



VIEWPOINT:
Dr. Tilak Rawal



OPINION:
Dr. K. Uprety



INTERVIEW:
Prof. Dr. Govinda Raj Pokharel

New SPOTLIGHT

Jan. 31, Feb.-13, 2014



RENEWABLE ENERGY

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From The Editor

Although all eyes are focused on the ongoing political drama of the country, it is still uncertain what is going to happen next. Nobody is sure about the unfolding political scenario. So, instead of discussing uncertain politics in the cover story, we have decided to look into the most relevant issue of the day: the use of renewable energy in Nepal. As a severe power crisis has taken Nepal in its grip, the use of renewable energy can be a savior to the people. In this context, the energy week will have a long term and significant importance towards solving Nepal's power crisis. Along with this, we have covered other contemporary issues, including politics and business.

From this issue, our young columnist Abijit Sharma has joined New Spotlight as associate editor. Sharma will contribute to enhancing the appeal of the magazine among our readers, mainly youths.

Keshab Poudel

Editor

NEW SPOTLIGHT FORTNIGHTLY

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India Hands Over Vehicles, Ambulances

Indian ambassador to Nepal Ranjit Rae handed over 17 ambulances and four buses to various organizations, including hospitals, schools and non-governmental organizations in Nepal on the occasion of the 65th Republic Day of India 2014.

According to a press release of the Indian Embassy, Ambassador Rae also hosted the Indian national flag and read the address by Indian president



at Indian Embassy premises, Lainchaur. During the function, the Indian ambassador also distributed the books to various organizations in Nepal.

British Teams Play Match With Students

Two teams representing the British Government in Nepal, one captained by Ambassador Andy Sparkes and the other by Defense Attaché Colonel Sean Harris, played futsal against teams made up of Free Students Union leaders from Padma Kanya Campus and Saraswati Campus, Kathmandu. The games were part of a UK-funded project to develop leadership skills of student leaders.

U.S. Embassy Trains Police On Human Rights

U.S. Chargé d'Affaires, a.i. John Carwile, recently attended the closing ceremony for a police training course on human rights. Twenty-five Nepali police officers participated in the two-week Human Rights and Democratic Policing (HRDP) training course. This U.S. Embassy-provided training of trainers was designed to bring together a core team of police trainers around the theme of human rights and law enforcement.

AIN Refutes Media Reports

The Association of International NGOs in Nepal (AIN) has clarified that non-Nepalis, serving as Country Heads, experts or staff members in its member INGOs, had not been working illegally as reported in a spate of recent news items.

According to a press release of AIN, the Social Welfare Act of BS 2049 says that the SWC is the focal government institution which deals with all INGO matters. Respecting this provision, the AIN and its INGO members had long

been abiding by the SWC's recommendations and the subsequent governmental endorsements to hire non-Nepali INGO professionals.

Japanese Ambassador Inaugurates Bridge

Masashi OGAWA, Ambassador of Japan to Nepal, visited Ramechhap and Sindhuli districts and inaugurated the Sukhhor Bridge and Khurkot Health Post respectively. Both the infrastructure were constructed under Japan's ODA; the bridge being constructed under Grant Assistance, and the health post under the Grant Assistance for Grassroots Human Security Project, widely known as GGP Scheme, of the Government of Japan.

Sukhhor Bridge, located in Ramechhap District, is one among a total of 32 river-crossings (bridges) adjoining the Sindhuli Road, being constructed under the Grant Assistance for the Project for the Improvement of Community Access. Under this Grant, a total of nine hundred and ninety million Japanese yen (¥990,000,000), approximately eight hundred and four million, eight hundred and seventy thousand Nepalese rupees (NRs. 804,870,000), has been extended to the Government of Nepal in Japan's FY 2009. The objective of this Project is to achieve sustainable economic growth and poverty reduction in the project area.

Bodde, Ghimire Lay Fire Station Foundation

U.S. Ambassador Peter W. Bodde and Secretary of Ministry of Culture,

Tourism and Civil Aviation Sushil Ghimire jointly laid the foundation stone for the new seismically safe Crash Rescue and Fire Station Building at Tribhuvan International Airport. The U.S. Government is providing assistance totaling \$462,000 to build a new station and make it resistant to earthquakes. This work is part of a larger effort to improve critical infrastructure that will allow the airport to remain open if a major earthquake were to occur.

In his remarks recognizing the 16th annual Earthquake Safety Day, Ambassador Bodde said, "Two of my goals as the U.S. Ambassador are to support economic growth and reduce disaster risk in Nepal. Ultimately, we want to plan and prepare in a way that will save lives and destruction of property, lessen the impact of a disaster, and shorten the time of recovery. The United States is committed to helping Nepal improve its emergency response capacity."

Nine JICA Volunteers Arrive

A new batch of nine volunteers of Japan International Cooperation Agency (JICA) have arrived here. Among them five are SVs (Senior Volunteers) and four are JOCVs (Japan Overseas Cooperation Volunteers). Both the SVs and JOCVs are in Nepal for a period of two years of assignment.

With the new batch, the number of volunteers dispatched by JICA to Nepal in last 43 years reached 1,237. Currently, a total of 50 JICA volunteers are working in Nepal in the areas of education, environment, health, vocational training, engineering, sports, rural development, agriculture and women empowerment.

The five new SVs will be working with Nepal Police Headquarters, National Center for Educational Development, Solid Waste Management Technical Support Center, Nepal AOTS Alumni Society, and Computer Association of Nepal.

Similarly, the four JOCVs are posted at District Cooperative Development Office, Kaski; Lalitpur Sub-Metropolitan City; District Development Committee, Sindhuli; and Kathmandu Metropolitan City. ■

Incentive Group held a program

Incentive Group of Companies under the Corporate Social Responsibility (CSR) program has recently conducted a program in Bhaktapur.

“We just celebrated a CSR program at “New Youth



Children Development Society” in Bhaktapur. The orphanage has 50 children and is run by Asia Friendship Network. Our team from IGC went to the orphanage and spent a day with the children on 4th Jan 2014 i.e. Saturday. We had collected clothes and toys from all the members of IGC and they were distributed among the children. Also, we provided lunch to the children and served them ourselves. Chocolates and biscuits were also distributed. Games were also played and an art competition was held where 3 winners were given prizes,” said Ichha Lamichane, HR and administration department of Incentive Group of Companies.

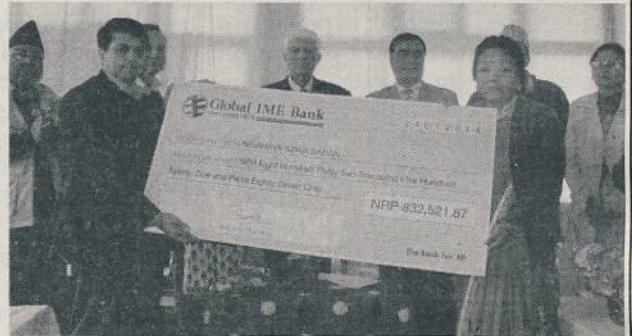
NIBL Capital To handle United Modi, Agni Power IPOs

NIBL Capital Markets Ltd, a subsidiary of Nepal Investment Bank Ltd, has signed agreements with two hydropower companies — United Modi Hydropower Pvt Ltd and Api Power Company Ltd — to act as the issue manager and underwriter for their respective initial public offerings (IPOs).



NIBL Capital Market Chief Executive Officer Shivanth B Pandé and United Modi Managing Director Sudhir P Timilsina signed an agreement on Wednesday to issue 4,000,000 units of common stock at Rs 100 per share, according to a statement from NIBL Capital.

Similarly, Api Power Chairman Guru Prasad Neupane and NIBL Capital General Manager Ram Krishna Khatiwada signed an agreement on January 16 to issue up to 2,046,240 units of common stock at Rs 100 per share.



Chairman of Global IME Bank Chandra Dhakal handing over cheque to Nisahaya Sewa Sadan

FAO Assistance

An agreement has been signed between Ministry of Agricultural Development (MoAD) and Food and Agriculture Organization (FAO) on providing technical assistance for the government on agriculture and food security projects.

The project is underway under the grant assistance of Global Agriculture Food Security Program — a new multidonor trust fund managed by the World Bank. World Bank is also supervising the project. The project, which started last year, is in implementation in 19 districts of mid and far western development regions for five years. The main objective of the project is to increase agriculture and livestock production in order to bring improvements in food security of the local people. ■



Saurav Jyoti at drive with a legend, Mika Hakkinen. Truly an honor and a memorable experience.

Finally Convened

By DR. TILAK RAWAL



The month-long row over who should convene the first meeting of the CA made many of us laugh because this non-issue was blown out of proportion to the utter astonishment of common Nepalese who simply wanted the real work to start without the precious time being wasted unnecessarily. At times it appeared that the sober-looking Regmi, who stuck to the constitutional provision, was at loggerheads with the President who was also not wrong in thinking that he should do the job as is the universal practice. This stalemate finally came to an end when the office of the President wrote a letter asking the government to convene CA. This ended the confusion and the first meeting of the CA was held on January 22, two months after the election. Rules, as provided in the Interim Constitution,

looked almost divided when a large number of party leaders challenged the decision of Kamal Thapa who nominated 24 people allegedly without taking into confidence the central committee members of the party. Mr. Thapa must be happy that the Election Commission refused to register a new party as requested by some disgruntled leaders and the party is still intact. No exception were the Madesh-based parties, faring badly in the first-past-the-post system, where leaders and workers resigned, staged sit-in protests at party offices and issued statements condemning their respective leaders. A situation of uneasiness prevailed in each and every party, be it NC that had to name 91 candidates or small parties that had to nominate only one person. Accusations leveled on leaders were the

guarantying premiership for the person sitting on it should the party in question get a chance to lead the government. There are about four contenders in UML, which is likely to take some more days of intense work to elect/select a leader for the post. UCPN Maoist has just touched upon the subject but does not look in a hurry to do so probably because they know their chances of leading the government in the near future are remote and have more important issues to thrash out after the recent electoral debacle. It is almost certain that Maoist strong man Prachanda will be unanimously chosen leader of the parliamentary party, despite noises made to the contrary by his two deputies Bhattari and Shrestha. It is natural that distinct noises on this issue are heard in NC and UML more than any other party. Madesh-based parties have not even touched upon this issue because their leaders are currently leaking their electoral wounds and some have begun attempts to consolidate and strengthen their position through merger of parties. One more group is reported to be endeavouring to create a front. They can hope to regain some of the gone fame and popularity, mostly lost during the four years tenure of the earlier CA, if they can convince people that their present efforts, unlike before, are not for power and perks. Expectedly, NC, the largest party supposed to lead the government, was the first party to start debate on finding a consensus candidate for the post of its parliamentary party leader. Consensus looked difficult right from the beginning because the three senior most leaders (Koirala, Deuba and Poudel) were vying for the post with their own points and arguments to justify why they needed it. After lengthy discussions and negotiations, Poudyal agreed to support Koirala but an unhappy Deuba, annoyed that Koirala did not agree to make him acting president of the party as long as party president remains in government, contested and lost by a difference of just 16 votes. If something very unusual does not happen and leaders do not backtrack on their post election offers made to Koirala as the president of the largest

Hope NC president Koirala, with an untarnished image, gets a chance to initiate actions to prepare the constitution and also pay some attention to the economy that is characterized by unprecedented trade gap (RS.2.25 trillion in the 5 months of this fiscal), huge unspent government reserves (Rs. 78 billion), excess liquidity with commercial banks due to poor credit off take, high inflation and overall unsatisfactory investment environment.

prevailed over global practice.

It would be unfair not to mention the hassles that were seen in each party following naming of candidates under the Proportional Representation system, a system introduced to ensure proper representation for the under-represented communities and regions of the country. Such a wonderful system introduced with such a noble objective came under sharp criticism by party leaders/workers even from the same regions and communities. For example, some leaders from the UCPN Maoist threatened to quit the party, accusing the party leadership of promoting opportunists. Equally serious was the situation in NC where division of seats between leaders (Koirala and Deuba) was strongly protested by some leaders on the central committee who went to the extent of writing note of dissent. Serious dissatisfaction surfaced also in UML, following allocation of PR quota, where party cadres padlocked party offices in several districts. RPP, Nepal

same: money, personal loyalty and blood relations counted more than sacrifice and dedication of party workers. Despite wide spread anger and protests, the decision makers conveniently factored it out because it was seen everywhere. Notwithstanding situation-specific criticism by many of the PR system this time, one should not fail to note that this system encourages inclusiveness, if properly practiced, and should be continued to ensure participation of under-represented people and areas. If money, personal loyalty and connections cease to influence the actions of the concerned, this system is likely to do us good. Probably aware of this, top leaders paid no heed to the grievances and concentrated more on consolidating their positions in their respective parties.

In each major party, top leaders are seemingly engaged in a battle to grab the position of the leader of the parliamentary party, a position

party, NC chair is likely to become the next prime minister to carry on the twin task of promulgating the new constitution and reviving the lackluster performance of the thus far ignored economy.

