. The tablets and computers will be charged using environmentally friendly solar panels located on the roof of the bus. The Bus is stocked with reference, fiction and non-fiction books in addition to periodicals.

The Book Bus is an expansion of the U.S. Embassy's seven American Corner libraries located throughout Nepal. According to the press release of U.S. Embassy, these libraries serve as learning centers for their communities and provide valuable information resources for students and adults alike. The American Corners also host guest speakers and special programs about the United States, as will the new Book Bus.

Shalom Trail In Shivapuri

Vice chairman of the National Planning Commission Dr. Rabindra Kumar Shakya, Aviv Eizenband, Director of Forestry and Professional Development, Jewish National Fund - Keren Kayemet Le Israel, and ambassador of Israel to Nepal Hanan Goder-Goldberger jointly unveiled a wall marking the Shalom



Trail inaugurated Shalom Trail Project at Gurje Bhanjyang section of Shivapuri Nagarjun National Park.

The trekking trail was initiated by Shalom Club Nepal (Alumni of Nepal graduates from Israel) as a symbolic venture to bring to bring awareness to learn to love Nature's Beauty.

"This is a symbol of Israel-Nepal partnership for nature conservation," said ambassador Hanan. "Bio-diversity and nature must be preserved for future generation."

ADB Opens New Office In Kathmandu

Finance Minister Shanker Prasad Koirala inaugurated the Nepal Resident Mission Office of the Asian Development Bank amidst a function recently. Inaugurating the office, Minister Koirala said that the government is making every effort to uplift the living standards of the 23.8 per cent people below the line of poverty. Finance Minister Koirala said extensive investment was essential for the socio-economic development of Nepal.



Stating that Nepal's overall economic indicators were satisfactory despite the political instability, he said the government targets to achieve an economic growth rate of 5.5 in the current fiscal year.

Minister Koirala also said ADB support to physical infrastructure development, transport, agriculture, education, drinking water and promoting good governance was crucial.

Vice-chairman of the National Planning Commission Rabindra Kumar Shakya lauded ADB support to bring about socio-economic transformation of Nepal.

Finance secretary Shanta Raj Subedi hailed the role played by Asian Development Bank in reducing poverty in Nepal.

ADB vice president Thierry de Longuemar said the ADB will continue its assistance to energy, transport, urban infrastructure and irrigation sectors in Nepal.

Finance secretary Shanta Raj Subedi expressed the confidence that the ADB would continue its assistance to its founder member Nepal. Country director of the ADB Kenichi Yokoyama said the Bank's priorities are physical infrastructure development and promotion of good governance.

IMF Suggests Increasing Capital Spending

Naoyuki Shinohara, deputy managing director of the International Monetary Fund (IMF), has said Nepal can achieve higher economic growth by increasing capital spending and improving business climate in the country.

Issuing a press statement at the conclusion of his four-day Nepali visit recently, Shinohara said important contribution for higher and sustained growth can be made by raising public capital spending and improving business climate to create an attractive environment for private investment.

During his stay in Nepal, Shinohara held discussions in Nepal on economic and financial issues with President Ram Baran Yadav, Finance Minister Shankar Prasad Koirala and Nepal Rastra Bank Governor Dr Yubaraj Khatiwada.

Shinohara also stated that his discussion with Nepali high ranking officials focused on ways to accelerate and sustain

growth, and ensure macroeconomic and financial stability in the country.

"I support the authorities which aim to boost the economy's potential, including taking advantage of the resource inflows from remittances," he said. He also said upcoming assessment under the Financial Sector Assessment Program (FSAP), which is being jointly conducted by IMF and World Bank, will contribute to mapping out further reform steps.

The IMF has also been supporting Nepal to improve regulation and supervision to ensure financial stability. In the statement, he also suggested that Nepal tightened liquidity conditions to guard against risks of rising inflation and reduce inflation expectations.

He also said existing peg of Nepali rupees to Indian rupees has served as a valuable anchor for macroeconomic policies.

Global IME, Commerz Merged

Global IME bank and Commerz and Trust Bank Nepal have entered into an agreement to merge the two units. A memorandum of understanding was signed by chairman of Global IME bank Chandra Dhakal and chairman of Commerz and trust bank Shovakar Neupane recently.

"We decided to enter into merger agreement as other consolidation processes that we completed in the past gave a boost to our capital position. We are sure the successful completion of this process will further give a lift to capital base and strengthen our position in the market," Global IME chairman Dhakal said.

The bank, which was organized known as Global Bank at the time of its establishment, has so far merged with five other financial institutions. But this is the first time it is trying to consolidate with a commercial bank.

If the merger process ends successfully, this will be the second instance of consolidation of two commercial banks in the country, following the merger will also turn the consolidated unit into largest bank in the country in terms of paid up capital.

Global IME Bank, which has successfully completed merger with five other financial institutions, currently has a paid up capital of RS 2.42 billion, while Commerz and trust bank has paid up capital of RS billion. Once the two units consolidate, the new unit will have a paid up capital of RS 4.42 billion.

To take the process ahead, the two banks have already established a merger committee and are filing an application at Nepal Rastra Bank tomorrow to get the banking sector regulators' nod to formally the consolidation process.

"We will then conduct due diligence audits which will give a complete picture of the financial health of the two institutions," Dhakal said. Based on the results of the audits, we will determine shareholders' stake in the consolidated unit.

However, right on the onset of the merger, the two banks have agreed to accept Dhakal and Ratna Raj Bajracharya, CEO of Global IME, as chairman and chief executive of the consolidated unit, respectively. Besides, we have also agreed to include only one representative of Commerz and Trust Bank in the board of Directors of the consolidated unit," Dhakal informed. *(based on media report)*

Second CA Polls Accomplished

By DR. TILAK RAWAL



During Tihar this time crackers did burst but in a limited scale as the concerned authorities did not want that to happen on a massive scale especially in view of the impending CA polls and the threat by the alliance of 33 parties led by comrade Kiran. Explosions of varying nature and capacity continued till the election day basically to scare people off but this tactics of the alliance did not work as voters turned out in huge numbers to exercise their franchise in nook and corner of the country. With the exception of some places like Thawang of Rolpa which recorded nil voting, Nepalis enthusiastically voted to elect second CA. Even in a remote place like Dolpa, turnout was reported to be 80 percent. The ten-day band called by the alliance was also not successful because it was virtually

Kathmandu, children were injured, one seriously, when an abandoned object that looked like a toy attracted their attention and exploded shortly after they started playing with it. Let us not forget even in wars, certain norms are adhered to. Examples abound to show that prominent figures in different countries have been tried and punished over time for war crimes. Asad of Syria is trying hard to escape punishment by western countries for use of gas on Syrians. Sadly in our case, however, not even Baidya has regretted the incidents that in most cases have harmed the innocent people nor have other political parties found time to deplore these heinous acts. The least one could expect of Comrade Baidya at the moment is an apology to the families of these innocent sufferers and provide

It was clear that they had done so on the instruction of their party as Prachand the very next morning in a press conference accused of conspiracy against them and threaten to boycott CA if vote counting did not stop immediately to review the entire election process. Except his party, no one concerned with election was prepared to lend a ear to his baseless accusations. EC, therefore, went ahead with the counting process. Many guessed that Maoist will not do well in the second election to CA but not this miserably. Likewise; Madesh-based parties have received a good thrashing as expected. Voters have clearly shown that they dislike divisive politics based on caste, ethnicity and geography. While Maoists suffered basically because of the difference between what they said and what was done and also inconsistency in their observations over time even on serious issues, the Madeshi parties suffered because their noted leaders were just interested in power and perks. Breaking parties time and again by these leaders to grab power was being looked at by Nepalese all over Nepal in a contemptuous way and they were simply waiting for the opportune moment to teach these leaders a lesson. In case of UCPN Maoist, party split also cost them dearly because the party led by Kiran, with 90 former CA members, reportedly played a major role in ensuring defeat of Maoist leaders in some areas such as constituency 10 of Kathmandu. As expected, RPP, Nepal is likely to be a major gainer, through proportional representation system, capitalizing on the cow (religion) and the monarchy factors. However, this may not be so next time around as is clear from what happened to Madeshi parties then and now. UML, which is certain to grab second position with 91 seats in the first-past-the-post system and slightly trailing behind NC in the proportional representation system, has reaped rich dividends emanating from their stand

As far as Nepali Congress is concerned, people never like to push this oldest democratic party into an embarrassing position electorally because Nepalese are aware of its historical role in establishing and nurturing democracy in this country. Taking lead in both systems (105 in FPTP), NC is unshakably moving ahead to become the largest party.

impossible to observe bandh for that long a period in these times of high interdependence. Traffic was thin but no part in the country came to a complete halt during these ten days of bandh. Authorities sounded confident about foiling the bandh and people cooperated risking their safety in certain cases. Leaders like Baidya must have realized by now that it is the commoners that suffer the most during periods of protest as they have to struggle everyday to eke out a living and do not mind even risking their lives for it. Raj Kumar Deuja, a truck driver, was not on a pleasure drive when a group of miscreants hurled a petrol bomb at his truck in Bara. Deuja, who was doing his duty to earn a living, died four days after the attack and was the sole bread winner of his family consisting of his mother, wife and two minors. In one case in

compensation, as done by the government, to the family of the deceased driver who had nothing except physical labour to sale for survival.

On the whole, one could safely conclude that elections were held in a free and fair manner with unprecedented turnout (70 percent) and some security lapses and complaints related to printing and distribution of voters' identity card (temporary) can, therefore, be brushed aside. Nepal Government and the Election Commission deserve the appreciation coming from different quarters both within and outside of Nepal. Vote counting started and progressed uninterrupted till the night of November 20 when agents of UCPN, Maoist, which began to trail far behind NC and UML, boycotted vote counting alleging of vote rigging.

FOREIGN MINISTRY

Sans Experience?

At a time when there are vacancies for a large number of ambassadors in important missions abroad, the interim government has posted a few joint secretaries to take up the jobs

By A CORRESPONDENT

From trade to human relation, and border to security and development, issues are aplenty for Nepal to deal with in India every day. Being a close neighbor with so many ties and interactions, Nepal's India mission in New Delhi is one of the most important diplomatic assignments.

Despite all these important relations and close interactions, Nepal has not shown urgency in handling this complex relationship with India in case of ambassadorial appointments.

Although the vacancy for the ambassadorial position has been there for the last three years, Nepal is yet to appoint an ambassador to India. Since Rukma Shumsher Rana was recalled by then government two years ago, the mission was under the Charge'd affairs Khagraj Ahikari. Minister for Foreign Affairs Madhav Prasad Ghimire recently posted a joint secretary, Krishna Prasad Dhakal, who was promoted as a joint secretary to the Ministry a year back through an open competition.

As Adhikari, who has been in New Delhi for the last three years, reportedly named as head of Nepal's mission in Geneva, the government has decided to post Krishna Prasad Dhakal to the DCM. In the same decision, the government has also posted a senior joint secretary as the Deputy Chief of the Mission in Washington DC. Ghimire, who has experiences serving in

India, would have been a better choice for New Delhi compared to newcomer Dhakal, who entered Ministry of Foreign Affairs through open competition. Although joint secretary Dhakal is a brilliant civil servant having worked almost 15 years in National Planning Commission, this is his first appointment to such an important mission.

Out of the 17 joint secretaries, there are also more senior and India experienced hands in foreign ministry. Joint secretaries Yagya Bahadur Hamal and

Kali Prasad Rimal, who have experiences of serving in Indian Mission in New Delhi, are also there, but nobody understands the rationale of the caretaker government to make two such important appointments. Although the government posted two joint secretaries in two important places, it is yet to make appointments in the Nepalese Embassy in Beijing where the post of Deputy Chief of the Mission is vacant for almost two years. Similarly, the government is yet to moot any proposals for the appointment of ambassadors in over 10 missions abroad.

