

# Weekly The Telegraph

Vol 28 No 7, चैत्र २३, २०६७ (FIAT LUX) April 6, 2011 Pages 6 Rs: 5  
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## Outgoing Chinese envoy regrets he could not witness Nepal Charter draft

**Kathmandu:** The outgoing Chinese Ambassador to Nepal Qiu Guohang upon meeting Prime Minister Jhal Nath Khanal for the last time said that he had high hopes to personally witness the conclusion of constitution drafting process but that did not happen eventually.



*The Chinese envoy has been recalled, as is being interpreted by some sections here, mysteriously by the Beijing establishment without completing his tenure. One of the national dailies even reported that Beijing was not happy with Guohang's performance in Nepal.*

assume the outgoing Chinese envoy that his immediate successor too would not have a chance to witness Nepal constitution drafted on time during his three years tenure in Kathmandu.

There should be no regret. Ambassador Guohang is being sent to Japan. He will return home April 8, 2011.

The Chinese envoy has been recalled, as is being interpreted by some sections here, mysteriously by the Beijing establishment without completing his tenure. One of the national dailies even reported that Beijing was not happy with Guohang's performance in Nepal.

"I am a government servant. I have to abide by the decisions, you never know when you are the next day", said the Chinese ambassador in a voice choked with emotion.

Reports quote Milan Raj Tuladhar-Prime Minister's foreign relations advisor as quoting the Chinese ambassador "I tried my best to bring more Chinese support to Nepal. I received equal support from my friends in Nepal in this regard".

The mystery behind the untimely recall remains there but observers believe Ambassador Guohang- a sophisticated Chinese diplomat who practiced nothing more than quiet diplomacy must be credited for securing safe space for Chinese establishment in Kathmandu.

He has also helped his motherland boost its clout in Nepal that has visibly shaken the hearts of many countries near and far. Bye Ambassador Guohang!

## Frustrated undercurrents

**Kathmandu:** The big bang with which Prime Minister Jhal Nath Khanal had fashioned his government with the "tacit" support enjoying from the perceptive Maoists some two months ago appears to have counting its last breath.

Undoubtedly, from day one of the formation of this terrifying coalition for some near and far, forces hostile to this RED set began their clandestine maneuvering in order to depose this government fearing that if the two REDS decided to proceed together then such a federation may pose grave threats not only to the politics prevailing in this part of the world but may have its spill over effect also in other regions of the world which practice a parliamentary system.

Some South Asian misanthropists even concluded that the Khanal-Dahal combine in Nepal if allowed to continue for long may in all likelihood embark

on a road much similar to what is in North Korea led by Kim Jong-Il.

In addition, the Indian regime took the formation of the present government in Nepal as the defeat of the entire enterprise. The judgment is there because India had not even thought of this sad happening Nepal as each and every government(s) that have been in place since early 1950s, all enjoyed the blessings

as is a regular phenomenon? But the RED set is already in Nepal though the chances for this coalition to last long remains minimal as the marionettes inside Khanal's own party have begun hitting their own party Prime Minister psychologically by floating the news that Khanal could well be replaced by Khadga Prasad Oli-a strong critic of Khanal who apparently looks after the alien interests in Nepal.

failed to provide a shape to the government then yet another leader K. P. Oli may replace him.

Enemy from within is more than dangerous. Quislings galore. Not enough, the election defeated UML humorist Madhav Kumar Nepal, April 4, 2011, stated some where that K. P. Oli may soon substitute Khanal if the latter miserably failed in forming a full cabinet.

Notably, both Oli and Mr. Nepal represent the rightist faction inside the UML and are taken as number one detractors of the incumbent Prime Minister Khanal.

Oli-Nepal due is also taken

as the trusted and tested men of some alien forces. However, to which forces this combine serve remains no longer a secret to the intelligent brains who have been keeping a close eye on Nepali politics as it obtains.

Having said all these, the fact remains that Nepal PM Khanal has not yet been able to provide a full shape to the government he heads by chance of a fluke.

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### Indepth-Analysis

of the Indian administration and thus what is now in Nepal must have come to them as a bolt from the blue.

India has copious reasons to grieve as to how come the Khanal-Dahal makeup took a formal shape despite the heavy investment that is being made by the Indian regime to install a servant like government in Nepal

Oli by the way is not even a CA member. This means that some miracles will hit Kathmandu's politics soon.

To add insult to injury, just the other day the sitting Finance Minister Bharat Mohan Adhikari, who generally is taken by his own party colleagues as number one corrupt inside the UML party, beamingly stated that if Khanal



## My steps were in the best interest of nation: Gyanendra Shah

*Excerpts of an interaction between senior journalists and former King of Nepal Gyanendra Shah at Soaltee Crown Plaza, April 1, 2011*

**Q. How do you view the current situation in the country?**

**Gyanendra Shah:** I am also a citizen of this nation and, therefore, my views, worries and concerns are not different from an ordinary Nepalese. I share with every other Nepali similar aspirations and desire for a peaceful and prosperous Nepal, where you, I and every other Nepali can live a dignified life in a secure environment.

**Q. You have mentioned that**

**Monarchy is not an Institution of the past. Do you see chances of your return as a Monarch?**

**Gyanendra Shah:** I have always endeavored to uphold the best interest of the nation and its people, and honored their decisions. I will not be acting differently in future as well. As for the Monarchy, it is for the people to judge and decide. It would be hypothetical for me to dwell on the issue. The people are the best judges; let's give them a fair opportunity to decide on matters and issues that would have lasting and direct impact on the nation and its people and also on the national interests.

After all, isn't that what democracy is all about? I will always continue to abide by their decisions.

**Q. Will you be coming out openly in public if you feel that the country needs you?**

**Gyanendra Shah:** It is not for me to comment on such matters. It should be at best left to the people to decide. All I can tell you is that I, like the overwhelming majority of the Nepalese, I am dedicated to the will and well being of the people and my feelings and agonies are no different than the common citizen. It is not a secret that the country

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## Nepal PM Khanal may be replaced by K. P. Oli: Madhav Kumar

Erstwhile Prime Minister Madhav Kumar Nepal replying to a query of a media person in Janakpur, April 4, 2011 made it clear that under no circumstances Unified Maoists Party could be allowed to lead the government.

He said "If anyone could replace Jhal Nath Khanal will be K.P. Sharma Oli only".

To recall, finance minister Bharat Mohan Adhikari who is more known for his off the cuff remarks has already said that senior leader K.P. Sharma Oli of his own party (UML) could replace Khanal as the country's prime minister.

"We have already allowed Maoists to rule the country for



nine months period, they showed during their leadership that they have no ability to lead the government", said Madhav Kumar Nepal.

"If the current situation continues the situation may be such that K.P. Oli could be elevated as the country's prime minister", said Nepal while addressing an extended plenum of UML affiliated Democratic Madhesi Front in Janakpur.

## 'Chaudhary & Sarda Group in VAT Scam'

Looters are not only politicians. There are some so-called Big Business Houses that are too hell bent on making this country totally bankrupt. At least this much has come to the fore very freshly. The Rajdhani Daily, April 4, 2011, claims that Chaudhary Group led none less than by United Marxist Leninists Constituent Assembly and renowned businessman Mr. Binod Kumar Chaudhary (53) and SARDA group founded by Mr. Shivratna Sarda were among the top fake VAT (Value Added Tax) Bill racketeers.

Shocking isn't it! "While Chaudhary Group evaded tax worth 45 crore rupees and SARDA group presenting fake VAT bills did not pay 70 Crore rupees to the government". Hmmm...Hmmm...Hmmm

There are some 28 Business firms and some individuals, whose involvement have been proven to date for having evaded the government tax, a government investigation report has it. The government had formed an investigation committee coordinated by Deputy Director of Inland Revenue Department Mr. Laxman Aryal and other members as Kul Prasad Chudal, Suryanath Prakash Adhikari, Dirgharaj Mainali, Govinda Prasad Subedi and Psadananda Guring. Founded by Lunkarandas Chaudhary, the Chaudhary Group of Industries is being run by Basanta Chaudhary, Arun Chaudhary and Nirvan Chaudhary under the leadership of Mr. Binod Chaudhary. The CG company imports

vehicles, is involved in production of fast foods and snacks. Lube Oil and have also invested in Financial Institutions. The Group had recently joined hands with Thailand based InVision Hospitality with a plan to open 30 hotels across Asia by 2013. Similarly, SARDA group is involved in production of Wires, Cables, Pashmina, fast foods and snacks. The group is managed by Sandip Sarda and Pradip Sarda led by founding Chairman Shivratna Sarda. The Rajdhani daily newspaper claims that it is in possession of a 33 page long document



confirming that the two business houses are involved in fake VAT bill scam.

According to the investigation report, some forty five firms involved in import and reselling of vehicles, construction businesses, construction

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## Sood threatens pull out of all development projects

**Kathmandu:** Here you go. Interesting news follows. Indian Ambassador to Nepal His Excellency Shri Rakesh Sood returned to Kathmandu, March 30, 2011 declaring that there will be no support coming henceforth from India to the district of Kalali, Nepal.

Blunt warning. "India has invested huge amount in Nepal", said the Indian envoy inaugurating a newly constructed building at Saraswati Higher Secondary School. The school building located at Beladevipur-2 of Sehari in Kailali was constructed with generous Indian support".

Nayapatika Daily April 1, 2011 further writes quoting the furious Indian envoy as saying, "No projects in Kailali will ever receive Indian support... It stands capped now once and for all."

Sood looked in an angry mood after the Unified Maoists Party cadres had greeted him with black flags wherever he arrived in the Western region.

But why the Maoists cadres have been chasing the Indian envoy?

