

# The Nepal Digest

The First Nepali e-Magazine

Year 15, Volume IX, Issue 1, Published On Tuesday, September 28, 2004 (Ashwin 12 2061 B.S), New York, USA

## About The Nepal Digest

The Nepal Digest (TND) is a publication of TND Foundation, global not-for-profit information and resource center (registered in New York, USA) committed to promoting issues concerning Nepal. All members of [TheNepalDigest.org](http://TheNepalDigest.org) will get copy of [The Nepal Digest \(TND\)](http://TheNepalDigest.org). Membership is free of charge and is open to all.

The Nepal Digest is the first Nepali electronic e-magazine in the Internet. The Nepal Digest hopes to create a free and democratic electronic platform -- free of all political views, free of cultural biasness, against prejudices and unjustness of all kinds.

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You can submit your articles, views and news at its website

<http://theNepalDigest.org/submit.htm> or via email [contact@theNepalDigest.org](mailto:contact@theNepalDigest.org). The TND team appreciates your support.

TAX-DEDUCTIBLE contributions can be mailed payable to:

TND Foundation

P.O. Box 8206

White Plains, NY 10602

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## The Nepal Digest Team

Editor/Coordinator:

Ujjwal Bhattarai: [contact@theNepalDigest.org](mailto:contact@theNepalDigest.org)

Members:

Sunita Dhungana: [IT@theNepalDigest.org](mailto:IT@theNepalDigest.org)

Pramod Pandey: [ppandey@theNepalDigest.org](mailto:ppandey@theNepalDigest.org)

Deependra Malla: [deependra@theNepalDigest.org](mailto:deependra@theNepalDigest.org)

Advisors:

Pramod Mishra: [pramod@theNepalDigest.org](mailto:pramod@theNepalDigest.org)

Rajpal Singh: [rjsingh@theNepalDigest.org](mailto:rjsingh@theNepalDigest.org)

## Editorial: "How is TND doing?"

Whenever I am in public gatherings, I am often being asked - "How is TND doing?". Although, I would like to hear answer of that very question from its more than 5,000 subscribers, I am devoting this editorial to familiarize our loyal readers on current status of TND.

On September 13, 2004, Madhav Bhatta from Birmingham, USA subscribed to TND and sent us a thank you note for rejuvenating TND. ["Thank you guys for rejuvenating the TND! I have missed the first and the best Nepal related e-magazine!" -Madhav Bhatta, Birmingham].

Similarly, Jyoti Shrestha from Edinburg University, Scotland commended us for a maintaining a nice web based magazine. ["I really appreciate you publishing such a nice web based magazine. I feel very proud to know about Nepal Digest e-magazine. I (and all Nepali Readers in Scotland) have received a very fair source of news and views. I took time to read all of your articles." - Jyoti Shrestha, Scotland.]

TND is not only limited to Nepali Diaspora. It has also been able to get serious attention from non-Nepali readers. And recently, Sara Blask, a masters student of journalism at Columbia University, has chosen TND as a venue to get acquainted with Nepali journalism and Nepal in general. Our latest subscriber Sara, who is hoping to write her MS thesis on Nepali Journalism, believes that TND could be her door to Nepal and Nepali Journalism.

Also a point worth mentioning is from now on TND goes beyond its 5,000+ direct subscribers. Thanks to generous act of Sunu P. KC from "Nepal Horizons", TND reaches another couple of thousands of readers through Nepal Horizon's listserv.

TND is a (free) subscription-based e-magazine. Continuous expansion on subscription of TND shows its positive and valuable service to the community.

Thank you all.

**Ujjwal Bhattarai**

Editor/Co-ordinator

The Nepal Digest (TND)

[contact@theNepalDigest.org](mailto:contact@theNepalDigest.org)

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## Letter to Editor: "Because of What?"

**Sukuman Thing** from Ichikawa, Japan writes:

Dear Editor:

All the Nepalese in or out of country are mourning the death of 12 innocent Nepalese in Iraq. First of all, everyone will ask the question why it happened? What is the main reason behind it? Is this incident due to action (or inaction) of Government or illegal act of manpower companies or it is all because of themselves (Leaving the country).

The main reasons may never be discovered. Main Political parties have got the reason to blame the Government saying it is the real weakness figure of present government. The student got the reason to strike and others. Moreover rebel got the plus point to say that they are not alone speak against the USA.

But then what the wrong thing did by 12 innocents. Were they wronged going abroad from Nepal? Or are the manpower companies wrong sending them to Jordan (Iraq)? The case is directly related to those more than 2000 Nepalese stopped at Mumbai in India. It is learnt that all the thousands people were proceeding to enter Iraq in hope of good earn. So that they can save themselves and save their family-in Nepal who all are suffered by the act of government and Maoist both.

The present situation of Nepal made those innocents to death. If there is no work in village they can come up to capital or other big cities and work, which was happening from the beginning. But this could have happened when there was peaceful. But there is no place to go and live safely in Nepal for Nepalese. But now, there is no place to go and live safely in Nepal for Nepalese. Especially for them, who are really suffered, by the insurgent.

In words of insurgent victims, now there are thousands of Nepalese in capital looking for a chance to go abroad. Either to go abroad for safe or return to their village to die with the hand of Maoists. Because Maoists has published that they will punish all that did not listen them or join. All the younger generation of Nepal will salute 12 innocents for their courage to go abroad besides all threats of Maoists. The Maoists has made threat to all innocent Nepalese, asking them for the fund. If anyone cannot fund them, they will ask them to join with them. If not, the innocent will be death. The death for the innocent is confirmed wherever they are whether they are in Nepal or elsewhere. What is the difference between these, questioning remains.

The incident occurred in Iraq this time gives the chance to all Nepalese (Students to Teacher, Workers to Politicians, Housewives to Rights Activities, Journalist to King and all others.) to think once again. What exactly those innocents did for the sake of help to US in Iraq. For the Iraqi rebels, it has been as a normal business for to kidnap foreigners. Whoever can fulfill their demand they will be alive and others to death likes 12. Anyone can imagine why this incident happens to Nepalese only. The insurgency in country became the profit for rebels not only in inside the country but elsewhere too. Now writers' appeal to everyone in the world also to the countries that has not sent their troops to Iraq, rethink about it and resume.

(Author can be reached at [smt\\_tamang\(at\)yahoo\(dot\)co\(dot\)jp](mailto:smt_tamang@yahoo.co.jp) -Ed.)

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## News from Nepal

*By TND Research*

### Hope for Peace

Hopes for talks are rising after the government has invited the Moaists for possible peace talks and Maoists have responded with their own questions. Despite the fact that agreements between them seems remote at this point, Nepalese are hopeful of this new development. All ears are waiting to hear the positive development.

### Peace Corps temporarily suspended

Following the recent attack on American center, the Kathmandu based US embassy recommended the Department of State in Washington to approve the temporary suspension of Peace Corps in Nepal. Following this recommendation, State Department of the United States stopped 42-year-old Nepal programme on which 4,000 Americans had volunteered. After this event, all Peace Corps members in the Himalayan Kingdom of Nepal has returned to the USA.

BBC reported that 84 volunteers had to depart Nepal.

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## Interview: with Karl-Heinz Krämer, a scholar on Nepal

*By Kamala Sarup*



Karl-Heinz Kramer is affiliated to the Department of political science at the South Asia Institute, University of Heidelberg (Germany) and is Nepal related advisor for several institutions and law courts in Germany. Since 1973 he has been engaged in research on modern history, politics and society of Nepal. His books include *Das Königtum in der modernen nepalischen Geschichte* (VGH, 1981), *Nepal: der lange Weg zur Demokratie* (Horlemann, 1991), and *Ethnizität und nationale Integration in Nepal* (Steiner, 1996). He can be reached at [makpa.sherpa@nepalresearch.org](mailto:makpa.sherpa@nepalresearch.org). He spoke recently with Kamala Sarup. Excerpts:

### Q1. Please tell our readers how did you get connected so close to Nepal?

I began my studies of Nepali history, politics and society in 1973 when I met my wife, Lhakpa Doma Sherpa from Solu-Khumbu. I do not see myself as an expert. You never stop learning for the whole of your life; you're always a learner. So, it took until the late 1980s before I felt qualified enough to carefully join discussions on the situation and events in Nepal. Right from the beginning there have been some areas I have been particularly interested in: politics in general, constitutional law, human

rights, the question of inclusion of disadvantaged sections of society (janajati groups, dalits, madhesis, women in general), the conception of historiography. These are still the themes I am working on.

**Q2. How do you see Nepal after it regained democracy in 1990? Was it an achievement in retrospect?**

Of course, the rise and downfall of democracy after 1990 and the Maoist insurgency have become focus points of my studies in recent years, but I always try to understand and explain the issues, developments, standpoints and statements from the before mentioned aspects. The main players behind the current crisis - the leaders of the political parties, the Maoists as well as the king and his army - can only be understood against the background of Nepali history, which is not the glorious history of the current elite with the king at its top as it is explained in the history books, but the opposite, i.e. the history of the disadvantaged and excluded masses. People rarely learn from history, and Nepal is no exception from this lapse. The problem is that Nepal's affairs are still so elite-dominated in every respect. It has only been after the democratization of 1990 that the masses slowly started to articulate themselves and fight for the rights. This, I think, has been the greatest outcome of the 1990 movement.