As the formation of the government is going to take some time given the current political equation, the appointment of the new ambassadors will be delayed in New Delhi and foreign relations experts are very perplexed on the issue of this decision. ■

on nationality issue and their dislike for politics of division. The party let go many of their rebellious influential leaders belonging to indigenous communities but did not budge an inch from its stance on multiple identity-based federalism and north-south division of provinces. UML have also shown unshaken faith in parliamentary democracy and liberal economic system. As far as Nepali Congress is concerned, people never like to push this oldest democratic party into an embarrassing position electorally because Nepalese are aware of its historical role in establishing and nurturing democracy in this country. Taking lead in both systems (105 in FPTP), NC is unshakably moving ahead to become the largest party. Those who have taken the beating now have to search their soul and bring about necessary changes to win the support of people, instead of blaming others for their debacle. As far as UCPN, Maoist is concerned, people are not sure yet whether the party has truly subscribed to parliamentary democracy and liberal economic system because its leaders keep on changing their views for public consumption depending on geographic location and the type of audience they are addressing. Political parties may also wish to jettison the idea of single identity-based federalism as the voting pattern has clearly manifested that people are not prepared to buy this even in Janajati-dominated constituencies. Our voters have matured. Although a sharp drop from 120 earlier to 26 now in FPTP, it seems there will be a respectable placement of UCPN Maoist in the new CA, making them the third largest party. A responsible party like this is not expected to boycott the new CA because such an act would be tantamount to disrespecting the sovereign voters of this country. People also do not want leaders to shamelessly quarrel over creation of government and engage in its dislodgement soon after its formation. They want prime attention to be given to constitution writing and give adequate attention to more or less sick economy, which is likely to grow by more than 4 percent this year because timely rains in adequate quantity have helped agriculture (paddy) and timely budget is also likely to have positive impact on growth, despite the fact that capital expenditure has remained unsatisfactory (Rs. 4 billion) in the first quarter of this fiscal. Revenue collection has exceeded the target and unspent reserves of the government are swelling, whose productive investment will have to be accelerated by the next dispensation. The government led by Regmi deserves appreciation for accomplishing the Herculean task of organizing polls and not letting the economy deteriorate further.

Dr. Rawal is a former governor of NRB



"New Mandate To Write Statute"

SUSHIL KOIRALA

After winning the elections from both the constituencies, Nepali Congress leader SUSHIL KOIRALA spoke to NEW SPOTLIGHT on various issues related to the ongoing political debates. Excerpts:

How do you look at the reactions of the UCPN-Maoist?

Everyone can express his or her reaction. I don't think that is the real Maoist strategy. Since we have come a long way after signing the 12-point agreement, the peace agreement and the two CA elections, UCPN-Maoist is now a mature political party. Their leaders will not take hasty decisions. Giving reaction is one thing and making a political compromise is another.

As you also met UCPN-Maoist leader Prachanda, how do you view his reaction?

My discussion with the UCPN-Maoist leader was positive. I assured him that their opinions and stands will be incorporated in the process of constitution making. I have told him that there is a need of a political consensus to draft the constitution.

Since your party is the largest party in the CA, how do you plan to bring in the UCPN-Maoist?

Nepali Congress is likely to take all the necessary political steps to bring the UCPN-Maoist back on track. As we have worked for a long time with them in the past for several years in many issues, we know each other well. I am confident that they will take wise decisions.

The UCPN-Maoist has said the election was unfair and rigged. How do you look at this?

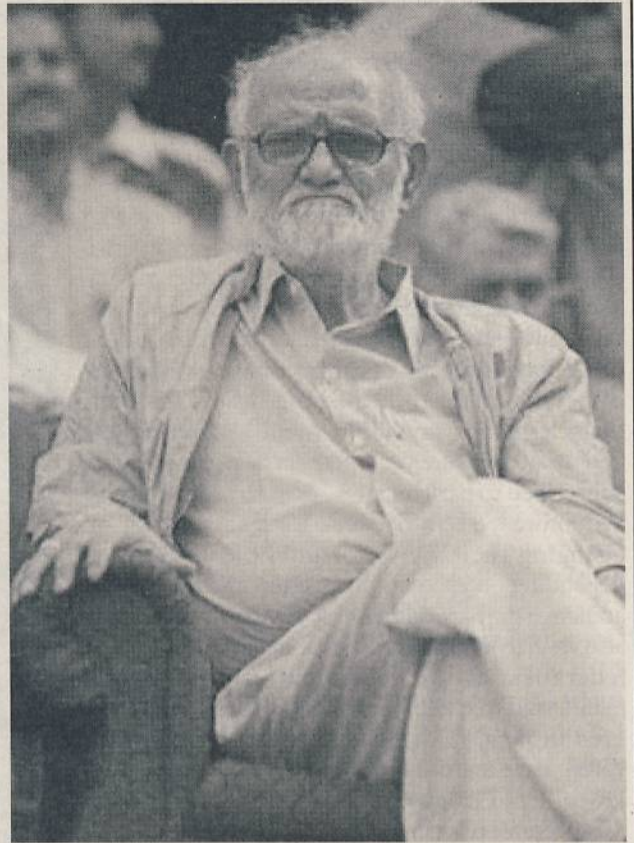
This is not fair on the part of the previous largest party like the UCPN-Maoist to make such comments. I agree with national and international observers, who also termed these elections were fair.

Since you won the elections, you are making such comments. How would you react if you were in the UCPN-Maoist position?

Nepali Congress is a democratic party and we always accept the verdict of the people. Our party had badly suffered in the last elections and I lost the elections too. However, I accepted it by heart. As a worker of a Democratic Party, I don't have any hesitation to accept the verdict of the people. The last time, the people voted me out and this time they elected me. The people are supreme in a democracy.

So, you believe that UCPN-Maoist will join the process?

I have not seen any hostile statement from them. They reacted immaturely on the first day without understating the reality of the situation.



As your party emerges as the largest party, when are you taking the initiative to form the government?

We are waiting for the complete results to come out. We will initiate dialogues with all major political parties before taking any decision. One of the important tasks of the present CA is to draft the new constitution within a year. Formation of the government is also a major priority but we have promised to the people a new constitution in a year.

Given the present structure of the CA, do you think it is possible to write the new constitution?

Since Nepali Congress and CPN-UML have received clear cut mandates to draft the new constitution, we have to write the new constitution within a year. We will accommodate all the voices of the CA and the people in the coming constitution.

As the president of the Nepali Congress what will be your priority?

Our priority will be to draft the new democratic constitution in the country for its development and prosperity. Other priorities are to develop national consensus and work on the basis of consensus politics. There are no alternatives other than a political consensus.

“We Demand Poll Review”

PUSHPA KAMAL DAHAL

As soon as the results of the vote counting started coming out from around the country, the Election Bureau meeting of the UCPN-Maoist called its representatives from the vote counting venues at mid-night of November 20. After asking them to withdraw from the polling sites, UCPN-Maoist chairman PUSHPAKAMAL DAHAL spoke to media persons about its decision.

Your party has faced a humiliating defeat in the election, was not it a failure of your leadership?

It is not only the question of leadership, it is a question of the overall fraud during the elections. We have not been saying this just by looking at the vote counting in Kathmandu. We have been receiving messages from all over the country regarding the rigging in the elections. We took part in the elections not that we would secure the first position. We believe in a democratic spirit and the Constituent Assembly.

Threatening to boycott the elections, are you demanding another election?

We are not demanding another election. What we are demanding is a review of the election process. Our conclusion is that the elections are unfair and biased. If the review is not done, there is no question about joining the CA. We are clear on that.

Is it just a drama to join Vaidyaji? How do you see the possibility of joining the hands with Vaidyaji?

Our decision has nothing to do with joining the hands with Vaidyaji. Our opposition is against rigging and fraud in the elections.

Why did your party hastily pull out from the process?

We have recalled all our representatives from the counting centers after the Election Commission declined to positively respond to our decisions. We have got evidences of how ballot boxes were changed and the seal label on it smashed. There are many ballot papers which are more like fake ones. Our representatives from throughout the country repeatedly raised the issue of tampering of ballot box and ballot paper. Nobody listened to us. Out of our expectations, this election is unfair and bias. Since the elections results and elections are against the 12 point agreement, comprehensive peace agreement, they must declared null and another free and fair fresh elections should be held.

How do you international reactions?

I don't have to say anything about the reactions of international and national observer groups. So far as voting is concerned, it is fair. However, the ballot boxes are tampered only after the voting or during the time of collection. Even Nepal Army and Armed Police Forces did not allow representatives of our party.

What would your party's stand be in case the EC continues the process?

Our party will refrain from the constitution drafting



process if the polls are not reviewed. There was rampant rigging, both seen and unseen, all over the country in a well-planned manner. This is not the verdict of the people. This is the verdict of the fraudulent ones.

Did not the Election Commission listen to your demand?

It is unfortunate that the Election Commission even directed our party agents to accept even the boxes with broken seals, containing ballot papers that were not properly kept or those packed with an unusual number of ballot papers.

Does that mean your party will not be involved in the election process?

There is no question to get involved in the constitution drafting process. Since this election was a great conspiracy against the UCPN-Maoist, the change agent of 2006-07 people's agitation, Madhesh Andolan and People's War, we cannot take part in it. All forces are united against us.

However, international elections observer groups and national observers have termed the elections free and fair. How do you look at this?

They have done their job. It is not mandatory for us to accept what they said. They don't understand how the ballot boxes and ballot papers are tampered.

It means your party will not accept verdict?

Our party will not accept the results because they are contradictory to the aspirations of the people. We have got proof that international power centers had conspired to defeat UCPN-Maoist.

Does it mean your party will pull out from the peace process?

Despite the major setback, our party has no intention to pull out from the peace process based on 12-points agreement.

The Old Guard Returns

By YUBARAJ GHIMIRE



Early results and trends show parties contesting on radical and ethnic platforms have lost. However, the losers' rejection of the results does not bode well for the new Constituent Assembly.

The results and trends of the Constituent Assembly (CA) election for the 240 first-past-the-post (FPP) seats clearly indicate a hung House, with the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) and the Nepali Congress emerging as near-equal forces. The Unified Communist Party of Nepal-Maoist (UCPN-M) and the Madhes-based parties — the self-proclaimed forces of change — have suffered humiliating reverses. Worse, both have indicated they will not own the poll outcome, nor be part of the new CA. If the results for the 335 seats under the proportional representation (PR) system — to be declared next week — confirm the current trend for the 240 FPP seats, the forces that the UCPN-M calls “status quoits” will dominate the House. Besides, the pro-monarchist Rastriya Prajatantra Party-Nepal (RPP-N) is expected to have a sizeable presence under the PR system.

The results so far and, more importantly, the refusal of parties that have suffered setbacks to participate in the CA have not only disappointed the international community — mainly, the UN, US and India, who had hoped the election would bring Nepal back on the constitutional track — but also brought the relevance of the CA and its ability to draft a constitution into question. The response of the losing parties is also proof that they are still far from adapting to a democratic culture, which demands a graceful acceptance of the mandate.

Who lost and why needs careful analysis:

The UCPN-M, after ending its decade-long (1996-2006) insurgency, came to the peacemaking and democratic process and won a resounding victory. Similarly, the Madesh parties, which advocated radical federalism — including the “One Madesh, One Pradesh” demand, seeking a single province for 51 per cent of the population, without taking into account socio-economic and educational disparities in the region — have nearly been decimated, with all top leaders losing this time round as against the 82 seats they had earlier. Both the UCPN-M and the Madhes forces brazenly misused power in government, indulging in financial and other irregularities. In this election, any party raising radical and ethnic issues has lost.

The first CA, its parties and their key leaders concentrated more on holding on to power than moving

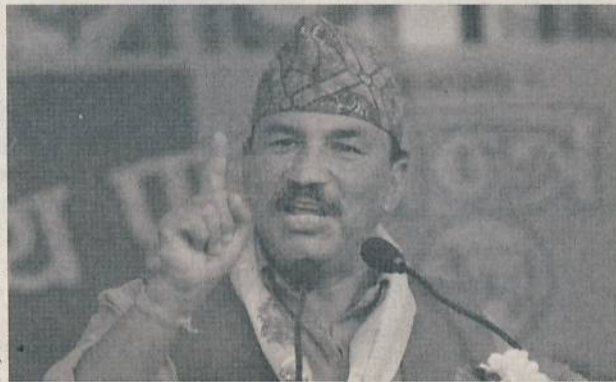
together towards a settlement of contentious constitutional issues. The monarchy, traditional political forces and those associated with past regimes were all deliberately kept out of the constitution-making process. A particular party or parties can be kept out of governance based on the mandate of the time. But deliberately denying space to non-conformist forces reduced the acceptability of the said process. Jawaharlal Nehru chose to work not only with the conventionalists within his party, like Rajendra Prasad and Sardar Patel, but also with Syama Prasad Mookerjee.

In Nepal, veteran Gandhian K.P. Bhattarai was able to deliver the pro-democracy constitution in 1990 within the stipulated timeframe because he displayed the same spirit towards the previous regime that Nelson Mandela did in South Africa around the same time. But the pact between the Maoists and an ambitious but ageing G.P. Koirala, who led the 2006 movement for democracy, had hastened to remove the monarchy without involving the people or following due process. This created a political and constitutional vacuum. It also invited international forces to get involved in Nepal's domestic affairs. At the stroke of midnight on May 28, 2008, the CA had declared that the monarchy was abolished forever.