"I will send a formal letter as I am back in Kathmandu indicating, implied New Delhi, that no further support is forthcoming to the district", he said. Calm down

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# The Telegraph

Chief-Editor & Publisher : Narendra Prasad Upadhyaya  
 Editor : Niraj Aryal  
 Printed at : Paru Offset Press, Dillibazar  
 Computer Layout : Rajan Manandhar  
 Office : Ghatkulo, Dillibazar  
 Telephone : 977-1-4770370  
 E-mail : editor@telegraphnepal.com  
 Post Box No. : 4063, Kathmandu

VOL.28 NO-8, April 6, 2011 WEDNESDAY, चैत्र २३, २०१०

## Former King repents

Delayed realization is not that bad than not to recognize ever the past blunders that one had committed knowingly or even unknowingly. Definitely the now sidelined King Gyanendra Shah made several blunders while he was the ruling sovereign of this nation not so in the distant past. He paid the price for having picked up the ruffian political personalities who really paved the way for the dismantling of the entire institution of the Nepali monarchy.

The ones who were then near and dear to him wrongly interpreted the obtaining political hurricane that was round the corner from the South. Those who misguided him that time were all the salaried yes men of the alien country which in essence took King Gyanendra as the main hurdle in turning Nepal tentatively like what Bhutan in now.

Yet credit must go to Gyanendra Shah who very clearly saw for himself the blizzard entering into Nepali territory and decided to bow down to the people of his own country rather than to obey to the dictates and sermons of the aliens for his institution's survival. A daring move that it was by all means.

Though he paid a very heavy price for all what he did during his reign but yet he made the people to think that he was the son of mother Nepal and that even after being humiliatingly sidelined by his own "select band" of courtiers, read political figures, he beamingly declared that he will reside forever in his own motherland. Patriotism this!

That was a rare example. Never found in world history. Thus the King then made a special place in the Nepalese history for which the people must thank him.

People at large have begun comparing him as lesser evil for some understandable political reasons. A word to the wise must have been enough.

The former Nepal King reportedly lamented while talking to a select group of media men that whatever he did while ruling the nation was intended for the betterment of the people but he miserably failed to authenticate/disseminate and convince the people at large that the measures that he undertook were a benevolent ones. According to media reports, the former King is learnt to have told the "special media" gathering that he also failed in convincing some international friends near and far which is what, said the former King, catapulted the entire course of Nepalese politics.

This does mean that some countries near and far preferred that the King should not be able or allowed time to tell his people of his good intent which by implication means that the men in his own inner coterie perhaps acted like the marionettes of some foreign countries and kept the King misguided. He fell in the inescapable trap. He was pounced upon instantly.

The fall was imminent. This means that he was taken for a ride by his own men whom he trusted most while discharging his duties as the King of Nepal.

A King who keeps his eyes and ears closed is bound to suffer and this is what had happened in essence. King Gyanendra during his reign relied too much on some of the Rasputin(s) who had surrounded him and hence the sad consequences that followed.

Had he been smart enough, he could have taken suggestions from wise men but apparently he banked upon some sycophants and a set of declared fifth columnists. All that begins well ends up well. But it was just the other way round.

Now that he has begun lamenting must be taken as a welcome move from a King who was cheated by his own trusted and tested men. But were they?

Gyanendra Shah now has come to realize, better late than never, that he should have relied on the people. This is good. It is the people again who could be the ultimate lot in deciding his future role which is what he perhaps wanted to ventilate through the kind courtesy of the media men converged at the Hotel Soaltee, last Friday.

Without making comments, we take his fresh talk with the Nepali media as a good beginning. But is he honest in his admissions? If he is then the people at large may not have any objections in greeting him back to the same prestigious post from where he was told to go to the jungles.

Yet the timing of his talk with the media is loaded with meaning in that the politics of the country has already taken a nose dive. A meaning loaded talk with the media albeit. That's all.

# THE LEGAL REGIME ON WATER RESOURCE AND THE WATER USERS ASSOCIATION - THE CHALLENGES-II

- SURYA NATH UPADHYAY

Canal, Electricity and Related Water Resources Act, 1968 had required the user of water to obtain license from the government and said that the holder of the water right. This provision was to be applicable only on the prescribed water by issuing a notification in the Nepal Gazette. As no notification was issued, the provision of license did not come in practice for a long time. Even if notification was issued in the case of some water resource, the law was not

practiced and made effective. Water Resource Act, 1992, amended the earlier Act and introduced the concept of water licensing in a much broader framework. This provision is to be applicable to all water uses except for certain category of uses. The concept is that the Water Resource is owned by the State. Whoever wants to use it needs to

on the water resource of the country. The tribal and indigenous community of the country is asserting their rights over water resource on the basis of their habitual dependence on it for long. They put forward the commitment of the government to the international legal instrument in the form of a convention of ILO on Right of Tribal and Indigenous People popularly known as ILO Convention 169. It is wrongly argued that the said convention gives first or a priority right to the tribal and indigenous people over the natural resources of the country and that this must be stated and ensured in the constitution. If this wrong interpretation of the convention is recognized and thereby the rights are enshrined, as claimed, in the constitution, the rational and effective irrigation use of water resource is going to be affected

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have user right on prescription.

The law, however, has made certain exception to licensing. In the case of informal farmer managed irrigation system, no license is required. In cases, where the farmer managed irrigation system is to be run as an institution, the license is required. This exception was made keeping in view of the fact that there existed thousands of farmer managed irrigation systems in Nepal which have been in existence for long period of time. Yet, institutionalization of such farmer managed irrigation system was necessary. The policy of the government was to channel the resources to the farmer managed irrigation systems by encouraging them to get registered under the Water Resource Regulation. The policy of participatory irrigation management was introduced by the government to run the system. This phenomenon has naturally necessitated that the WUA be formed and registered legally.

One of the major elements for WUA is its right over the water. Such right can be obtained through license to use water under the Water Resource Act and the rules. In the case of farmer managed irrigation system, such license has been issued to the WUA whereas in the case of those WUAs which have been formed to be part of large irrigation system, no license has been issued. Where a part of the irrigation system is transferred to the concerned WUA, the management transfer agreement mentions the quantity of the water that is to be used by the concerned WUA. As a matter of fact, the water right is being enjoyed practically without getting a formal license in most of the cases. In the absence of a license, the right of WUA over the water is subservient to the authority of the irrigation agency.

There are some interesting provisions in some of the management transfer agreements entered between the WUA and the government. Clause 4.7 of the MTA between Mohana Irrigation WUA and the Irrigation Department provides that the WUA may sell its water to other users than its members if such use does not diminish the water requirements of the existing users. This sort of right under the existing legal arrangement is doubtful. The water right is accorded to the institution or the individual licensee to make the use by itself. In the case of license the ownership of the resources is not transferred. The State still retains the ownership. The license is a permit to allow the concerned person or the institution to use the water under certain condition. If the licensee does not use it, it should revert back to government. In case of serious violation of the conditions of the license, the licensee may be revoked. Therefore, even if the said agreement makes such provision, it cannot stand under the test of law. What perhaps could be done is to include other farmers within the fold of WUA as members and thus make available the water. Hence, the concept of water right and its application as per the law needs to be brought in practice.

The country at present is engaged in the drafting of the new constitution. Among the various issues that are being contested at the Constitutional Assembly is the right over the natural resource and for that matter the right

negatively. It shall also negatively affect the basis of recognizing the existing communal use of water and the development of WUA. Conflicts are bound to arise in the country. Hence, there is no alternative to base the right of water for irrigation on the basis of its optimal use and not on the basis of human race. The dependence of the people and the effect that a particular use may cause are the two main criteria that should be taken into consideration in determining the use of a particular water resource for irrigation or for any other use.

### Management Transfer- a flexible concept in the eye of law

The concept of irrigation Management Transfer refers to the process that seeks the relocation of responsibility and authority from the controlling government agencies managing irrigation system under the public sector into the hands of non-governmental organization such as WUA, or other private sector entities. This concept when applied legally comes very closer to the participatory irrigation management system. In a broad conceptual framework, the IMT is different from PIM. In the former case, the responsibility of the government agency is transferred to WUA whereas in the latter case the government agencies work with the WUA. Section 11 of the Water Resources Act, 1992 empowers the government to transfer any project to the WUA. In such case, the ownership of the project is transferred to the WUA and WUA in that case shall, acquire the status of a licensee of the water resource and it can operate the irrigation system in its capacity. This provision of the law as applied in the case of a large irrigation system is different when it is applied in the system fully owned and operated by WUA. In the large system, the agreement between the WUA and the irrigation department is more in the line with participatory irrigation management.

Under the provision of agreement wherein some major structures and the allocation of water are placed as the responsibility of the department whereas the responsibility of secondary or distributory channels and beyond is placed in the responsibility of the WUA. Not only that co-ordinating committees are also constituted at the apex level of the irrigation system, because there are more than one WUAs taking the management responsibility of various secondary or other channels of the system. The co-ordination committee's responsibility is to co-ordinate the work of the various WUAs and the government's project office. At the conceptual level, the difference between the two is clear. However, at the operational level, the difference has been rather blurred. The difference between Section 10 and Section 13 of the Irrigation Regulation, 2000 becomes a matter of degree and name only. The irrigation regulation 2000 has severely constrained the autonomy and independence of WUAs. Under the said regulation, the WUA may be dissolved by the decision of the irrigation agency. The water charges are to be decided by a separate committee and not by the WUA itself. The water charges are to be shared between the government and

WUA. The Water Resources Act 1992, on the other hand does not have such provisions. The WUAs which are registered under this regulation with the District Irrigation Committees are taken as an independent and autonomous institution and they work under a license issued by the government. The Irrigation Regulation, 2000 and the WUAs formed under this rule are best suited for those projects which are developed by the irrigation agency. These WUAs cannot be taken as autonomous bodies. They are not corporate bodies. Hence, the transfer of irrigation project seems only a matter of convenience for both the government and the WUA.