**Q3. Could you please illustrate?**

Let me explain this a bit by the example of the self-understanding of monarchy (I choose this political player as it is the most conservative institution and because it has to play a key function for the solution of the current crisis; of course, the party politicians have learnt little as well after the foundation of political parties in the late 1940s).

All of Nepal's Kings up to Gyanendra have claimed that the Nepali monarchy has always done and is still doing everything only for the prosperity of the people. Everybody who has studied a bit of world history knows that this is nonsense.

All monarchs in history have first thought of themselves; they have done everything to extend their influence, their power, and their wealth. Why should the Nepali monarchy be the only exception from this rule? Look into history (not into that of the school-books but into the so far not really written history of the disadvantaged and not participated masses) and find the proof.

These masses are not the people the monarchy and the schoolbooks have been talking or writing about. On the contrary, they have been the victims of royal politics ever since the process of unification of the country was started (only!!) some 250 years ago. (This shall not question the necessity of unification in the 18th century; without this unification Nepal would never have survived as an independent state).

**Q4. How do you look at ethnic diversity in Nepal? Do you see ethnic discrimination?**

Ethnic diversity is another aspect of this non-inclusive system suffering from its extreme centralization. There are parts of the country (the far and the mid western hill area, the northern Himalayan region as well as parts of the Tarai that have been extremely neglected. There are some intellectual thinkers (e.g. Prakash A. Raj) who take the exclusion of the Bahun and Chhetri castes of the far and mid western hill area as a proof that the claim of the janajati organizations that their ethnic groups are excluded is wrong. The truth is that both arguments are correct: The ethnic groups have been excluded because of their ethnicity, the Hindu castes of western Nepal have been excluded because of their area of habitation. There are hardly any ethnic groups in this area, which is the traditional homeland of the Hindu population.

**Q5. What are your opinions about religious affiliation of the state?**

The fact that greater sections of society are excluded has nothing to do with religious affiliation. Instead, it has been the fabrication of elite circles around the ruling Shah family who, instead of being proud to be descendants of the Khas and Magar population, which had been settling in western Nepal for thousands of years, constructed their origin from high caste families in foreign India. What nonsense!

This has been part of the misuse of religion to install a highly stratified system of society in support of the ruling circles around the Shah monarchy. It has introduced exclusion and jealousy into the Nepali society, and with growing consciousness and rights awareness it has become part of the reasons for resistance after 1990.

Another example for the misuse of religion for power political reasons has been the definition of the state as a Hindu state. Significantly, it has only been after the intrusion of democratic ideas that the monarchy found it necessary to define the state in this way.

**Q6. So you believe that stating Nepal as a Hindu state was a bad idea for the country?**

The 1950s were a time of struggle between young but weak political parties and the traditional institution of monarchy. The latter more and more got the upper hand and for the first time defined Nepal as a Hindu state with the Panchayati constitution of 1962. It has been one of the greatest shortcomings of the 1990 constitution that it kept up this definition. The confusing arguments of leading politicians and partly also those of intellectuals prove that they misunderstand this term or at least pretend to do so.

**Q7. So do you see the relation between Nepal being a Hindu State and the Royal move of October 2002 to fire the elected PM?**

The religious affiliation of the King is of minor importance in this context. I have summarized the main aspects of a Hindu monarchy in an article for a conference that has been organized by Social Science Baha in April 2003 in the following way to explain the background of King Gyanendra's seizure of power in October 2002 (The corresponding book, edited by Deepak Thapa, is currently in print): I have written on this more extensively in my MA thesis (1978) as well as in a small book on Nepalese monarchy (1981). The main aspects can be summarized as follows:

King Gyanendra's self-image is based on some Hindu-political conceptions in the context of monarchy, i.e. dharma and artha. The Hindu knows that he and all other beings are tied to time and universe, and that all beings have to fulfill a very special personal task. The fundamental term in this context is dharma. It contains the whole area of morals, cults, laws and customs, it is related to the castes and classes (jati and varna), and it leads to otherworldly salvation (Hacker 1965: 100).

The traditional Hindu-political treatises separate dharma (moral and religious order) from artha (mundane political order). These two spheres are only connected at one point: in the person of the king (raja). The religious duty of the monarch, his rajadharma, is the exercise of politics (artha) (Klimkeit 1975: 100-119).

In this sense, is the king the upholder and protector of dharma in his realm?

**Q8. So what role do you think King is playing now? Rajniti or Rajdharma?**

For successful politics, the King has the means of rajaniti at his hands. Niti means "well-behaviour" but it is also used in the sense of "politics" in general. Rajaniti clearly differs from the honest and moral ideals of rajadharma. While rajadharma describes the way a king should behave honestly, is rananiti the way that makes him successful.

Morals and conscientiousness, that stand in the focus of rajadharma, don't play any role in rajaniti, where only the success counts. The four principal means (upaya) of rajaniti are saman (reconciliation, negotiations), danda (punishment, control, authority, assault), dan (donation, gift, bribery), and bheda (splitting, division, betrayal, sowing the seeds of discord among the opponents). Three other means are maya (deceit, fraud), upeksha (neglect, ignorance) and indrajala (accusation, false pretences). The kings of modern Nepal have often fallen back on these means to push their politics through and King Gyanendra's current politics revives this tradition.

**Q9. In your opinion, a constitutional monarch and a Hindu monarch cannot coexist?**

The political parties with their modern western oriented understanding of democracy have been the main opponents of Nepal's Hindu monarchs after 1950. This is the reason why all kings since Tribhuvan have fought the political parties by the means of rajaniti.

The modern history and politics of the Kingdom of Nepal can only be understood in this context. The simple transfer of western political conceptions is misleading. Thus, a Hindu monarch can never be a constitutional monarch. He stops to be a Hindu monarch when he becomes a constitutional head of state in a western democratic system.

**Q10. How do you look at the role of media organizations especially after 1990? Can they meaningfully play any role for maintaining peace?**

I think that media have changed a lot after 1990. This has been one of the most positive outcomes of the 1990 movement. The 1990 constitution guarantees the right to opinion and expression as well as

the right to information. This is a verbal mandate for the press. Despite numerous violations of these rights by the state as well as by the Maoists, I would say that the media in general have improved enormously, not only in number but also in circulation and especially in quality.

What bothers me is the fact that there is sometimes fighting below the belt between different media. Let me take the conflict between Kantipur Publications and the Himalayan Times as an example. I don't understand the whole fuss. The Kathmandu Post (partly also Kantipur) and the Himalayan Times are important parts of my daily lecture. I need all of them because I must read different opinions and reports to get to my own interpretation. The variety of opinions is part of a good press. I don't see Indian influence in the way the Himalayan Times is writing.

Another encouraging development is the fact that the disadvantaged sections of society find a growing voice in the media. I still have the impression that the media are dominated mainly by male members of high Hindu castes, as most institutions of Nepal still are. But it is heartening that many of these journalists have already started their intellectual revolution. When I worked on my book on ethnicity and national integration in the early 1990s, I found out that there were hardly any journalists from the higher Hindu castes that showed interest and understanding for themes that had to do with ethnic groups, Dalits, Madhesi or even women in general. This has enormously changed in recent years and this has been confirmed to me by leaders from the janajati groups.

The media should further intensify this to prepare the way for a durable peace. The media can put enormous pressure on those in power and open up the minds of the general public by the demystification of Nepali history, society and culture in a way as I have explained above. In the long run, Nepal needs a strong civil society for the necessary changes, and it is one of the main tasks of the media to help in building it up.

**Q11. Do you see any negative side associated with it?**

I have also observed some negative developments, especially after the royal take over of October 2002. On the one side, there is the government owned media that had improved a lot after 1990 as well. Nowadays, they are almost as unreadable as they had been during panchayati times with daily uncritical leading reports on the king and other royals as well as on his government and army. On the other side, there are some private papers, that have followed the same scheme like, for example, the People's Review, a weekly that I very much liked to read before October 2002. The media must be critical without any prejudices. It is civil courage and not subversion if journalist, academicians or other members of civil society write well-founded articles in the Nepali media that openly discuss the acts and statements of king, politicians, army or Maoists and that open the people's eyes for the foundations of Nepal's current crisis. Nepal needs such courageous persons and not blind yes-men.

**Q12. What responsibility should Non Resident Nepalis take to mobilize support from international community and help resolving this issue? Do you think our Non Resident Nepalis group is not very effective to gather support from international community?**

The contribution of NRN to the development of Nepal can be enormous. As a jwain of Nepal, I have been in close touch to the discussions of NRN participation right from the beginning. For the moment I only have some objections that have to do with the political situation in Nepal, and I had asked my friend Ram Thapa, who is our leading committee member from Germany, to mention these objections during the last meeting in Kathmandu. I'm not a Nepali by birth, only by heart; so I should only give advising comments. For the moment I see one big problem: The participation of NRN must be regulated by law, but currently there is no parliament that would be the only institution to pass laws. Royal ordinances based on illegitimate royal steps cannot be the basis for future NRN participation.

But if Nepal again has a parliament, it should be one of the first steps to participate the NRN. From the first discussions I have had the impression that political circles in Nepal are mainly interested in direct financial investments. This is very shortsighted. Every kind of activity of NRN in Nepal will be a contribution to the economic development, be it that they support educational or health institutions, contribute to the development of their ancestral villages or simply bring in whatever they have gained as special knowledge in foreign countries, etc. In any case, Nepal will benefit from the NRN. What the NRN can do for the moment even without formal legal regulations is that they actively participate in the discussions on the problems and situation in Nepal. Take your own articles that I have read in Nepali journals and papers; I am sure that each of your articles is a contribution to the above-mentioned revolution of mind that is necessary for a peaceful and prosperous future.