Gyanendra Shah, the deposed king, immediately declared that he would accept any decision that the people of Nepal took and any position they would offer. He also declared that he was placing, for the moment, the scepter and crown in the safe custody of the people. That response — against the backdrop of his quest for power and direct rule of 15 months till April 2006 — transformed his image into that of a nationalist. In that light, the RPP-N's rise and the crushing defeat of the pro-republican forces, such as the UCPN-M and the Madhesi groups, are significant.

The election's message that the CA cannot salvage the country must also be seen as a disapproval of the international community's reading. In 2006, the monarchy, traditional forces and those supporting the old regime were excluded. Now, it was the turn of the radical left groups such as the breakaway Communist Party of Nepal-Maoist, which refused to contest. This has seen an expansion of the “excluded” list of groups. An election is an explication of the public's mind, but it is only in a democratic and accountable society that both winners and losers read the mandate correctly and move in the right direction. There is little hope in Nepal that they will. The early responses have made that fear real. ■

Courtesy: Indian Express



RPP Nepal Leader Kamal Thapa

POLITICS

Destination Stability

Although Nepali Congress, CPN-UML and UCPN-Maoist together have secured a thumping two thirds majority in the recently concluded election to the Constituent Assembly, they are no guarantee to political stability and constitution writing. After meeting his arch rival CPN-Maoist leader Mohan Vaidya, UCPN-Maoist leader Pushpa Kamal Dahal has indicated that he can go to any extent against the current verdict. Similarly, the formation of the new government is going to be more difficult in a hung parliament as Nepali Congress and CPN-UML are both claiming to lead the next government. The confusion will put the country back in its course of prolonged political instability

By KESHAB POUDEL

Despite securing two thirds of vote together, three major political parties, Nepali Congress, CPN-UML and UCPN-Maoist are yet to inject a sense of political stability and guarantee to promulgate the new constitution in time.

The November elections were held to establish a legitimate and accountable government, accelerate economic growth and draft the new constitution as per the Comprehensive Peace Agreement signed between Maoists and the then seven-party alliance.

Given the current political actions and reactions, there is a long way to go for the parties to achieve these goals. Although Nepal gets a strong international support and backing for the election, the country has yet to form a stable domestic political alliance. "Nepal needs to write the new constitution to guarantee stability in the country. Nepalese have shown that they can hold free and fair elections," said former US president Jimmy Carter who observe the CA elections leading Carter Center.

As the vote counting for the FPTP has already completed and the Election Commission is making its best efforts to count all PR votes soon, Nepal's three major political parties, which promised to give stability and constitution, are yet to come together.

Although UCPN-Maoist leaders, who issued a statement at midnight of November 20 to take any hostile action, are gradually softening their stand, they continue to threaten destabilizing the political process, and not to participate in the coming CA without fulfilling their four demands.

After facing a humiliating defeat in the election, UCPN-Maoist leaders used all kinds of loaded words to criticize the two major political parties and Election Commission. UCPN-Maoist leaders even met their arch rival and CPN-Maoist leader Mohan Vaidya and called for a broader alliance against the current verdict.

UCPN-Maoist chairman Prachanda and Dr. Babauram Bhattarai and Narayankazi Shrestha met a CPN-Maoist team led by Mohan

Vaidya Kiran, Ram Bahadur Thapa Badal and Dev Gurung, asking them to join hands against the conspirators.

Although both sides discussed and shared their views, they are yet to make any agreement to form a joint front to launch such agitation. "It was just an informal meeting. There is no question to form a joint struggle as long as UCPN-Maoist does not publicly confess its mistakes about participating in the elections and giving up the stand taken in the People's War," Dev Gurung, who was also involved in the meeting, told New Spotlight.

Having enjoyed power for the last three years, taking stands on national and international issues, UCPN-Maoist has already had the much-needed exposure in the international arena. Given the present political scenario, it has a very limited chance to go out of politics. Their second statement issued on (Monday 22, November) has completely contradicted to their earlier statement of November 20. Along with growing

national and international pressure, UCPN-Maoist leaders are heaving a sigh of relief to see voters in favor of them under proportional representation.

"The Constituent Assembly is our baby and there is no question to give it up. If Nepali Congress and CPN-UML agree to fulfill our four demands, we will join it," Agni Prasad Sapkota, spokesperson of CPN-UML told New Spotlight. Our condition includes: give place in constitution making process to those political parties which boycotted the elections and amend the constitution to make it consensus based. If there is no hope to write people oriented constitution, there is no sense to join the CA."

Under the UCPN-Maoist leadership, 10 parties which suffered badly in the elections even demanded High Level Independent Investigation Commission to investigate incidents of rigging in the recently concluded elections.

The people voted for the country's major parties by ignoring the threat of bombs and hoping to see stability and new constitution for the country. All their hopes dashed when UCPN-Maoist decided to pull back its representatives from counting venues accusing fraud in the elections and forged alliance with hostile forces.

When the common people went to vote, they expected the new Constituent Assembly to bring stability and new constitution and economic prosperity. The people gave over two thirds to Nepali Congress, CPN-UML and UCPN Maoist, which claims to be a messiah of the New Federal Democratic Republic.

In the last CA elections, people voted UCPN-Maoist as the largest party, with two thirds of vote to the CPN-UML, Nepali Congress and Madheshi front combine. Although RPP-Nepal failed to secure any seat in first past post system, the party is following Nepali Congress, CPN-UML and CPN-Maoist in the proportional category. RPP-Nepal even secured the second highest vote



RPP Chair Surya Bahadur Thapa, CA Member Sunil Thapa (Centre) and Siddhartha Thapa: Victory Parade.

in Kathmandu's ten constituencies.

Out of 121 parties, which contested the elections 2013, nine political parties secured their positions in the first past the post system. Nepali Congress secured 105, CPN-UML 91, UCPN Maoist 26, RPP 3, Madheshi Janadhikar Forum (Democratic) 4, Terai Madhesh Lokatatrik Party 4, Madheshi Janadhikar Forum 2, Sadbhvana Party 1, Terai Madheshi Sadbhvana Party 1, Nepal Majdoor Kishan Party 1 and Independent 2.

New Equation

Now new equations and new political fronts are emerging. RPP-Nepal has shown as a major forces securing forth positions. Nothing is likely to fulfill what the people have been aspiring for a long time. Although Nepal has seen a relative peace and drastically lowered number of killing after the elections of 2008, what Nepal did not find was a stable government and the promised new constitution. Given the present scenario, these still seem to be elusive.

Nepalese people have seen many political equations and sacrificed everything for the sake of stability. In the last few decades, Nepal has turned from monarchy to republic, from a Hindu kingdom to a secular state, from unitary nation to a federal

country. However, nothing has addressed the people's aspirations. With the voter turnout of over 70 percent, the second election to the CA is likely to end in a similar state as all its predecessors given Nepal's last five decades of experience.

UCPN-Maoist and other regional fringe parties have already formed alliances to oppose the second CA poll results. Termed as one of the most fair and free polls ever held in Nepal by international and national observer groups, the results of the second CA polls landed in controversy following the withdrawal by UCPN-Maoist and some regional based parties from vote counting.

UCPN-Maoist Strategy

After announcing to pull out their representatives from vote counting at midnight of November 20 accusing massive rigging in the elections, UCPN-Maoist is yet to formulate its strategy. The first meeting of the politburo directed the leadership to engage in broader alliance with like-minded parties and forces. Similarly, the meeting also directed the party to organize protest programs nationwide and organize awareness campaigns against elections fraud in all 240 constituencies.

As the UCPN-Maoist leaders are

under growing pressure, the party is likely to launch street agitations. However, UCPN-Maoist does not have many choices other than to pursue the peaceful politics in view of the intense international pressure. UCPN-Maoist is likely to organize some kind of political protests to pacify its workers. But, it is unlikely to continue such kinds of acts for a long time to come. Once Maoists organize the protest, it is likely that there will be political polarization among the forces which have lost the elections.

Government Formation

After the completion of the counting of votes, the most difficult challenge will be to form a new government. As there is no possibility of a clear majority for any major political party, the formation of a coalition government is most likely. Nepali Congress and CPN-UML have already started calculations about the formation of the new government. Since the Maoists will also have a formidable strength in the coming CA, with 80 seats, it will be in a position to play Nepali Congress and CPN-UML in the process of making the new government.

International Support

Along with Nepalese voters, the international community, India, China, U.S, Germany, Japan & EU and United Nations have hailed the CA polls and its results as a great success. Their goodwill, however, may not

pursue Nepal's political actors to provide stability.

Along with Nepal's two neighbors India and China, the United States of America, European Union, Japan and UN thanked the government, Election Commission and Nepali people for conducting free and fair elections.

The Indian Ministry of External Affairs said, "The successful conduct of free and fair elections ... in Nepal for the Constituent Assembly-cum-Parliament is an important step towards realizing Nepal's goal of a democratic and prosperous future. The people of Nepal, political parties, government and security forces and the Election Commission of Nepal deserve to be congratulated for this achievement. The impressive turnout reflects the faith that the people of Nepal have reposed in the democratic process."

Similarly, spokesperson of Chinese Foreign Ministry in Beijing hailed the CA elections as free and fair. The foreign ministry spokesperson held the view that the election will bring stability in Nepal.

Similarly, the United States congratulated the people of Nepal on their November 19 Constituent Assembly elections. These elections mark a vital step in the peace process that began in 2006.

According to the press statement by issued by U.S. Embassy, elections like these are a milestone not just for Nepal but for the people around the

world working to rebuild after conflicts and resolve disputes via constitutional and homegrown means.

"The turnout shows their determination to take the peace process forward. The new Constituent Assembly will have the historic responsibility to complete a new constitution, building upon the impressive gains in the peace process so far, and thereby promoting national dialogue and genuine reconciliation. The United Nations remains committed to supporting Nepal in its transition towards a peaceful, democratic and prosperous future," said UN in its press release

Likewise the Federal Foreign Office Spokesperson Germany issued the statement in Berlin on the elections to a Constituent Assembly held in Nepal on 19 November.

"We welcome the elections which have successfully taken place in Nepal for a new Constituent Assembly which will also take on the role of a parliament. We congratulate the interim government, which has succeeded in ensuring a free and credible election. This is an important step towards stability and economic development," reads the statement. "We urge the elected representatives to cooperate constructively to draw up a constitution which meets the expectations of the people."

In her statement, EU High Representative Catherine Ashton hailed the elections to the Constituent Assembly of Nepal.

"I welcome the successful poll of 19 November 2013 in Nepal which marks a further step in the consolidation of its democratic transition. I congratulate the people of Nepal for having exercised their right to vote in large numbers, despite attempts to prevent them from doing so," the High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the Commission said.

With these elections, the people of Nepal have now given a clear mandate



Former US President Jimmy Carter

to the new Constituent Assembly to complete the drafting of the Constitution.

"I am confident that the Constituent Assembly will assume its responsibility and promptly deliver on this crucial task, so that the political stalemate can be overcome, legitimate and effective institutions put in place and local elections held as soon as possible. I encourage all political stakeholders to make this possible by adopting a constructive role in this historic moment," said the statement.

"I commend the role played by the Interim Election Council of Ministers, the Election Commission of Nepal and participating parties, as well as the valuable contributions by national and international observing organizations and in particular, by the EU Election Observation Mission headed by the European Parliament Member Mrs Eva Joly."

Japanese Press Secretary, Ministry of Foreign Affairs of Japan, in a press statement, welcomed the holding of the second Constituent Assembly election in Nepal on November 19th in a largely peaceful manner without major confusion.

"Japan expects that Nepal will make a steady progress toward establishing a new constitution and continue to consolidate its democracy."

Interim Government

By successfully conducting the elections to the Constituent Assembly on November 19, the main task of the present interim government led by Khil Raj Regmi has come to a conclusion. As the vote counting for the proportional representatives continues, it will take at least a month for the formation of the new government to replace the present one. Although Nepali Congress emerged as the largest party after winning 105 FPTP seats, followed by CPN-UML 91 and UCPN-Maoist 25, CPN-UML is marginally leading in the counting of proportional representatives. Till the counting of over 2 million vote out of 8.1 million total votes, CPN-UML, Nepali Congress, UCPN-Maoist are in

"The Government Is To Facilitate The Process To Convene The House"

DR. BIPIN ADHIKARI

The Constituent Assembly (Ca) is sovereign body acting according to the rules and procedures laid by the Interim Constitution. It is the responsibility of the government to facilitate the process to convene the house as soon as all results of the elections are declared and notified by the Election Commission. The President may be advised to call the first meeting of the Assembly.

Following the parliamentary traditions of Nepal, the first meeting will be chaired by the senior most member of the house.

He/she will start the initial proceedings, and allow the house to adopt its separate Rules for both the constitution building and parliamentary businesses. Once these Rules are adopted, they will be followed in all subsequent activities of the house.