The above provisions indicate that the Irrigation Regulation needs to be clearer in regards to its application. The WUAs seem to be of different characters. One is more independent whereas the other is more dependent. The management transfer again seems to be a sharing of responsibility than transferring of the management. In that sense, there remains little difference between transfer and participation in practice.

### The Conclusion and Recommendation

Law is a vehicle for attaining the goal that is set for a particular sector of development. Policy is made to approach the goal. Law is shaped to facilitate the implementation of the policy. In the case of irrigation, the goal in general is to have agriculture development of the country for eliminating poverty. Agriculture development cannot be achieved without proper irrigation. Hence, in essence, the goal is to have proper irrigation. Research shows that it is essential to work together with farmers for the development and operation of irrigation in the country. Water users association (WUA) are the essential institutional mechanism in that process.

Water Resources Act, 1992 provides legal basis for the formation of Water Users Association. The WUA thus created is to be a corporate entity with perpetual succession. It can own, use and transfer property and assets. It can sue and be sued in the court of law. Water Resource Regulation 1993 provides the procedure for registering such WUA for its legal incorporation.

WUAs are being registered through various other laws of the country. Association Registration Act, 2034 Co-operative Act, 2048, Company Act 2054 has also provisions of registration. Not only that Irrigation Regulation 2000 makes elaborate provision for the registration of WUA. The Regulation somewhat extends more control over WUA in terms of its internal operation and management.

The development of WUA in the country is clearly on two paths. One of them is WUA under agency managed irrigation systems. The other WUA is under irrigation systems managed by the farmers indigenously and informally since long. In the case of agency managed irrigation system, WUAs are sponsored, guided, formed and helped to work very closely with the agency whereas in the farmer managed irrigation system, formation of WUA was for the legal recognitions of what was being practiced on informal basis. Therefore the orientation and development are seen to be distinctly different in both these cases.

Neither the Water Resources Act, 1992 nor the Water Resources Regulation 1993, makes any such distinction so far as WUA is concerned. In the Irrigation



Regulation 2000, elaborate provisions have been made for the formation and operation of WUA.

While it might be appropriate to have such WUAs for a participatory management system which is more suitable for large irrigation system, it is certainly not appropriate for those irrigation systems which are being run or are supposed to be run by farmers independently of the irrigation agency. Therefore, the law must make clear provisions in this regard. As a matter of fact, the Irrigation Regulation, 2056 must be revisited to make it more facilitative than control oriented, give more authority to the WUA and curtail the intrusive and arbitrary power of the agency. The difference between participatory management and management transfer also has been very narrow meaning particularly in the case of irrigation projects developed by the government agency. The application of Irrigation Regulation, 2000 in practice makes little differences. The Irrigation Regulation must not bring under its fold the independent WUA in irrigation systems operated independently by the farmers themselves. They may, as is the present practice, be registered with the District Water Resource Committee or as Co-operative or other entities.

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गरिबी, अन्याय, अत्याचार, भ्रष्टाचार,  
 अशिक्षा, जातीय भेदभाव हाम्रा शत्रु  
 हुन् । यसका विरुद्ध सबै सचेत, सजग  
 र क्रियाशील रहनुपर्दछ ।



नेपाल सरकार  
 सूचना तथा सञ्चार मन्त्रालय  
 सूचना विभाग

# Stop drinking gasoline

Different people have varying habits. It is so because they acquire differing brains and when intellect differs, the contradictory brains act differently. This is simple but natural. Not an unusual phenomenon.

But yet there are some who possess strikingly similar brains. When brains are similar then, let's

political paraphernalia. Very freshly I read a piece of news that some CA members sold their RED passports and amassed wealth out of such a selling which must have been a hefty one.

Others told me just yesterday that a CA member sent her educated daughter to appear in the School Leaving Certificate, S.L.C.

defeated former Nepal Prime Minister, Madhav Kumar Nepal, asked the incumbent government to increase the gasoline quota allocated for his vehicles.

He demanded that the hundred liters of gasoline that he has been enjoying from the State was not enough and thus some more hundred liters be given to him.

Appears that Mr. Nepal has begun drinking gasoline instead of potable water?

Question now arises as to why the state should provide him with extra hundred liters of gasoline and for what purpose? Simply because the demand has come from a former Prime Minister who deformed the very definitions of a democratic system speaking in terms of political science?

Okay! Let's presume that Mr. Nepal needs more petro products as he has been awarded the task to "accommodate" the parties other than the UML. The idea behind the task is to bring in all the parties in the RED coalition.

He has so far failed or made

it to fail deliberately in accomplishing the task given to him. So why should he be allowed one hundred liters of petrol free of charge?

Is he the in-law of the State? Chances of gasoline leakage can't be ruled out.

Similarly, the ministers of the bygone era too have been enjoying state facilities like Pajero and gasoline and are being paid for telephone bills, electricity bills, buying of newspapers and the likes. A staggering figure comes out finally.

Why the State is obliged to take the burden of these national burdens? Instead, each and every minister, the former Prime Ministers included, submitting their earning details prior to becoming a minister and upon leaving the post.

Chief Justice ram Prasad Shrestha must understand the gravity of the situation and act accordingly.

Oh! The national burdens. It is too much.

## En Bref

### Madhav humiliates PM, speaks Indian line on CA tenure extension

**Kathmandu:** "Prime Minister Jhal Nath Khanal's nose has begun sweating".

This is what Nepal's former election defeated Prime Minister and his party comrade Madhav Kumar Nepal believes.

Madhav Nepal is taken tentatively as a leader of Nepali Congress and Khanal a Maoists man.

With so much of differences, both the communist leaders are serving the same party, United Marxist Leninists.

What a misfortune. In fact, it was Khanal who had replaced Mr. Nepal (nothing like Mr. Universe or Mr. World) as the country's prime minister. The personal enmity continues and is likely to take a new height soon.

Mr. Nepal in Dhangadi while addressing a program, April 2, 2011 cutting joke at Khanal said, "Pradhan mantri le ek hafila ma sambandhan banaune prakriya milane guf dinu bhako thyo---The Prime minister had boasted that he will manage constitution drafting process in a weeks time".

Further insulting the prime minister said Nepal, "He had also assured that he will provide full shape to the government in a week. It has already been two months."

"I know the difficulty in managing and convincing political parties, I knew it better while managing 22 parties when I led the government". "To run a government is not that easy", he said and replying to a query said, "let us stop singing the 7-Point hymn-Bhajan." "There is no point in extending the tenure of constituent assembly", said Mr. Nepal which is similar to the fresh Indian stance.

### US Government: Good friend of Nepal

**Kathmandu:** "The US government will always remain as a good friend of Nepal."

This US ambassador to Nepal, Scott H. DeLisi who arrived in Haripur of Sunsari District, March 31, 2011 said.

Ambassador DeLisi is on a trip to the district to observe projects supported by the USAID.

The area the US envoy is visiting is close to the Indian border and thus what could be expected that each and every move of the US envoy is being clandestinely watched by the Indian moles.

DeLisi assured that the USAID support will continue to people rehabilitated after the rupture of Koshi Embankment, August 18, 2008.

Our support in the fold affected area will continue, added the US envoy.

By the way, the then foreign minister of Nepal Mr. Upendra Yadav had blamed the Indian establishment for the Koshi embankment collapse. As per an agreement between Nepal and India, maintenance of Koshi embankment has to be carried out by Indian establishment.

Thus observers claim, began downfall of Upendra Yadav.

The climax: May 22, 2009, late evening the MJF split. "Our support is not enough to make a difference, you should also take some initiatives and your initiative will ensure bright future for your children", said the envoy and expressed happiness that in the last three years the USAID has contributed in its capacity to raise the livelihood of the people in the flood affected area.

How the Indian establishment takes the US envoy's trip to the adjoining Indian area will have to be watched.

Or is it that the US penetration has begun in the Nepal's Terai plains in a modest manner?

### Chinese military assistance a necessity for Nepal: Minister

**Kathmandu:** Defense Minister Bishnu Poudel in an exclusive interview with Annapurna Post Daily March 31, 2011 opines that the fresh gigantic military support from China to Nepal has come as per the necessity of the nation.

"We have accepted the Chinese benevolent support to our Army as a national necessity", expressed Minister Poudel.

When will the blocked military assistance from India resume, when asked by the national daily, in an off the cuff response says Minister Poudel, "I am yet to keep abreast of the situation, I am still studying the process."

### VP Jha: All Praise for China

**Kathmandu:** "Intimate Relations between Nepal and its northern neighbor China dates back to 5<sup>th</sup> Century.

"Bhrikuti, Aranki and Chinese ancient traveler Fahiyah have contributed considerably to further strengthen ties between the two countries".

Nepal's vice president Parmananda Jha- a distinguished Maithil Brahmin by birth, who once became the target of public wrath following his ad-nauseating love for an alien language, made these surprising remarks at a program held in Lumbini- birth place of Lord Buddha.

A program was organized to celebrate 5<sup>th</sup> anniversary of foundation of Chinese monastery in Lumbini, where vice president made these lovely remarks.

Not only Jha lauded Chinese unequivocal support to Nepal but also urged the northern neighbor to continue extend support.

In the 2011 Tourism Year, Jha hoped Chinese tourists will visit Nepal in as many numbers as possible.