Top leaders may kindly remember that people want the consensus government to be in place in the time given, as per the constitution, by the President. It is encouraging that NC has officially sought UML's cooperation to form a consensus government and both the parties have decided to proceed positively to meet the deadline of February 2. Leaders may kindly remember that people have no problem about power sharing deal between parties but the point to be noted is that they do not want leaders to expend too much time protecting and furthering their individual and party interests, which could delay formation of a stable government and timely delivery of the new constitution. Hope NC president Koirala, with an untarnished image, gets a chance to initiate actions to prepare the constitution and also pay some attention to the economy that is characterized by unprecedented trade gap (RS.2.25 trillion in the 5 months of this fiscal), huge unspent government reserves (Rs. 78 billion), excess liquidity with commercial banks due to poor credit off take, high inflation and overall unsatisfactory investment environment. It may be mentioned that Nepal's economic freedom score fell by 0.3 points to 50.1 this year due to our failure to cut corruption, changes in labour laws and ensure investment freedom. In South Asia, we have fallen to the bottommost position in 2014. The lucky lot of retired secretaries under Chief Justice Regmi, however, need not worry much about these disappointing indicators because they cannot be solely blamed for these and people should be happy that they are walking out without inflicting additional serious injury on the ailing economy. Regmi and his team should be happy and thankful to the internal, with the exception of Baidya-led Maoists, and external forces that created a conducive environment for the successful holding of November 19 polls. Host of retired secretaries (about 2 dozens) who could not be picked for the ministerial positions, some made to wait till the last moment, must be feeling bad that they could not be fortunate enough to be a party to running the show at such a wonderful time and get credit that the current lucky team so much deserves. Good fortune can befall the left out retirees because there are vacancies both within and outside of Nepal, which the Regmi team may not try hard to grab. ■

NEPAL-DENMARK

Leaving A Mark

A new publication chronicles the Danish support to Nepal in the area of human rights and good governance

By ABIJIT SHARMA

It has been more than four decades since Denmark began assisting in the development of Nepal. The development cooperation that started with Danish support to Nepal's dairy sector has come a long way over the years covering, in the process, a number of diverse areas.

The Danish assistance mainly concerns such key areas as education, rural development and human rights. Major projects completed so far have been Education for All, Secondary Education Support Program, Kailali-Kanchanpur Rural Electrification, Revenue Administration

Support, Strengthening the Capacity of the National Human Right Commission of Nepal.

Along with the crucially useful support on issues of human rights and good governance, Danish projects have also aimed at bringing changes to the lives of many in the grassroots level by building communities, empowering citizens and alleviating poverty.

Denmark's contribution to Nepal's development efforts has also come in the form of technical assistance through expert advisors and scholarships.

As the cooperation began to grow by the year, Nepal became a partner country to Denmark in 1989. It features in the list of 20 priority countries for Danish programme cooperation.

The Danish cooperation assumed a new dimension in the post-conflict period of Nepal. After the Nepalese government reached a peace deal with the Maoist rebels to put end to the ten-year old bloody insurgency, Denmark played a significant role in helping the peace process succeed.

Post the comprehensive peace accord, Denmark has been a staunch supporter of democratic and inclusive values. Expressing its firm commitment to a better and stable Nepal, the Danish government agreed to provide a grant assistance of 600 million Danish Kroner (about Rs 10.8 billion) to the government of Nepal for the implementation of peace, rights and governance (PRGP) and inclusive growth programmes (UNNATI) last year.

A newly published book gives a glimpse of the role of Denmark in



supporting human rights and good governance in Nepal during the past 15 years.

The publication entitled 'Rights and Governance for Development' also underlines the impact the Danish support has had on Nepal in the development process through a first-hand account of people associated with and benefitted by, Danish development agency's human rights and good governance arm -- DanidaHUGOU.

As the book was launched at a function in Kathmandu on January 28, Danish Ambassador to Nepal Kirsten Geelan wished for a better and prosperous Nepal and assured that Denmark's engagement in Nepal will continue to be based on genuine cooperation and partnership.

"Over the years Danish support to Nepal has evolved from a project based approach to building strategic partnerships. We hope to strengthen that partnership in the days to come" she added.

Stressing on the national efforts to build Nepal, she said, "The future of the country should be decided by the people themselves and no one else."

Chief Election Commissioner, Neel Kantha Uprety who only recently oversaw the second elections for the constituent assembly thanked the Danish government for the relentless support during the transition phase and in the elections for the constituent assembly. "All the Nepalese want to see the constitution making process completed on time and I wish no different", he said.

According to him, the support from Denmark, along with other international partners, played a crucial role in making the elections a big success. ■



POLITICS

Houses Divided

Major political parties need to bridge the trust deficit to make sure that the past did not repeat

By ABIJIT SHARMA

Three years after it erupted into the global political stage with what later turned out to be harbinger of a mind-boggling Arab Spring, Tunisia has got a new constitution. Even as upbeat mood prevailed across the tiny Arab nation over the “progressive statute”, one of its South Asian counterparts began a second search for what has so far proved the elusive law of the land.

Eight years after the tumultuous regime change all Nepal did was to elect a new constituent assembly to draw a new constitution. And it took another two months after the elections to kick start the constitution-making process.

The constituent assembly meeting has started with high hopes so has the session of the legislative parliament. But the hopes have at best been cautious. The election of the Nepali Congress president Sushil Koirala as the leader of the parliamentary party as well in the newly constituted constituent assembly has cleared the way for him to don the mantle he had shunned thus far.

Barring the unforeseen, the leader of the largest party in the 601-member body is now certain to head a coalition government that will seek to give the country its first republican

constitution within a year as per the electoral promises of the major parties.

All major parties are however not coming together to form a consensus government as called by the president Ram Baran Yadav. As much was predictably clear in the all-party meeting called by the Nepali Congress.

Following the declaration of the third and fourth largest parties of divergent political colours — the republican UCPN-Maoist and the “royalist” Rastriya Prajatantra Party-Nepal — to sit in the opposition, the best Koirala can expect is to put in place a broader coalition.

Whether this coalition can deliver the long-awaited constitution within a year is something not many are sure of.

The reason: the intra-party and inter-party trust deficit. The trust deficit is so deep that it could disrupt the normal political process anytime.

It is pronounced more in sharing the pie of power than in what is to be incorporated in the new constitution.

The tell-tale sign did appear soon after the election results of the CA began to pour in. It was capped by the drama seen during the election of the Nepali Congress parliamentary party.

If the second largest party, the

UML, jumped into hard political bargaining with one eye on the chair of the president and another on plum portfolios in the future coalition to be led by Koirala, the latter faces no less challenge from the man he narrowly defeated in the elections of the parliamentary party — Sher Bahadur Deuba. Yes, the UML does not seem in a mood to relent. If it keeps unrelenting, the NC could find it too tough to run the government which the Maoists would like to cash in on.

Koirala faces no less challenge from within. Having commanded the support of nearly half of the parliamentary party members, Deuba showed his intent by refusing to instantly congratulate his rival. He did it on phone a few hours later was enough to show his dissent over what he sees as “a conspiratorial defeat”.

Grapevine has it that Deuba has begun the countdown of the government even before it has been formed.

Deep internal divisions mar the UML and the Maoists as well. The UML is a divided house with the incumbent chairman Jhalnath Khanal and the two chairman-aspirants in the upcoming general convention, Madhav Kumar Nepal and K.P.Oli, jostling for a position of power and convenience at the cost of each other.

As for the Maoist party, it has just survived a major internal disaster after a disaster at the national hustings. Pushpa Kamal Dahal and Baburam Bhattarai may have patched up for now, but they will surely be looking for an opportune time to strike against each other.

This will most likely affect the process of making and breaking the government.

The internal wrangling thus has the making of a perfect spoiler as the country begins the process of delivering the constitution under the second constituent assembly. Nepal is the only country in the world to hold elections twice for the CA. If the major parties failed to bridge the inter-party and intra-party deficit especially over sharing the power, the country could well be on the road to yet another record. ■



Securing Sovereignty And Searching For Happiness

By DR. K. UPRETY

Ample points have been made through this *Magazine* in support of constitutionalism, legal reform, rights-based development and the likes, all intended to elaborate on the implementation of the principle of people's sovereignty in the country, which, to be meaningful, calls for its governance system to establish a clear political, institutional, social and economic mechanism detailing the terms, conditions and criteria for the enjoyment of sovereign rights. Elections to choose representatives, procedures to recall the non-performing elected leaders, good governance and rule of law to protect citizens, adequate food, health, and shelter for their survival, equal social and economic opportunity for their growth, all come under the broad ideal of people's sovereignty. However, because of the opportunity

A traditional jurist takes a narrow approach, transpiring essentially in examining facts and damages in a particular case, in general, to compensate for prejudice, if any.

costs involved, a comprehensive solution to materialize it only remains possible in theory, not in practice, not even in the most affluent of countries, even though most boast the equality they provide and empowerment they implement in a broad context of equity.

Note that the International Court of Justice considers 'equity' as a legal concept, directly emanating from the idea of justice. However, its role is still controversial, a fact exacerbated by the absence of a universally accepted meaning in international law. Due to lack of clarity in meaning, in its realization, nations have tended to focus on changing the traditional development pattern to achieve the end of poverty and to design rights and duties for all to ensure a common prosperity. But there is now a further shift towards ensuring, more specifically, the plight of the

underserved and the moral duties of those partaking in what is commonly referred to as 'societal justice'. This school of thought is slowly gaining ground and focuses on 'happiness'.

Emerging Concept

For the past few years, civil society organizations from different continents have been discussing the theme of happiness in international forums to reflect upon ways to devising a system to ensuring it for all. And, interestingly, the moral duty of dealing with it, in the broad context of 'societal responsibility,' has been bestowed, among others, upon jurists/lawyers, considering them as one of the main conduit of the law and happiness relationship.

That this responsibility has come in the domain of jurists is not surprising. It was a logical response to a UN General Assembly Resolution dated July 2011, co-sponsored by 68 countries (Resolution No. 65/309), and titled, *Happiness: Towards a Holistic Approach to Development*. Endorsing an idea Bhutan had

long been proposing, the resolution conceded that "the gross domestic product indicator, by nature, was not designed to and does not adequately reflect the happiness and well-being in a country". More pointedly, it implied that public policies in many countries have encouraged "unsustainable patterns of production and consumption," at the expense of "a more inclusive, equitable and balanced approach to economic growth that promotes sustainable development, poverty eradication, happiness and well-being of peoples." Indeed, the responsibility bestowed upon the jurists/lawyers, as discernible from the spirit of the Resolution, is huge and the concept too broad to be hastily transplanted.

Broadness of the Concept

The polysemy associated with the definition of happiness tends to draw

on an unlimited number of disciplines including, without limitation, philosophy, morality, law, economics, statistics, medicine and so forth. However, an ethno-centric definition needs to be avoided to not engender a sclerosis of thoughts and further blur the concept. The main focus should be on considering not individual, but societal, happiness, along with the environment in which each of the citizens develops and thrives.

Between Art and Science: Law tends to revolve around a set of rules of human behavior, wherein the professionals are used to thinking in terms of civil, administrative or criminal liabilities, with little or no regard to their societal responsibility. A traditional jurist takes a narrow approach, transpiring essentially in examining facts and damages in a particular case, in general, to compensate for prejudice, if any. Contrasting with this is societal responsibility which focuses on the impact of actions and decisions on other groups of individuals and the surrounding environment.

Acknowledging societal responsibility would, therefore, clearly lead to a paradigm shift and consequently would first call for establishing a nexus amongst happiness, jurists and societal responsibility in order to make happiness a purpose for the law. In this context recall that Kant portrayed happiness as the 'ideal of the imagination' and Giraudoux referred to law as a 'school for imagination'. The nexus, thus, seems to exist. Certainly, the impediments due to the methodology involved in law need to be addressed, but jurists, believers in the spirit of law, clarity and conciseness in determining rules of conduct, must also be asked to be cognizant of the law's usefulness, its negative impacts vis-à-vis people and surrounding environment, and the collective actions for creating positive impacts of law.

Elements for Consideration. Few centuries earlier, Montesquieu already made a poignant observation: "If we only wanted to be happy, it would be possible, but it is that we want to be happier than others." Clearly, there seems to be competition for happiness which needs to be managed. The formalization of jurists' societal responsibility vis-à-vis happiness, which also goes in the direction of managing said competition, could be carried out through refinement of a few areas that are relevant to the profession.

1. The first area relates to normative creativity and reflection on the negative impact of the law. When a law is rigorous, it is predictable. Reasoning based on the principles of legal predictability, may lead to anxiety and anguish of uncertainty. Jurists, who rely on surety granted by the rigor of the law, hesitate to operate in an environment where rules are not known in advance. However, the constant search for surety can also create stress, thus weaken their ability to reason with a pluralistic construct and to incorporate into domestic law a more flexible system which permits to also consider the diversities of contexts, environments, communities, development and so forth.