**Q13. In the past, the talks between the establishment and the rebels have failed. How do you see the present political crisis in the country?**

The talks between the government and the rebels have failed twice because of several reasons. I have already mentioned in the beginning that there must be a willingness of intellectual revolution from all political players. So far, I see hardly any of the established political leaders who are really ready to such fundamental changes. There is still a great difference between their verbal claims and what they do. For example, look into the election manifestos that have been published by the different parties three times in the 1990s. The so important question of inclusion and exclusion that is responsible for dissatisfaction and resistance in modern Nepal is hardly mentioned in these manifestos, and if it is mentioned then you can see from the formulation that the leading politicians have never thought about what they had been writing; there were no ideas how to change the wrong status quo; there were no attempts to look into the socio-historical origins of the crisis. Latest after the elections they forgot everything that had to do with these aspects.

This also becomes clear from the two rounds of dialogues that took place. In the first dialogue in 2001, the government of Sher Bahadur Deuba was still an elected one. Deuba started powerfully into the dialogue with great illusions but without a real program. The Maoists, on the other side had a clear agenda that had to do with all those things I have mentioned in the beginning. This Maoist agenda shook the fundamentals not only of the constitution but also of the established system of non-participation and non-inclusion. Forced by his own party elite as well as by that of the other parties, Deuba had to set up preconditions that collided with the revolutionary mind of the Maoists.

The second dialogue took place after the royal take-over. Lokendra Bahadur Chand already missed the legitimacy to hold talks. He was a mere puppet of the king and could not discuss on the Maoist agenda. When he tried to get the dialogue on with some concessions to the Maoists in the second round of talks, he faced strong opposition from the king's army. In this moment, he was politically dead and he was replaced by another royal puppet, Surya Bahadur Thapa. The latter introduced a government agenda in the third round of talks, but this agenda had nothing to do with the main demands of the Maoists; its formulation was vague and remembered the hollow words of panchayat times respectively the election manifestos of the parties of the 1990s. Under such circumstances the dialogue could only fail once again.

Currently, there is again a lot of talk on the solution of the Maoists conflict but recent developments do not really nurture such hopes. The current procedure of the Maoists is everything else but useful for talks. For months, they abduct children, partly also teachers, to drill them for their matter. In recent weeks, they even have openly challenged the media. The blockade of the Kathmandu valley, even though it seems to have failed now, has been another negative procedure of the Maoists. The explanation in respect to talks could be that all these are attempts of the Maoists to improve their position before talks start.

The government has been claiming that talks are under preparation. If this is true then one can see again the mistake that has already twice lead to the failure of talks: The government is not willing to hold talks without preconditions. The reason may be that also the current Deuba government is one that is nominated by the King and that is not legitimated by the people. A new constitution that is elaborated by an elected constituent assembly is not only the one and all fundamental demand of the Maoists, it is also more and more discussed among political parties as well as among civil society. It must be taken for sure that a new constitution that is written in this way will further cut royal powers (this is necessary as the misbehaviour of the king in recent years has proved). But King Gyanendra does not want his powers cut compared to the 1990 constitution but he wants a dramatic expansion of his powers in a way that very much reminds of panchayati times. This means that he will do everything that guarantees that changes of the 1990 constitution or even a new constitution can only take place under royal control. In other words: With the king back in sovereignty and executive power (practically also back in legislative power since the country has been run for more than two years by royal ordinances and directions) a new round of dialogue with the Maoists is doomed to failure even before it starts.

The best alternative solution could be a neutral mediation as it has been offered by the UN several times. The Maoists have hinted that they would accept such role of the UN. Within the political parties there are different opinions in this regard, while it seems that the (royal) government and also the palace do not want such kind of UN mediation. I have the impression that again the fear of a further loss of royal powers and changes concerning elite formation and participation are the reasons behind this attitude. From the foreign political point of view one has also to fear that the USA would not agree.

They see Nepal's Maoists as international terrorists and they do not want UN interference in their fight against international terrorism, as least as long as George Bush is US president. The USA may have changed their disputed ambassador to Nepal in recent weeks but not their politics.

**Q14. Is Nepal a failed or a collapsed State yet?**

Nepal is in a dilemma. The democratic system that has been introduced in 1990 has failed: The monarchy has left its constitutional role and it has seized power; the political parties have not developed along democratic lines and have often misused their powers; the parliaments that had been elected by the people have not been able to introduce urgent legal reforms; the numerous governments have all failed because of personal interests and corruption; the opposition within and without parliament (with the outstanding example of the Maoists) has disregarded democratic rules and has broken the constitution in different ways; the local level may have been upgraded by the Local Development Act of 1999 but there have been no elections on the basis of this law so far (!!); the overtaxed judiciary, that itself is extremely dominated by male Bahuns, has come to a number of politically influenced and contradicting decisions and it has not enough contributed to break up the traditional structures that hinder the general participation of the people.

In this sense, one could be tempted into calling Nepal a failed state. But by doing so, one would fail to appreciate that the introduction of democracy in the early 1990s also has had positive effects. In this context, I would first call the fundamental rights that have more or less been well defined and guaranteed by the constitution. This has been the precondition that over the years many individuals and disadvantaged groups could fight for their rights. Many national and international human rights organizations have used this constitutional catalogue of fundamental rights for their valuable work, even though they still have a hard time with the government as well as with the Maoists.

**Q15. Please share your final words and rays of hope for Nepalese.**

I see a very positive development from the point of the media. This has also to do with the guarantee of the freedom of opinion and expression as well as with the press and publication right, which are both part of the just mentioned fundamental rights. Today, the journalists are afraid neither of state nor of Maoist oppression and intimidation. This gives good hope for the influence and further development of civil society in Nepal.

I would like to mention the education system, which has come under heavy attack, especially from the Maoist side. Structurally, such critics may be reasonable and necessary, but in the way in which they are pushed forward by the Maoists, i.e. by constant school strikes that mean a total prevention of education for the youth, they cannot lead to a solution. Besides, these protests disregard the positive developments that have taken place in the field of education after 1990. The better and broader education of the masses has become the backing of growing resistance against the traditional establishment.

So, I will not yet call Nepal a failed state, despite all the above-mentioned malaise. The power and state forces (government, political parties, monarchy and army, opposition including the Maoists, judiciary) are constantly marching in a more and more negative way, but even small changes in their approach could again turn the development towards the positive. So, one should not give up hopes.

Mediation by the UN would definitely accelerate this process. But my hope is even greater in regard to civil society. The media that are not owned by the government are more or less on the right way, even though there is still numbers of papers that work against this process and uncritically accept and idealize the status quo. Also, a number of NGOs that work for the protection of human rights or for the rights of disadvantaged groups have done very positive work. Their peaceful procedure shows the only possible way that can lead to the development of Nepali society. I still would welcome a greater public appearance of academic circles, though a lot has changed in this respect in recent years, too.



## Immigration Questions and Answers

(Ramesh K. Shrestha is a practicing attorney in New York City. His office is located at 377 Broadway, Suite 801, New York, NY 10013. Tel: (212) 625-3394, Fax: (212) 431-4460, Email: [Rshresthalaw@aol.com](mailto:Rshresthalaw@aol.com). His practice concentrates on Immigrant and Nonimmigrant Visas, Business Immigration, Extraordinary Ability, National Interest Waivers, Labor Certification/Permanent Residency, Detention/Bond, Removal/Deportation Defense before Immigration Courts/Executive Office for Immigration Review, Department of Justice.) He will answer TND reader's immigration related questions. Questions can be asked by visiting our submit page or simply by emailing at [contact@thenepaldigest.org](mailto:contact@thenepaldigest.org). TND sincerely thanks and appreciates Mr. Shrestha's contribution. - Editor)

**There are 4 questions and answers in this issue.**

Question #1

Raj Kumar Lama from Nepal asked:

**Namaste, Sir Ramesh. I am RK Lama and I would like to know about the US Business visa. What are the procedures for applying for US Business Visa.**

Answer:

Dear Lama ji:

There are various types of business visas available for foreign nationals who come to the United States, individually or through their business organizations, to do business or make investments. It is important to find out your business background and your investment plan in the United States in order to determine which type of visa you would be eligible for. If you have an existing business in Nepal and have a plan to expand your business into the United States, you might be eligible for an "L" category business visa. If you are planning to make a substantial investment and create employments by running the business in the United States, you might be eligible for an investor immigrant visa (green card). There are a number of issues to be addressed before you get into the process and procedures. Therefore, I strongly recommend you to obtain a direct assistance from an experienced Immigration Attorney.

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Question #2

Henry Ku from Singapore wrote:

**I will be working in Madagascar and wish to obtain the Permanent Resident. May I know the conditions and procedures for application. What are marrying the local there?. Is this marriage certificate recognised in Singapore or in other countries.**

Answer:

Dear Mr. Ku:

I know where this country is, but unfortunately I do not practice law in Madagascar and I do not know how one can obtain permanent resident status in that country. With regard to the recognition of a marriage certificate, based on my knowledge, a marriage certificate properly issued by a civil authority or a matrimonial court of a particular country is mostly recognized by other countries or jurisdictions. Just to note, the USCIS normally recognizes properly issued marriage certificates regardless of their place of issuance.