Chinese Ambassador Qui Guohang was also present on the occasion. To recall, VP Jha in his 2010 brief trip to China had even asked for substantial support from China for the development of Nepal,

of its activities is to be submitted to the Chief District Officer (CDO). An audit report prepared by the registered auditor is to be submitted to the CDO. There is need to renew the registration of the WUA each year. For WUA, it is an unnecessary burden. For a dynamic WUA, the rules are to be approved by the general assembly, monitoring of the financial transaction would be done by the members of the WUA, and scrutiny of the performance would be done by the general assembly of the WUA. By the process of registration, these important activities have been transferred to the domain of the supervision of Chief District Officer whose responsibility is the maintenance of law and order. This office has least

concern to overlook the performance of the WUA as an autonomous entity and irrigation management.

The assistance program is, by and large, suppose to address to the need of the farmer-managed irrigation systems in Nepal. It is, therefore, useful to understand the nature, characteristics, and dynamics of the functioning of the farmer-managed irrigation systems (FMIS) in Nepal.

\* They are the intermediaries of the central government for the collection of land revenue. These offices are now abolished.

Text Courtesy: Eroding Social capital Through Incompatible Legal and Institutional Regime penned by Prachanda Pradhan, Kathmandu, Nepal. Thanks the author.

## SECOND IMPRESSION

### N.P. UPADHYAYA

presume, their habits must have been the same. Attitudes as well. I am told by men of letters that a man who is corrupt is a born one. He brings in with him the corrupt activities. It is not that one gets educated on how to become a corrupt in a Higher Secondary school.

I think no school in the world teaches its students the methods of corruption. It is easy to become corrupt. Either you become a media man or at best join the

examinations. Unfortunately, the daughter was recognized and misfortune befell upon the CA lady member.

One more story, I recall, was related with a UML male parliamentarian who pocketed amount from the accounts department forwarding a thrilling claim that he had become pregnant. He pocketed the amount. The list may go long.

I read a piece of news today which stated that the election

# Assistance to Farmer Managed Irrigation System in an Historical Perspective

-Professor Prachanda Pradhan-  
Expert Farmer managed Irrigation Systems, FMIS

Agriculture production has been the concern of the government of Nepal for many years. Even during Rana Regime (1846—1951), at the time of the need for the Farmer Managed Irrigation System, FMIS, operation, the district administration as well as the army would be mobilized for the repair of the intakes of the FMIS. Most of the intakes are temporary ones, and water for irrigation is to be trapped during monsoon season. Sometimes, it would be difficult to do the job only by the members of the system. On the request of the user members, the government would provide assistance to that particular system. After this event, it is the responsibility of the farmers to manage their system. For the mobilization of revenue from land, the government has recruited the Zamindars, Jirrnawalls, and Dwares' to collect the land revenue. It will be easy to collect revenue when there is a good harvest. Good harvests will be possible when there is good flow of water in the irrigation system. The flow of water will be possible when there is timely desilting and maintenance of the irrigation system. For the purpose of collection of revenue, the Zimawalls, Zamindars, or Dwares remind the irrigation officials to desilt the canal in time so that rice transplantation can take place at the appropriate time. On some occasions, the government (through district administration) provides material and cash contribution for the improvement of the irrigation system (Nepal Goswara AIN, Nepal District Administration Act). The provision of army mobilization in Kodku Khola Irrigation system, Lalipur, is reported in one of the research papers (Shrestha, 1987).

In the First Five Year Plan of Nepal, there was no recognition of the existence of FMIS. The availability of the irrigation command area as reported at that time was only 14,000 ha. Combined together Chandra Nahar, constructed in 1923, and Judha, Nahar in 1946, both of them as agency-managed systems at that time, were only considered as the irrigation systems. In 195, political change took place and democratic system was intended to establish. The trend of the day was the socialistic pattern of governance where the state alone would be able to protect and promote the interest of the citizens. Instead of community involvement in development activities, the government took the leadership. The same trend continued in the irrigation sector as well. In the early 1950's, with the assistance of India, the Department of Irrigation (DOI) was

established. It began to rehabilitate physical infrastructures of irrigation systems and took over the management of some of these rehabilitated irrigation systems. New irrigation systems were also constructed with the technical and financial assistance of India and the United States of America. These newly constructed systems were brought under the management of DOI.

Until the 1980's, there was no recognition of existence of farmer-managed irrigation systems (FMIS) in Nepal. The academic research on these systems in the late 1970's and 1980's brought them to the forefront of irrigation portfolio of Nepal and its tremendous contribution to the agriculture sector (Pradhan, 2007).

Assistance to these systems was on an ad hoc basis. In the 1980s, many agencies started providing assistance to FMIS. The prominent agencies were the Agriculture Development Bank (ADB/Nepal), Ministry of Panchayat and Local Development and Farm Irrigation Water Utilization Division (FIWUD), FIWUD of Ministry of Agriculture Department took the participatory approach in intervention, and the

## VIEWS

beneficiary group is made active in the infrastructure development process (Ansari and Pradhan, 1991). After the infrastructure improvement, the beneficiary farmers would manage the system. In the case of the ADB/Nepal, the farmers group would be provided financial assistance as loan and the group of farmers have to decide how and where the loan money is to be used for the improvement of the irrigation system.

With the Basic Need Fulfillment Program of the government in the 1980's, there was need for accelerated agriculture development. In this regard, all the irrigation-related agencies were brought under one umbrella, i.e., Department of Irrigation in 1988. Previously, this department would have hydrology and meteorology divisions as well. These other divisions were separated and DOI was made the sole responsible agency for irrigation development in Nepal. The FIWUD, Irrigation Unit of Ministry of Panchayat and Local Development and activities of ADB relating to irrigation development were integrated into one agency i.e. Department of Irrigation. The staff was transferred from other agencies to this department. They also

internalized with the approach of the capital improvement program of the Department of Irrigation.

The irrigation sector program was introduced. Hence, onward, banks (World Bank and ADB/Manila) will provide loans not on a project basis but on a sector basis so the irrigation is made the sector, which is a potential candidate to get a loan. Before this program was introduced, the World Bank had a pilot project called Irrigation Line of Credit (ILC). This project introduced participatory approach in assisting the FMIS. One of the conditions required in this system is that assistance will be provided based on the demand generation by the farming community. The amount of resources required for the irrigation system development is reflected in the national budget prepared by the Ministry of Finance. This amount of budget is fixed and is to be spent by the DOI within a given period of time.

There is a system of quarterly, half-yearly and annual review of the progress of the project by the National Planning Commission (NPC). The NPC would evaluate the performance of the project based on the amount of funds spent. Hence, the project implementation processes based on demand generation and the criteria of the NPC for

performance evaluation were incompatible. If the chief of the Department of Irrigation fails to spend money allocated in the budget, he will receive a negative evaluation. The demand generation based irrigation rehabilitation program presupposes the active role of the farmers' organization in identifying the type of the physical infrastructure, collective decision by the members of the system management, and positive role of the Water Users Associations. However, the government budgetary process and NPC program review make the project in charge responsible to spend the budgeted amount. This evaluation of performance is based on his capacity to spend the allocated money. There has not been the practice of project impact review.

The DOI took the approach to meet the criteria set by the NPC. The NPC performs an evaluation of project performance on the basis of physical and financial achievement. There is no system of assessment of institutional development. One of the conditions set in the Line of Credit was the need of formation of WUA and its registration in the CDO office. The formation of WUA became only a formality on paper and existing WUAs were bypassed on many occasions and ignored the existing

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WUA and rules and roles within the command area. On many occasions, the intervention for improvement of the irrigation systems was driven by the DOI engineers and the construction contractors. This process has not contributed to strengthening existing social capital. Now, both the World Bank and ADB/Manila follow the same procedures for the rehabilitation of the FMIS. The Association Organizer (AO) responsible for WUA strengthening activity was made permanent staff at the District Irrigation Office (now in IDD/IDSD). Despite the effort to make the DOI sensitive to the institutional aspect of irrigation management, capital development took priority over institutional development. During the time of implementation of the Second Sector Irrigation Project, SISP, ADB/Manila put the implementation of SISP in moratorium because the DOI overspent the funds in the infrastructure improvement and no attention was given to the institutional development, which was another component of the project. In the 1990's, DOI was more active in the infrastructure development.

When the agreement was negotiated between the Government of Nepal and the World Bank, one of the conditions was that the WUAs are to be registered in order to make them a legal entity. Until a specific law was available in Nepal regarding the registration of WUA for its legal status, an interim arrangement was made that WUA will be registered under the authority of the Association Act of Nepal 1979. This Act was enacted during the Panchayat period, which did not allow the groups to take initiative and collective work. This was not a progressive Act. This Act allowed the establishment of the Association with the approval of the government. This Act was meant to control the activities of the associational groups of that period. There are many restrictions in the Act. The activity of the Association will be governed by the administration, and an annual report

## Everest

# Interest Based Approach Can Diminish America's Moral Leadership

Bhupal Lamichhany

There is no other regime than Democracy that can accommodate people hope and desire with the individual freedom; choosing and following her/his own way.

Although democracy does not automatically ensure justice and equality for all, people are certainly freer to correct injustices within a democracy than within any other form of government.

Aligning its noble principles with equally noble practices is an unending duty for any democracy interested in sustaining itself. It requires a vigilant yet patient population who understands democratic process and is willing to work non-violently to reconcile

democracy. One after another despotic regimes are falling like the castle of cards. The end of the authoritarian regime is obvious.

America has been providing world leadership in the promotion of above mentioned principles in different methods by supporting people's legitimate demand of liberty and democracy globally. When liberty was suppressed in Hungary and in Tibet, America stood in support of the helpless people. Many American lives were also sacrificed in helping people's aspiration in all the continents. French Revolution, Russian Revolution, India's quest of independence, China's people

For a political observer the recent two American elections of 2008 and 2010 are interesting. Their out come and results are of importance and many Americans think connected with the compromise of liberty and freedom. There can be many interpretations of the outcome. However, for many people in America the liberty and freedom factor is the main issue.