Certainly, positivism provides a marked advantage; an advantage in terms of legal realism. However, some space needs to be granted for ethics too. There are scholars who recommend jurists/lawyers to be 'for a sociology of law without rigor', to be 'more flexible', and to follow 'intellectual indiscipline'. They further ask them to become more human and design laws with human dimension, not only procedures focused on judging and managing case files.

2. The second area concerns hermeneutics. We all know that denial of justice is wrong, that judges interpret the law, that lawyers help judges, and that doctrines enlighten them both. Therefore, unless otherwise required, judges will continue to take their traditional approach in judgments. This calls for introducing an ethical dimension in hermeneutics: considering equality of

human dignity, thus, creating a link between ethics and happiness. The science of flexible interpretation can contribute in terms of clarity with exegesis as well as openness to methods of analysis. It can help provide a reasonable space for equity, fairness or purpose, as well as ethical rules for citizens, ethics in the pursuit of profit for business people, or ethical responsibility of leaders.

3. The third area relates to the penal system and its negative impacts. Prisons are created as a deterrent to an individual's violation of a law. But penalty has now-a-days become so common that societies tend to forget its negative, symbolic, psychological and emotional discharge. Societies punish just for the sake of enforcing laws, and in the name of effective enforcement, continue to undermine that, at a micro level, freedom is infringed and heritage is destroyed, and that humiliation, suffering, loss,

Jurists, who rely on surety granted by the rigor of the law, hesitate to operate in an environment where rules are not known in advance.

discomfort, disease, violence and physical and social trauma, are caused.

Nobody denies that there needs to be adequate safeguards for a society to function. But punishing for the sake of enforcing laws alone is also futile. Bentham developed the theory of 'sweetness in punishment' that became the basis for exemption in criminal matters. Jhering concluded that 'the history of criminal law was a history of constant abolition of penalty'. Levasseur echoed "it is with the thinness of its criminal law that we measure the degree of civilization of a state." Some scholars have even suggested 'a law without punishment'. Hulsman, in his abolitionists' theories, even questioned "why we were talking about crimes, misdemeanors and contraventions?" For him, the reality was simply 'managing problem-situations'. Indeed, when societies punish severely, at a macro level, they also severely hurt themselves.

4. The fourth area concerns the jurists' societal commitment. Jurists

are one of the major players in the application of law. But their actions (albeit technically justified) may also be the cause for damaging the names of individuals, destabilizing families or hurting environment. A society is content, for example, granting a divorce, which could negatively impact child development and familial harmony, even lead to suicide. Surprisingly however, the above scenario would not affect a jurist, since the law on welfare or family would have been correctly applied, from a technical standpoint.

Systematization is, therefore, needed in legal categorization. Nothing prevents societies from making human beings the ultimate purpose of the law. For Kant human dignity was paramount; and this dignity could become an indicator of measuring ethics in the rule of law:

5. The fifth area relates to the knowledge base. Certainly, there has been ample development of praxeology in law. Specializations have developed, but not one that relates to human happiness. There is, thus, a need for filling in the vacuum by developing a culture of

a law on emotion and affection, something that jurists might resist since it blurs their world of pure law. That would require integrating happiness in the organizational paradigm, and in this respect, to revisit the values of law. As for now, lawyers are accustomed with the legal values of solidarity, peace and order. The non-legal values, such as kindness, love, generosity, humility and selflessness, are not integrated.

Conclusion

Happiness through law is neither an intellectual speculation nor an illusion anymore. The concept has recognition of the international community and, thus, is likely to become a theme for continual discussions in not too distant a future, particularly in the context of the subsets of approaches to meaningfully ensuring the sovereign rights of people in all capitals, countries and continents.

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RENEWABLE ENERGY WEEK 2014

Power To People

At a time when Nepal is passing through a severe power crisis, with power outage extending for more than 12 hours a day, the Alternative Energy Promotion Center (AEPC) is organizing the Renewable Energy Week 2014 from February 6 to 10. The energy week will bring various stakeholders together to create awareness about large scale utilization of renewable energy by the general public. Such wider use of renewable energy in Nepal will go a long way to address the present energy crisis. Experiences have shown that private sector investment in renewable energy can help in this regard

By DEBESH ADHIKARI

At a time when most of the urban areas of Nepal have been facing severe power cuts, spanning over 12 hours a day, the villagers in remote parts of Nepal have a reason to rejoice, at least in terms of their access to power generated through solar, wind, biogas and micro-hydro schemes.

The *Energy Report* of 2011 has showed that 67.26 percent of the population now uses electricity as the

main source of light. Similarly, 2.41 percent population uses biogas as the main source for cooking. This indicates that the alternative energy sources like bio-gas, solar, micro-hydro and wind power are reaching the people. In a country with the world's lowest electricity consumption, the use of alternative energy sources will provide a long term solution to increase the access of the rural population to energy

in exchange for an affordable one time investment.

As the Alternative Energy Promotion Center (AEPC) is organizing the Renewable Energy Week 2014, the government's decision to pilot the renewable energy through collaboration between municipalities and AEPC makes a great sense.

Looking at the AEPC experiences, the government has recently decided

to launch the collaborative pilot projects in 14 municipalities.

Using renewable energy sources like micro hydro, solar, biogas, wind and improved stoves need a one-time investment. These schemes then provide electricity for a long time.

“Nepal is a country endowed with a high potential for renewable energy resources like hydro, solar, wind, biomass etc. The country has abundant hydroelectric potential. However, we are not able to fully convert it into useful energy. The use of alternative/renewable energy technologies is growing. Presently around 14% of population is electrified by alternative energy sources like micro hydro plant and solar home system. Around 900 thousand households are using clean energy solutions like improved cook stoves, biogas etc. for cooking. Although, the share of alternative energy sources is still small, it has increased by more than 50% since 2005 and this trend is expected to grow in future also. Because of Alternative Energy Technologies many social issues like regional disparity in access to clean energy, indoor air pollution and employment generation, reduced pressure on forest are positively addressed,” said Professor Dr. Govinda Raj Pokharel, executive director Alternative Energy Promotion Center.

Nepal has over 300,000 bio-gas



AEPC Building

plants, costing some Rs. 15,000 each. Similarly, solar power is now the main source for lighting many households. Even the people in the urban areas like Kathmandu are moving towards solar energy as an alternative source to address the uncertainty of electricity supply by NEA's central grid.

AEPC's Contribution

The AEPC has been promoting alternative energy sources like mini/micro hydropower, biogas, solar, wind and biomass in the country. With support from various development partners, the center has been providing subsidy and technical assistance to develop mini/micro hydropower projects, installment of solar, biogas, improved stoves and wind power schemes.

Thanks to the continued involvement of the center, alternative energy has brought about a drastic change in the livelihood of tens of thousands of rural people, contributing to the poverty alleviation campaign as well. The alternative energy has

changed the status of education, health as well as income of the people. The supply of energy has reduced the burden on women.

AEPC is under the Ministry of Environment, Science, and Technology and it has been supporting the development and installation of micro-hydropower plants ranging from 5 to 500 kW, with a cumulative capacity of up to 15 MW. The implementation of these plants will be done through two AEPC projects: the Rural Energy Development Program and the Minigrid Support Program of the Energy Sector Assistance Program.

“These projects have inherent direct benefits. Off-grid power generated by mini-hydro will provide a large number of rural households with electricity and power for lighting, milling, and other needs. Such off-grid renewable energy systems not only help in poverty alleviation but also have direct local environmental benefits,” said experts.

APEC For Rural Industries

Along with providing support to generate electricity, the AEPC has brought a plan to promote small and medium scale industries in rural areas with the alternative energy plan. With an aim to promote and develop renewable energy technologies and small, medium scale industries, the centre has signed a Memorandum of Understanding with the Federation of Nepal Cottage and Small Industries (FNCSI).



Renewable Energy in rural household

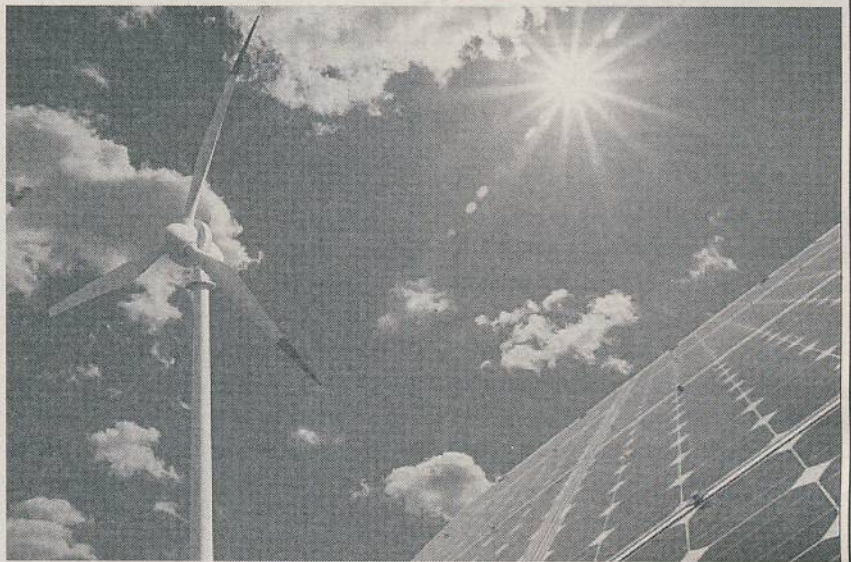
“The centre will promote alternative energy along with micro-hydro projects not exceeding 1 MW in remote areas. Such projects will not be implemented by Nepal Electricity Authority in the next five years. Nor does NEA have any plan to connect them to the national grid,” said Professor Dr. Pokharel

According to APEC, the country has already earned 2.1 million US dollars in the last 3 years selling carbon by saving trees after installation of biogas plants. Among other supports are solar, biogas and other sources of energy to promote small and medium scale industries.

Contribution of Micro Hydro

According to an estimate, by the end of 2012, 15 percent of Nepal's electricity was to be generated from micro and mini hydropower plants. For each new micro hydropower system, 40 new businesses are created. The micro hydropower plants are part of a larger project seeking to promote renewable energy sources to provide reliable, low-cost electricity to a large number of isolated, rural communities in Nepal.

With an objective to reach more than one million rural households with alternative energy technologies, including small hydropower, biogas, solar cells and improved cooking



Alternative Energy Sources

stoves, AEPC has been working in various parts of Nepal. Executive Director Professor Dr. Govinda Pokharel remains instrumental to bring these changes.

Lack of access to energy in rural Nepal is a major challenge for Nepal's socioeconomic development. With increased access to energy, chances to improve the living standards of rural women and men, increased employment of women and men as well as productivity are bigger. Alternative energy also reduces dependency on traditional, dirty energy, leading to better prospects of sustainable development.

Experiments have shown that energy is a vital tool, which enhances and supports the ability to pursue basic and productive activities in building economy from the individual to the macro level. Access to safe, clean and reliable energy

guarantees the basic and productive operation of end-uses. Secure energy access promotes productivity, generates employment and enhances livelihood.

Alternative Energy Promotion Centre (AEPC)

With the aim to popularize and promote the use of alternative/renewable energy technology, to raise the living standard of the rural people, and to protect the environment, to develop the commercially viable alternative energy industries in the country, Alternative Energy Promotion Centre (AEPC) was established as a government institution on November 3, 1996 under the then Ministry of Science and Technology. APEC's main objective is to develop and promote renewable/alternative energy technologies in Nepal.

AEPC was set up to help meet the clean energy needs in Nepal. Acting as an intermediary institution between the operational level NGOs/private promoters of renewable energy and the policy decision levels in relevant ministries, AEPC's activities include renewable energy policy formulation, planning and facilitating the implementation of the policies/plans.

The main role and responsibilities of AEPC are to formulate short,



“Alternative Prospects Better To Power Cities”

DR. SOM LAL SUBEDI

Secretary at Ministry of Science, Technology and Environment DR. SOM LAL SUBEDI spoke to NEW SPOTLIGHT on various issues regarding the use of Renewable Energy in Nepal. Excerpts:

How do you see the possibility of expansion of renewable energy in Nepal?

As there is a huge problem of power outage in Nepal, the prospects of renewable energy to power the urban areas are immense. From this year, we have already started a program to encourage the use of solar power in urban areas. We have been launching the program in joint partnership with the municipalities. Basically, we are promoting alternative energy in the urban areas. Next year, the schemes will be extended to many other urban areas, in terms of their quality and quantity.

How many municipalities are selected?

We have selected 14 municipalities to pilot solar projects within the limited budget for this. We have just initiated the program. After the piloting, we will see what is technically possible in which areas. Since renewable energy is widely used in rural parts of Nepal, the inclusion of urban areas will have an added value.

medium and long term policies and plans in addition to promotion of development programs, standardization, quality assurance and monitoring.