It is possible for the house to create a taskforce to work on the Rules. The CA Secretariat may therefore be advised to work on the expert draft to facilitate the task force. The provisions in the constitution on constitution building are very limited and do not provide for all exigencies. As such, the CA will have to make these Rules under the authority of the Interim Constitution which provides that the CA shall subject to the provisions of this constitution, frame rules for conducting its business, maintaining order during its meetings and forming committees, regulations functions, procedures and any other matters relating to its internal committees.

The process for the formation of the government will be started after the adoption of the Rules. It is not clear whether the election to replace the present president or vice president will be held first or priority should be given to the formation of the government. In any case, this is an issue to be settled by the CA itself in its plenary, as the Constitution does not give any clue in this regard.

The challenge is to learn from the experience of the first CA which failed to deliver a constitution, and provide for new efficient arrangements without ignoring what has already been achieved so far.

(Experts of telephonic conversation with constitutional expert, Dr Bipin Adhikari)

the first three slots. Although it did not win any seat in First-The Past-Post-System, RPP-Nepal is taking the fourth position in proportional representatives system.

Constituent Assembly Role

Although the election is nearly over, there is some uncertainty about the authority to summon the session of the Constituent Assembly. After the counting of vote is complete, the Election Commission will publish the name list of winners and send them to the Constituent Assembly.

According to the Interim Constitution of Nepal 2006, the prime minister is given the authority to summon the session of Constituent Assembly within the 21 days after the completion of elections. Given the present situation when there is the chairman of the Council of Ministers, a constitutional controversy regarding the authority to summon the Constituent Assembly has begun.

Some constitutional experts argue that there is the need to amend the constitution to give the authority to

summon the session of the House to the chairman of the council of ministers. Other argue that the president can summon the house.

According to the Interim Constitution, once the CA is summoned, the session of the House senior most member of newly elected CA will chair the session and he will be responsible to administering oath to the other members. (See Box)

Possible Scenario

Given the current political combination, more political instability with a hung parliament is likely. The politics will polarize between UCPN-Maoist led regional party's alliance and NC-CPN-UML combine. UCPN-Maoist is likely to make some kinds of alliance with Maoist. There will be more constitutional deadlock in the process of constitution writing in the present scenario. With UCPN-Maoist led alliance pursuing ethnic based federalism, NC-UML combine with federalism on geography and anti-federal forces under the RPP-Nepal, political deadlock is inevitable. ■





ELECTIONS

Young Voices

More than 40 per cent of voters between 18 and 25 years cast their votes, now will the new CA address the aspirations of the youth?

By NIKKI SHARMA

Ravi Nepal, 21, an engineering student, says, "I didn't cast my first vote because I did not see any eligible candidate whom I could vote for. In the 2008 election, party leaders had expressed their commitments to write the constitution, but they failed to do so. Given the present scenario, when the UCPN-Maoist has announced they will not take part in the new Constituent Assembly, I believe the political leaders will not write the constitution in one year."

Tired of the rhetoric of political leaders, young voters, who cast their votes, did so very thoughtfully to choose deserving candidates. With the hope for a better future and quality life, over 40 per cent of the youth, below the age of 25 years, participated in this election. The youth involvement has played a vital role to elect the diligent leaders for the nation.

"I want peace, economic prosperity and quality of life in my country. I went to vote with some hope from the candidates. If they fail to listen to us, we can teach them a lesson the next time," said Laxmi Ghimire, 22, a resident of Chettrapati.

Laxmi and Ravi are not the only two youths who are expecting a better future for their generation from the

new Constituent Assembly. Thousands of other youths hold similar views. With the access to the views of a broader public, through social networks like Facebook and Twitter, the youth are expressing their anger and support in favor of candidates and against the candidates.

Along with supporting the new leaders like Gagan Thapa and Udaya Sumsher of Nepali Congress, Sunil Thapa of RPP and Rabindra Adhikari of CPN-UML, a group of youth has also formed a party named Bibekshil to change the dynamics of politics.

However, they are yet to make any visible impact on politics. Compared to the number of young candidates, an overwhelming number of winners in the elections are over 40. The number of young girls is very negligible.

The total number of candidates was 10, 709 (ten thousands seven hundreds and nine). Among them 5,448 were males, and 5,219 were females. The age ratio was 48.

"Had there been more young candidates, the election campaign would have been different," said Ghimire, who actively took part in the election campaign the last time. "We know nothing can change overnight but there is a hope for us."

Due to our political tradition, the young people rarely get the opportunity to get involved in politics. One has to go through a series of political schooling to become a leader at the center. Politicization begins from the school days when he or she has to join the student wings. Due to this system, many people, mainly the youth don't want to get involved in the field of politics. Nowadays, they mostly show their political involvement through the social media, engage in other fields, such as technical areas, and if possible, go aboard for better jobs and quality education.

The youth participation has an important role, meanwhile, women's viewpoint and their partaking has equal role to elect the diligent leaders for the nation. In our country women's population is higher, so to make their circumstances better, female youth empowering and mobilizing programmes should be organized and youth aspirations addressed.

"I cast my vote for quality education in the country, youth employment with better income, elimination of domestic violence and child labor and right constitution with good laws and codes," says Diptanjali Gautam, 21, a student of Masters in B.S.W, who voted for the first time in the CA election of 2013. "Every youth has his or her own aspiration and I hope the elected leaders will fulfill the youth's agenda." ■

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India's National Poll-itics



By ABIJIT SHARMA

At a political rally earlier this week the opposition Bharatiya Janata Party (BJP)'s Prime Ministerial candidate, Narendra Modi, termed the ruling Congress party as a 'termite'. He said, 'they always practice politics of manipulation and fixing. This has been the hallmark of Congress party'.

And the Congress seems to be seriously living up to the allegation. Earlier this month, Sri Lanka held the Commonwealth Heads of Government Meeting in Colombo. The biennial meeting brings the heads of government from all Commonwealth nations together to discuss various contentious issues especially the ones affecting the member nations. However, the meeting this time grabbed headlines for all the wrong reasons. It came under a cloud after the heads of government from countries

including India, Canada and Mauritius boycotted the summit over the host country's President Mahindra Rajapaksa's human rights record.

Although Rajapaksa's 2009 brutal suppression of the long-running Tamil Tiger insurgency drew criticism from many corners especially over the alleged excesses by the government forces the decision taken by

Manmohan Singh's was in no way a show of solidarity to the ethnic Tamil population in Sri Lanka. It was rather, as Modi alleged, another instance of Vote Bank politics. As India goes to polls next year the Congress did not want to risk losing support of two main Tamil parties in its own Southern state, the DMK and the AIDMK. It was simply a strategic move to court the Tamil vote.

The Indian state of Tamil Nadu enjoys very close cultural and historical ties with the Sri Lankan Tamil population. Parties like DMK and AIDMK have been staunch supporters of the Tamil movement in Sri Lanka and have time and again criticized the central government for not taking a strong stand against Rajapaksa's government. This time around, Tamil Nadu Chief Minister J. Jayalithaa from AIDMK got the state assembly to adopt a unanimous resolution urging the prime minister not to go to Colombo. The Centre just obliged.

The Manmohan Singh government's move may appease the domestic vote bank in the south of the

country, but the diplomatic snub to Colombo could be costly for the relations with the island nation. It could also cost the South Asian power its leverage in the region. Two immediate beneficiaries would be Pakistan and China. Not surprisingly, Pakistan already capitalized on the situation, sending in a powerful delegation headed by Prime Minister Nawaz Sharif and showing firm support to the Rajapaksha government. India's move will surely further enhance cooperation between Pakistan and Sri Lanka. Also, it is not hard to predict that China, whose diplomatic, economic and military footprint in Sri Lanka and across south Asia has been growing bigger and bigger, will pounce upon the situation too. All this will be a big setback for India.

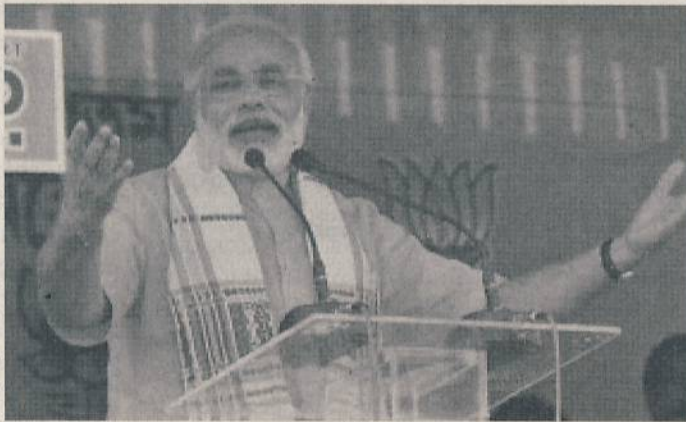
The decision to not participate in the meeting will also have serious repercussion on the Congress's image. It has

already received flak for taking decisions of national importance under pressure from regional parties. With elections just round the corner, the Congress has bolstered its critics that it has been playing on Vote Bank politics for petty partisan gains at the cost of broader national interest.

If the decision will actually help Congress or not in the 2014 election is

yet to be seen. What's already visible is that Congress will do everything to remain in power, even by compromising national interest to please its own vote-bank. Well, if other parties would have acted differently is also open to question. But since the Congress is in power now, the focus of attention has been on it.

SHARMA is Research Associate at India Center Foundation, New Delhi (abijit.sharma@indiacenterfoundation.org)



Narendra Modi

Global Coverage

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Global Coverage

J.P. CROSS

Heart In Nepal

Although several hundred Nepali people, who went to the United Kingdom over the last decade, have already secured the British citizenship, J.P. Cross, who have been living in Nepal for over five decades now is yet to get that right

By A CORRESPONDENT

A saying goes: your home is where your heart lives. In its historic decision, the Indian Supreme Court decided a long time back defining that citizenship is purely related to love, affection and attachment with a particular country.

Nepal's Supreme Court has also made several landmark decisions on citizenship, some very much influenced by the Indian Supreme Court verdict.

However, in the life J.P. Cross, a British national living in Nepal for over five decades now with great attachment and affection, the exception applies. Whenever a Nepali is denied a visa by the U.K Immigration office or the rights of Nepali retired Gurkhas are denied in England, a hue and cry starts back home. Even the families of Nepalese origin, residing in the U.K., are suing the government seeking the citizenship right to their family members and hundreds of Nepalese have already secured British citizenship or permanent residency. However, there is rarely anybody to demand similar rights in Nepal to a British national. Their voice is unheard.

Although J.P. Cross, a retired British Army serving the British Gurkha, is almost over ninety, living in Nepal over the decades, the government is yet to take a decision on his citizenship. After the success of the People's Movement II, over 3 million citizenship certificates were issued to the people of Indian origin. However, J.P. Cross was not among them.

He meets all the criteria required for Nepalese citizenship on the basis

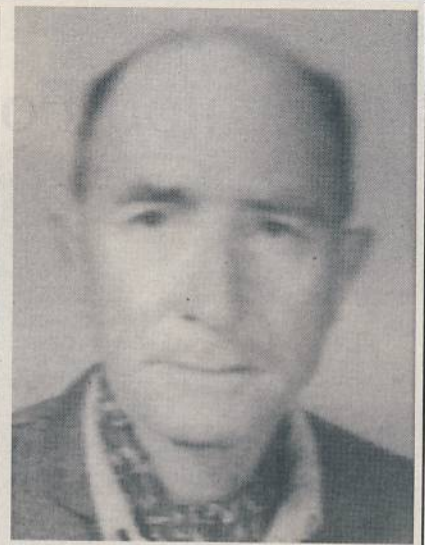
of domicile. The Citizenship Act and Interim Constitution have provisions to provide Nepali naturalized citizenship to foreigners who complete certain criteria.

J.P. Cross, who has spent almost 68 years in close association with Nepalis as soldier, scholar and resident, has written a number of books on Nepal, and can speak Nepali fluently. Sadly, Nepali state, intellectuals and professional communities, for whom he sacrificed his entire life, are yet to come out. Even the government of Nepal is yet to recognize his scholarly contributions made to protect Nepal's history.

After the amendment of Citizenship Act 2020 B.S and amending the constitution and regulation, more than 3.8 million people have already secured citizenship in Nepal. However, J. P. Cross, despite his immense contribution to Nepal, does not figure among them. His citizenship application is still pending in the Ministry of Home Affairs. He wants citizenship certificate by domicile.

There are several organizations pleading the rights of Nepalese Gurkhas, who served in the British Army at one or the other time. However, nobody has been speaking anything for the genuine cause of J.P. Cross, who completed honors degree in Nepali from the Tribhuvan University. His fluency is of a high order, as he is often mistaken for a Nepali. He has already written nine books. His last book was *The Throne of Stone*.