In 2008 the GOP lost the majority because people felt a compromise was being done in the use of undisputed freedom and liberty. The people started losing faith in GOP and found out an alternative.

In 2010 GOP gained majority in the House because people again started feeling that the Democrats are going towards far left and the individual rights are compromised.

For instant they took Obama care as process of curtailing individual liberty and freedom

Americans are in favor of democracy, Human Rights and Liberty. However, the US government would not have a blanket policy of supporting the peaceful revolution around the world. Some critiques call this the US Government's inconsistent policy of support while others see this policy of supporting the people revolt in selective places as interest based approach.

The Iranian mass movement of last year was not whole heartedly supported by the American authority. It was crushed by the Dictators of Iran. Still



people are fighting for democracy and freedom in Iran but US government seems passive in promotion of democracy. At the same time we have seen that US is actively participating in the campaign against Libyan Dictator Kaddafi but not doing anything in other countries as Saudi Arabia, Syria, Oman, Burma, Pakistan, and China.

But for millions of people around the world struggling in quest of democracy, freedom and liberty which are Human Rights, the interest based approach can easily diminish the moral leadership that America has.

Now the time has come and the US needs to support non violent democracy movement of the people around the world and claim its undisputed world leadership.

Bhupal Lamichhany is former vice president of Human Rights Organization of Nepal (HURON) one of the oldest HR organizations in the country. He has been writing articles on democracy and human rights in English and Nepali languages.

## DOSSIER

and transform itself.

The same qualities are required of a population caught within a terrorist, despotic regime. History proves repeatedly how non-violent people-power wins over any tyranny in the end. Individuals, who resort to violent methods to achieve their so-called justice, merely swap injustices thwarting an opportunity to win true social fairness and equality.

The present days revolutions in remaining doctoral countries especially in Middle East and Far East have again proved that no power secured by the dictators of the regions can suppress the desire of the people for liberation and

revolution, Tibetan revolt and so many others: the Americans showed their timely presence.

The people of the world struggling for liberty and democracy are always proud to identify themselves with New York Liberty statue the icon of Freedom and Liberty. Americans by nature are freedom lovers and they can never think of compromising their liberty and freedom at all. For an American liberty and freedom is like breathing air for living. There is no question of tolerance while freedom and liberty are compromised in the American society.

# The Persecution of Nobel Laureate Yunus

By Professor Mahfuz R. Chowdhury

(The author teaches Economics at Long Island University and SUNY Farmingdale)

Bangladesh, a South Asian nation of 160 million people, is once again being pushed towards turmoil by a vengeful and authoritarian leadership. The current administration, run by the Awami League party, is beginning to resemble, in terms of style, strategy and operation, the very first government that was established, also by the Awami League, after Bangladesh gained independence in 1971. Not only is the Awami League in power now as it was then, the leader who is in power now is the daughter of the leader who was in power then. The current administration's policies are guided by the same ideology, and it applies the same iron fist tactics to suppress the opposition and the press. The only question remaining is whether the present government will end in violence, the way the first one did.

The Awami League played a pivotal role in the fight for the independence of Bangladesh. Following independence in 1971, the party's supreme leader Sheikh Mujibur Rahman was entrusted with enormous power to govern the country. People were prepared to accept his word as the law of the land. But in spite of such popular mandate, his heavy-handed approach and orientation in ruling the country clearly failed to reflect the true wishes of the people, which, many believe, have eventually sealed his fate.

In 1975, he was assassinated along with many members of his immediate family. He was survived by his two daughters, and the eldest, Sheikh Hasina, later inherited the leadership of the Awami League, and is now the Prime Minister of Bangladesh. The big irony is that it took Sheikh Mujib's daughter more than 30 years to consolidate enough power to bring her father's assassins to some kind of justice. And after having reached the pinnacle of her power, the daughter is now relentlessly following the same fatalistic policies of her father.

The father, Sheikh Mujib, after assuming state power, swiftly transformed Bangladesh into an authoritarian state by establishing one party rule. He sidelined his party stalwarts, who no doubt deserved respect, used his personal army to ruthlessly oppress his opponents, and closed a number of newspapers that were critical of his administration. He put his family's interest before everyone else's, including that of the nation. In fact, his administration was marked by so much brutality and atrocity that his brutal assassination failed to generate any spontaneous hostile reaction from the public towards the assassins. People felt a kind of relief that his authoritarian rule was somehow ended, though in such an atrocious way.

But the mayhem that followed the assassination of Sheikh Mujib ultimately put the military in power, which then perpetrated its authoritarian rule for the next 15 years. During this time, the country went through many changes. And one of those changes involved Sheikh Hasina's ascension to party leadership in 1981, due to bickering among the party elders. She has since remained firmly entrenched in that position.

After the fall of the last of the military rulers, when Awami League grabbed state power in 1996 it was, to some extent, on shaky ground and consequently it behaved with some restraint. The election of 2008 clearly changed that situation after the party obtained an absolute majority in the parliament. This election strengthened Sheikh Hasina's authority over both her party and the government. In an effort to further solidify her authority, she quickly removed the party stalwarts from the decision making process in the government. To retain her absolute authority over the country she also refused to grant or delegate any power to the local governments. And the

People all over the world were outraged by the way the Hasina administration treated Dr. Yunus, as evidenced by the international media's coverage of the events. Condemnations of her appalling act poured in from all over the world. Concerned observers, including former and current government leaders, prominent legislators, economists, lawyers and academics, denounced the treatment of Dr. Yunus. But Sheikh Hasina remained unfazed. Now the obvious question is, if an internationally revered personality like Dr. Yunus is treated like this, one could only imagine how this administration treats other lesser people in Bangladesh.

parliament has been effectively turned into a rubber stamp for her sinister policies.

After assuming state power in 2009, her first order of businesses included legislation to secure police protection for her extended family members in perpetuity like royalty, rewriting the constitution and the history books, and renaming key institutions in the country after her family members. Furthermore, she ordered a commission to appropriate precious farm land to build a new international airport—to be named after her father!—near the capital, even though the existing Dhaka international airport's capacity utilization is only about 25 per cent.

Like her father, she gained authority through the democratic process, but having gained absolute power, she promptly abandoned the very democracy that brought her to power. Now, every important policy, together with all vital judicial decisions, must meet with her approval. She has used all kinds of tactics to suppress the opposition. Even newsmen do not seem to escape her wrath. She is not at all fazed by the fact that the opposition has boycotted the parliament for a long time to protest her atrocious policies.

Here are some notable examples of her acts: Salauddin Quader Chowdhury, an opposition party leader and an MP, has been kept in jail without due process for openly criticizing the government's policies. Amnesty International finds the allegations of his torture in jail to be credible. Mahmudur Rahman, a prominent

newspaper editor, dared to publish a report on her family's involvement in siphoning a huge amount of state money during her first term as Prime Minister. He was jailed for over 9 months as punishment. Transparency International of Bangladesh, a subsidiary of German based organization, published a report that called the judiciary the most corrupt institution in the country. Its key executives were immediately subjected to a number of law suits followed by arrest warrants.

The most menacing and despicable act of her administration is the treatment of the country's well respected and internationally recognized personality, Dr. Muhammad Yunus. He is the famous micro-credit pioneer and founder of the Grameen Bank, whose work earned him the Nobel Peace Prize in 2006. But his global fame was too much for Sheikh Hasina to bear, and so he became a victim of her jealous rage. In an effort to belittle and discredit him, she ordered an investigation into his work, offered a most slanderous remark about him, made him appear before a magistrate on a trumped-up charge, and finally directed Bangladesh Bank, the supervising authority of Grameen Bank, to strip his name from the organization that he had founded, without even waiting for the report of the investigation she had ordered.

People all over the world were outraged by the way the Hasina administration treated Dr. Yunus, as evidenced by the international media's coverage of the events. Condemnations of her appalling

## DATELINE KATHMANDU

Niraj Aryal

### Lesser Evil Speaks: Former Nepal King defends his takeover

It is certain that Nepal's brainless leaders seated at various political parties who were erroneously handed over helm of the state affairs by the people (let us ignore the aspect of grand foreign play that was there then) will fail to draft the constitution and bring peace process to logical end. At least this much is distinctly visible as of now.

When Gyanendra Shah- not so popular former king, took over the charge of the nation, 1 February 2005, the same bunch of people had hoped that six decade long instability plus the fresh Maoists insurgency will be tamed.

Not to be so, monarchy was overthrown "under instructions from above" which allowed the same bunch of old corrupts who had deformed the very democratic system plus the nouveau aspirants in the form of Maoists to rule the roost in the country.

With no positive changes taking place in the last five years people have perhaps begun thinking whether it was time to compare the evils- the previous or the present day ones.

Which is the lesser evil, Gyanendra Shah or Political parties? The question now must be answered.

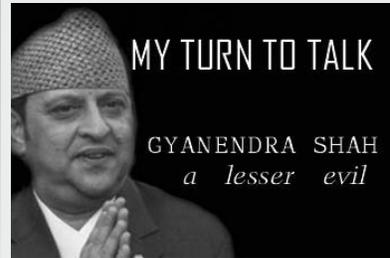
This is exactly where Gyanendra plays with the minds of the confused mass.

He says "My Magh 19 (1 February 2005) move was in the larger interest of the country and its people but I failed to convince the people of my benevolent intent".

A grand but delayed realization indeed.

However, there are people who believe that Gyanendra should concentrate on commercial activities which he is good at rather than defending his erroneous decisions that brought the country to the brink.