Good luck

...

Question #3

A. Sharma from the USA asked:

Dear Ramesh ji:

**I have been working on H1-B for almost 6 years now. I have filed for Green Card as well through the employers. Now I am entering my 7th year on H1-B, and my company is being bought by another company. My job position and job description remains the same, the only**

**difference being change in the company name. At this point, I am wondering is there anything I need to do such as to update INS on change of company name, or would that not be necessary? Is this change, in any way going to affect my pending case for labor and Greencard. (I still have not received my labor yet.)**

Thank you.

Answer:

Dear Sharma Ji:

Since there is a change of employer through an acquisition or buy out, it is recommended to substitute the employer. DOL permits substitution of a successor employer if it occurs before a final determination or certification of the application where the particular job opportunity is preserved in the same are of intended employment. It appears that you have an attorney who is representing you before the DOL and USCIS, I urge you to consult your attorney for specific actions on your cases.

...

Question #4

Kesang from the United States asked:

Hello Ramesh ji,

**I have approved asylum document. With my U.S. Travel document, can I get Nepal's Visa and if yes, what are the procedures. Thanks.**

Answer:

Kesang

ji:

In order to obtain a Nepalese visa, you need to contact the Nepalese Consulate Office located either in New York or Washington D.C.. That office will provide you information on your eligibility and the procedure.

**Ramesh K. Shrestha, Attorney-At-Law**

(Disclaimer Notice: Legal answer provided must not be construed as a legal advice rather it is an answer general in nature. One must seek legal advice from an immigration attorney for his or her particular legal matter.)

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## Peace Talks: We do NOT Want War

*By Kamala Sarup*



Recently, The high-level Peace Committee in Nepal officially called on the Maoists for peace talks. In response to the government's call for talks, spokesman of the CPN (Maoist), Krishna Mahara, said his party had already decided not to hold talks with the government and that there was no possibility of dialogue as "foreign interference in the country continued and all the organs of the state were in a state of surrender."

Mahara further said "We are still serious towards that threat but the government itself is inviting foreign interference and has warned of bringing in foreign army directly".

Maoist response has come as a setback to the ruling coalition. Government officials are yet to comment on the latest Maoist position.

The four-party government had a month ago formed a high-level Peace Committee headed by the PM Deuba which includes UML,RPP,Nepal Sadbhawana Party in order to initiate negotiation with the Maoists and coordinate the efforts for rehabilitation of those affected by the conflict.

Even recently, half a dozen professional groups representing doctors, engineers, lawyers, journalists and teachers have also called upon both the government and Maoist rebels to immediately go for cease fire and resume peace negotiations in the country. In a statement issued on the occasion of International Peace Day, Professional Alliance for Peace and Democracy, an umbrella group of

Nepali professionals, has alleged both the state and rebels of posing obstacles towards professionals from practicing freely in their areas of expertise.

Nepal suffers from ongoing conflicts and tensions. The psychological impact of Maoists war in Nepal has weakened all components of a democratic civil society. The cold war ended with the collapse of communism, but on the other hand, radical forces bent on spreading fundamentalist ideologies have arisen.

Everyday countless innocent victims including children and women die in Nepa In reality, the majority of Nepalese victims are men, women and even children, who have not taken up arms. They are peaceful Nepalese.

Nearly nine years of civil war have left roughly 10,500 Nepalese dead. Innocent people and police officials of various ranks and even members of opposing political parties have been the most affected victims. The Maoists have destroyed development infrastructure worth billions of rupees. In nine years, has brought the fragile economy into deep trouble. In the chaos of conflict and the panic of fight, many children become separated from their families. Not only are large numbers of children killed and injured, but countless others grow up deprived of their material and emotional needs. Children are also being used as human shields.

Forceful recruitment of young women in the rebel force by the Maoist is another serious issue in Nepal. Many young women are displaced from their home and forced to stay out because of this threat to them at the villages.

The conflict in Nepal has been epitomized by gross human rights violations that have increased dramatically over the past nine years. Over the years several Nepalese have attempted to address the issues -- social, political and economic injustices -- that the Maoists claim to be the principal cause of the conflict.

Today many of the Nepalese people are routinely subjected to massacres, torture, disappearances, kidnapping and forced displacement. The Maoists, who are forced deeper into the jungle, realized their only chance of achieving power was by waging war against the government. Humanitarian crisis is taking place in Nepal. Ordinary Nepalese citizens, including children, are the targets of brutal attacks by the Maoists. The situation has worsened in recent years because conflicts have grown more prominent and people suffer more in these. Not only do they suffer from bombs and other violence against civilians, they are all too often drawn into direct participation in these wars.

The war-affected children of the eastern Nepal have no opportunity for education, and eat one meal a day, if they are lucky. Many are homeless, forced to flee because of acute poverty. The number of children who have been killed, disabled or wounded or have otherwise suffered from grievous harm remains unknown. Girls living on the streets due to war or poverty were "extremely vulnerable" to sexual predation once they reached puberty.

Furthermore, Maoists are attacking ambulances, Red Cross and their facilities and restricting their movement, making it almost impossible for the injured to get treatment and for humanitarian aid activities to be carried out. The vast numbers of women and children affected and traumatised by armed conflict.

"Understanding cannot be reached by sticking to extreme political stands on both sides. Mutual give and take with an open mind to leave out something, even if very dear, and formulate an atmosphere of compromise suitable in a pluralistic society like Nepal will be the only answer to break the present impasse. We cannot exist in isolation. Barriers are crumbling down and all kinds of people everywhere are coming closer together. For this very reason, peaceful coexistence is the most fitting solution to Nepal problems and of course for solving national issues too". The Peace Media Research Center's secretary Monica Kozlowski said recently.

She further said "There exist a lot of conflicting views within our different political ideologies and concepts, but they can be sorted out not by using violent means but by sitting together for negotiations and frank exchange of views. No nation makes any headway if the extreme leftist or rightist views predominate, as they blindly resort to their own die-hard analyses".

What Nepali people want is improvement of transport and communication, education, healthcare, farming, industry and over-all a happy life with security, friendship and mutual trust and cooperation. Wars have always brought ruin. Even those who think they have defeated their adversaries have

experienced no gain and enjoyed no mental peace. The Maoists war has driven away tourists and investors. Even the EU described the Maoist insurgency as an attempt to destroy Nepal's democracy.

The peace-loving Nepalese want a safe future for their children. Peace making is a long-term process and even in remote places Nepalese people were keen to gather information about the peace process. If the Government and Maoists leaders want peace, then resolving the issues of the relationships between the people and the communities with equality, tolerance, and friendship is necessary. The people who have been displaced from their lands and homes by the current conflict, should be allowed to return to their homes and lands in peace and security. To achieve permanent peace, security and stability in Nepal, the political parties, civic society and intellectual forces should make the peace process more participatory and should devote themselves to the creation of a peaceful and prosperous Nepal through mutual understanding. The dialogue with the Maoists should be concluded so as to fulfill the objective of multi-party system, constitutional monarchy, people's sovereignty and peace. A code of conduct should be developed between the state and opposition group and the political parties should also be involved in the dialogue.

Nepalese people know Nepal needs constructive support to focus on a constructive future and escape the horrors of further violence. Human rights, sovereignty and national interest must be made the meeting point and basis for the peace talks. These issues should by no means be compromised for any reason. Politics should be for the welfare and interests of the people and nationality, national solidarity and moving the democratic line by enlisting the participation of all the linguistic and ethnic communities in the campaign of nation building.

Peace should prevail at any cost. The negotiation will be greatly helped by a clear, rational conception of what can be changed and what cannot be changed because the negotiation is about peace for all the peoples of Nepal. It is true, peace and conflict resolution may require the art and skill of negotiation, but that alone would not be sufficient. It would be difficult if the rebels and the government do not begin the serious business of narrowing down their differences. The peace talks should move ahead in a democratic and transparent atmosphere so let's hope that the peace talks will begin soon and all the major political parties and the civil society will be included in the process. Dialogue is essential to find an amicable solution out of the present chaos so delay in the peace talks has led to the rising of suspicion among the public whether violence would resume. We Nepalese should not waste valuable time by discussing trivial matters. Instead, we should unite for a joint effort for peace. To manage the existing political conflict, the root causes should be addressed in order to take the problem to a logical end and to establish a lasting peace. Political parties, civil society and Human rights organizations should work together to reach the existing conflict. Nepal cannot afford any more violence. Nepal does not want war. We have to resolve the differences between us through peace talks. This insanity of killing must come to an end. Obviously a long drawn out process of reconciliation is necessary for a permanent peace.

(Kamala Sarup is a Co-Ordinator of a media watch group - The Peace Media Research Center - and can be reached at [peacemedia@gmail.com](mailto:peacemedia@gmail.com) -Ed.)



## Politics: Dark side of September 1st

*By Kalyan Dev Bhattarai*

Today whole nation is debating on the rampage of September 1 and trying to shift the responsibility from one to other entities, without considering the basic facts of the problem. The basic fact is that today, peace in Nepal seems almost unattainable due to the corrupt, power-hungry, self-centered politicians. The corrupt politicians neither could maintain the achievements 1990's mass movement nor could they improve the lives of the general people, who remain in the same old pathetic and miserable condition. The change of 1990 has been just a switchover of power from one set of dacoits to other sets of dacoits. This is the basic cause of the rampage of September 1st.