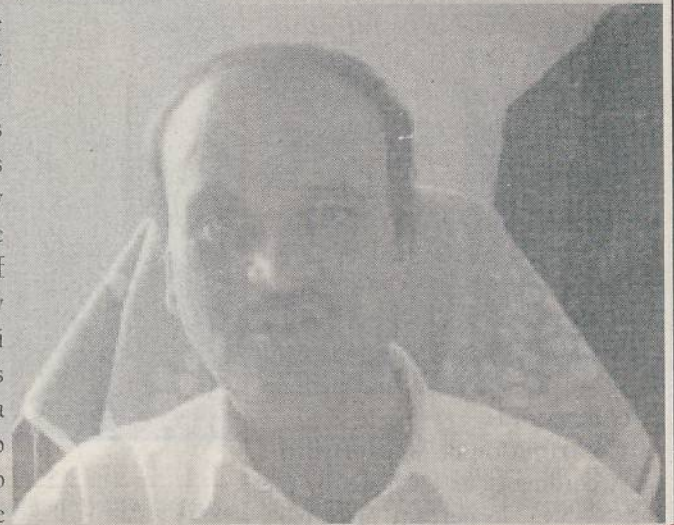
Along with micro hydro, AEPC also promotes other alternative energy sources. Biogas program (Biogas Support Program (BSP) began in July 1992. As of 2012, it is one of the major sources with over 300,000 biogas

How is the government responding?

As Nepal's power crisis is badly hampering the country, Chief Secretary Leelamani Paudyal has constituted a working group to study how to make effective and efficient use of renewable energy. The working group will look into the issues such as how to use the renewable energy in the context of reducing the present load-shedding. The committee is led by the secretary of the Energy Commission. We have recently formed a technical team to submit a report on how we can use the renewable energy to lessen the present power crisis. Based on the recommendations and justifications, the government will increase its budget in this area for the next year and request Nepal's development partners to support our program. Nepal's development partners, hopefully, will be positive in this regard.

plants installed under the BSP alone, in over 2800 VDCs and all over 75 districts.

It has also made a major contribution in the solar power installations. Solar Photovoltaic System, Solar Home Systems (SHS), Small Solar Home Systems, Institutional Solar PV systems (ISPS) and Solar PV Water Pump System (PVPS) and Institutional Solar PV

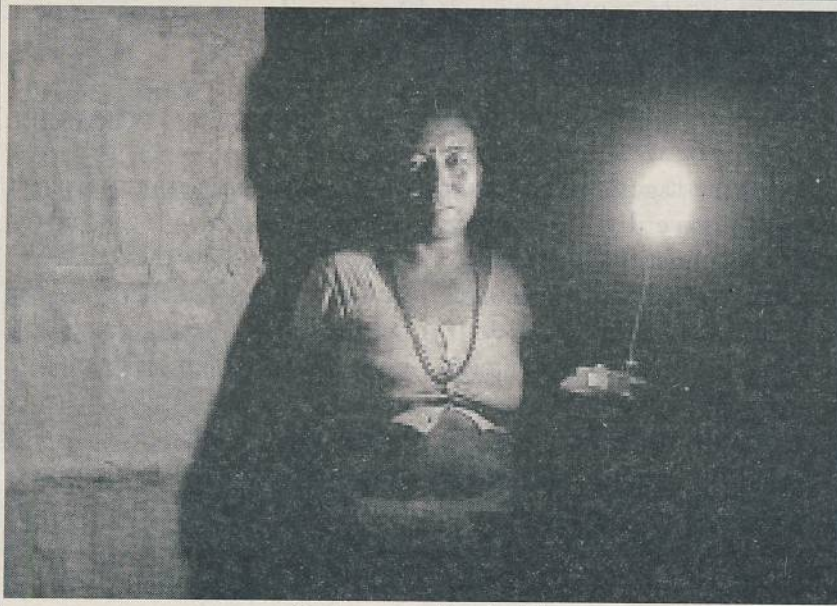


How do you see the role of AEPC?

Alternative Energy Promotion Center (AEPC) will be the implementing agency of the government in the area of renewable energy. It will work as a nodal agency for all kinds of renewable energy programs. As AEPC has the technical capacity to deal with all kinds of renewable energy related issues, it can implement these programs effectively. AEPC will implement the programs in urban areas in collaboration with the local bodies. AEPC will provide technical support and subsidies and local bodies will collaborate with it for implementation. The local body will take this role in the future.

Systems (ISPS) are some of the popular systems introduced by APEC.

Although the government has planned for developing the wind energy sector in Nepal for some time, it is only since the establishment of AEPC in 1996 that serious research and development has taken place. Despite these efforts, wind energy is still in its infancy and limited data is available for research and modeling.



Rural woman with solar light

Nepal's rugged geography presents another challenge to wind energy projects.

Nepal has a very high potential to exploit the renewable energy resources. However, the potential has not been exploited to the fullest. The energy sector of Nepal is characterized by a very heavy reliance on traditional resources which contribute more than 85 percent of the total energy consumption. Use of Renewable Energy Technologies (RETs) can reduce the dependency on traditional energy and help to protect the environment and reduce emission of greenhouse gases, contribute to sustainable development, regional balance and increase the economic activities. It ultimately contributes to improve the health and educational status of the population as well.

The objectives of the Renewable Energy Week 2014 are to create awareness about large scale utilization of renewable energy among the general people, to sensitize policy makers to make Renewable Energy as mainstreaming energy source for economic development and to attract and engage private sector investment in renewable energy.

The Sun is an infinite source of energy that is pivotal for sustaining life on our planet earth. Energy from the Sun has been harnessed since the ancient times to this modern era of ever evolving technologies. Solar radiation can be converted into useful energy such as - solar collectors can provide hot water or air heating, solar photovoltaic cells can generate electricity.

Nepal is blessed with solar resource as it lies at 30% Northern latitude which is ideal and there are over 300 days of sunshine annually. Further the annual average solar insolation is 5kWh/m² per day. These conditions are perfect for harnessing solar energy for various conversion technologies.

Broadly, the applications of solar energy in Nepal are -solar, wind, biogas and micro-hydro.

Nepal has a huge potential for solar energy. Around 2.920 GWh of energy per year can be harnessed by utilizing just 0.01 percent of the total land area of Nepal for solar energy.

As urban households are facing an acute shortage of power, the number of people searching for alternative power has gone up. The presence of a huge number of people in the exhibition for alternative energy showed that the people are willing to move to solar, wind or biogas as alternative sources of energy.

Presently around 12 percent of the population is using electricity from alternative energy. "If Rs 25 billion is invested in alternative energy development, the industries would be relieved of power crisis for good," Executive Director of AEPC Dr. Govinda Raj Pokharel said. "Alternative energy solutions are cheaper in the longer term. Of course, it is initially a little bit expensive, but in the long run alternative energy solutions are cheaper than the traditional sources."

As APEC is organizing the Renewable Energy Week, it will definitely generate the awareness among the people about the importance of renewable energy in the present context. ■

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Nepal Needs Energy Mix

PROF. DR. GOVINDA RAJ POKHAREL

A renowned expert on renewable energy, PROFESSOR DR. GOVINDA RAJ POKHAREL, executive director of Alternative Energy Promotion Center (AEPC), has worked in the energy sector for a long time. As Nepal has been witnessing serious phases of power crisis, Dr. Pokharel, with a lot of experience to his credit, spoke to NEW SPOTLIGHT on the issues related to alternative energy promotion in Nepal. Excerpts:

How do you see the present state of the use of alternative energy in Nepal?

Nepal is a country endowed with a high potential for renewable energy resources like hydro, solar, wind and biomass, etc. The country has abundant hydroelectric potential. However, we are not able to fully convert it into useful energy. The use of alternative/renewable energy technologies is growing. Presently around 14% of the population is benefiting from the electricity generated by the alternative energy sources like micro hydro plants and solar home systems. Around 900 thousand households are using clean energy solutions like improved cook stoves and biogas etc. for cooking. Although the share of alternative energy sources is still small, it has increased by more than 50% since 2005 and this trend is expected to grow in the future also. Because of Alternative Energy Technologies, many social issues like regional disparity in access to clean energy, indoor air pollution and employment generation, reduced pressure on forest are positively addressed.

What message does the center want to give by organizing Renewable Energy Week 2014?

AEPC is celebrating "Renewable Energy Week 2014" from 6 -10 February 2013 in Kathmandu Valley and at the district level. The theme of this year's RE Week is "Renewable Energy for green industrial development". Therefore, AEPC is partnering with Federation of Nepali Cottage and Small Industries (FNCSI) to organize this event.

The objectives of the event are to

- create awareness about large scale utilization of renewable energy to general public for wider use in Nepal and to address present energy crisis,
- sensitise policy makers to make Renewable Energy as the mainstream energy source for economic development,
- attract and engage private sector investment in renewable energy sector.

Why is renewable energy important for a country like Nepal. Is it more affordable to the poor?

Renewable energy is very important for a country like Nepal. There are several reasons. Renewable energy is only one viable means in Nepal to increase the access of energy to its population. As you know, Nepal has diversified land structure from plains to high Himalayas and also settlement patterns are scattered and sparse. National grid extension in some places is not economically feasible. Big hydro projects need a huge investment and all the petroleum products consumed in Nepal are imported from India or

overseas in the refined form for direct consumption, which is causing the economic burden for the country.

The high potentiality of the renewable energy resources available in the country is the most appropriate option for Nepal. It also helps to reduce the dependency on the traditional biomass energy resources and fossil fuels and to manage the energy crisis of the nation. This ultimately helps to minimize the degradation of the environment. Besides, decentralized renewable energy solutions are perfectly addressing the issues of energy development disparity regionally and socially.

More importantly, to enhance energy security, we need to go for energy mix, i.e. energy from different sources, i.e. hydro power, solar, wind, biomass etc. From this perspective, renewable energy is very important for the country.

How has Alternative Energy Promotion Center been working to promote renewable energy in Nepal?

Alternative Energy Promotion Centre is a national focal organization for promoting renewable and alternative energy technologies in Nepal. Since its establishment in 1996, AEPC's main focus has been to maximize the service delivery efficiency in the use of renewable energy resources and technologies in the rural areas and to provide opportunity to low-income rural households to use RETs. AEPC adopts public private partnership approach. We promote technology based on demands. Subsidy provided by the government is helping to create the demands.

How do you see the role of APEC?

AEPC is acting as an intermediary institution between the operational level i.e. NGOs/private promoters of renewable energy and the policy decision levels in relevant ministries. AEPC mainly focuses on renewable energy policy formulation, planning and facilitating the implementation of the policies/plans, standardization, quality control and monitoring.

Given Nepal's current power crisis, how can alternative energy support to address it?

In Nepal majority of people including policy makers consider renewable energy technologies as alternative energy that is only useful to provide energy in rural and remote areas. But in reality renewable energy technologies have the potential to be the mainstreaming energy. For example, 40KWp solar PV system installed in our AEPC building is powering all equipment and we are now not affected by load shedding. Likewise urban biogas promoted by AEPC can replace 4 cylinders of LPG every year.

What new program do you have now?

Recently government of Nepal has come up with a program to provide incentives to install 100 w more than 100 watt peak solar PV system in urban areas. Households will be provided with incentives of Rs 5000 for 100-200 watt; and Rs 8000 for more than 200 watt. This will help to reduce load shedding effects on users. Initially this program will be implemented in 14 municipalities.

Is there any new requirement?

There is a need of proper policies like net metering, feed in tariff, tax rebate etc. which will encourage use of renewable energy technologies even in urban areas. There is no doubt

that to enhance energy security in the country, it is most urgent to have energy mix with multiple energy resources. We need to rationally utilize all our abundant renewable resources such as hydro, solar, biogas, wind etc.

What is the contribution of alternative energy in Nepal's overall power generation?

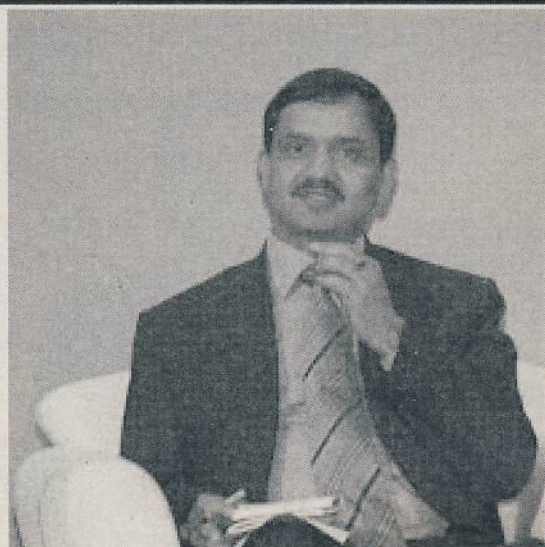
The contribution of alternative energy in Nepal's overall power generation is about 1% and its share is growing but more than 14% people are using light from RE and 25% households in Nepal are using either one or other RE technology.