Gyanendra made these remarks while talking to senior journalists at a reception held in Soaltee Crown Plaza Hotel, April 1, 2011.



The reception was organized by Gyanendra's business partner and relative Prabhakar Shumsher Rana.

The reception at the hotel also saw the presence of some Indian Embassy staffers and Chinese embassy officials, it is reported. Ambassador of Japan was also present on the occasion. At the end of the reception it was rumored in Kathmandu's political circuit that Japan was lobbying in favor of retention of monarchy. In addition, some European countries too subscribed to the Japanese stand point then.

In his two hour long stay at the reception, the former Nepali monarch interacted with former Prime Minister and Rastriya Janashakti Party Chairman Surya Bahadur Thapa and Rastriya Prajatantra Party Chairman Pashupati Shumsher Rana.

Both Rana and Thapa- former Royalists and considered to be closer to the Indian establishment compared to other political leaders of Nepal, had also supported abolishment of 240 years old institution of monarchy.

To recall, Rana and Thapa have freshly returned from Delhi pilgrimage.

Media men like Yub Raj Ghimire, Manaranjan Josee, Madhav Kumar Rimal, Nirodh Raj Pandey, Devendra Gautam, Manju Ratna Shakya, Pushpa Pradhan and Keshav Poudel were also present at the reception. The selection of the journalists is meaningful. Brilliant Prabhakar rana! They held talks with Gyanendra Shah.

However, the inner details have yet to come to the open and perhaps will never come to the open.

Cashing in upon the follies of the political parties.

act poured in from all over the world. Concerned observers, including former and current government leaders, prominent legislators, economists, lawyers and academics, denounced the treatment of Dr. Yunus. But Sheikh Hasina remained unfazed. Now the obvious question is, if an internationally revered personality like Dr. Yunus is treated like this, one could only imagine how this administration treats other lesser people in Bangladesh.

As usual, the effect of authoritarian rule in Bangladesh is being reflected in an increase in corruption and serious crimes. There have also been critical economic repercussions in the country. The country has plentiful resources to achieve true economic growth, but corruption, looting and mismanagement of its resources have held it back all these years. Things will not change in Bangladesh unless the people actually rise up and take

appropriate action. One might hope that the current wave of resistance to authoritarian rule in the Middle East will somehow catch up with the people of Bangladesh.

In fact, the main opposition party in Bangladesh is speaking out against Sheikh Hasina's administration. However, it will be folly to expect that things will change if they come to power as their past record of administration is also pretty dismal.

As Bangladesh can only prosper as a true democracy, and not with the kind of family dynastic rule it has been subjected to. Until the people, especially those who are blindly supporting the current system, come to realize this crucial fact and act to stop the current authoritarianism, no improvement could actually come in the way of Bangladesh. The country has suffered enough. Let's hope it will not have to wait too long for a change.

# Nepal Army will not be mobilized in Terai plains to contain violent activities

-Barsaman Pun-Ananta,  
Peace Minister, Nepal

Definitely, the Ministry of Home Affairs will come to the pocket of the Nepal Maoists party. Rest assured. It is time that the law and order situation which has worsened of late needed now to be strengthened. The kind of events which were being staged in Nepal's Terai plains, in order to tame the situation in the Terai the ministry of Home must and should go to the Maoists. It is for sure that the next cabinet expansion the ministry as such will come to the pouch of the Maoists. We have already agreed upon that. No more and no less than

**TGQ1: How far the militia integration process has reached? What measures will be adopted for such integration? Your comments please.**

**Barsaman:** The integration process has recorded already a sort of positive progress. We are proceeding ahead by charting four different sorts of modalities. We have currently been discussing on how to proceed whether in masse or on an individual basis. The discussions are concentrated on how to make the entire process an honorable one while going through the integration either en masse or on numerical basis or even on the foundation of personal capabilities and abilities. The work force which has been constituted for this purpose, we will move as per the report of the work force.

We have set four modalities for the carrying out the integration process as of now. Out of the four the one that is adjudged the best the same integration model will be

followed. We will discuss such a modality in details and have intensive discussions and later will follow the same model.

**TGQ2: So how long will it take? Can you tell us the strength of those who shall undergo through this integration process?**

**Barsaman:** By May 28, 2011, we have to draft the Constitution. We have been doing our best for the integration to get completed well before this set time frame. We are engaged in this effort sincerely. The militia integration committee has the participation of top leaders of all the major parties and thus we hope that the integration process will be completed on time. The procedure for such integration should also be a friendly and convincing one to all the participating big parties. Yes! The integration process has already made a substantial progress.

Since I am the Minister for Peace and thus I will not speak the

exact number. I am bound not to speak as a responsible minister. But what I can assure you that both the sides will come to a conclusion which will be binding on us all. If it is done in an honorable manner the process of integration will advance further. Now the numerical strength is not at all an issue or say problem. We have already taken the side of arriving at an amicable solution. The numerical matters will in no way impede the integration process. Be it clear to all.

**the integration process will be accomplished right ahead of the new constitution? We have been listening that the federal order is now has cropped up as a big problem? But yet you think that the things will be sorted out amicably? What say you?**

**Barsaman:** Definitely the peace process will come to its logical and desired end soon. We are of the opinion that the peace process should be completed on time and then later bring out the constitution. Both the processes will go together. This is what I mean.

Yes! As regards the adoption of the federal order, there has been a report brought out by the State Restructuring Council. On many instances, we have felt that in order to complete the process, it would not be prudent enough to go by constituting different Councils. It may cause unnecessary delay. This has concurrently some suspicions in some quarters as well. But we will find a right solution to this issue.

Yes! The things will be fixed sooner than later. This is what I



## Questions

enough. I have taken his suggestions in a positive manner as it has come from a very reliable and honorable institution.

Why not the Military can forward its suggestions? Definitely it can. Nepal Army is the senior most institution and also is a responsible entity and thus it has the right to forward positive suggestions and advices on matters of militia integration.

**TGQ5: But the defense minister Bishnu Poudel has very freshly said that a separate force can't be constituted? Also tell us whether the Ministry of Home will come to your pocket or some other parties will bag the same ministry? Talks are there that the Nepal Army is all set to be mobilized in order to control the situation in Terai now? Your comments please.**

**Barsaman:** As a Maoist leader who is now also loaded with the assignment of the Ministry of Peace and Reconstruction, I take the Army Chief's expressions in a very positive manner. The suggestions forwarded by the Army Chief who represents a very dignified and responsible institution are pleasing

to me. Minister Poudel may have said so in an informal manner. But if he has said so then it is a direct violation of the seven

point agreement which both the UML and the Maoist party signed much ahead of the formation of this government. His utterances must be taken as a violation of the agreed upon points between the two responsible parties.

Definitely, the Ministry of Home Affairs will come to the pocket of the Nepal Maoists party. Rest assured. It is time that the law and order situation which has worsened of late needed now to be strengthened. The kind of events which were being staged in Nepal's Terai plains, in order to tame the situation in the Terai the ministry of Home must and should go to the Maoists. It is for sure that the next cabinet expansion the ministry as such will come to the pouch of the Maoists. We have already agreed upon that. No more and no less than the Home Ministry.

I don't think that the Nepal Army would be mobilized in the Terai plains. It is a very simple situation which doesn't demand the mobilization of the Army. Nepal Police and the Armed Police forces are sufficient enough to take care of the situation prevailing in Terai at the moment.

# Fitting China in India's security plan

SANA, PAKISTAN

India-China relations have invariably taken the form of either hair-raising scare-mongering or ideological foaming at the mouth. The examples immediately come to mind are a paper titled "China as a main threat to India's security" posted on the Web site of the Peace and Collaborative Development Network and an article in the Indian Defence Review, "Nervous China may attack India by 2012".

For some, the very mention of the country's name instantly excites hostility and hatred simply because of its Communist ideological moorings and its non-democratic, one-party regime. This is regardless of China being no longer a classical communist state. Actually, its "market socialism" has many features of capitalism.

For some others, its very size and military power, coupled with its economic growth and increasing influence over the countries of South and South-East Asia and Africa, makes it a Goliath requiring to be put down at all costs.

A further element of uneasiness is added by all signs pointing to its soon becoming the world's No.1 superpower. As for India, it needs to shed the psychosis engendered by the trauma of the surprise Chinese attack of 1962. The ending of the present state of virtual standoff will be possible only if there is a constructive engagement with China shorn of emotional ebullience reminiscent of Hindi Chini bhai bhai and built on solid foundations of complementarities and convergence of interests. While doing so, it should not wittingly or otherwise become a handmaiden for some other country's global designs.

For instance, the US has its own axes to grind vis-a-vis China: In its eyes, China's astronomical dollar holdings, now close to \$3 trillion, and estimated to touch \$4 trillion in the next 10 years unless curbed, constitute the spectre of "a financial balance of terror".

India should not let the objectives it needs to pursue be clouded by those of the US or any other country or group of countries.

True destiny  
It must be self-evident, except to the one who is purblind or perverse, that India must go all out to effect improvement in India-China relations. This will enable it to drastically prune Defence expenditure in tune with the altered security setting.

It will be able to focus on national goals that are pressing and vital: Provision of basic necessities such as drinking water and sanitation; food, livelihood and energy security; universal education and healthcare; honest and efficient governance.

Indeed, these make for a comprehensive security framework whose absence or inadequacies have led, as we have seen in Tunisia, Egypt and elsewhere, to mass upheavals sweeping away established governments.

Any amount of effort is worthwhile to establish a harmonious relationship between India and China based on mutual trust and respect and commitment to peace. It may even help them make a faster pitch for strengthening their economic mettle in a spirit of healthy competition. They can then forge partnerships to channel their resources and skills to projects for the full-scale development of the

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countries of Asia and Africa. Both countries can find their true destiny by becoming sheet anchors of progress and stability in the whole of East and South Asia and kingpins of a new world order.