JP Cross walked over 10,000 miles



J.P. CROSS

of Nepal and is known far and wide, especially among the hills people. He was losing his sight and was led and looked after by his surrogate son, Buddhiman Dura. After regaining partial sight, he was given the unique and benevolent privilege by late King Birendra of being the only non-Nepali to be a land- and house-owner in his own right, as well as, beginning permanent resident.

Buddhiman's villagers see him and his surrogate father as having been of the same family in a previous incarnation and fated to meet up eventually. Likewise, they will be together in a future incarnation.

If one stays for fifteen years continually in Nepal, he or she is eligible for a Nepali citizenship. Living in Nepal for more than six decades, Cross deserves a Nepali citizenship in every way. Nepal has three ways to give citizenship, by parentage or decent, domicile or naturalization. One can get it by marriage as well. The third is by birth. Australia, America and Japan have this kind of provision.

At a time Nepal government is pressing for other countries to honour Nepalese interests, Nepal government has to offer Nepalese citizenship to J.P. Cross, who is more patriotic than many others. If Nepal fails to respect the international norms and fail to work in reciprocity, it will have to face many difficulties. ■

KUSL

Instituion For Excellence

KUSL is heading towards a research based approach to legal education

By A CORRESPONDENT

Professor Dr. Surya Subedi, a noted Nepalese legal scholar based at Leeds, UK, emphasized recently the importance of research based approach to legal education in Kathmandu recently.

Speaking at a seminar organized by Kathmandu University School of Law (KUSL) in association with Alliance for Social Dialogue (ASD) and Nepal Constitution Foundation (NCF), Professor Subedi appreciated the effort of the Kathmandu University to establish a quality legal education system at KUSL. In addition, he also spoke about the issue of establishing a think tank on constitutional and policy matters and the challenges pertaining to its incorporation under the university patronage.

The discussion was attended by members of the KUSL Steering Committee, founding Registrar of Kathmandu University, faculty members, law advocates and staff members from NCF. Following a welcome note by Dr Bipin Adhikari, the Coordinator of School of Law Steering Committee, the program was initiated through Dr. Subedi's presentation on the "prospects and challenges" of forming a Law School at Kathmandu University and the establishment of a think tank under the University's banner. Subsequently, a discussion was held with the members involved raising concerns and seeking Dr Subedi's expertise. The discussion was facilitated by Dr Surya Dhungel, representing KUSL Planning Advisory Committee.

Dr. Subedi initiated stressing the importance of creating competent

legal experts in Nepal citing a dearth of internationally qualified legal practitioners in the country. In addition, Dr. Subedi stressed the need to establish a research based approach to education. Citing the scenario prevalent in UK, Dr. Subedi highlighted the emphasis put on research based orientation for students from GCSE level (Equivalent to SLC/+2 level in Nepal). Furthermore, Dr. Subedi highlighted the challenges pertaining to Asian students mainly Nepali, Indian, Chinese and Arab etc due to lack of emphasis provided on research based education culture. According to him, research based orientation is imperative in legal education, not only because it provides law students with impetus to write adequate opinions but it also enhances comprehensive reports writing tools and develops critical analysis skills.

In addition, Dr Subedi promoted the idea of establishing a research intensive law school that caters to international standards and produces internationally competent graduates. Secondly, Dr. Subedi advocated for focus on specialization programs rather than generalized courses. Citing the rising demand for specialized experts, Dr. Subedi emphasized the necessity to create research oriented specialized experts.

In terms of seeking international affiliation, Dr. Subedi highlighted the important criteria the university must meet in order to garner international recognition. Speaking from his personal experiences from the University of Leeds, Dr. Subedi highlighted three main criteria that are

essential in acquiring affiliations: 1. The faculty of the University: (What are the qualifications of the faculty members) 2. The standing of the University: (What sort of research output does the University produce) 3. The physical facilities provided by the University: (Infrastructure, management systems, teaching capacity etc). Further, Dr. Subedi added that, in terms of Law schools, library is another aspect that demonstrates the stature of its facilities.

In terms of International recognition, Dr. Subedi stressed the need to systemize the research output produced within the country conforming to international standards. In terms of publications, Dr. Subedi stressed the need to confirm through ISSN and ISBN serial numbers to provide an international record and systemized access medium for its distribution to create an international standing for Nepali legal experts. In addition, Dr. Subedi encouraged the KUSL faculty members to approach and seek affiliation from Asian Law Institute (Singapore, 2003) which associates with the best Law School faculties around the Asian continent. In addition, Dr. Subedi urged the Steering Committee to facilitate events organized through the Institute in the country along with research affiliations with reputable universities around the world. Also, Dr. Subedi assured the Steering Committee that he would be exploring all the avenues within University of Leeds and other universities around the UK to provide any kind of assistance to KUSL.

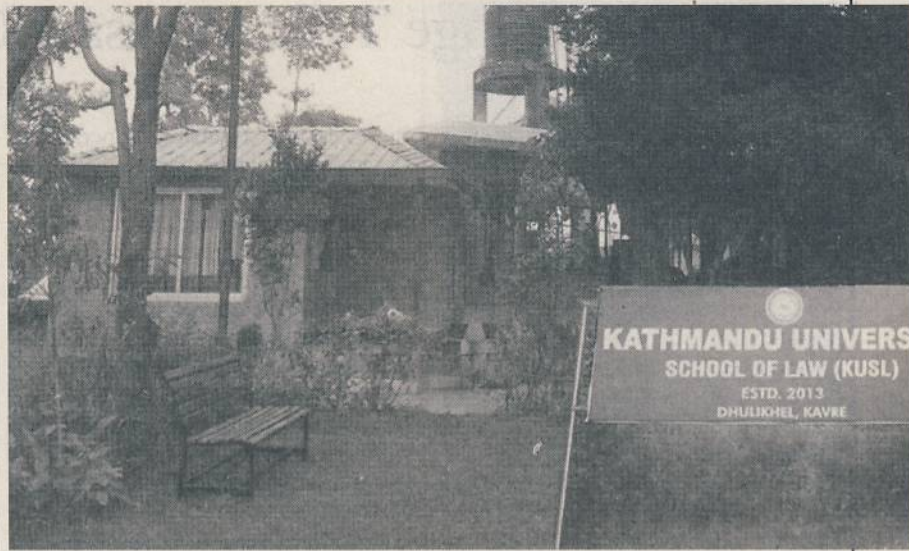
In terms of establishing a think tank under the KU banner, Dr. Subedi acknowledging the lack of adequate think tanks in Nepal commended the proposal. In addition, Dr. Subedi outlined the model created by BIIS (Bangladesh Institute of International Strategy) where the salary structure for staff members is substantially better than provided by the

government. In addition, they require the staff to be full time researchers at the institute and maintain a politically neutral stance. A retired Army General sits as a counselor of the think tank to keep an eye on the proceedings and prevent from the leakage of valuable government information. Moreover, the institute provides policy advice regardless of the different political upheaval in power regimes. Dr. Subedi then went on to stress the uphill task to the Steering Committee in establishing a politically neutral think tank in light of the heavy politicization demonstrated in every aspect of Nepali culture.

Following Dr. Subedi's presentation, a discussion was held with the members involved raising concerns and seeking Dr Subedi's expertise. Mr. Daman Dhungana acknowledged the onerous task taken by the Steering Committee in establishing a school of law at KU. Seeking Dr. Subedi's help in receiving goodwill and any other form of assistance, he promoted the credibility of the people in charge and stressed the right steps taken in order to create a holistic legal education centre matching national and , in the future, international standards.

Dr. Sitaram Adhikary, founding registrar of KU, stressing the challenges inherent in establishing a school of law at KU mentioned the role of credible faculty in undertaking the task with guaranteed success. In addition, Dr. Adhikary stressed the importance of the incubation period of the university in creating a proper legacy for quality legal education. According to him, KU must strive to be a trend setter from the onset in order to garner top students as well as faculty in order to ensure the long term prosperity of the University.

Ganesh Datta Bhatta, Associate Professor NLC, highlighted the scope available for people in Nepal



encouraged to work in legal field. In addition, he stressed the need to provide quality education as opposed to the quantitative approach prevalent here. In terms of think tank, he highlighted the need for an independent, neutral and research oriented institution. Moreover, he highlighted commitment and the notion of nationality as important ingredients in the long term success of KUSL and its associate think tank.

Niranjan Acharya, Legal Advisor of KU, raised concerns as to the approaches to self sustainability that the university should pursue. In light of KUSL's debut, he highlighted the need to attract top quality students and provide adequate facilities to the staff members and the students. Moreover, Acharya requested Dr. Subedi's expertise on the aspects the university needs to focus in order to acquire self sustainability, much akin to the other faculties within KU.

B.P. Bhandari, NCF, citing international trends highlighted the dearth of internationally competent legal experts in Nepal in instance pertaining to arbitration, international negotiations etc. In addition, stressing Singapore's development through focus on education, Bhandari advocated for a promotion of a quality

education mechanism to produce able manpower in the future. In addition, Chetan Acharya, NCF, inquired about the prospect of acquiring international recognition and the attributes inherent in garnering such feat.

Responding to the issues raised, Dr. Subedi stressed the need to provide research oriented impetus to legal education to garner international competence. Such competence, according to him, would enable the university to attract top students from foreign countries in the future, thus, contributing to the self-sustainability of the university. In terms of acquiring international recognition, Dr. Subedi stressed the need to seek international affiliation in agencies such as the Asian Institute of Law. In addition, Dr. Subedi stressed the need to produce internationally competent research output through qualified faculty to attract international interest and top students, hence, increasing the reputation of the university worldwide.

Dr Surya Dhungel who facilitated the discussion said that the KUSL will continue to interact with other leading professors in the future as well. He also thanked the speaker for his time and contribution to the discussion programme. ■



Climate Change Talk: Warsaw Outcome

By BATU UPRETY

As in previous climate change conferences, over 10,000 negotiators, scientists and climate change specialists of over 190 countries and representatives of the UN and its specialised agencies, inter-governmental organisations, non-governmental organisations and media met in Warsaw, Poland from 11 to 22 November 2013 to discuss on effective implementation of the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol (KP), and development of a *protocol, another legal instrument or an agreed outcome with legal force* under the Convention applicable to all Parties by 2015 for implementation by 2020.

The Warsaw Climate Change Conference was expected to, *inter alia*, decide on: (i) a clear road-map for 2015 agreement; (ii) international mechanism on loss and damage; and (iii) additional finance to support the developing countries to adapt to climate change, technology development and transfer and capacity building. The 19th session of the Conference of the Parties (CoP) to the UNFCCC and 9th session of the CoP servicing as Meeting of the Parties (CMP) to the KP was held at Warsaw Stadium. Parties found the goal post by late 23 November Saturday to agree on 2015 road-map, international mechanism and pledging the finance by developed countries. Parties also agreed on other agenda items related to national communications, implementation of most urgent and immediate adaptation needs in the LDCs, formulation of the national adaptation plan process, reports of the Adaptation Fund, Global Environmental Facility, Green Climate Fund, technology development and transfer, modalities for Clean Development Mechanism, gender and climate change etc.

The Ad hoc Working Group on Durban Platform for Enhanced Action (ADP) worked well and made a road-map to 2015 agreement to be adopted in Paris during CoP21. The CoP 19 established the Warsaw international mechanism for loss and damage under the Cancun Adaptation Framework to address loss and damage associated with impacts of climate change, including extreme events and slow onset events

in developing countries, vulnerable to the adverse effects of climate change. An executive committee of the mechanism has been established, as an interim measure, with representation from the existing bodies of the Convention such as Adaptation Committee, LDC Expert Group, Standing Committee on Finance, Technology Executive Committee and the Consultative Group of Experts on National Communications of Non-Annex 1 Parties. The functions of the mechanism have also been agreed upon. The CoP 22 will review this mechanism, including its structure, mandate and effectiveness.

As Warsaw Conference was



Nepal Delegation (GoN officials)

considered as a finance CoP, developed countries have pledged about US\$ 100 million to the Adaptation Fund (AF), established under the Kyoto Protocol. The Government of United Kingdom has pledged £ 125 million for the LDC Fund (applicable only for LDCs) and BioCarbon Facility. The additional funding for the AF is expected to provide support for Nepal's pipelined project on agriculture.

The CoP 19 agreed on several agenda items including matters related to the LDCs (that focuses on the preparation and implementation of NAPAs and support on LDC work programme), and national adaptation plans (NAPs). The NAPA emphasised on most urgent and immediate adaptation options in the LDCs, and the NAP will focus on medium and long-term adaptation needs of the climate vulnerable developing countries including LDCs

Nepal, as a chair of 49 LDCs for 2013 and 2014, attended this Warsaw conference under the leadership of Durga P. Bhattarai, Ambassador and Permanent Representative to the UN at

NY. Nepal coordinated the views, concerns and interests of the 49 LDCs successfully and spoke and negotiated on behalf of these countries. This coordination was effective, influential and productive.