As there are several sources of alternative energy, which do you think are preferable to Nepal?

Nepal is blessed with all types of renewable energy sources like hydro, solar, biomass and wind. It is difficult to say which technology is preferable because it depends upon availability of resources. In areas where there are water sources, it is feasible to develop mini/micro hydro than in such locations where mini/micro hydro cannot be suitable options. In areas where mini/micro hydro is not feasible but there is enough solar radiation, solar energy can be a suitable option. But mini/micro hydro cannot be compared with biogas or improved cook stoves. The earlier two are mainly used for electrification whereas the latter two are used for cooking.

What is the state of bio-ethanol?

We have also bio-ethanol that can reduce the consumption of petrol that is imported, similarly bio-diesel



can also be promoted to reduce consumption of diesel. So we have many types of renewable sources. However, it depends on which end-uses i.e. cooking fuel, transportation fuel/energy or electrical energy, to define preferable sources of energy. In the Nepalese context, hydropower is the backbone of our electrical energy supplying source, then comes solar, biomass, wind and other sources.

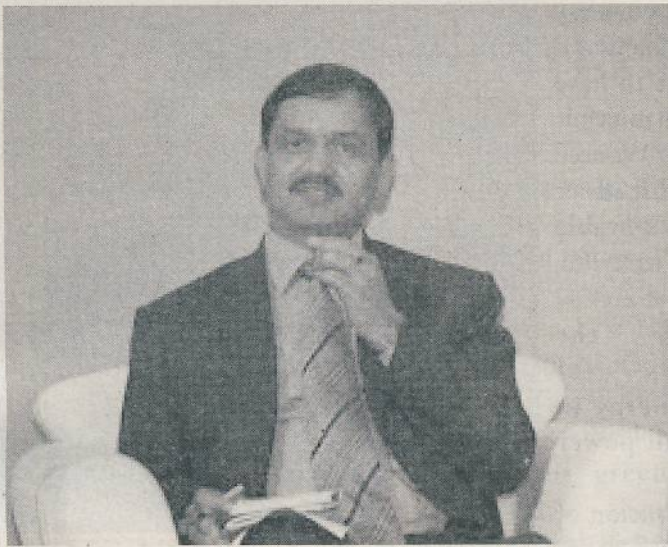
What is the state of solar energy? A question about the quality of solar panel is often raised. How do you look at it?

The use of solar PV system is growing as a trend. More than 400 thousand solar home systems have been installed in rural areas without grid connection. Due to load shedding use of solar PV is also increasing in urban areas.

The question regarding the quality of solar system has been raised mainly because we are not able to properly communicate to people on quality control systems adopted by AEPC. AEPC's main role is to maintain the quality of the renewable energy technologies promoted under subsidy program.

Is there any provision of subsidy?

We provide subsidy to users



collection centres. Nepal will have soon old battery management and collection centre to avoid hazardous effects of old batteries.

What is the state of micro-hydro, solar and bio-gas?

through the qualified companies (Vendors) only. The qualified companies create demand; install systems that comply with Nepal Photovoltaic Quality Assurance (NEPQA). There is Renewable Energy Test Station (RETS) under Nepal Academy of Science and Technology (NAST) that carries out detailed tests of solar home system components. Solar companies come up with the project completion report which is reviewed by our own team in AEPC. Only those eligible for subsidy are recommended for subsidy. Only a 90% of the subsidy amount is paid after installation and the remaining 10% is paid after one year of satisfactory performance of the system. If the company is found to be taking subsidy without installation, we have a strong penalty mechanism, including disqualification.

What about the solar battery?

Another interesting fact is that solar sector consumes only 13% of battery consumed in Nepal, the rest are consumed by automobile and other sectors. But only batteries used in solar sector are tested in Nepal. In addition to that, AEPC is coming up with waste battery management and

Till date under AEPC programs around 25 MW micro hydro projects have been established and these projects have electrified around 200 thousand rural households. Similarly, more than 400 thousand rural households have been electrified by solar home systems and around 300 thousand households are using domestic biogas technology that uses animal dung as feed stock for cooking. More than 8000 Improved Water Mills (*improved Ghatta*) are also being used by rural people for lighting, agriculture processing etc.

How do you look at the contributions from Nepal's development partners?

Development partners are very positive and supportive in promoting renewable energy technologies in Nepal. AEPC is currently working in partnership with Danish government, Norwegian government, KfW, ADB, the WB, EU, UNDP, UNCDF, UNSCAP, GIZ, SNV and other development partners and INGOs and NGOs. With their financial and technical support, AEPC is implementing a 5-year National Rural and Renewable Energy Programme (NRREP). This

is a single framework programme that allows government to collaborate with many development partners willing to promote renewable energy technologies in Nepal. We also would like to request other development agencies to join hands with AEPC.

What are the challenges before the Center?

The challenges before AEPC are lack of suitable policies appropriate for the promotion of large scale RE at present situation, lack of coordination between relevant stakeholders and ownership, inadequate knowledge among decision makers about private sector led demand based approach that AEPC is adopting, lack of intensive engagement of financial sectors, difficult & inequitable access to finance and credit, difficult terrain, and inadequately trained human resource etc. ■

NEW SPOTLIGHT

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- (क) उत्पादनको प्रारम्भिक परिक्षण (PIT): नेपाल फोटोभोल्टेक गुणस्तर मापदण्ड २०१३ (NEPQA 2013) मा उल्लेख भए अनुसार जडान हुने प्रत्येक नयाँ सौर्य ऊर्जा प्रणालीबाट विद्युत उत्पादन गर्न प्रयोग गरिने सौर्य पाता, व्याट्टि र अन्य उपकरणहरू आयात/उत्पादन पछि नेपाल विज्ञान तथा प्रविधि प्रज्ञा प्रतिष्ठान अन्तर्गतको नवीकरणीय ऊर्जा परीक्षण केन्द्र (RETS) मा गुणस्तर परिक्षण गर्ने प्रावधान रहेको छ।
- (ख) गुणस्तर परिक्षणमा पास भएका सौर्य ऊर्जा उत्पादनमा प्रयोग हुने सामान एवं उपकरणहरूमा आर्थिक अध्यादेश २०७० अनुसार भन्सार तथा मूल्य अभिवृद्धि कर छुट हुने व्यवस्था छ। आयात गर्न ईच्छुक सौर्य ऊर्जा कम्पनीको निवेदनको आधारमा भन्सार तथा मूल्य अभिवृद्धि कर छुट दिन वैकल्पिक ऊर्जा प्रवर्द्धन केन्द्रले सम्बन्धित निकायलाई सिफारिस गर्दछ।
- (ग) उत्पादनको प्रारम्भिक परिक्षण (PIT) पास भई आयातित सौर्य ऊर्जासँग सम्बन्धित सामान एवं उपकरणहरूको आयात/उत्पादन पछि फाट्टफुट्ट रूपमा नमूना परिक्षण (Random Sampling Test- RST) गरिन्छ। RETS ले यस्तो परिक्षणमा पास भएका प्रणाली तथा उपकरणहरूको कम संख्या (Serial Number) सहित वैकल्पिक ऊर्जा प्रवर्द्धन केन्द्रमा पठाउँछ।
- (घ) उपभोक्ताले प्रणाली जडान गर्ने कम्पनीबाट जडान गरिएको प्रणाली अनुसार १ वर्ष निःशुल्क विक्रि पछिको सेवा सुविधा पाउँछन् साथै सोलार प्यानलमा २० वर्ष, चार्ज कन्ट्रोलरमा २ वर्ष व्याट्टिमा ३ वर्षको ग्यारेन्टीको प्रत्याभूति कम्पनीले दिनेछ। सोको लागि उपभोक्ताले आफ्नो घर वा संस्थामा प्रणाली जडान गर्ने कम्पनीमा सम्पर्क गर्नुपर्छ।
- (ङ) RST पास भएका सामान एवं उपकरणहरू नेपाल सरकारको नवीकरणीय ऊर्जा अनुदान नीति, २०६९ र नवीकरणीय ऊर्जा अनुदान परिचालन कार्यविधि, २०७० अनुसार मान्यता प्राप्त कम्पनीहरू मार्फत् उपभोक्ताहरूको मागका आधारमा जडान हुन्छ। जडान गरेपछि तोकिएको ढाँचामा भरिएको अनुदान फारम केन्द्रमा बुझाएपछि मान्यता प्राप्त कम्पनीहरू मार्फत् नै अनुदान रकम उपभोक्तालाई उपलब्ध गराउने व्यवस्था रहेको छ। यसरी जडान भएका प्रणालीहरू मध्ये केन्द्रले हरेक वर्ष कम्तिमा १० प्रतिशतको फाट्टफुट्ट अनुगमन गर्ने प्रावधान छ।

सौर्य ऊर्जा प्रणाली तथा अन्य नवीकरणीय ऊर्जा प्रविधि, प्रविधि जडान, अनुदान तथा अनुदान परिचालन प्रक्रिया, गुणस्तर नियन्त्रण र अन्य थप जानकारीका लागि जिल्ला स्तरमा जिल्ला विकास समिति अन्तर्गतको वातावरण, ऊर्जा तथा जलवायु परिवर्तन शाखा वा केन्द्रिय स्तरमा निम्न ठेगानामा सम्पर्क गर्न सकिने व्यहोरा जानकारी गराईन्छ :

नेपाल सरकार
विज्ञान, प्रविधि तथा वातावरण मन्त्रालय
वैकल्पिक ऊर्जा प्रवर्द्धन केन्द्र

खुमलटार, ललितपुर

फोन: ०१ ५५३९३९०, ५५३९३९१, ५५२२८८७, फ्याक्स: ०१ ५५४२३९७

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Arajak Aadmi Party (AAP)?

By ABIJIT SHARMA

During a *dharna* last week in front of the Rail Bhavan, at the famous Raisina Hills, newly elected Delhi Chief Minister (CM) Arvind Kejriwal proclaimed himself to be an 'anarchist'. Threatening to disrupt even the Republic Day celebrations in the high security area he said, 'Today I will spread disorder in the home minister's house.'

Kejriwal's statement during his chaotic two-day *dharna* sums up the nature of the newly formed Aam Aadmi Party (AAP)'s one month tenure in the Delhi government. If anything, AAP's governance in Delhi has been marked by anarchy, cynicism, political gimmickry and excessive symbolism. So much so that the party has earned a new name for itself from some commentators - *Arajak Aadmi Party*.

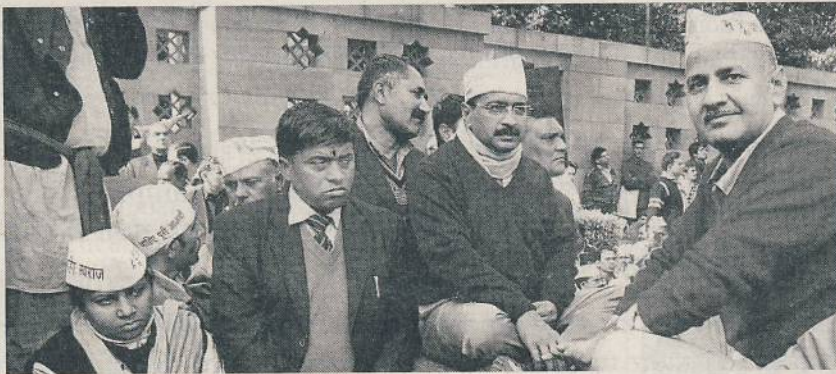
The first few days of the debutant party in power were quite promising. VIP privileges were shunned, huge government bungalows were discarded, red beacons cars were substituted for normal ones and the ministers even used public transport to travel. The party garnered praise and support from the

aam aadmi. But slowly, the symbolism went too far. Three weeks of valuable time was lost by the Chief Minister's Office to simply find the 'right' house for Kejriwal who had earlier decided to refuse government accommodation. The CM and his ministers' refusal of the high level Z security resulted in a huge loss of time again. This sort of excessive symbolism took the focus away from many of the core issues including discussion on the newly formed government's policies, plan of action and vision. The Jan Lokpal Bill, which the party had promised to implement within three weeks of coming into power during its campaign, got lost somewhere although the chief minister has vowed to bring it in the assembly in the first week of February in what is being seen as yet another symbolism when he sought to hold the assembly at the open Ram Leela maidan instead of the closed assembly hall. The government was merely focused on making populist decisions sidelining all other important and relevant issues.

What's more worrying is that just one month into its tenure, the party, in the name of 'revamping' Indian politics has started showing authoritarian tendencies with little respect for the existing system and rule of law. Law

Minister Somnath Bharati's midnight 'vigilante' raid was a perfect example. The same party which a couple of months ago promised to cleanse dirty old politics and uphold the rule of law now seems to be following in the footsteps of its predecessors. What followed the raid saga was a show of a bizarre anarchism, political amateurism and brashness. While Kejriwal might claim that his *dharna* was a great success and victory of people, it did nothing but anger the AAP's prime voters - the middle class, whose lives were severely disturbed. The CM should realize that agitations and protests are not a solution to all problems and hitting out at the central government at every available opportunity is merely going to take the focus away from governance.