End the impasse  
Idealistic? No! Seeming miracles have happened, Japan rose from the ashes after the War and became an economic and technological colossus. China and the US, at each other's throats for 25 years, are friends. Apartheid in South Africa and the perils of the Cold War are a fading memory.

India and China too must cease to be at loggerheads over the border. Innumerable rounds of talks between officials on both sides have taken the dispute no nearer to solution. It also reflects poorly on the sincerity of either side.

Now, the heads of governments of India and China should muster the required will to end the impasse; yes, it will involve some give-and-take and overcoming opposition. But that is what leadership is all about.

# North Korea: Lessons from Libya

The NATO coalition should remember that Libya was given national security assurances when Qaddafi abandoned his nuclear program.

North Korea claimed that Libya became the target of air raids because it abandoned its nuclear development program. It's clear that North Korea is interpreting events in North Africa as a method of self-justification. Quoting their foreign ministry spokesman, the North's Korean Central News Agency said that Libya is getting invaded because it was induced into abandoning its nuclear weapons with such promises as a national security guarantee and improved relations.

The North also boasted that its decision to reject abandoning its nuclear program in 2003 was the right choice, saying that "the military-first policy that we have chosen is the right policy and our ability of self-defence thanks to the policy has become a precious deterrent against war and safeguards peace on the Korean Peninsula".

North Korea has not even restrained itself from degrading the Jasmine revolution. Radio Pyongyang reported that the reason the Jasmine revolution broke out in the Middle East was because the people there have lost their minds and danced to the tune of the imperialists who deceived them with freedom and democracy.

It is ironic that North Korea, which claims to be a workers' paradise and the vanguard of the socialist revolution worldwide, sides with the dictators of the Middle East. The North has long maintained close military and economic relations with the dictators of the Middle East. When Hosni Mubarak commanded the Egyptian air force in the early 1970s, he got North Korea to send pilots to train Egyptians before the fourth Mideast war with Israel in 1973. Egypt began importing Soviet-era missiles from North Korea around

the time Mubarak became president, and North Korean technicians have trained Egyptians to produce them on their own over the years.

Around the time before and after the first Gulf War, North Korea exported missiles and other strategic weapons banned by the United Nations to Syria, Iraq and Iran. In 2007, it was revealed that North Korea helped Syria build a nuclear reactor. Now, it has been reported that Pyongyang exported military hardware, including missiles and anti-aircraft guns, to Muammar el-Qaddafi.

From the beginning, Pyongyang was not interested in the democratization of the region. North Korea was more interested in collaborating with the region's dictators, who imported nuclear technology and strategic military hardware, including missiles, from the North. The dictators of the Mideast - such as Syria's Hafez al-Assad, his son and incumbent president Bashar al-Assad, Egypt's Mubarak and Libya's Qaddafi - have helped the North by providing it with vital financial resources for its nuclear program.

In return, North Korea helped them strengthen their power by providing them with military hardware in violation of the arms embargo. Herein lies the reason why Pyongyang is critical of the air raids on Libya.

But Pyongyang's claim that Libya was targeted because it abandoned its nuclear program is only one side of the story. The dictators of the Middle East, including Qaddafi, have fallen because of an uprising by people demanding democratization, not because of air raids by international

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forces. Even if Qaddafi had a nuclear arsenal, he could not stop a popular uprising.

The international community has debated the pros and cons of air raids on Libya. Some say that diplomatic efforts and nonmilitary measures should have preceded air raids. There is also criticism of French President Nicolas Sarkozy, saying he initiated military action because of political reasons at home. It has also been said that Qaddafi's army did not commit as harsh atrocities as the ethnic cleansing in Bosnia or the genocide in Rwanda.

The NATO coalition participating in the air raid should remember that the West gave national security assurances to Libya when they persuaded Qaddafi to abandon Libya's nuclear program.

I do not mean to say that Qaddafi should be granted immunity. But I think it necessary to show consideration to the first national leader who decided to abandon his country's nuclear weapons program.

Then the international community can provide leaders of countries that have not given up their nuclear program, like North Korea, with the assurance that there will be no military intervention even if they abandon their nuclear development program.

\*The writer is a visiting professor of communication at Sejong University. By Park Sung-soo

# A variety of anarchy prevails now in UML party

-K. P. Oli, UML leader, Nepal

**Q1: Why you are being made the target by the Maoist party every time? What could have been the reason for such a regular attack on you?**

**Oli:** I practice politics with total dedication and devotion. I have love and sympathy for the people of this nation. I can't see the heart rendering events wherein the Nepali people are being thrashed and finally killed. Killing the people and making their family members in a guardian less conditions in the name of Great revolution and Great People's revolution for the preservation of one's self interests is what I don't like to see.

I am a man who forward suggestions not to do all these sad things which is what perhaps don't like to listen. They loot the poor and make them homeless and beat them which I dislike. They kill the guardians of the society and terrify others of the same social order which I object and thus being disliked. It could have been these reasons that they do not like me and make me their target. Or else I have nothing to do with them in any manner or whatsoever.

**Q2: You are also the Chair of the UML party's international bureau. How is the party's situation and image abroad?**

**Oli:** Outside Nepal is not the real work place. Those who reside abroad can just play a supportive role. I think those who are in foreign countries should play a role that is more national than party wise. First you need to have the national feeling and then only you can talk of the rest such as that of party's interests and of different political ideologies. The people living abroad have been doing little in expanding party's

relations in a desired way because of their own prevailing limitations. Since the people living in foreign countries either were at the workers level or do not have their approach to the higher level authorities of those countries thus they can do little to enhance the party and the country's image there.

They have these limitations and so I don't think that they have really been playing a role that they should have played. It is minimal to say you bluntly.

**Q3: What role the Nepali Diaspora can play for the betterment of the country? How it should play a role? How has been its role as of now?**

**Oli:** Yes! I must admit that the Nepali community living abroad is becoming more and more able and strengthened of late. In the past, when Nepalese used to go abroad they have had no role as such to play for the nation and its people. Now the things apparently have changed for the better. Now the Nepalese have the skill and stand in a technical advantaged position and more so they remain united which was not so in the recent past. Since there is unity among the Nepalese Diaspora and they have now become more stronger talking on financial terms and thus what could be expected from them that they can now do something more concrete for their nation-Nepal.

The Non Resident Nepalese Association and the Nepal Democratic Forum and the likes have been doing positive things for the nation and the people.

**Q4: It has been more than one and a half month plus that your party led government has so far remained unable to form a full-fledged government. What**

**could have been the main reasons for this delay?**

**Oli:** We at the party too remain askance as to why is this delay? Firstly, the Prime Minister has yet to address the decision made on February 6, 2011. Though he implemented some of those later after a month or so but so far he has not decided to implement the commitments made as regards the allocation of the Home Ministry. Why the cabinet has not yet been expanded too we don't know. We could notice that he wants to go his own preferred way by ignoring the party's institutional decisions. He doesn't want to go the institutionally prescribed way. He wants to bulldoze the party's decisions. We are ourselves surprised as to why he has not been able to give a formal and full shape to the government for so long?

**Q5: How can you say so as you are yourself a distinguished leader of the UML party? How can you distance yourself from such a situation?**

**Oli:** I have little to do in this regard. Practically I can do nothing

yet the government is not yet complete. What to do?

**Q7: You and your friends have apparently been obstructing the move of the Prime Minister who wants to award the Home Ministry to the Maoists. Why is this impediment from your side?**

**Oli:** In politics you can't practice authoritarianism. You are not supposed to do whatever you like or prefer. Such talks may have emanated from those who are seated in one party but work for the others. Such allegations have no answers. Whatever will happen, it will be so as per the party's decisions.

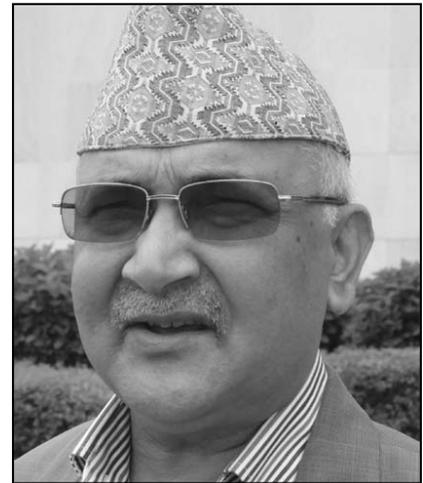
**Q8: So do you mean to say that PM Khanal is not abiding by or is reluctant in abiding the party's decisions? What say you?**

**Oli:** That is visibly clear. On February 6, 2011 morning the party adopted a decision which mentioned that the Home Ministry will go to Mr. Bishnu Poudel of our own party. But he has not acted as per the party's decision

as of now. He has yet to implement the February decision.

**Q9: So what is the harm in awarding the Home Ministry to the Nepal Maoists? Why the reluctance?**

**Oli:** No! I would say that bids might have been there to merge the UML party itself into the Maoist party. There may be some persons who wish to break the UML party as such. We don't go after them. I need peace to prevail in this country. I wish a democratic system in Nepal. I long for equality and unity in between the



Nepali people. I need prosperity in the country. But if someone wants to disturb these basic fundamentals mentioned above for his or her personal benefits then that would not be acceptable for us all. That's it.

**Q10: So you mean to say that the seven point secret deal was signed by Khanal with Prachanda for serving his personal political interests? What say you?**

**Oli:** For whose interests he signed the said pact, this I don't know. I don't want to make any debate on that issue. Yet that was a blunder which was later corrected.