Leaders with their undemocratic culture and lust for power and total negligence of duty towards the country have groomed the frustrated masses to be more violent and indirectly helped to increase the political strength of such unruly masses. So in every situation where the government fails to show required wisdom and political capability, the frustrated masses vent anger through violence because they have been instigated and encouraged by all the political parties.

Often, the corrupt politicians whether in government or in opposition or agitating in any pretext instigation the mob through hooligans. The recent violence witnessed as a reaction to the murdering

of 12 innocent Nepalese in Iraq, is the outcome of the nexus between the political parties and such antisocial elements. Thus the second important cause of the September 1 episode is the hidden nexus between the political parties and the antisocial elements.

In such public outbursts, the victims are always the innocent people and the hooligans are never punished. The immunity provided to such elements of the society due to their close nexus with the political parties of the country is one of the main cause of frequent repetition of similar activities is another important cause of the September 1 rampage. After the destruction of private and government properties, the nefarious leaders, who protect the hooligans from legal punishments, give out hypocritical statements and visit the sites of rampage, which is nothing but an act of shedding crocodile's tears.

The relationship between hooligans and political leaders are very clear from the protection these elements get from the leaders. It is a known fact that these antisocial elements are important and essential forces of the political parties, not only to rampage the city during their so-called agitations, protests, any other political activities, but also to win elections by booth capturing and other illegal activities, without which such discredited leaders cannot win any elections.

So drastic changes in present political system, model of economic development and social behaviors is indispensable to facilitate good governance and empowerment of the marginalized, deprived and exploited sections in the society. For this a new Constitution is required, as the present Constitution has been already murdered by the politicians, who ruled the country for last 14 years. The king had only cremated the dead Constitution on 10th October, to save the country from political epidemic.

The politicians murdered this Constitution, so mercilessly that it is difficult for the people to differentiate between the so-called leaders and dacoits. During the last 14 years the politicians showed interest only in grabbing power and looting the government treasury. They not only ignored the wishes of the people and the need of the country but also shattered all hopes of the people by breaching the trust of the people, who worshiped them as gods until few years back. This was another cause of 1 September rampage.

So a new Constitution is needed, not because the present Constitution is out of date or was a hurdle for the overall development of the country, but because the political parties who ruled the country for last 14 years defamed this Constitution. They not only raped this democracy and looted the country and sowed undemocratic culture but also sabotaged the nation, under this Constitution. By such acts they breached the trust of the people, creating public apathy towards the present multiparty system.

So, to think that this lifeless Constitution can solve the present political, economical and social problems of the country is nothing but foolishness. If we are really want to prevent the reoccurrence periodic rampage, we must opt for a new Constitution. But the experiences of the past must be considered when making the new Constitution, so that the repetition of the September 1 phenomena by another set of power hungry dacoits, claiming to be political leaders is prevented.

Present Constitution, prepared in 1990 by the representatives of the King, Leftist groups and Nepali Congress (representing the democrats), was in no way bad enough to be changed within 14 years. However, the political realities have drastically changed now with the emergence of the Maoists as potential force and the people are disappointed with those who ruled the country for last 14 years. The trust of the people in the monarchy is also at its nadir, after the massacre of the royal family, by crown prince Dipeendra. And also by the undemocratic act of the king undertaken on 10 October 2002.

In such changed context, without bringing the major political force of the country, the Maoist, in the political mainstream of the country, accepting their demand of constituent assembly, talking of democracy, development, elections or peace are all ridicule. Today we do not find a single trustworthy political force, whom we feel confident to entrust the future of this country, genuine democracy or development and feel safe that recurrence of incidents like those of September 1 will not occur again.

Let us be little honest and accept this political reality of the country. The total failure of security system and diplomacy as the dark side of the 1 September should be accepted. Efforts are needed to bring lasting peace in the country, so that normal economical and political activities of the Nation could be resumed. I find no sense in blaming the people or the multiparty political system for the corruption and misdoings of few politicians, who deserve severe punishment. Had our political leaders shown minimum democratic culture and morality, the story of the country would have been entirely different.

To correct the errors of the past we need a new Constitution prepared by a constituent assembly. Any amendments or even drastic modification of the present Constitution will not be able to bring about the

needed reforms as long as the same corrupt power-hungry political representatives make such modification or amendments.

Preferring amendments of this Constitution rather than a new Constitution drafted by a constitutional assembly would mean, knowingly or unknowingly, supporting the nefarious leaders. Immunity to such leaders and their goons in the past has been the main causes of our political failures and the root cause of such repetitive vandalism as witnessed in September 1. So those who think that this country can be brought back to normality without severely punishing those leaders, who looted the country, raped democracy, deceived the people and sabotaged the nation during their rule, are either fools or are puppets of the corrupt, despicable leaders.

(Author can be reached at [kalypr\(at\)wlink\(dot\)com\(dot\)np](mailto:kalypr(at)wlink(dot)com(dot)np) -Ed.)



## Politics: Does Nepal Deserve a Better Deal?

**By Raman Raj Misra**

There is a saying that says, "First deserve it then only desire it". Those who do not deserve cannot realistically wish or desire for things they are not worthy of. It is a natural law that one gets one's due. There is a saying in the scriptures that says, all mankind want to enjoy the fruits of Dharma (righteousness), which is happiness, peace, and prosperity. Yet the foolishness of mankind is that they do not follow the paths of Dharma. On the other hand mankind do not wish to suffer the consequences of Paapa (misdeed), which is unhappiness, turmoil, and poverty. Yet the paradox is that the mankind engages in Paapa with zeal!

Today, the Nepalis do not want to suffer the consequences of this democracy, which has brought about unprecedented level of unhappiness, turmoil and increased poverty in the country (consequences of Paapa). And they expect, undeservingly, to enjoy happiness, peace and prosperity (consequences of Dharma). Yet the comedy of it all is that it was they, on the instigation of the Indian politicians in 1990, who had rioted with zeal in eight districts of the country to bring about this democracy in Nepal.

The law of Karma is that one reaps what one sows. So unhappiness, turmoil, and poverty are natural consequences of the Paapa karma (misdeed) of those who had rioted for this democracy. If the revolt against the Panchayat System, which was endorsed by a referendum, was really Dharma Karma (right deeds), then we would have enjoyed happiness, peace and prosperity since 1990.

Yet either through ignorance or hypocrisy we think we deserve a better deal. Why should the Nepalis today deserve a better deal? Are we worthy to deserve a better life? Can the people who jump at the instigation of foreigners against their own country to promote geopolitical interest of foreign powers ever get a better deal?

What were the national issues of contention between India and Nepal at the time of economic blockade of Nepal by India? What was the real motive of the Indian politicians who had instigated the Nepalis against their own Monarchy? Why did such Indian politicians not advocate for "democracy" in Bhutan? Ability to ponder about such questions and realistically answer them is beyond the mental capacity of those who still support the present political dispensation.

Our forefathers had left as a legacy, an adage that says, "Even a dead Indian can hoodwink a living Nepali". Adages convey the knowledge obtained by previous generation to the successive generations. Yet the Nepalis of today have displayed that they do not have the requisite brain to understand even the experiential knowledge handed down to them from generation to generation. So they thought the Indian politicians, like Chandra Shekher, who had come to Nepal to instigate an uprising in 1990 were their saviors!

If the Nepalis, who jumped at the instigation of the Indians, could have understood the implication of the adage handed down to us by our forefathers, they would have understood the geopolitical overtures of the time. Our ignorance of the precarious geopolitical situation of Nepal, and the geopolitical overtures of the 1990, has facilitated the sorry state of this country today. It is but natural that we are suffering the consequences of this geopolitically enforced second democracy, because we have accepted it.

An observation made by Mohammad Iqbal that, "Democracy counts heads, but does not weigh them," is worth deliberation. Democracy functions according the head-counts, in terms of majority and

minority. But it does not consider the quality of brain within the heads thus counted. Democracy can be a best system or a worst system, depending upon the quality of brains of the majority who select their leaders.

In seeking to antagonise the people against the Panchayat System, the Nepali intellectuals and the party politicians had promised a better life. At the instigation of the Indian politicians, at the time of Indian economic blockade of Nepal, the Nepali intellectuals had supported the Indian interest in collaboration with the party politicians. Now, the conniving Nepali intellectuals and the politicians are blaming the people for expecting the very things, which they had promised the people since the Panchayat days! Yet the Westerners, have also fallen victims of the propaganda concocted by the deceitful Nepali intellectuals and the politicians think that the people have erred by "having too high an expectation"!

Deceitful gimmick being performed by the Nepali intellectuals, to divert attention from their misdeed for supporting the party leaders (Netas) since 1990, is in blaming the Netas for their incompetence, and unethical behaviour. The Netas cannot be what they are not. To complain that the incompetents are not competent; that the corrupt are not clean; or that the quislings are not nationalists is only to advertise our own stupidity. It is tantamount to saying that a donkey should be a cow, and criticising donkey for not being a cow! What could be more ludicrous than this? Yet the Nepali intellectuals are doing precisely the same thing when they blame our Netas.

Why blame the Netas, when we still follow them? And why follow the Netas if they are known to be incompetent and corrupt? Foolish people follow unethical and conniving leaders. They follow demagogues and quislings, who serve their foreign masters. The foolish people believe in the unrealistic promises made by incompetent leaders. And so naturally, we suffer the consequences of such deeds.