The AAP functionaries, however, do not seem to be in a mood to learn from the drama. Instead, it goes on back foot at every opportunity and defends its actions vehemently. First, they put the entire blame on the violence happening against women in the city on the



Kejriwal at his dharna

Delhi Police trying to clear its name. At a time when the Chief Minister should have owned the moral responsibility for what happened in the state of which he is elected boss. Kejriwal put the blame on the Delhi police. In the second instance, when Bharti was criticized for the raid, instead of looking into the matter, Kejriwal and the team blamed the media (the same media which the party often thanked earlier) for planting anti - AAP stories. The party's image as a result has been severely dented. The party's image took a further beating following racist and stinging remarks from another of its key leader like Kumar Vishwas.

Just as the seeds of destruction in the Janata government in the seventies were sown in the very first week of its coming to power with an overwhelming victory over Ms. Indira Gandhi's Congress-I, the AAP is also showing the signs of an early doom. If the party, with the Chief Minister Arvind Kejriwal leading from the front, doesn't mend its ways before it is too late the AAP is certain to end up like any other *aam* party -- far from its dream of changing the dynamics of Indian politics for the larger good of the *aam aadmi*. AAP must wake up to the ground reality to keep its *kasam* (promise) of giving a good governance instead of banking on *arajakata* (anarchy) in the most important city of the South Asian powerhouse. ■



O'connor On The Frontier Of British India And Beyond

BY BIPIN ADHIKARI

William Frederick Travers O'Connor, author of *On the Frontier and Beyond: A Record of Thirty Years' Service* (London: John Murray, 1931), was an English civil servant with substantial exposure of the British Indian frontier region including Nepal.

O'Connor lived in India for seven years between 1895 and 1902 travelling from Darjeeling, which once formed the part of Nepal to the North-West Frontier Province, to the Gilgit District in the State of Kashmir. He spent further twenty-three years in Tibet, Persia and Nepal. He accompanied Colonel Francis Younghusband's expedition [1903-04] as secretary and interpreter and remained in *Gyantse*, the third largest town in Tibet at that time, as British trade agent after being wounded. After visiting and spending about three years in Persia and a few months in Serbia in 1918, O'Connor got an opportunity to be transferred to Nepal as a British resident in 1918-20.

The *Segauli* Treaty between Britain and Nepal was signed two years prior to his arrival. Subsequently, he served in Nepal as a British envoy during 1921-1925. In his new capacity, he also received visiting Prince of Wales in Nepal in his sport mission. In 1923, when an Anglo-Nepalese Friendship Treaty was signed by Prime Minister Chandra Shamsheer, whom he described as 'the late Prime Minister of that gallant and friendly little country,' he represented and signed for British side. The book includes his personal experiences in all these places, the text of the said treaty and the record of the British royal shoot in Nepal in 1921 as well as the summary of big game shot in Nepal in four seasons.

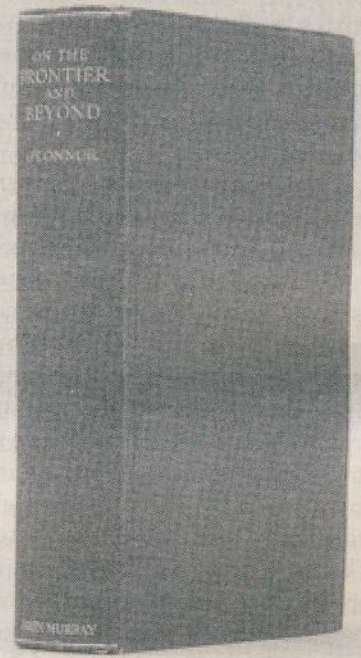
In the author's opinion, the objective of the book 'is merely to try to give an idea of the scope and interest of the work which devolves on the Officers of [his] Department on and

beyond the frontiers of India.' To a Nepalese reader, the book has important historical references about Nepal, whose capital is only 75 miles from rail-head, and 'was in some respects the most secluded and isolated of all the above places.' He further describes Nepal as 'a hermit kingdom' jealously guarded and preserved.

O'Connor makes it clear in his book that the system of government in Nepal is led by prime minister. Although, by this time the expression 'His Majesty' was already in use for the King in Nepal, his role in governance was only ceremonial. His status is compared by the author with the status of the historical ruler in Japan, 'where a figurehead Emperor was maintained in imperial state and seclusion, whilst the Prime Minister, in the shape of the Shogun [the hereditary military governor], actually ruled the country.' In the same vein, the king of Nepal was treated with 'great ceremonial respect, and surrounded by every symbol of royalty magnificent palaces, jewels, attendants, etc - but actually, in practice, he is the merest figure-head, and all power resides in the hands of the Prime Minister, the Maharaja.'

He further adds that the Prime Minister 'is assisted by a Council composed of all the Chief Officers of the State, civil and military, which meets daily, and with which the Prime Minister discusses affairs of State. But its functions are purely advisory; and although the opinions of the members of the Council are valued and weighed, and their votes taken on occasion, the Prime Minister in all cases remains the sole executive and administrative authority.'

While O'connor clearly mentions about the dictatorial regime at work in Nepal, he has high appreciation for both the country and Prime Minister Chandra Shamsheer, who received the



same level of appreciation from Percival Landon, in his famous book 'Nepal' in 1928. According to O'connor, Chandra Shamsheer 'was a man of striking appearance, courteous and dignified in manner, but alert, forceful, and brimful of intelligence and interest.' According to him, the English speaking prime minister knew every detail of the administration. His knowledge of foreign affairs and the British Empire is much appreciated in the book. One exemplary sentence of O'Connor states: 'He was, in a word, at once a diplomat, a man of affairs, and a natural born ruler and leader of men.'

The immense goodwill about Nepal can be read everywhere in the chapters that O'Connor has devoted to Nepal. He writes: '[Nepal] is not, as is so often believed, one of the feudatory States of the [British] Indian Empire, but is an entirely independent Kingdom with its own Monarch, army, system of government, etc.' It has 'a sane and well-considered foreign policy' which maintains 'Nepal's rights and sovereign integrity as an

independent country.' Prime Minister Chandra Shamsher 'carefully avoided friction with his neighbours, and steadily fostered and cemented Nepal's traditional friendship with Great Britain.' The author remembers meeting Chandra Shamsher at King Edward VII's garden-party at Windsor Castle in July 1906.

O'Connor has explained how the treaty of 1923 was negotiated between Nepal and Britain and finally signed. Though the Treaty of *Segauli* signed between the two countries to conclude the Anglo-Nepal War in 1814-16 had served its purpose very well for a long period, the Nepalese side did not want any possibility of misinterpretation its provisions de-recognising 'clearly and unequivocally the complete independence of Nepal.' He states: 'This latter point was, indeed, one to which the Prime Minister and all Nepalese subjects attached the very highest importance. Although, no doubt, Nepal's status as a sovereign state was implicit in the Treaty of *Segauli*, and although her independence had never actually been called in question or challenged, certain incidents had occurred in the past (which need not be particularised here) which had given cause for some anxiety on the part of the Nepalese Government, and there still existed a good deal of public misapprehension regarding the true status of the country.'

It is clear that some critics thought of Nepal as one of the 'native states' of British India, and the existence of the Gurkha troops in the Indian army 'tended to foster this impression.' So adds the author: 'It was therefore desirable to dispel any such mistaken idea once and for all, and to place the true position of affairs beyond a doubt.'

The book also acknowledges the Nepalese military and highlights financial and various other assistance provided by Nepal to British India in its difficult times. Referring to the First World War, the author says: 'Nepal lay under no obligation, either

contractual or moral; to come to the assistance of Great Britain in her time of trouble; but the Prime Minister did not hesitate for a moment. The friendship which had for so long existed between the two countries represented to him something more than a mere sentiment.' The tradition of providing support to the British that Prime Minister Jung Bahadur Kuwar [1816-1877] started at the time of the Indian Mutiny in 1857 continued with no expectation for guarantees or pledges or reward. But the British refunded a part of the Terai that they had confiscated in the war following the suppression of the Mutiny.

Almost five and half decades later, in recognition of Nepal's services during the First World War, similar gesture was expected by Nepal. In fact, Nepal wanted the rest of the Terai stretches confiscated during the war to be given back to it by the British. But this time the British government thought it was not so easy: 'At the time of the Mutiny the districts in question lay mostly in the territory of rebellious Chiefs or *Rajahs*, and had not been included in the land settlement of British India proper, and their transference to Nepal had presented no particular difficulty and had involved no breach of faith with the inhabitants.'

The situation now was different. Because 'since 1858 the whole of the border districts had been subject to a regular land settlement, and the Government of India could not very well agree to transfer to another country districts which, for over half a century, had formed an integral part of British India, without the consent of the population and of the other interested parties.' The matter was discussed by O'Connor with Prime Minister Chandra Shamsher, and later the British provided monetary support to Nepal, rather than giving back its earlier Terai territory. These discussions took place in 1919.

O'Connor makes it clear in his book that the system of government in Nepal is led by prime minister. Although, by this time the expression 'His Majesty' was already in use for the King in Nepal, his role in governance was only ceremonial.

The book, authored by O'Connor, has a great deal of interesting details for modern minded Nepalis. At one instance, the author maintains that 'the most usual form of social entertainment, for instance, namely, that of eating and drinking together, was utterly 'taboo,' [in Nepal] as none of our high caste friends could partake of our food or drink, or invite us to share theirs.' At another instance, he states: '*Katmandu*, in spite of its secluded situation and apparent inaccessibility, possesses a number of really magnificent palaces and halls of audience.' The author quips that Chandra Shamsher humorously likened Singh Durbar, his residence, as 'No.10 Downing Street' of the British Prime Minister.

Talking about the excellent library of General Kaiser Shamsher, O'Connor speaks his heart when he says: 'It was really rather surprising, in this remote and almost inaccessible mountain Capital, to find oneself in a thoroughly up-to-date library, which comprised not only the more usual works of reference, history, biography, etc., but also a selection of the latest works of fiction, all supervised by a host who was himself an omnivorous reader and who thoroughly appreciated what he read.'

Obviously, the Ranas of Nepal who are remembered in history for their undemocratic form of government had in fact many good things to their credit that the present generation of the Nepalese could be appreciative of. ■



ENABLING STATE PROGRAM

Good Job Done

DFID-financed Enabling State Program has come to an end following 13 years of its implementation, laying the foundation to and building institutions in various governmental and non-governmental sectors

By A CORESPONDENT

Maniram Chaudhary, 55, received justice when he sought community mediation. He had a dispute over land with his neighbor and spent six years, taking his petition to the court. Community mediation came to his relief -- he settled his petty dispute locally.

"I am happy that we were able to settle our dispute. Community mediation is the best way to resolve petty issues," said Chaudhary.

Maya Bhandari, 25, has a similar story to share. "Thanks to the program launched by ESP, incidents related to Chhaupadi (taking women in cowshed during menstruation) have drastically decreased in Accham district," said Bhatta.

In its thirteen years, ESP saw many ups and downs. It came in for a controversy three years ago for its role. A group of people even criticized DFID-ESP for promoting ethnic

politics. However, it concluded with a positive note at the end as various stakeholders admired the role it played in the last decade to build the foundation of social and governance reforms.

Launched in 2001 against the backdrop of armed conflict and faltering democratic process, the ESP made a major contribution in the area of social inclusion and inequality and capacity of both the government and civil society and ability of citizens to claim their rights and access justice.

Working in all 75 districts of Nepal, ESP sought to strengthen the relationship between the Nepalese state and its citizens and to promote inclusive policies and programs.

"I feel pleased and honored to be part of the Enabling State Programme Closing Celebration Event. And I have to say I think that this should really be a 'celebration'," DFID-Nepal head

Dr. Gail Marzetti said. "Today we are here to celebrate the many achievements of and learn lessons from one of our most innovative and longest running governance programs worldwide."

Although it was the moment of despair as a successful program dedicated for social and governance reforms was coming to an end, but it opened the road for a new beginning, said Mohnaha Ansari, member of National Women Commission. "One of the major achievements of the project is that ESP helped to strengthen the process of inclusion, supporting the programs run by marginalized and socially vulnerable groups."

"I am very much disappointed at this moment as we are at the verge of closing a program which has made significant contributions in the areas of social inclusion particularly the women," said Sharmila Karki, president of NGO federation Nepal. "Unlike many other programs, DFID's ESP program also supported NGOs and other civil society organizations to make them more effective."

Along with non-governmental organizations, government officials also saw something different with ESP's programs. ESP supported all different government organizations to improve their performance and adopt an inclusive approach. ESP supported Nepal Police to improve its human rights approach. Similarly, it supported Public Service Commission and Nepal Administrative Service Center to make civil service more inclusive.