**Q11: What you later corrected is not yet clear. Why the party did not initiate any penal actions against Khanal for having gone too far by ignoring the party's decisions? Why Khanal was not penalized then?**

**Oli:** Nobody has the courage inside the UML to initiate penal

actions. To recall, the previous government was formed in consensus of the UML party. But some stood against the Prime Minister in collaboration with the Maoists. A sort of mayhem was created then. What to talk of taking penal actions even a simple explanation could not be asked from those who had gone against the previous government. Nobody could dare to seek any explanations from those who used to make unnecessary comments, and those who were making foul utterances against the party led government.

**A sort of anarchy prevails now in the UML party. Those who were seated at the upper echelons of the party were themselves most undisciplined and anarchic.**

**Q12: So why you did not speak then? What obstructed you?**

**Oli:** I did my job well then. I still have been raising the issue.

## OPINION

in this matter. I am a member of the party committee. If the issue is forwarded to the party's committee then we can see to this issue.

**Q6: It becomes clear then your party is engulfed in a serious internal rivalry crisis. Isn't it so?**

**Oli:** Well, to tell you honestly, I haven't leant on how to speak a lie. Nobody has obstructed him (implied PM Khanal) but yet he has failed so far. What to do then? It is more than fifty days plus but

**failure of political leaders in the post Monarchy phase?**

**Gyanendra:** I wouldn't like to put it that way. It's just that the actors must get their acts together. I would have been the happiest person if they succeeded in implementing what they pledged and bring smiles back in the faces of each and every Nepalese. (Courtesy Peoples' Review Online. Thanks).

## Chaudhary...

industries, electronic goods manufacturers, sales agents of multinational companies, local importers have been found to be involved in presenting fake VAT bills.

In the meantime, the Public Accounts Committee of the Parliament has ordered the government to present a report providing entire details of VAT scam to the committee within four working days. The committee has already summoned Finance Minister Bharat Mohan Adhikari, Revenue Secretary Mr. Krishna Hari Baskota, Director at Revenue Department Rajan Khanal, Director of Tax Investigation Bureau Mr. Shanta Bahadur Shrestha.

Rumors have it that the finance secretary Rameshwar Khanal is hitting the media headlines because he wanted to penalize the VAT defaulters.

However, when he was denied to carry the task, he tendered his resignation under "excessive pressure" both from his own office colleagues and the minister as well.

The Nepali Congress, the main opposition party, has already made the entire episode a political issue. This has meaning.

To recall, talking to an English language weekly after being selected to represent Business community in the constituent assembly, Mr. Binod Chaudhary had claimed that his main objective was to keep economic agendas at the center of constitution drafting.

In the mean time, Prime Minister Jhal Nath Khanal has assured that his government is totally committed to bring to book those

business houses that were found to have been engaged in evading tax through presentation of fake VAT (Value Added Tax) bills. PM Khanal made the commitment speaking at a parliamentary session, April 4, 2011.

"Through investigation it has come to our knowledge that there has been the dangerous trend of presenting fake documents and bills to evade government taxes", said the Prime Minister and added, "The government is totally committed to bring to book those involved in such mal practices".

But will he dare? While referring to the resignation tendered by Finance Secretary Mr. Rameshwar Khanal the Prime Minister said, "The government will not lose its head just because a government functionary has resigned".

Interested media quarters and some of the political parties have been linking resignation of Finance Secretary with the issue of the tax evasion.

Yet some others claim Foreign Secretary Khanal- projected as one of the sacrosanct government officials, by tendering his resignation has instead escaped from his duties.

In the meantime, reports have it referring to investigation carried out by a government agency that the trend of Tax evasion was much more rampant in the previous two fiscal years as compared to the ongoing one.

"What has come to the fore is just the beginning, we have found out that big business houses were involved in such malpractices from long time back", the investigation report has it. Similarly, Finance Minister Bharat Mohan Adhikari speaking at the parliament said that if authorized by the CA Speaker he could furnish entire details to the parliament including fake VAT bills presented by big business houses to evade government taxes.

"If allowed by the speaker, I will bring the details of those business houses including the fake VAT bills right here in the parliament", said the finance minister. The Rajdhani Daily, April 4, 2011, had claimed that it is in possession of the 33 pages long investigation report which claims that two

renowned business houses, Chaudhary Group and Sarda group were among top fake VAT Bill racketeers in Nepal. Whether the business houses involved in VAT scams will also disclose under table financing of political parties of Nepal? They should! (For other details read Rajdhani Daily, April 4, 2011)

## Sood...

Ambassador Sood. "Various projects are under operation with Indian support", he reminded and said, "If we continue to face such obstructions, we will have no option other than to halt the entire development activities."

On Tuesday March 30, 2011 Unified Maoists Party cadres led by district in charge Hari Gyanwal had shown black flags.

Sood had arrived at the School with tight security. The program was boycotted by the Maoists party and fearing attack ambassador Sood was requested to curtail his speech. After the program he was rushed to Dhangadi Airport where he took a Buddha Air flight to Kathmandu.

By the way, analysts wish to recall what Prachanda had said of the Indian regime some two years back.

Look what he had said: "The best support of India as a good friend would be in extending no support at all to Nepal". Perhaps this is the befitting answer for the Indian envoys' blunt expression.

Nevertheless, it has so far remained a mystery whether the Unified Maoists Party cadres have been giving continuity to their "Sood humiliation" mission in an institutional manner or it has been a spontaneous decision?

Sood in his next cocktail meet with Chairman Dahal must ask this question.

Media reports have it that both these two luminaries meet each other at regular intervals over cocktails.

## Frustrated...

His own shadow partner, Prachanda, is too in a fix as he is being grilled for his incompetence and double-speak by his party colleagues, Dr. Bhattarai and Mohan Baidya.

The Maoists since the installation of Khanal government have met several times to finalize the very good names of the men to be sent to the Khanal cabinet but have failed so far as the three distinct lobbies inside the Maoists party have forwarded the names of their near and dear ones.

The number has swelled thus. Back inside the UML party itself, the number of the ministerial candidates is swelling each day. Reports have it that some thirty good names are there from the various lobbies of the party which have already been forwarded to PM Khanal to get them inducted in the cabinet.

Naked chair politics. PM Khanal is under intense pressure. He has failed in two fronts. First, he is yet to convince of his compassionate intent to his own party detractors and secondly, he has not yet been able to take into confidence his silent partners- the Maoists because of the Home Ministry portfolio distribution.

In a way it could be fairly said that Nepal as a nation-state has lost some nine months in peripheral talks associated with the breaking and making of governments.

PM Khanal is tentatively a lost case. At least this much is visible.

Now mere 52 days remain for the survival of the Constituent Assembly body. Several issues of national import remain yet to be discussed. The female CA body members prefer to enjoy picnic organized by UNDP, UNHCR and IDEA instead concentrating their efforts in securing their own rights in the new constitution.

The international bodies and INGOs have been diverting the attention of the CA body in some other "kill Nepal" jobs than drafting of the new Charter. Criminals that they are. Shame on them and shame also on them who

prefer to get excited as when they are invited by Tom, Dick and Harry from foreign countries.

While the country remains in a state of flux, the now sidelined King has very freshly tried to sense the pulse beat of the nation. While talking to a select group of media men, the former King hinted that "if the people-the ultimate judge of the nation, so desired then he will be more than happy to serve the nation once again".

In effect, the ex-King wanted the people to decide his fate through a sort of referendum.

Given the hotchpotch in politics which is expected to take a dangerous nose dive sooner than later, the former King apparently signals the people that if he given a chance, he may work as per the wishes of the people and act like a benevolent monarch.

So far none of the political parties have criticized the untimely comments made by the former King on Nepali politics which he claims to have been at a critical juncture.

Gyanendra Shah perhaps wants to cash in from the accumulating frustrated and unrecurrents in the country.

The timing of his talks with the media hawks is dangerous.

By and by, the politics really is in a clutter. Internal party feuds are on steady rise. The NC is inundated with leadership crisis. The UML is divided on alien interest lines. The Maoists have several contenting lobbies each trying to demean the rest. Yet rumors have it that the Maoists scattered in the South Asian region have decided to work as a united force. The secret meet apparently was held some where inside Nepal territory.

Juicy news indeed. The fifty days remaining will perhaps catapult the entire politics if the likely political chaos is not handled with care.

How the all powerful Indian regime intends to carry the politics after the CA body expiry, May 28, 2011, will be no less interesting to observe.

After all, it is always India

whose say is binding on all the Nepalese. No longer a secret. The salaried stooges must have already been told to create panic in Nepal to facilitate the Indian policy to prevail in Nepal, let us presume it to be so.

## My steps...

is passing through a very critical phase in its history and no one should shy away from fulfilling their responsibilities in this hour of great national need. History will judge us not by the words spoken but by the actions taken to resolve the countless challenges facing the nation, especially in the hour of need and great crisis.

**Q. The international community as well as the political parties within the nation were opposed to your takeover in 2005 but still you went ahead. Looking behind, do you think it was a mistake not to listen to their suggestions?**

**Gyanendra Shah:** Everyone is entitled to express their opinions. It is not for me to comment. But I strongly believe that the steps I initiated at the time were in the best interest of the nation. It is just that I did not get the required support from within and outside the country. I feel I was unable to explain to the Nepali people why such measures were necessary at the time.

**Q. Do you see that the country's unity, integrity and sovereignty has been compromised?**

**Gyanendra Shah:** I see every Nepali as a patriot and is ready to defend his country. We can't even think of the country's disintegration or collapse. I have complete faith and trust in the Nepali people. We have always been able to successfully ward off any threats of this nature in the past and will be able to do so in future as well. History is witness to the fact that as long as we stand united, no one can harm us.

**Q. Are you happy with the**