Blaming the Netas by those who had contributed to empower the Netas in 1990 and those who still follow them and accept them, as Netas does seem idiotic. But it seems our deceitful intellectuals are blaming the Netas just to seem to be innocent. They think that people will forget their own role in making a mess of this country, which it is today.

The changed geopolitical equation since the advent of democracy in 1990 has compelled our Netas to cringe with sycophantic servitude in front of the de facto Vice Roy in a foreign Embassy. The body language of servitude displayed by our Netas in the regal presence of the foreign dignitaries does show the subservient status of Nepal. Such behavior of Netas also indicates that the sovereignty of Nepal is not within the country.

Yet, the comedy of it all is that the Nepali intellectuals say that: "Nepal is an sovereign and independent country." An Indian scholar had analyzed the changed geopolitical equation since 1990 and frankly said (Spotlight: May, 1991) that Nepal, since then had just to maintain an "image of independence." Mind you, not independence, just an IMAGE of independence! Our Netas and intellectuals had openly welcomed the Indian interference in the internal affairs of Nepal in 1990 as they had done in 1950s. The sovereignty and independence of Nepal has never been the concern of the party leaders and the Nepali intellectuals who support them.

The Nepali intellectuals agree that the hike in taxes and inflation of utility services like electricity bills, etc. was done because of the dictates of the World Bank and Asian Development Bank. At times, the change of Ministers in the government is also attributed to the dictates of a foreign Embassy. It has been said very often in the media that the party leaders curry favors from the Embassy to gain and retain power in Nepal. In spite of this, the Nepali intellectuals hypocritically say: "Nepal is a sovereign and independent country!"

If foreign entities can dictate taxation policies and if our great leaders have to depend upon the blessings of foreign entities to gain and retain power, then what grounds do we have to believe that Nepal is a sovereign and independent country? The laymen cannot be fooled by words like the Nepali intellectuals. Ground reality and actual facts are the basis for the laymen to formulate their beliefs. Words and imported ideas can fool the Nepali intellectuals, but not the laymen.

We are not concerned with the previous initiatives to establish Nepal as a Zone of Peace. We have given up the policies of import substitution, trade diversification and a drive to establish and enhance our own industry and trade. Progressive closure of Nepali trade and industry and consequent increase in economic dependency is thus facilitated. The utterances of our intellectuals that we are, "an

sovereign and independent country", is serving only to pre-empt any possible initiative by the people to strive for liberation from our current "Image of Independence".

So, as long as we keep accepting notions of the Nepali intellectuals with subservient mentality and follow "Mir Jaffars" and "Lehndup Dorjees" as our leaders, we cannot possibly deserve a better deal in this democracy. It is natural for Paapa Karma to produce unhappiness, turmoil and poverty. If we want happiness, peace, and prosperity, then we have to perform Dharma Karma. But then, do we even know how to go about doing it?

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## Economics: Ethics versus Economics of the Survival

**By Surendra R Devkota**

During 2004 winter months, millions of people should have enjoyed by watching the so-called 'survival series' aired by the CBS station. I rarely watched it, but used to get comments on different characters through my wife who was a regular viewer, and my son who managed to sneak different episodes with different excuses. At the end of each episode I did listen to their remarks about a nice guy or gal who was fired; why people voted out a good fellow etc.? Eventually, I was compelled to watch the final episode which I did partially. After the end of show, I started to reckon the aftermath scenarios both economically and ethically.

Economically, it was a million dollar worth game series. All contestants were aimed to reach the final by utilizing different strategies and skills. Each player maximized his or her own skill and strategy in order to get million bucks. The overall situation was comparable to the 'game theory'. Players played a zero sum game in which each player benefits only at the expense of others. Though each player gains if two players cooperate, but if only one of them cooperates, the other one, who defects, will gain more. To this end, entire philosophy of the survival gravitated.

At the final event, unsuccessful players raised few ethical questions as a loser's cry. In fact, who mastered on cheating the game plan became a successful hero, which was economically driven game not ethically. When so-called good guys were opted out by votes, my son got impression of two facts. Firstly, being an honest does not deserve good outcome, and secondly, in order to succeed you have to deceive others - an implicit lesson that aired through the survival series. The second one became a problematic issue to me to explain to my son.

Well, there are hundred of unethical programs being aired through out the day and night by different communication media. Who cares! Since modern humanity is guided by the philosophy of 'rational economic man', whose self-interest is always to maximize the self - utility, and ethics is virtually non-existence in this notion. You won't be surprised to see millions dollars worth of negative TV commercials, particularly the presidential ones. I can't imagine how you can make a place better by hating each other. As a follower of the Vedic philosophy I don't believe in such a paradigm of life. In sum, had ethics guided the economic man, it would have been a wonderful world to live. As survival series indicated that realization of ethics at the end of game does not serve anybody including Robinson Crusoe who won million dollars.

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## Media Watch: "Reprogramming the Fourth State"

**By Vidhu Prakash Kayastha**

Apart from updating the people's mandate, the separation power among executive, judiciary and parliament is one of the pre-requisites of a democracy to function. On top of it, the fourth state has a unique role of a watchdog to keep these three constitutional components under check and balance.

People's mandate has been distorted and misinterpreted in last thirteen years in Nepal. This may have happened partly because of the lack of adequate number of trained manpower to operate the fourth estate and partly because of the over-politicisation of the fourth estate. But the fact is that a large section of media has miserably failed to discharge duty properly in the process of stabilization of democracy in Nepal.

## **People's voice sidelined**

There is no dearth of newspapers in Nepal. Every morning people living in urban areas are catered with dozens of newspapers. But, what are absolutely lacking in print media are voices of the mass and the facts uncoloured by opinions. People's will are hardly reflected in the print media. Few national dailies with large-scale investment seem to be a bit cautious of politicisation. But the cases of weeklies are most disappointing. Most of them have just one point program i.e. to please their political bosses. Their sales and other known sources of income including advertisements do not seem to be encouraging by any parameter. Yet, they are surviving. And, everyone knows the open secret that survival of such publications solely depends on the political patronage. Although the Article 13 of the present Constitution has guaranteed the freedom of press and publication, the 'free press' remained under seduction of the vested political interest.

## **The Misguided Concept and Political Patronage**

Despite a hundred year of history, 'Gorakhapatra', the government owned daily is fast losing its readership. So is the case with its sister publication 'The Rising Nepal', a daily in English. No matter whether the popularity of these publications are on a sharp decline, their breads are buttered on both sides by the politicians in power, with almost monopolising the large scale government advertisements and other privileges.

In last one hundred years, Nepal witnessed rise and fall of many systems. First fifty years remained dark under the shadow of the continuity of the autocratic regime while the Kingdom tested five written constitutions in the later half of this period. Many a government of different nature came and went. It is obviously notable that all of them have one thing in common, i.e. to use Gorakhapatra as a tool to supply the reading materials solely in favour of the government. Continuity of the government's ownership in media has proved to be a hindrance in development of free press in one way or the other.

Perhaps, Nepal is the only country in the world with democratic system where the government owns the newspapers. Here, political parties, while in opposition, criticize the misuse of the state owned media by the Government. But, surprisingly, they forget the need to decontrol it soon after they are in power.

There are many 'senior personalities' in media who are still clinging to the political patronage. A large section of media would have made any impact on their personal gains without blessings of the highflying politicians. Behaviour of the journalists with political affiliations does not demonstrate anything else than a puppy wagging its tail in front of the master. Quite often, the tail-wagging puppies do bark and bite the opponents of their political master.

Nepalese press is far away from the universally accepted seven canons of journalism. Also, it is yet to attain the aspiration as described by Napoleon Bonaparte: "Journalists are complainer, critic, adviser, emperor's representative, and teacher of the nation. Four journalists in the opposition are more frightening than four thousand bayonets".

An agonizing factor that a sensible person finds in Nepal is that a large section of press is still misguided to believe that the politics is the master key of everything. Politics and politicians have failed to deliver anything good for the country. They have over-shadowed matters of public interest and public services in media. Because of this misguided concept, darker sides of the politics and politicians are hardly presented with a sense of commitment in the print media.

## **Commitment and Dedication: the missing parts**

Matters concerning to the national interest are short-lived in the media. The detail project report (DPR) of Pancheswore project under the Mahakali treaty was once headline of each and every newspaper. Now, no one from the press seems to have a sense of responsibility to speak a word on it. And people do not know about the present status of the DPR. So is the Lauda scandal. Similar to the Lauda scandal, the leasing of aircraft from South China Air has also surfaced under the suspicion of misappropriating the fund from public exchequer. Both the scandals have pulled the big-wigs of two major political parties into the corruption cases. But, the press did not pull in such a matter of grave concern for long. The routine exercise of corruption in the public office goes unheeded. This shows lack of commitment and dedication of the press in its primary duty towards the state and the people.

The political parties in power grossly misused state owned radio and television. The motive of public service broadcasting is not yet a matter of concerned for the privately owned FM stations too. This is also the case with TV programs produced by private entrepreneurs.

## Experts' prescriptions

Rama Krishna Regmee, senior journalist and media educator, opines that media has left out the public over time in their pre-occupation with press-politics equation - view that believes in society only two components matters - those who report and the special politicians who are reported.