In my previous article, I mentioned about Nepal's twin role of negotiation on issues in the climate negotiation on the concerns and views of LDC Group and as interest of a sovereign country. Nepal team effectively coordinated the interests of 49 LDCs and in case of national issues, there is a need for a separate arrangement and additional effort that might require capacity strengthening to benefit from UNFCCC process.

In my experience in Bonn and Warsaw sessions in 2013, Nepal as the Chair of the LDC Group for 2013 and 2014, and taking into considerations its twin roles of international coordination, and ensuring benefit to the country, Nepal may wish to: (i) make separate arrangements for international coordination and securing national benefit in 2014; (ii) strengthen communication with development partners to seek additional support to adapt to climate change; and (iii) develop national capacity in climate negotiation which might contribute to maximise benefits from the Convention process.

Having worked on climate adaptation, and as a Vice-Chair of the LDC Expert Group to UNFCCC, my focus was on presenting the work of the LEG activities, making oral statements on behalf of the LEG, and sharing Nepal's NAPA and LAPA and national initiatives on NAP formulation process. Warsaw also provided an opportunity to learn about the NAP Global Support Programme and Nepal may wish to join this programme to get support for NAP formulation process to address medium and long-term adaptation needs of the country. As of now, 17 LDCs have accessed support from the NAP-GSP. A number of countries and institutions are interested to support Nepal on NAP formulation process as in NAPA preparation and implementation, and hence, this is an opportune time to start the NAP process at the earliest possible.

ECONOMY

Huge Deficit

As Nepal's trade deficit is growing, it threatens micro-economic stability of the country

By DEBESH ADHIKARI

Although Nepal's micro-economic foundation remains stable, the country has suffered a huge trade deficit in its first quarter. As the demand for petroleum products continues to increase and their prices soar, Nepal is unlikely to close its trade deficit any time soon.

According to a recently released quarterly report of Nepal Rastra Bank, Nepal's total trade deficit increased by 11.3 percent to Rs 128.9 billion during the first quarter of 2013/14 compared to the figures of the same quarter of the last fiscal year.

The most worrisome is huge trade gap with India. The macro-economic report released by Nepal Rastra Bank (NRB) shows that country's trade deficit with India surged by 14.2 percent during the review period. As India is Nepal's largest trading partner, the deficit is worrisome for microeconomic stability. During the last three months, Nepal's trade deficit with other countries also increased by 5.9 percent.

Nepal has made certain progress in export to India in the first quarter as it increased by 18 percent in the review period. However, export overseas went up by a marginal 1.2 percent. World Bank's Development Report, October 2013, for Nepal has also indicated vulnerabilities of the Nepalese economy. While Nepal's macroeconomic fundamentals remain stable, sources of vulnerability have not disappeared. Despite a large- and growing-trade imbalance, the current account remained in surplus and significant foreign exchange reserve was accumulated in FY 2013, thanks to the countervailing impact of remittance which continued to grow robustly (albeit at a slower pace than in previous years)," says the report.

Nepal exported good volumes of items like zinc sheet, cardamom, juice, herbal medicine, shoes and sandals to India during the review period. After

facing a slack, exports of woolen carpet, readymade garments, pashmina products and medicinal herbs, among others, to third countries went up in the first quarter.

During the review period, total merchandise imports soared by 11.3 percent to Rs 151.86 billion. Import from India and overseas countries rose by 14.8 percent and 5.1 percent, respectively.

According to Nepal Rastra Bank, imports from India increased primarily due to rise in imports of petroleum products, cold-rolled sheet in coil, thread, and vehicles & spare parts, among others. Imports from other countries went up on account of rise in imports of silver, crude soybean oil, chemical fertilizer, other stationeries, and transport equipments and parts among others.

According to the NRB report, Nepal reported Balance of Payment (BoP) surplus of Rs 52.74 in the first quarter. The country had recorded BoP surplus of Rs 2.05 billion during the same period last year.

Similarly, foreign exchange reserve also increased by 13.8 percent to Rs 606.82 billion in mid-October, up from Rs 533.3 billion recorded as at mid-July. Remittances from Nepali overseas workers surged by 38.2 percent to Rs 135.03 billion during the review quarter.

However, remittance inflows increased by 21.3 percent in dollar term to US\$ 1.36 billion. Year-on-year inflation during the month ending mid-October has been reported at 8.4 percent. The government has set a target of containing inflation at 8 percent in the current fiscal year. During the same month in the last fiscal year, inflation was recorded at 10.5 percent.

As there was festive season during the quarter, the prices of cereals, grains and their products sub-group and tobacco products sub-group increased by 11.5 percent and 9.9 percent respectively. Due to festive season, the



Governor Dr. Khatiwada

price index of clothing and footwear has also increased by 11.7 percent

The first quarter report indicated that Nepal needs to promote export to make the trade deficit with India.

Nepal-China Trade Seminar

The Federation of Nepalese Chambers of Commerce and Industry (FNCCI) and China Council for the Promotion of International Trade (CCPIT) Guangdong Sub-council have signed an agreement for exchange of investment for trade and tourism.

Bhaskar Raj Rajkarnikar, senior vice-president of FNCCI, and Qiu Zhaoxian, vice president of CCPIT Guangdong Sub-Council, signed the memorandum of understanding (MoU) to this effect during the Nepal-China (Guangdong) Investment and Cooperation Seminar.

The seminar was organized jointly by FNCCI and CCPIT to promote investment, trade and tourism between Nepal and China. Speaking on the occasion, Rajkarnikar urged Chinese investors present at the seminar to put their money in Nepal's potential sectors.

Hailing the success of CA elections, Chinese Ambassador to Nepal Wu Chuntai said the Chinese Embassy in Nepal is always happy to encourage bilateral economic relations. Liu Xiaojie, vice secretary general of Guangdong Provincial Government of China, said there is a huge potential for business cooperation between Guangdong and Nepal in various areas. He also expressed willingness to discuss the feasibility of establishing a China Products Center in Nepal.

CA ELECTION II: We The People

By TEJSRI THAPA

Periodic elections are the beauty of any democracy. By participating in elections, political parties renew their mandates with the people. Elections provide the people with an occasion to elect their representatives to rule the country. The main premise is that every political party worth its name respects the verdict of the people. Sovereign and supreme, the people decide whom they choose to form the government. In a democracy, the ultimate rulers of the country are voters, not the parties.

The conclusion of the CA elections has produced new political equations and given the parties new political mandates. In the voting under the first-the-past-post system, the Nepali Congress has emerged as the largest party, followed by the CPN-UML, with the UCPN-Maoist being pushed to the third position. The voting under the proportional representation system is likely to be similar to the FPTP.

In all, the sizes of the regional and ethnic parties have been drastically cut, compared to 2008 elections. This indicates that Nepali voters are not comfortable with the agendas raised by these parties, who have exploited the sentiments of the people on regional and ethnic grounds, and have made their preference for a UNITED NEPAL very clear.

The election has been historical and has concluded peacefully, registering the highest ever voter turnout — over 70 percent. Election monitoring and local election

observers of the country including various international election observers eg UN, European Union and Carter Center have declared the election being "FREE AND FAIR".

The Election Commission and the government must be congratulated in this regard, as they have played a very important role in conducting the elections in a peaceful manner, especially considering the challenges they have faced.

The message sent out by the people, expressing each individual's voice through their ballot, have a

including some candidates of Nepali Congress from Rukum, and CPN-UML candidates from Siraha, RPP candidate from Nuwakot also boycotted the elections saying that the elections were rigged. Some even locked up the vote counting booths. Such acts are disrespectful and underrate the "people's mandate through voting"

If they are not satisfied with the electoral procedures, they can file legal cases. One must not disown and boycott the historical election. All must respect the supremacy of the voters and their legitimate votes which is a verdict of the people.

Politicians must learn to accept and respect the people's verdict in good faith. We must learn to lose gracefully and be humble in victory as part of a political culture. While defining defeat, it reminded me of these lines: You have three choices for defeat, you can either let it define you or you can let it destroy you, or you can let it strengthen you. Let us all be united for the cause of nation building.

The silent majority have now woken up. The people will not tolerate the same mistakes of the political parties again. Unity must be maintained among parties and inside the individual party which often have been fragmented for lust of power making country directionless and almost at the verge of a failed state. Hence considering the mandate of people as a prime goal Constitution must be written on time and all of the candidates and parties must focus on forging UNITY so as to build the Nation.

Yo Man Ta Mero Nepali Ho...

(Maharjgunj, Kathmandu)



Woman in polling booth

significant meaning: they clearly indicate what the people want and what the mandate of the winning candidates is. Now it is time the winners — that is, the candidates and the parties forming the new government, to treat the mandate given by the people as a matter of the utmost priority.

Although all the electoral processes have completed peacefully, some political parties called for a boycott of vote counting. Initially, the UCPN-Maoist called all its representatives from the centres, along with Maoists, leaders of other political parties,

ELIMINATING CHILD LABOR

A Wait Too Long

By NIKKI SHARMA

Dhan Bahadur Tamang, 14, collects the fares for a city bus. As a conductor, he often encounters problems while verifying the genuineness of the bearers of the college identity cards of his age.

Resident of Tinpile of Nuwakot district, Tamang works almost 15 hours a day for less than Rs. 100.00 (one US dollar equivalent at the current exchange rate).



"This is better for me here in comparison to my life back home where I have to work more hours with less food to eat," said Tamang, a member of the marginalized community and a primary school dropout.

Among the ethnic groups living in Nepal's mid hills, the economic status of Tamang is lower than that of others. This increases their vulnerability and gets them into the trap of some worst forms of child labor and trafficking.

The ILO defines child labor as the work that deprives children of their childhood, education, potential and dignity, and work that is harmful to their physical and mental development. While governments have raised commitments to find new solutions to end exploitative work for children, the priority remains with the worst forms of child labor such as slavery, trafficking of children, debt bondage, forced or

compulsory labor, use of children in armed conflict, prostitution, pornographic performances or illicit activities, and in particular, in the production and trafficking of drugs.

According to the Central Committee of Nepal Transport Workers Association (NTWA), out of 155,000 laborers working in the transport sector, more than 35,000 are children between nine to

fifteen years of age.

The report reveals that most of these children spend their night in the vehicles and more than 80 percent of them do not have access to basic

health services. Many of them are facing food and accommodation problem, some of them do not get medical treatment even in accidents.

"Child labor has been widespread in Nepal for many centuries, mostly in rural areas, as it is considered to be a part of the normal process of socialization. Children in the earlier days, and even today, have worked for as long as families have needed their support in the farms and in the fields. Doing this deprives them of their education, right to grow in a conducive environment, and have fun (especially because enjoying childhood is considered equally crucial for children's growth and mental and often physical development)," ILO sources say.

Despite legal restriction in the use of child labor, hundreds of children, at the age of Dhan Bahadur, have been working in the transport sector. This is a bitter reality for Nepal where thousands of children are suffering from various forms

of child labor.

The Child Labor (Prohibition and Regulation) Act 2000 says, "No child below sixteen can work and no child shall be engaged in work exceeding six hours a day and 36 hours a week whether by giving or not giving extra remuneration."

Although Nepal has various laws governing the employment of children as an offence, they have not stopped the century old practice of child exploitation. Worse, in the total population of Nepal, only 54% Nepalese are educated.

Nepal has made enormous progress in the education sector and has promulgated a number of acts against child labor. However, an overwhelming number of children below 10 years is still illiterate and children above the age of 10 are found engaged in hazardous forms of child labor.

"We are aware about the situation. The government has been making efforts to reduce the child labor," said the spokesperson at the Ministry of Labor.

According to the survey, child labor occurs not only outside the home, but also inside it. In the urban areas, people keep children to keep their house clean. The same people do not give the children a chance for good education and good livelihood. In the rural areas, parents need help from their children to work in many household chores. While helping their parents, the children are being deprived of the opportunity to acquire education.

The National Master Plan on the Elimination of Child Labor aims to eliminate all worst forms of child labor by 2016 and all child labor by 2020. With co-operation from the government and non-government agencies, social partners and development partners, the government is showing its determination to implement the National Master Plan of Child Labor (NMP) 2011-20.

Although Nepal has made international commitments from a long time back to eliminate child labor, children like Dhan Bahadur have to wait for a long time to see any relief from their routine of working as child labor. ■

Hit Him, If It Helps



By ADHITI ARYAL

Remember the day when everyone sees a reason to talk about eliminating violence against women. As soon as I realized this, nostalgia started to seep in. A year has passed since I last wrote on the same topic. And now a year older, I still hold the same assertion that people need to stop doing injustice and cruel violence to women. And all I can ask the men-folk and the women-folk, who continue doing this, is a mere WHY.