One of the important components of the last phase was to implement Right to Information Act. ESP supported National Information Commission to develop RTI strategy and launch some piloting programs in different parts of Nepal.

"ESP's support was very important for us. At a time when the commission was suffering from lack of resources to develop strategy and implement Right to Information Act, ESP's support was

"Esp Reached To Almost 2million People Across Nepal"

PHANINDRA ADHIKARY

Supporting more accountable, transparent and inclusive societies and governments is at the heart of DFID's engagement in partner countries. Yet, delivering results in these areas, particularly in fragile and conflict affected countries, is a significant challenge. After 13 years, DFID's Enabling State Programme has come to an end.

PHANINDRA ADHIKARY, Team Leader of GRM, the management service provider of ESP, spoke to **NEW SPOTLIGHT** on various achievements and lesson learned during the project. Excerpts:

What do you consider ESP's achievement?

During the 13 years ESP reached to almost 2million people across Nepal. ESP has promoted inclusive governance (accountability, state responsiveness, integrity, gender equality and inclusion) in Nepal. ESP supported citizen's access to resources, access to security and justice, promoting rights, inclusion and democracy, voter education, CA member's capacity building support, and more importantly reaching out to people from excluded groups and remote locations of Nepal.

ESP supported strategic approach to addressing issues. For example, ESP supported the development of national strategic action plan on combating gender-based violence and its implementation. ESP supported Nepal Police, National Judiciary, Ministry of Women, Children, and Social Welfare, National Women Commission, and National Dalit Commission to develop and review strategies in the respective areas.

ESP support has contributed to changing inclusion landscape in Nepal. This might have caused tensions at times, but has also shaped an opportunity for a healthy dialogues and debates. Through which a greater understanding on how to address the

exclusion issues is coming forth, and all actors are eager now than ever before to constructively engage and address the issues.

What was the focus area of ESP?

We worked in three major thematic areas – justice, equitable service delivery and deepening democracy. Justice theme included support to state security and justice agencies, combating gender-based violence, and support for community mediation in conflict affected east and central Terai-Madhes districts.

Promoting inclusive governance (that included accountability, responsiveness, integrity and gender equality and social inclusion) and supporting constructive engagement between state and non-state actors to access service delivery for the poor and marginalised people in rural areas have been ESP's core areas of support under equitable service delivery theme.

Deepening democracy theme included ESP support for right to information and elections. The two clusters supported transparency and vertical accountability, the two important pillars of democracy.

I understand that ESP was implemented during a very difficult and challenging context of Nepal. Can you tell us how you managed implementation?

ESP has been flexible and responsive in difficult and changing contexts. During phase I (2001-05) it supported governance change agents or drivers of change – both state and non-state actors.

Following royal takeover in 2005, ESP focused its partnership with civil society organisations primarily to promote democracy and inclusion in Nepal. It implemented a multi-donor fund, the Rights Democracy and Inclusion Fund (2006-2012). ESP also supported electoral processes including two CA elections. ESP also implemented DFID's Social Inclusion



Action Programme to contribute to making Nepal more inclusive place now than in 2001 through legal framework (interim constitution), representative CA and partnership with various CSOs. The second phase of ESP (2006-11) included working both with partners and on themes.

The third phase included primarily developing strategic partnership around issues (gender-based violence, right to information, community mediation and inclusive governance). Through this approach ESP has been able to achieve good results around the themes. Without ESP some of the key activities around combating GBV, promoting right to information, and community people's access to justice and inclusive services may not have been possible.

Please tell us about its theory of change and implementation modality.

I like to illustrate the theory of change being our partnership with state and non-state actors influencing institutional change promoting inclusive governance and service delivery.

ESP implemented 500 projects with 300 partners. The projects included 135 for deepening democracy, 122 for justice 122, 219 equitable service delivery and 34 others.

In terms of numbers ESP support may have been significantly more with CSOs, but its budget and quality of projects have been equal between the state and non-state actors.

ESP worked with State agencies, National and local civil society organisations, expert institutions and individuals, multilateral agencies and INGOs. ESP partnered with INGO where they added value and state required them, e.g., The Carter Centre for election on the request of ECN.

Which are the major state agencies that ESP partnered and supported?

Ministry of Women, Children and Social Welfare, Ministry of Law and Justice, Ministry of Federal Affairs and Local Development, Election Commission of Nepal, MoF/FCGO and National Planning Commission, Public Service Commission, National Information Commission, National Women Commission, National Dalit Commission, National Judicial Academy, Nepal Police, Nepal Administrative Staff College, Department of Prison Management, Department of Civil Personnel Records and CIAA.

What values that ESP added?

ESP didn't just provide financial resources, but it provided hands on approach to project implementation. It worked on partners capacity and good financial management processes of partners before funding. ESP helped partners in gender equality and social inclusion mainstreaming processes within their organisations.

ESP believed in a good monitoring, evaluation and lessons learning system and accordingly worked with partners in this area. As such ESP has been able to achieve more.

ESP developed regional resource persons on GESI and management and monitoring systems so that our partners do not have to rely always on Kathmandu.

What was ESP expenditure during 2001-2013?

ESP spent about 33 million sterling

pounds. This included grant and programme expenditure of 30 million sterling pounds and 3 million operating costs. About 26% have been spent for deepening democracy, about 38% for equitable service delivery and 35% for access to security and justice.

How was the reach of ESP and beneficiaries?

ESP covered Nepal's all 75 districts and out of 3915 VDCs it reached to 1200 VDCs or 40% of the VDCs.

ESP reached to over two million beneficiaries directly. Most of them were poor and vulnerable. Female beneficiaries were 46% and male 54%.

What difference did ESP make?

Our support changes in Government Policies, National Strategies & Government Data including vulnerable groups in politics and society. Our programs also work in protecting Women and Girls, strengthening Transparency & Accountability.

Under the access to justice program, ESP supported strengthening Citizen Voice resulting in better state response, improving state capacity for inclusive governance, contributing to credible & peaceful elections and reaching the unreached. The community mediation support resulted in over 9000 disputes ensuring access to land for poor and marginalized population.

Can you briefly describe ESP's implementation approach?

ESP invested in capacity building early on that helped to reap lasting benefits. ESP invested in long term partnership with government for sustainability and greater impact. Similarly, ESP also helped to build bridges between government and civil society to achieve greater results than working with one or the other. The program also ensured a long term approach to bring change to both formal and informal institutions.

Why ESP is closing when it is achieving so much?

As with any natural process 'all

good things come to an end - one day' so has the ESP. ESP had a longer lifetime than some other similar programmes.

During 13 years and particularly last three years, ESP has achieved significantly in the three thematic areas. ESP is pleased to support the development of strategy to combat GBV and its implementation. Its pilot around strengthening public financial management in two districts has been a success. This has been expanded to a large programme by DFID and World Bank across Nepal.

ESP has achieved a lot and also learned significantly. ESP has generated some good lesson learning products that have been shared with government, CSOs and donors so that these lessons can be taken into similar other programmes.

Though I feel sad about the closure of the programme but equally pleasing and rewarding are its contributions to changing inclusive governance landscape in Nepal.

As was informed by the DFID Head of Office during closing event, DFID will be working on a number of programmes that ESP has contributed to scaling up - security and justice, public financial management and governance facility. As such I consider that some of the good thematic work that ESP has started will be possible to continue.

Can you tell us about some specific ESP lessons?

Initial investment in capacity development support has helped in effective implementation and also contributed to sustainability.

Working with Government requires greater engagement and technical support in implementation but this supports greater sustainability and impact.

Our experiences have also shown that supporting changes in the formal rules of the game is easy but informal rules of the game will take time to change. ■



Chaudhary



Closing event.

significant. In the process of making the government more accountable and transparent, the support given to the commission will be helpful," said Shree Ram Panta, secretary at the National Information Commission.

Although the government of Nepal promulgated acts for making civil service inclusive at all levels, what it lacked was the systems and institutional capability. The support to Nepal Administrative Staff College and Public Service Commission aimed at addressing this gap.

"With the support from ESP, we were able to develop a new curriculum based on inclusion for the civil servants. This curriculum is part of

training for various levels of gazette officers working in various government offices," said Punya Prasad Neupane, executive director Nepal Administrative Staff College. "The curriculum will help sensitize civil service, which has over 90,000 civil servants."

Similarly, ESP's support also contributed to strengthen the capacity of Public Service Commission. "As a frontline organization in the process of recruitment of all civil servants, PSC's role is important in making the civil service inclusive. ESP supported us to enhance the institutional capability and institution," said Nathuram Chaudhary, secretary at Public Service Commission.

In 13 years, the program directly benefitted over 2 million people - predominantly the poor and marginalized from rural areas - to have better access to justice, to enjoy improved public services, and to develop their skills to hold the government accountable.

"I am also struck by ESP's ability to take challenge and support innovative ideas. Its support to reach out to thousands of youths through the national football and cricket associations to help raise awareness

amongst men on the need to combat gender based violence was something of a new approach in Nepal. One of the key lessons from ESP is the importance of trying new things and piloting new approaches which can then be scaled up if they work, or dropped if they don't," said Dr. Gail Marzetti, DFID-Nepal head.

Along with others, ESP also taught the importance of strong partnerships between government, civil society and Nepali citizens as the results from ESP have only been possibly due to that. It is only through such a collaborative approach that many of Nepal's governance challenge will be addressed.

"ESP has been flexible and responsive in difficult and changing contexts as it supported governance change agents or drivers of change - both state and non-state actors. Through RDIF (2006-2012), ESP supported electoral processes, CA elections, CIC, making Nepal overall a more inclusive place now than in 2001 through legal framework (interim constitution), representative CA and informal behavior. It supported thematic approaches to ensure greater synergy and results; and excellent support for 2013 elections," said Phanindra Adhikari, team leader.



Bhandari



Esp Will Not End But Will Be Carried Forward By New Programs

By DR. GAIL MARZETTI

Though I have been here in Nepal for just over three months as the new Head of DFID Office, I was lucky enough to be able to visit some of the activities funded by ESP and meet their beneficiaries both in Kathmandu and on the ground.

Only last week, on a field visit to a few central Terai districts, I saw how the Enabling states Programme has supported local citizens to participate in the constitution making processes, improved access to public information and helped to reduce incidences of gender-based violence.

I met the dedicated staff and the beneficiaries, who told me how the programme has made a difference to their lives. For example, I met a female college student in Hetauda who told me how ESP training on combatting gender-based violence had helped her to take a case to the police of a woman severely beaten by her husband, which resulted in the woman receiving justice. It is such powerful stories that are a testament to the program's success.

First of all, I find it remarkable that this programme has directly benefitted over 2 million people - predominantly the poor and marginalized from rural areas - to have better access to justice, to enjoy improved public services, and to develop their skills to hold their government accountable.

As well as benefitting the poor and marginalized, ESP has also worked very closely with Government over the years. ESP has also worked closely with the Government to develop strategies to combat gender based violence, to improve implementation of right to information law, to end caste based discrimination, and to build institutional capacity of the National Women Commission and other key institutions. The programme helped the National Planning Commission to roll out a better monitoring and evaluation system with gender and

social inclusion disaggregated data and with the Nepal Administrative Staff College to address issue of inclusion in their curriculum. The programme also worked with the Ministry of Finance to pilot the creation of single treasury accounts in few selected district, which was later scaled up after successful results by the Ministry in all 75 districts.

ESP has also been a very flexible programme, able to support emerging governance priorities. For example, it helped the Election Commission to improve its voters roll and supported the holding of elections in 2008 and 2013. At the same time, the programme supported civil society oversight of the elections, by deploying over 8,000 domestic and international observers; and helping conduct a nation-wide voter education campaign to improve women's participation.

The closure of ESP has also offered me a unique moment to reflect on how important it is to use the wealth of learning that has been generated by this programme to inform our future programmes in governance in Nepal and elsewhere.

I am also struck by ESP's ability to take challenge and support innovative ideas. Its support to reach out to thousands of youths through the national football and cricket associations to help raise awareness amongst men on the need to combat gender based violence was something of a new approach in Nepal. One of the key lessons from ESP is the importance of trying new things and piloting new approaches which can then be scaled up if they work, or dropped if they don't.

So, with all these remarkable results, obviously, you might want to ask: why are we ending the programme?

My simple answer to this question is that whilst the programme is ending, the important work that has been

started by ESP will not end, but will be carried forward by new programmes.

So, for example building on the important work on mediation and gender-based violence, we have developed a large justice programme that will improve access to justice for 1.5m women over five years. And on public financial management, as a result of the piloting work through ESP, 2 large multi-donor programmes have been launched. Much of the work to support to civil society on inclusion and to promote accountability has now been integrated into our sector programmes.

DFID and other donors will also continue to support small grants to civil society through a new multi-donor governance program. So DFID remains fully committed to support the continuing efforts of Government of Nepal and civil society to improve governance in Nepal.