Over the time, press and politicians, mostly in the least developed countries like Nepal, have developed a wrong concept of projecting the combination of press and politics as master key to solve all the problems and lead the country towards development. The combination has miserably failed to deliver good in last 13 years in Nepal.

What is needed today in media in Nepal is an intervention in its agenda by the theory and practice of the public journalism. In other word, a thorough reprogramming in the agenda of media is required before it is too late.

Experts say that public journalism will certainly re-energise the democratic values in the developing countries like Nepal too as it has done so in the developed countries. It promises to bring new respect and purpose to the much-maligned institution once proudly known as the fourth estate. Public journalism is a noble way to do the news that addresses and corrects a vast array of news media failings.

Some advocates of public journalism believe that news organisations move from traditional standards of objectivity to play a more activist role in community activities, affairs and issues. They say public journalism asks us, on occasions, to step across the traditional line of journalistic independence- to go across the line that takes us from observers and reporters to convenors and builders.

Doug Clifton, Miami Herald's executive editor once wrote that the newspaper that practices public journalism should be able to provide help related to problems of public education, health care, delivery and distribution system and criminal justice. The list troubling the people could be enlarged over time.

### Trained Manpower: the formula

"After all there is nothing to teach at school of journalism. What a journalist need is an education." - Walter Lippman, American Journalist.

The opinion of the renowned American journalist was true in its full sense a few years ago. But, with fast developing modes of modern communication system and unfailing appetite of the people to know the facts in precision as quicker as possible, job of a media person is becoming more and more challenging. Without the formal training, it will certainly be difficult to address such challenges.

With more and more young people drawn towards media education, the ground is set for the growth of the professionalism in media. A ray of hope has emerged in the stabilisation of democratic norms. Winston Churchill once said: "Journalism is a guardian that never sleeps and protects freedom of the people." With the well-trained media persons in the offing, one has reasons to believe what Churchill said about the press would come true soon in Nepal as well. If the trend of politicisation of the fourth estate continues, democracy in Nepal will continue to be in the middle of nowhere.

(The author can be reached at [vidhu\(at\)mail\(dot\)com\(dot\)np](mailto:vidhu(at)mail(dot)com(dot)np) -Ed.)

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## Analysis: Crouching Government, Hidden Maoists

**By P.G. Rajamohan**

On September 23, 2004, the Nepal Government led by Prime Minister Sher Bahadur Deuba, officially invited the Maoists for peace talks to resolve the eight year old insurgency, which has already claimed more than 10,000 lives. Reacting to the Government's official call, Communist Party of Nepal - Maoist (CPN-M) Chairman, Pushpa Kamal Dahal alias Prachanda, questioned the status and legitimacy of the incumbent Government, though he has not explicitly rejected the call. Prachanda had denounced Deuba's Government when it was installed by King Gyanendra in June 2004, and has now reiterated his contempt for a Government 'dominated by foreign reactionaries, feudal Palace, and Army generals.' He also demanded that the Government should clarify the King's position on the Maoists prime agenda - the 'Constituent assembly' - and has condemned military assistance received from foreign countries, especially India.

After his return from the five-day official visit to India, Prime Minister Deuba has urgently worked to restore peace talks. During his Indian tour, the magnitude and intensity of the conflict had been discussed extensively and the Indian Government had expressed concern about the Maoist insurgency, asserting that it was a 'shared threat' for both the countries. India also pledged more military assistance for the Royal Nepalese Army (RNA) and offered counter-insurgency training for Nepali security forces. India did, however, qualify that a purely 'military solution' could not resolve the crisis in Nepal. India's support has helped Kathmandu adopt a posture of some strength against the Maoists, but has also intensified the resolve to seek a solution through talks.

The 'All Party' Government, which was appointed by the King under Article 127 of the country's constitution, neither has the mandate, nor has it been able to define its 'bottom line' for negotiations with the insurgents. This was evident in the high-level peace committee's invitation to the insurgents for negotiations, without any clarity on the agenda of the peace process. Deuba has had a bitter experience with the Maoists during his previous tenure as Prime Minister in 2001, and is now very cautious and unwilling to take the blame for any possible future failure of the negotiations.

Meanwhile, the Government's critical ally, the Communist Party of Nepal - United Maoist Leninist (CPN-UML), has been organizing political meetings all over the country to pressurize the Government for peace process, even as it seeks to distance itself from any responsibility for possible failure. Earlier, the CPN-UML General Secretary, Madhav Kumar Nepal, had held secret talks with the Maoists in the Indian state of Uttar Pradesh, shortly after the breakdown of the peace process in August 2003.

On the other hand, the Opposition Alliance led by the Nepali Congress (NC) has again stepped into the streets to continue their 'anti-regression' demonstrations and strikes in the country and has sought to indict the Government at every possible opportunity. The continuing political chaos and inadequate cooperation among various Constitutional forces has facilitated the consolidation of the insurgents' position, and encouraged them to escalate their demands.

Earlier, on September 2, 2004, 'Chairman' Prachanda had bluntly ruled out the possibility of talks with the Government, stating that his party would enter into a dialogue only with the "owners of the old regime", with the eventual objective of direct talks with King Gyanendra. In parallel efforts, the Maoists are trying to internationalize the issue, seeking Governmental assent for third party mediation by the United Nations or other international 'human rights' agency, on the grounds that such 'nonpartisan' intervention was necessary to hold the King and the Government to their assurances in case of talks. However, even as the Maoists urge the Government to create a 'concrete environment' for peace talks, they have continued with their campaign of violence against the Security Forces, Government officials and common civilians.

The recent success of Maoist affiliates, the All Nepal Trade Union Federation (ANTUF) and All Nepal National Independent Students Union-Revolutionary (ANNISU-R) forcing concessions on their demands after they had cut off Kathmandu through an 'economic blockade' for over a week, has demonstrated the efficacy with which the Maoists can exploit their sister organizations for disruptive activities in support of their own terror tactics. To comply with their demands, the Government released two ANTUF leaders, Resham Lama and Bishnu Bahadur Thapa Magar, and also announced the status of the detained Maoist leaders and their cadres in prison. Significantly, such campaigns of political disruption tend to avert or moderate direct condemnation by the 'international community'.

In complementary moves, the Maoist strategy of 'protracted war', which was earlier confined to the rural districts, has now rapidly begun to spread towards urban centres, including the capital Kathmandu as well. The recent economic blockade of Kathmandu, bomb attacks on hotels in the Capital and the demand for closure of 47 industries all over the country are a direct attack on the national economy, and on the regime's capacity to govern. The tourism industry, a major source of revenue - which had largely been exempted from Maoist violence in the early phases of the movement - has now been totally paralyzed. Maoist efforts are now focused on building a strong base in the 'Ring Area' region (the districts surrounding the capital, Kathmandu) to construct what would be a final challenge to the central authority.

Since the collapse of the cease-fire on August 27, 2003, the Maoists have abducted more than 19,500 people, largely teachers and students, for their 'educational training' and 'military training' programmes. At the same time, recruitment has been intensified to increase the strength of their cadres. More than 4,500 Village Development Committee (VDC) offices have been demolished and VDC secretaries across the country resigned in order to save their lives. A virtually country-wide network of extortion has been established and, the Maoists now demand 'taxes' for their 'People's

Governments' from national and international NGO's, as well as money from district authorities. They now run parallel governments in 21 Districts, and recently started announcing 'economic budgets' for their stronghold areas. Separately, they reportedly conducted an 'election' at Sundarkhala in Kailali district in the Far Western Region to elect the chairman and vice-chairman of the 'Village People's Government'. It is clear that the Maoists have now either established dominance in large parts of the country, or demolished the state's authority in regions that they are still to bring under their control.

There are reports that the Revolutionary International Movement (RIM) and the Coordination Committee of Maoist Parties and Organisation of South Asia (CCOMPOSA) are encouraging the Nepali Maoists to resist or reject any offer of negotiations by the Government. The survival and success of the Nepali Maoists is seen by these entities as integral to the broader enterprise of the 'peoples' war' in the entire region.

The Government is, at present, confronted not only with a crisis but also a dilemma. The Maoists insist that the regime rejects all further military aid by foreign powers - and particularly India - as a precondition to any possible peace process; they have also demanded that the 'terrorist' tag be removed from their organization, and that they be allowed to freely engage in 'political activity' without let or hindrance from the state's Forces. However, conceding these demands would simply leave the entire country open to unimpeded Maoist operations and expansion - since the Maoists have never accepted the Government's reflexive conditionality of a laying down of arms. This has been the pattern of the past, when the Maoists have used periods of negotiations for massive recruitment, training and consolidation, even as they have protested every Military operation or arrest against them as a breach of the 'peace process'.

As things stand, it is evident that the Maoists see their 'people's war' as having entered its penultimate stage, with the encirclement and collapse of the central authority appearing increasingly imminent. Under the circumstances, the rebels have little motivation - beyond the purely tactical - to negotiate an effective peace with the state. The situation in the war-torn Himalayan Kingdom could, consequently, be slated for further deterioration in the proximate future.

(Author is Research Associate for Institute for Conflict Management. This article was published in South Asia Intelligence Review. - Ed.)

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## Social: Should Homosexuality Be Legalized In Nepal?