Why should a woman be continually beaten, thrown around, humiliated, and tortured from the day she is born? Why should a female be suppressed in all social roles she plays? Writing on this topic is so much like beating on a cliché, it is embarrassing to even think how people do not get it that subjecting a weaker person to violence does not make them any stronger – it just makes them derogatory. It is plain stupid how people will just not stop performing violent acts on each other.

Now the rebel inside me feels that it is high time we just let the perpetrators know violence against us is not the solution. How long can we keep getting abused, thrashed, raped and killed for offences we did not commit? Even if we did do wrong why our fates should be decided by people who do find unmerciful solutions to it? There are too many WHYS. And there is no answer to these. Because we pick to remain quiet, we choose to remain silent, and we learnt to endure. The only reason we are being abused as women is because we accept. It is time now we decided to answer.

And answer not just by holding placards and asking for a violence free life. That has never worked and never

will. What they need to know is this cannot go on forever and we need to show them that we will not take any violent action on us. We do not need other people sticking out for rights, no NGOs, no government policies, no UN, nothing of that sort. We are ourselves capable of telling these people to back off. We will stick out for ourselves. Words are never enough, and will never be. No more of those, no meaningful speeches, those women equality pamphlets. We have had enough of that. Now what is required is how at grass root levels all women protest and rebel against all the unfair practices they endure.



It hurts to see so many women in all spheres going through this. All kinds of women – rural, urban, working, housewives, teachers, students, homeless, rich, poor. No matter how accomplished as a woman you are, you always will be targeted. And all this because you were unfortunate to be born a female. It is sickening to see how people hold these connotations like beating up

women to show them their place and how a woman should live up to meet a man's expectations, sometimes even other women's. And I am not blaming a man or stronger women for executing violence on a woman. After all it is our fault. We are the ones taking it. We are the ones tolerating it. As long as we continue to do so, we will be beaten, molested, raped, murdered, tortured, and enslaved. For a violence free world, no one but us can make the first move. This must begin at home. This goes out even to all our women activists who love coming out in the open and trying to make lives easier for other women. Believe me when I say this, but these women at home, work, or elsewhere do undergo some kind of violence. They need to try clearing their own contradicting side of the violence they face before trying to eliminate other women's.

So the next time a man tries something on you, all you have to do is hold his collar and say shut up. If he hits you, hit him back. Hiding from violence or tolerating an unjust action is not a solution. It is time to start training yourself to make the move, to retaliate. As long as we are passive and submissive, this will never end. We need to show them we have had enough and we are not taking it anymore.

Next year, when this day comes again, and when I look online for stats on violence on women that has occurred starting today, Google is going to show me double the figures than it is today. Well at least as a morally obligated woman, I can make an effort, right? And all just because it kills to see what other women have to go through every single day, till they get old and die. And maybe even after that. ■

"We Love Nepal"

HERIBERT WIRTH

Nepal and Germany have a long relationship. Since the first German Prince visited Nepal in the eighteenth century, many travelers, scholars and other Germans have visited Nepal while serving the interests of the Nepalese people. HERIBERT WIRTH, a German national, has been regularly visiting Nepal almost since the last three decades. Supporting Nepal is one of his goal. Wirth has provided all the facilities to make the Nepal Pavilion in the World Expo, which is known as Nepal Himalaya. Wirth came to Kathmandu to celebrate his 75th birthday. He spoke to NEW SPOTLIGHT. Excerpts:

How long have you been associated with Nepal?

I have a long association with Nepal I have bought the pavilion which Amrit Shakya built for the World Expo in 2000. I have made this Nepal Pavilion, I have given land to house that pavilion and I have made it as park Nepal Himalayan Park Stiftung. In that Park, still today, after 13 years about 70,000 people have already visited and that is my contribution to Nepal and Nepalese people and for German people.

What is the objective of your visit to Nepal this time?

I came to celebrate my 75th birthday in Nepal where my friends from all over the world, or 35 friends, are coming here to accompany and to celebrate my birthday and all of them know Dhulikhel Hospital. Our good circle of friends used to visit Dhulikhel and doctors from Dhulikhel Hospital also visit Germany for the training. Doctors from Germany also visit Dhulikhel Hospital. I am using this opportunity to celebrate my birthday and also to see and contribute our project in Dhulikhel.

What do you like most in Nepal?

Smiling and beautiful faces of Nepalese people always inspire me to visit Nepal. Nepalese are simple and humble people. Although there is hardship in living in mountain terrains, people don't express that hardship in their faces. We have been running some projects in Nepal through our Water for All Foundation. That was the foundation we founded with my wife. We have already contributed 3 million Euro in last thirteen years. We love Nepal and Nepalese people.

Why have you decided to support Dhulikhel?

We have supported Dhulikhel in various ways. We supported a drinking water project, hospital. I still work 18 hours a day to talk with people and bring all together to support Nepal. I want to make certain things to Nepal. Along with Nepal, our foundation has also been supporting countries in Africa and Latin America. In Dhulikhel Hospital, I have donated to build maternity complex, specially the ward of children section.

What will you do this time?

We are bringing some new equipment to Dhulikhel Hospital. I am going to donate along with my friends next week. I am very happy to serve the people of Nepal. If people of Nepal take this small gift, I feel pride and satisfaction.



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ROJGARI Job Prospects

Practical Action's Rojgari program helps raise job awareness level among the youth in far west about the job opportunities available in the country

By A CORRESPONDENT

At a time when a large number of young people are entering the job market, they have little information about where to go for jobs and what skills the job market demands.

Although hundreds of technical training institutes are mushrooming and employment opportunities are available in the country, they are yet to build their institutional framework and capability to conduct the training to fulfill the needs of the market. Similarly, there are some channels to provide job information; but they are yet to reach the needy people, including of the rural parts of Nepal.

Although the government has been making efforts to intervene in the process, it is unable to provide the much needed training and information to the youth regarding job availability. The situation in the remote parts of Nepal is much worse than in the capital Kathmandu.

Nepal's three-year Interim Plan 2013-2016 also talks about the need to improve information database and capability of technical training institutes. "The three-year interim

plan has provisions to enhance capability of training institutes and disseminate information about the job opportunities available in the country. If organizations like Practical Action Nepal have been working, the NPC welcomes such steps," said Purushotam Ghimire, spokesperson of the National Planning Commission.

As there is a huge demand for information about the availability of jobs and training requirements for youth, Practical Action has tried to provide some solution for such information. For now, it is focusing its programs on the three district of far-western Nepal. With the new approach under the name of Rojgari-raising opportunities for jobs in Gramin Areas for Rural Incomes, Practical Action has been working to improve the quality of local technical training institutes and provide information related to employment.

"Although this is a small project, it helps the rural youths immensely as they aspire for jobs. Practical Action has been implementing Rojgari Project in 16 VDCs of Achham, Doti and

Kailali Districts since June 2011. Participatory method was applied to identify and select the 5,000 target rural youths. Representatives of major political parties, VDC secretary, Local Enterprise Network (LEN) members and other stakeholders were consulted during selection of beneficiary youths," said Suman Piya Ph.D, head of program, agriculture, food security and markets of Practical Action.

An assessment of the Technical Vocational Training Centers (TVTCs) of the project area was also carried out. A total of six TVTCs, out of interested 16, were selected. A job market study was carried out, which identified a range of jobs and skills in contemporary markets of project areas. The findings of the study were used the TVTCs to design market driven and fee based short term skill development training program

"We are now working to strengthen the quality of technical training and institutional capability of six technical institutes and their up-gradation. We have also supported the information system with Merojob.com to search the job market. There is also mobile solution for the employment as one can get the information about the vacancy of the job through mobile solution 2253. Almost every day 6000-7000 visit www.rojgari.com. This website focuses on Blue color job. Instead of giving the training, we are focusing on training institute, quality training and employment generation. Since this has very small funding, we give funding management part to the private sector. Our experiences have shown that government and non-governmental organization cannot sustain such website for a long period of time. Thus, we invited the private sector," said Piya.

Although this is a small project, it has broader implications and reach. At a time when there is a huge gap in the availability of information regarding jobs and quality of training institutes, the Practical Action Nepal's Rojgari Program is a model that can make a difference in the existing job market information. ■

TOILET DAY

Sanitation For All

The government, civil society and businesses should work together to tackle the sanitation problem for improving women's health in Nepal

By A CORRESPONDENT

Sita Tamang, 13, a girl student of Narayansthan Village Development Committee of Kavreplanchowk district, is not regular in school. She periodically disappears from the class for days in a month. This irregularity hampers her studies. In the absence of girl-friendly toilets and family's lack of economic capability to provide sanitary pads, she cannot attend the school during menstruation.

Sita Tamang is not alone in that situation. According to the Ministry of Education, annually, thousands of girl students drop out of school due to the lack of separate toilets or girl-friendly toilets. The issue got some attention on November 19, the Election Day, as it coincided with the World Toilet Day, as well.

"Nepal is currently 12 years off track from meeting the sanitation Millennium Development Goals (MDGs) target, which was due to be completed in 2015. Every year it is estimated that around 4,500 women and girls die from diseases brought about from a lack of access to sanitation and water in Nepal. We can and should be doing better," said Asutosh Tiwari, country representative of WaterAid Nepal.

The slogans of this year's World Toilet Day is "We Can't Wait – Governments, civil society and business should work together to tackle sanitation for women's health in Nepal."

According to WaterAid Nepal press release, World Toilet Day, is a day when those of us with access to clean, safe toilets should all take a minute to be grateful.

According to a survey, thirty-five percent of the earth's population (2.5 billion people) don't have such access. Giving them access would generate \$220 billion in economic gains annually, according to the World Bank, \$114 billion of which is due to the freeing up

of time that would no longer be spent in search of a clean place to defecate.

"A collaborative approach between the Nepali Government, civil society and business is essential to getting the Millennium Development Goal of sanitation target back on track in order to improve the health and prosperity of women in the country," said Tiwari.

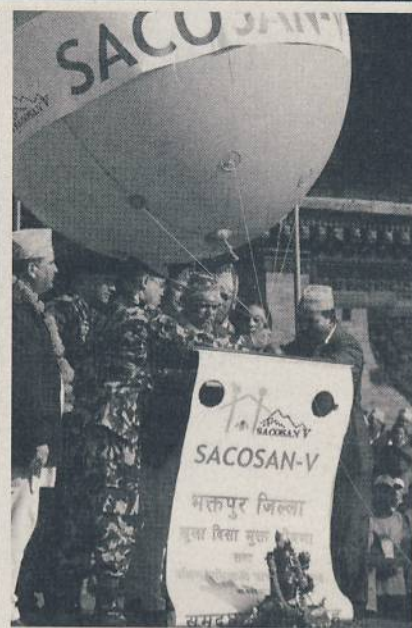
Nepal recently successfully hosted SACOCAN V calling for greater access of toilets to schools focusing to the girl. "Nepal government is aware of the situation and it has been working with utmost efforts to increase the sanitation for all," said Kishore Thapa, secretary of Ministry of Urban Development.

The report is published on the first UN recognised World Toilet Day, which serves as a reminder of the 19.6 million people lacking access to an adequate toilet in Nepal, with devastating consequences in particular for the well-being, health, education and empowerment of women and girls in the country.

The report highlights the stark consequences for women and girls of the lack of access to toilets. Over six out of ten women in Nepal risk shame, disease, harassment and even attack because they have nowhere safe to go to the toilet and 6.6 million Nepali women have no choice but to go to the toilet out in the open.

This is the first time the three organisations, representing the worlds of business, UN and NGOs, have come together in this way on sanitation. The report brings together real life case studies of people, alongside research from a variety of organisations and agencies that examine the impact of a lack of sanitation on women and girls.

In the report, UN Deputy-Secretary General, Jan Eliasson, and Paul Polman, Unilever Chief Executive Officer, declare: "One person in three lacks



access to adequate sanitation. The result is widespread death and diseases – especially among children – and social marginalisation. Women are particularly vulnerable.

"Poor sanitation exposes females to the risk of assault, and when schools cannot provide clean, safe, toilets girls' attendance drops. We simply cannot wait. By acting decisively we can now make a positive impact on global health, education, women's safety, social equality and economic growth for generations to come."

The post-2015 development framework to succeed the Millennium Development Goals needs to address water, sanitation and hygiene as priority issues, set ambitious targets to achieve universal access to water, sanitation and hygiene, and gradually reduce and eventually eliminate inequalities in access and use.