To conclude, I think it is most important to stress that the results from ESP have only been possibly due to strong partnerships between Government, civil society and Nepali citizens. It is only through such a collaborative approach that many of Nepal's governance challenges will be addressed.

At this point, I would like to give a special thank you to the staff of ESP who have worked so hard over the years to support a well-managed programme.

And finally I would like to thank all of ESP's many partners - government, NGOs, women's groups, youth and citizens who have participated in the programme over the years - you are the reason for ESP's success which is to be celebrated today.

Dr. Gail Marzetti is head of DFID, Nepal. Excerpts of the speech delivered by during Enabling State Programme Closing Celebration Event.

On My Dolphin's Death

By CHANDARANA

The Ganges river dolphins are among the most endangered of all the world's cetaceans at high risk of extinction from habitat loss. Known as *Platanista Gangetica*, they are indicators of a healthy aquatic ecosystem. These dolphins survive only in fresh water. They hunt by emitting ultrasonic sound. Their females are larger than males and give birth once in 2 or 3 years to only one calf. They cannot remain submerged in water for a long time – that is, they come on surface every few minutes to breathe. The Ganges river dolphins were officially discovered in 1801.

A record number of about 20 of these dolphins from Karnali were sighted in Lalmati, Mohana and Geruwa some time ago. The population of the dolphins, however, has been declining each year due to floods, intensive fishing, construction of dams and bridges and adoption of various agriculture practices in the region.

River dolphins in Karnali show us the prospects to develop eco-tourism centres in the region, mainly benefitting the Bardiya National Park. For that, priority needs to be given to protect these beautiful endangered mammals, which are found rivers of the Bardiya National Park. Dolphins in Karnali, however, are facing serious threats of extinction. We find these endangered mammals being killed each year. In December 2013, a male dolphin was found dead at Lalmati.

I was obsessed with the awesome stunts a big dolphin displayed while I was at Karnali Lalmati at the end of November 2013. I am scared if that

particular dolphin got killed recently, along with 3 other calves.

I vividly recall my eyes glued to him as he was with me for more than an hour along with 3 other calves sighted at the same spot. They were playing so peacefully, as if the territory belonged to them, and jumped higher from the surface to take the breath. I felt bad that we had forgotten to take our camera but we



Rana watching Dolphin at Karnali river

still managed to capture the awesome animals with the cell phone.

As it is well preserved, Bardia National Park is known for fresh tiger paws everywhere, at the bank of beautiful Karnali river. Sighting the mesmerizing dolphins which were enjoying the nature were the best moments of my life. I wished if I could stay at Lalmati admiring these beautiful creatures forever.

On my way back, it struck to me that I must contribute a bit to preserve these endangered species, which are happily sheltering in our region. But soon after I came to Kathmandu, I came to know that one of the dolphins was found dead in

Lalmati. That news in the first week of December 2013 broke my heart. I felt terribly sad.

I wanted to find out more about it. I made enquiries to confirm the news. The bitter truth was "YES, IT WAS SAD END OF MY DOLPHIN. IT WAS FOUND DEAD IN LAMATI KARNALI RIVER WITH UGLY SCARS OF CUTS AND WOUNDS. Right now it is kept in

NTNC aquatic museum at Sauraha. The confirmation made me only sadder.

It is high time the concerned ministry along with the national park authorities and others concerned worked jointly to preserve these

endangered dolphins from extinction. They must adopt immediate measures to stop such brutal killings of the rare mammals of our region.

Bardiya National Park [BNP] could be promoted as an eco-tourism zone if community-based sustainable eco-tourism is adopted to preserve these endangered Ganges dolphins as a PRIORITY, like the tiger conservation at BNP. We all must act together to preserve the remaining Ganges dolphins.

(Rana is founder of SAVE THE ENVIRONMENT FOUNDATION)

MOVIE REVIEW

Jai Ho

★★★★☆

It's by now a tradition -- and the film fraternity looks forward to it big time -- to have a Khan starrer create new benchmarks at the BO year after year. While Aamir Khan and SRK had a film release each in 2013, Salman Khan did not. Of course, the charismatic actor hosted a popular reality show on television last year, but one did miss him on the big screen. The year 2014 now kick-starts with the Salman starrer JAI HO, directed by his younger brother Sohail Khan, who returns to the director's seat after more than a decade.



Let's come to the point right away! JAI HO does not fall into the WANTED, DABANGG, READY, BODYGUARD, EK THA TIGER or DABANGG-2 space. And yet it does! This one focuses on a conflict and how the protagonist takes it up, which is reminiscent of the much-admired MUNNABHAI

series. One can also draw parallels between JAI HO and the current political scenario, since it looks at the power the common man yields today. Additionally, JAI HO carries a noble message that could bring about a change in the society for the better, with Salman playing a righteous Samaritan. Concurrently, there are episodes -- especially the ones when Salman challenges the opponent or gets into a duel with the henchmen -- that makes JAI HO similar to the above-mentioned masala entertainers, besides pleasing the legion of 'Bhai fans' who expect their fav star to roar and fight like a lion, besides deliver lines such as 'Aamaadmisotahuasherhain, ungli mat kar, jaaggaya to cheer-phaaddega'.

For the uninitiated, JAI HO is a remake of Telugu film STALIN [2006], starring Chiranjeevi, Trisha, Khushboo and Prakash Raj and directed by A.R. Murugadoss, which, reportedly, was inspired by the Hollywood film PAY IT FORWARD [2000], starring Kevin Spacey, Helen Hunt and Haley Joel Osment.

The film has a strong supporting cast, which includes Mahesh Manjrekar, Aditya Pancholi, Mohnish Bahl, Sharad Kapoor, Mahesh Thakur, Mukul Dev, Ashmit Patel, Yash Tonk, Varun Badola, Vatsal Sheth, Tulip Joshi, Haroon Qazi and Sudesh Lehri. They enact their respective characters well. Santosh Shukla makes a confident big screen debut. Also, the actor who enacts the part of the drunkard stands out.

On the whole, a noble, well-intentioned message narrated in an entertaining format in a Salman Khan movie, who, as we all know by now, is the much endeared hero of the masses, makes JAI HO a sure-shot winner. In fact, it won't be wrong to state that JAI HO easily ranks amongst Salman's better films. This one has the potential to emerge a Blockbuster at the box-office. (Courtesy: Bollywood Hungama)

NEW SPOTLIGHT

MOVIE PREVIEW

One by Two

Genre : Comedy, Romance

Release Date : 31 Jan 2014

Director : Devika Bhagat

Cast : Abhay Deol, Preeti Desai



This is the story of Amit and Samara - two souls in Mumbai, a city of millions and how the universe conspires to bring them together. This is a coming of age film about how two people are destined to meet but only when their individual lives are ready for each other. Through a chance encounter, a series of coincidences and fates helping hand, Amit and Samara's lives intersect and affect each other. Whether they can find their true paths or not, only time will tell.

Jhola

Genre : Drama

Release Date : 07 Feb 2014

Director : Yadav Kumar Bhattarai

Cast : Garima Pant, Garima Pant, Desh Bhakta Khanal, Desh Bhakta Khanal, Laxmi Giri, Laxmi Giri, Geeta Nepal, Geeta Nepal



Jhola, tells the tale of a little boy called Ghanashyam from a village in Nepal. Ghanashyam's mother, Kanchhi, is second wife to a sickly old man who is more than 40 years her senior, and is on the verge of death. When the inevitable happens, and the old man dies, Kanchhi is directed to sacrifice herself on his pyre (Sati system - burn alive with her dead husband), an effort to 'wash away' her own and her husband's sins.

Hasee Toh Phasee

Genre : Comedy

Release Date : 07 Feb 2014

Director : Vinil Mathew

Cast : Siddharth Malhotra, Parineeti Chopra, Sharat Saxena, Karan Johar, Karan Johar, Anurag Kashyap



Hasee Toh Phasee directed by Vinil Mathew has a fresh pairing in Siddharth Malhotra and Parineeti Chopra. And the music directors too have come up with a refreshing and impressive album for this one. With a total of six tracks, the film has a perfect blend of foot tapping dance numbers and romantic ballads.

(Courtesy: QFX Cinemas)

Rejuvenating Sleep



By **BUDDHA BASNYAT, MD**

Shakespeare showed he was part medical professional when he made guilt-ridden Macbeth utter these words, "Macbeth does murder sleep, the innocent sleep. Sleep that knits up the revell'd sleeve of care, the death of each day's life, sore labour's bath, balm of hurt minds, great nature's second course, chief nourisher in life's feast". Many of us know the importance of a healthy diet and proper exercise, but relatively little attention is paid to the 'chief nourisher in life's feast'. Many people who may exercise and eat a proper diet treat sleep like a luxury than a necessity. In Kathmandu, proper sleep may be difficult to obtain due to excessive noise (dogs barking, neighbours' partying, cars and motorcycles zooming by, hawkers selling their wares and so forth). It is difficult to imagine why some spiritually-inclined people come to Kathmandu to meditate in an environment that is hardly conducive to peace and tranquility. But back to the subject of sleep. In our country where hypertension and diabetes are common, sleep deprivation appears to make us even more susceptible to these problems. Indeed, even a single night of inadequate sleep can lead to daylong elevation of high blood pressure. The body's ability to process glucose is also affected by lack of proper sleep and may lead to diabetes. Healthy young men who are deprived of sleep have abnormal glucose levels in the blood. In general the risks of cardiovascular disease and stroke are higher in people who sleep less than six hours. There is more bad news. Several studies have shown an association between insufficient sleep and weight gain. The levels of the hormone leptin, which tells the brain when

enough food has been consumed are lowered in sleep-deprived individuals so it is possible these people eat more food. Finally with inadequate sleep our immunity goes down and we may be more prone to flu and other infections. Exactly how much sleep do we need? The usual range is between seven to eight hours for most adults. Getting less than the amount of sleep you need may build up a sleep debt that may not be erased by sleeping in on Saturday mornings. Age affects the quality of sleep and the amount of time spent in various stages of sleep. These include rapid eye movement sleep (REM sleep) or dream sleep and the three types of non-REM sleep, the light sleep of Stage 1 followed by relaxed sleep of Stage 2 and finally the restorative, deep sleep of Stage 3. Children spend most of the night in deep sleep (Stage 3) oblivious to all the problems and surrounding noises. But with age, the time spent in restorative sleep diminishes as we become more aware of distractions. Trying to sleep in bustling Kathmandu may be a challenge. A dark light shade over our eyes may make a big difference if there is extraneous light in the room which we cannot control. Some find ear plugs very effective even if they do not completely block all levels of noise. If we are overweight and snore during sleep, sleeping on our side or losing weight may also help in achieving that restorative sleep. Clearly besides noise, night-time sleep is also influenced by levels of anxiety, lack of exercise, excessive daytime naps, medications, and alcohol and coffee consumption. These issues also need to be addressed so that we allow the 'chief nourisher in life's feast' to rejuvenate us.

Low-cost Antiseptic Gel Wins Coveted USAID Prize

A simple, low-cost antiseptic that may cut the odds of infant illness and death from early infections is one of the Grand Prize winners of the USAID's 2013 Science and Technology Pioneers Prize. Offered for the first time by the USAID Office of Science and Technology in Washington D.C., the prize recognizes excellence in the use of science, technology, and innovation to solve development challenges.

Until recently, three in every one hundred Nepali babies died before they were 28 days old, often from infections of the newborn navel or umbilical cord stump. In fact, the mortality rate for Nepali newborns did not improve from 2006 to 2011, and deeply rooted cultural practices surrounding the care of the newborn's umbilical cord were seen as part of the problem.

The World Health Organization has recommended 'dry care' of the umbilical cord stump since 1998. 'Dry care' means that parents of newborns should ensure that the remaining part of the umbilical cord remains dry and clean. In Nepal, three out of five babies are born at home, sometimes in unhygienic circumstances, and efforts to

promote dry cord care were largely unsuccessful. Mothers and grandmothers using information handed down to them for generations would unknowingly contribute to infections in newborns, caused by treating the fresh umbilical stump with turmeric, mustard oil paste, even cow dung or vermilion – a bright red cosmetic that is actually a powdered form of mercury – a highly toxic substance.

USAID Mission Director, Beth Dunford, explained, "Working closely with the Ministry of Health and Population, community-level health volunteers, and other partners, USAID supported the expansion of this pilot and endorsement of Chlorhexidine as part of essential newborn care policy. The scale-up plan, currently being implemented, aims to bring Chlorhexidine to newborns in over three fourth of Nepal's districts by 2014."

"Nepal is the first country in the world to begin widespread use of the antiseptic and it has been widely accepted," said Dr. Leela Khanal, project manager of the Chlorhexidine Navi Care program. She attributed this to vigorous public outreach and education, along with the committed network of 50,000 trained Female Community Health Volunteers. ■

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