The decision to mark World Toilet Day on 19 November was aimed to help the UN raise awareness and mobilize action that can save millions of lives. Some 2.5 billion people lack toilets and poor sanitation is a leading cause of disease and child deaths. Adopting a new resolution, the General Assembly urged UN Member States and relevant stakeholders to encourage behavioural change and the implementation of policies to increase access to sanitation among the poor, along with a call to end the practice of open defecation. ■

Proposed System Of Jurisdiction In The Bill Made To Amend And Unify Laws Related To The Procedures Of Civil Court Cases, 2067

Jurisdiction is a synonym for rights. As soon as the word jurisdiction is used it can be understood whether there are rights or not. The *Brihat Nepali Shabdakosh* (Published by Nepal Academy, Pg no 278) defines jurisdiction as "right to hear cases of a special region or cases of special kinds and the right to [make decisions] regarding a special sector".

System of jurisdiction in the Civil Court Procedures Code

The Civil Court Procedure Code, 2067 draft has clearly provisioned for the jurisdiction of Civil Court cases. Paragraph 3 has provided for the jurisdiction, for the first time in Nepal. Before this there used to be different provisions in the concerned Act, the *Muluki Ain*.

The Code, has clearly defined the term "court" and specifically pointed out the Supreme Court, Appellate Court, District Court, Empowered Court, other judicial agency or officer in Article 2 (a). This has included both judicial as well as semi-judicial. This has given the court the jurisdiction to decide and order the agency.

Likewise in cases where a lower court decision is unacceptable to a party, and a request has been filed in a higher court for a retrial explaining why there should be a retrial, the request for a retrial has been defined as appellate letter and the higher court given the jurisdiction to hear the case (Article 2 (F)). Besides this the Code also mentions that wherever legal provisions are prevalent it shall be as mentioned and where there is no written legal provision it shall be as defined by the Code (Article 3). This clarifies that the Code is yet incomplete.

Paragraph 2 envisions a capable and independent court saying that the court shall be capable of case proceedings, hearing, and judgement, that rights shall be determined by the court, debates regarding legal standing shall be determined by the concerned court, the capacity of the defendant shall be honored, property rights jurisdiction shall not be nil, and that there shall be the Appellate Court, keeping jurisdiction inseparable. (Article 4-15).

Paragraph 3 has determined the limitations of the jurisdiction saying that the court shall have the rights to proceed, hear and decide as per the law. It has incorporated the principle natural law by stating that out of jurisdiction hearing or decisions shall be void. The legal basis for the received right shall be explained (Article 16)

Jurisdiction of the court (Article 17)

1. Case hearing and judgement
2. Hearing the retrial
3. Retrial
4. Review

Jurisdiction of the District Court (Article 18-19)

Subject:

1. Issues related to any immovable property where due to the nature of the details of the case a field investigation is required
2. Cases related to services, canals, border
3. If in a case it is seen from the claim petition that land, building, or place should be investigated, the District Court of the district where the land, building or place is shall process, hear and decide on the case.
4. If issue of rent, harvest, or fraudulently acquired wealth is in question or ownership of property, right to the property or related to rights and no rights
5. Related to halting immovable property or mortgage
6. Distribution of immovable property
7. Mortgaging immovable property or using or causing to be used
8. Any concerns or issues related to immovable property
9. Compensations related to immovable property

Which District Court has the jurisdiction?

1. In the context of property disputes the District Court of the district where the claim has been filed will have the right to process the case, hear it and give its decision.
2. The District Court of the district where the claimant is, or whichever district where the work has been done, will process, hear and judge the case. ("District where the claimant is" means the district where the claimant lives and in terms of legal person, the main office of such persons.)
3. If both claimant and defendant are conducting any business in a place within Nepal outside of the area they are in, the District Court of the area the business has been conducted in or the District Court of the area the claimant is in, where the claim petition has been filed will process, hear and decide about the case.
4. If there are more than two defendants, the case has to be filed in the District Court of the district where most of the defendants are. If there are equal number of defendants in more than one district the case can be filed in the

District Court of the district where the defendant lives.

5. As there are also provisions for cases to be filed in a court in Nepal even if the business transaction or contract has taken place in a foreign country, the District Court of the district where the claimant or defendant lives will process, hear and decide on the case (Article 20).
6. The proceedings, hearing and judgement of cases of business transactions conducted in airplanes or boats or ships registered legally in Nepal, that are outside of Nepal, will be conducted by the Court of Nepal as per Article 20. (Article 21)
7. If a state employee has to file a claim petition in the capacity of the official position, or if anyone files a claim petition making the state employee a defendant, the claim petition should be filed in the District Court of the district where the employee's office is located. (Article 24 (1))
8. When a state employee has to file a personal claim petition or a written answer to a claim filed against him, the case can be registered in the District Court of the district he is working in (Article 24(2)). Such a claim petition or answer registered in the court has to be sent to the concerned District Court (Article 24 (3)). The concerned District Court will process, hear, and decide about such claim petitions or answers as per the law (Article 24 (4)).
9. If a court does not have the legal jurisdiction to process, hear or decide on a case, the District Court will have the authority to process, hear and decide on such cases. (Article 25)
10. If different claims have been filed in different courts regarding the same issue, the claims will be registered in a court that both parties agree on and this will be filed in another court. Upon receiving such claims the court must annul the claim. However if the parties cannot reach consent the court in which the claim was first registered will process the claim without changing it while the claim in the other court will be annulled. (Article 26)

Jurisdiction of the High Court

1. If cases have been filed in the lower as well as higher court on an issue that is in the jurisdiction of both the courts the higher court has the jurisdiction to process, hear and decide on it. (Article 22)

2. When a case has been registered in a court, processed, heard and decided upon, the court that has the legal jurisdiction to review the order or decision made by the first court, will do so as per the law. (Article 27, 210)

Registering a review petition

1. The court that makes the decision can register a review petition. Such petitions need to be sent to the court that will hear it. (Article 215)
2. Government officers can register their cases in the Appellate Court in the area they are working in or if such is lacking in the District Court such review petitions will be sent to a court that will hear it. (Article 216)

Jurisdiction of the Court to hear the review petition (Article 221)

1. Accept or deny a lower court's decision
2. Partially or completely change a lower courts decision
3. If a decision has been made without taking into consideration a certain evidence, such evidences must be taken by the Court or orders given to the lower court to accept the evidence as well
4. If decisions have been made without establishing the issues, such issues will be established or orders given to the lower court to do so
5. Make partial or contextual changes in the decision
6. Make uses of the first courts jurisdiction (Article 222)

Jurisdiction of the Supreme Court (Paragraph 20)

1. Repeating a case
2. Reviewing

Implementation of Decisions

1. For implementation of a foreign court's decision, request the concerned Appellate Court and if given recognition the concerned District Court will impement it (Article 238 and 239)
2. Implementation of the decision will be conducted by the concerned District Court (Article 244)
3. During the course of the implementation of the decision if the actions of any official is unsatisfactory to a concerned stakeholder such must file a complain with the judge of the court within 15 days. If the concerned stakeholder is still not satisfied with the decision on such a complain the concerned may file a review petition in the Appellate Court. (Article 264)

Other provisions

1. Review petitions must be filed in court within the deadline (Article 47)
2. When a claim has been filed and there is no space for jurisdiction later the action must be completed (Article 57)

3. Unless officials are appointed the deadline will not start (Article 61)

4. In debates that are connected to the rights, welfare or concern of the Nepal Government or for public welfare or concern any Nepali citizen can file a claim seeking permission from the court. (Article 91)

5. The concerned court can order to arrange the timeline (Article 106 (19))

6. The concerned court can fine those who not assist in arranging the timeline. (Article 109(2))

7. Maintaining the defendant (Article 123 and 124)

8. In relation to the claim if there is no jurisdiction to process, hear or decide it can be addressed in the answer given. (Article 131 (c))

9. In the initial hearing the issue of jurisdiction must be established (Article 132), requests can be made against the establishment [of the jurisdiction] of the concerned Appellate Court (Article 134 (3)), if it does not hold jurisdiction the case will be annulled. (Article 133)

10. The official lawyer should be certified by the concerned court judge. (Article 158 (4))

11. Right to issue indefinite order. (Article 161)

12. Go to a court that will review the request against the indefinite order. (Article 162)

13. Issue interim order. (Article 163)

14. The same court can be pursued to annul. (Article 164 (1))

15. Claim for compensation will be filed in the same court. (Article 165 (1))

16. Requests for reconciliation paper will be filed in the same court. (Article 198, 199)

17. Suspending or reviving. (Article 206, 207)

18. The Supreme Court can transfer the case to a court of the same level. However the review will be held at the court where the claim petition was first filed. (Article 208 (2))

19. If during proceedings of any case in any court, complicated questions relating to the Constitution or any other legal definitions arise, or if the case can only be heard after questions of public interest or stake are established, as per the claim of any party related to the case, or is seen in the concerned court's report, the Supreme Court can call for the case to be heard and decided upon opening why it is so, and after establishing such questions, the case can be sent back to the concerned court. (Article 209)

20. Traditional judicial assistance (Paragraph 21)

Positive Aspects

1. An able, independent judiciary has been envisioned.
2. There will not be a state where jurisdiction is nil.
3. Jurisdiction has been clearly defined.
4. Issues related to jurisdiction have been kept in the same paragraph.

Weaknesses

1. Some subjects in the current Act have been included while others have not which shows dual code.
2. Provisions related to jurisdiction as per the Supreme Court Act 2048 and the Judicial Administration Act 2048 have been kept as it is.
3. As it has been provisioned for many issues to be taken to the regular court, there might be conflict of interest with the local government. Eg. Court/Local government
4. In jurisdiction, the initial review, repetition, claim petition all could have been put in the same paragraph but are in different ones.
5. The draft has been prepared with the need to search as current prevalent laws.
6. What case can have Article 22? Whatever the reason, it will be most appropriate to establish the trend to start the initial proceedings from a lower court. The reason for the provision in Article 25 is also not clear.
7. A state has been created where the methodology to be adopted by the Appellate Court must be looked up in the concerning Act.
8. Article 26 violates the principle of first decision.
9. At a time when the country is heading towards a federal system, the question of how the jurisdiction of the Supreme Court of the state and the federal Supreme Court can be determined is yet to be answered.

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The Humble Soap

By **BUDDHA BASNYAT, MD**

Many important and fascinating studies are published in renowned medical journals. But it can be argued, just how relevant and useful these are for us here in Nepal? This is not to take a regressive view on scientific advances but just to stress on the practicalities of life in Nepal. In most places in our country there are neither proper health facilities nor universal health services. So obviously simple, preventive measures need to be given prime importance. Along these lines a favourite article of many public health workers is described below. It is about the usage of the humble soap.

Proctor and Gamble, the consumer product conglomerate, helped carry out the study in the slums of Karachi to see if a new antibacterial soap could prevent diseases in the community. Fieldworkers for the study fanned out in the twenty five randomly chosen slum neighbourhoods in Karachi distributing soap, some with the antibacterial agent (triclocarbon) and some without. The two different soaps looked exactly alike. They encouraged people to use the soap generously and wash their hands in these five situations: after defecation, after cleaning an infant that had defecated, before preparing food, before eating and before feeding infants. Fieldworkers provided 2 to 4 bars of soap per household and the soap was regularly replaced.

In the eleven "control" slum neighbourhoods, no soap was distributed; instead these households received pens and paper. The control group was free to continue using soap as they had done in the past, but received no health education. Every week for one year the fieldworkers visited the families in the study sites to see if the instructions were being adhered to, and they collected data. After one year the study was analyzed. The children in the households that received soap and proper instructions had a 50% decrease in pneumonia rates and 53% decrease in diarrhoea rates compared to the control group.

What was surprising (but disappointing for Proctor and Gamble) was that just using soap properly was good enough to decrease the diarrhoea and pneumonia rates in children. The triclocarbon antibacterial agent in the soap did not give any extra protection.

These findings were stunning because despite the poverty, illiteracy, overcrowding and continuing to drink and wash with contaminated water, if you just used plain soap properly for washing, the benefits were clear cut. This became a milestone paper that was published in the Lancet in 2005 with Stephen Luby, as the lead author. Proper usage of soap enhances the capacity of water to solubilise and remove pathogens from the hands to reduce both respiratory and digestive problems. This is a point worth emphasizing, that is both diarrhoea rates and flu-like illness ((ruga khoki) rates are decreased.

More than three and half million children die due to diarrhoea and respiratory infections every year in the developing world such as ours. Using soap generously clearly ameliorates this condition. The good news is that in general Nepali health statistics reveal that people are more healthy now in Nepal than in anytime in our history. Possibly greater usage of soap may have had a role in this.

Finally, people have strong ideas of purity in South Asia and wash themselves frequently. But generous usage of soap is a must. Just washing the "involved" hand after defecation is not good enough. ■

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