**By Bashu Dev Phulara**

Being gays or lesbians is a matter of pride; say millions of Homosexuals around the world. While they are feeling on top of the world now, these words of homosexuals have already fallen on deaf ears. I would prefer to say- pretty is as pretty does- and the Homos-lexis need not be enforceable to all, therefore. Before I avoid or protect their choices, you could confer an incongruent verdict though.

It is for sure that the Homos proclamation would be reasonably less-acceptable to the heterosexuals because they are naturally and much sexually recognized as the top dogs in the world But it's all a question of homosexuality , isn't it? You believe or not, homosexuality movement is literally going places at the moment. In the recent years, it has assumed a new dimension in Nepal too. That's the real fact. Here is a very peculiar example of "Homos-movement" in Nepal that would include:

For the forth straight year, the Blue Diamond Society-an NGO advocating equal social rights to sexual minorities and creating awareness about HIV/AIDS- on the auspicious occasion of Gaijatra festival, has organized a pride march of Homosexuals very recently, in the major trading hobs of kathmandu valley, including Thamel and New Road. As the pride march passed along, many passerbies were surprised to see what was happening there.

According to many, these acts are very much shameful, immoral, disturbing as well as inappropriate. For that reason, it would only affix to the anomalies of the Nepalese society. But some others still have some different ideas. They believe whatever Gays and lesbians are doing is not that out of true, since Homosexuals have no other option than to accept their inborn sexuality. Furthermore, "these sorts of movements facilitate the Nepalese society to understand them", they say.

Though the organizers of the rally urge that the pride march to be just a memorial for the deceased souls of those who died of HIV AIDS last year, some homosexuals disclose that it was also an especial juncture for a number of in-closest homosexuals to come out in the open and expose their

actual sexual thumbs. In fact, the Gaijatra-gay pride march with the so-called slogan, "surviving in the culture" has offered a new mantra for all to witness the rapidly transforming Nepalese society. And probably, this post-modernistic approach indicates the efforts of the homosexuals to make them accepted in the society.

Above all, it becomes clear that the homosexuality movement is continuously growing in Nepal too. At this time of so-called homosexual movement, the purpose of this write-up is to give tandem -the different views of the experts and foreign jurisdictions as well -under a single roof- so that interested readers could quickly grasp the various Homo issues throughout the world. The issues that debunked below are, brought together from the different sources, including different web sites that are cited in the end notes as far as possible; thank you all the respective copyright holders. Above all, by carrying out different views of the experts in front, my primary motto is to quest the socio-legal status of Homosexuals, mainly the legality or illegality of gay and lesbian couples, as well as individuals in the Nepalese context.

### **LEGALITY OR ILLEGALITY OF THE HOMOSEXUALITY**

The questions related to "homosexuality and legality" are very important. A decade ago, a Jewish author in his article, addressing various issues relating to homosexual rights wrote: "It is critical to object to the so called gay-rights law. They are paraded as innocent, indeed heroic, human rights protections for individuals. In fact, any homosexual who does not identify himself by his sexual practices or preferences is, both in theory and in practice, already protected under the law. The same law that protects all citizens protects homosexual citizens equally. The underlying point is this: Citizens have a right to not be involuntarily exposed to overt sexual behavior or preferences, whatever the nature. So-called rights of homosexuals really amount to a campaign to legitimize homosexuality to obtain society's stamp of approval.

This is the real issue and it must be vocalized. The real issue is not individual rights for homosexuals, but collective coercion of everyone else to bend to the legitimization of homosexuality. Homosexual activists' goal is to subvert all of society's laws that protect or promote marriage and morality".

Essentially, one could agree or disagree with the factual underpinning of this statement but certainly, Homosexuality has been the midpoint of debate and controversy for centuries. Many hostiles of Homos argue that homosexuality is unnatural and immoral, and that it is strongly damned in some religious texts. In addition, this denunciation of homosexuality is echoed in the legal texts of so many countries that view homosexuality as a crime , saying goodbye to many homosexuals without providing legal recognition and civil rights.

The protagonists, however, argue that discrimination against homosexuality is against the law, inequitable, and dangerous to the society as a whole. Laws and regulations about the rights of homosexuals vary greatly worldwide. Activists have been most successful in fighting discrimination in the workplace, but they are still working to acquire legal-safety from all the discrimination in all areas of modern society and culture, including marriage and adoption.

Primarily due to religious edicts against homosexuality, it has been considered a crime in many cultures, in spite of its status as a consensual act. In England, Henry VIII introduced the first legislation against homosexuals with the Buggery Act of 1533, making buggery punishable by hanging, a penalty not finally lifted until 1861. Heterosexuals have not historically been prosecuted for anal sex as much as homosexuals and some sodomy laws included all homosexuality or all non-coital sex .The Wolfenden report in the UK was a turning point in the legalization of homosexuality in Western countries. Many Western cultures have now legalized or decriminalized homosexuality and homosexual acts, including the USA, where the Supreme Court ruled in June 2003 in the case of Lawrence v. Texas that US state laws criminalizing private, non-commercial sexual activity (including homosexual activity) between consenting adults are unconstitutional.

A number of nations in Europe (for instance, the Netherlands and Belgium), and, tentatively, the provinces of Quebec, Ontario and British Columbia in Canada, accounting for about 70 percent of the country's 31 million people, have changed the law to allow same-sex marriages. The rolling liberal party has recently promised the legislation legalizing gay marriage, perhaps next year after Canada's Supreme Court gives a non-binding opinion on a tentative bill.

Other countries and states, for example, Germany, Norway, Denmark, Sweden, France, and the US states of Vermont and California recognize in law long-term gay relationships as "domestic partnerships" or the like. Some countries now allow gay couples to adopt children .This trend among

western nations has not been followed in all other parts of the world, where homosexuality often remains a serious crime. At the extreme, homosexuality remains punishable by death in Afghanistan, Mauritania, Iran, Nigeria, Pakistan, Saudi Arabia, Sudan, United Arab Emirates, and Yemen. Lesser penalties of life in prison are found in Bangladesh, Bhutan, Guyana, India, Maldives, Singapore, and Uganda.

Most interestingly, there is a deep relationship between Homosexuality and Sodomy Law. A sodomy law is a law, which makes certain sexual acts into sex crimes, most commonly anal intercourse . Sometimes the term "sodomy" has been made broader and included oral sex and bestiality as well. While many parts of the world have, or had, laws against homosexuality or other sexual practices, the term sodomy law has mainly used in the United States. Even though many of these laws target both heterosexual and homosexual acts, they are sometimes selectively enforced only against homosexuals in the United States. In UK, it has historically had similar laws, but Sexual acts between two adult males with no other people present, are made legal in England. Likewise, Canadian law , now permits anal sex. Nevertheless, the legal regime of china and so many others prohibit such acts.

### **A QUEST FOR PUBLIC HEALTH OF HOMOSEXUALS AND CRISIS OF AIDS**

The growth of the HIV virus, which is responsible for the dreaded and invariably fatal illness of AIDS, is one of the most serious public health crises in the 21st century. Originally limited to homosexuals and intravenous drug users, the virus has now spread to the heterosexual population as well.

The extent of male/male sex and the frequency of risky sexual practices could lead of the spread of HIV, as well as the legal, social and religious taboos and discrimination surrounding sex between men. Although there is strong evidence to suggest that sex between men plays a significant role in HIV transmission in developing countries, little or nothing else is being done by the governments and many AIDS service organizations to address this issue at national or international levels.

The lack of prevention programs for men who have sex with men in most of the developing countries does not stem from the lack of communities that identify as gay, lesbian, or bisexual, but from a lack of willingness by governments and ASOs alike to work with the gay, lesbian and bisexual communities And so, the gay communities are, themselves, fighting against HIV/AIDS throughout the world.

### **SEXUAL PLEASURE, HOMOSEXUALITY AND HUMAN RIGHTS**

The evolution of the phenomenon of sexual rights is considered as a legitimate issue within the context of International Human Rights (IHR) discourse. Many argue that the current concept of sexual rights is limited and that it must be broadened to include the right to sexual pleasure, freedom of sexual expression, and freedom of sexual orientation.

In spite of decriminalization of the homosexual relations in the international human rights regime, there remains the negative attitude to homosexuals and intolerance. This is obvious. Thus, gays and lesbians are afraid "to come out of closet" and to build the life according to their sexual and psychological needs. The so-called gay activists, hence, urge the international communities to start immediate action to preserve the minorities' rights and freedoms.

Since the adoption of the Universal Declaration of Human Rights in 1948, the concept of human rights has become increasingly popular maxim throughout the world. One after another developments in human rights law, the rights of sexual minorities are increasingly being seen as human rights. Many of those who drafted the UDHR probably would not have considered the rights of sexual minorities at that time, while subsequent human rights documents gradually have addressed discrimination of other specific groups based on age, race, or sex, no international human rights document, yet, explicitly mentions about the sexual orientation.

At the same time, many governments around the world continue to violate the human rights of their citizens. It is robust clear that Lesbian, gay, bisexual, and transgender persons are subject to human rights abuse in countries in every region of the world. The violations they face include killing as well as imprisonment, torture, and abuses aimed specifically at sexual minorities, such as practices aimed at forcibly changing their sexual orientation are against the UDHR, the human rights activists say. Many point out that heterosexual married couples are supported by a wide array of constitutional and other legal privileges, benefits, rights and powers, which have been extended in some areas to unmarried cohabiting heterosexual couples. Where the law continues to extend advantages to married couples not available to unmarried couples, heterosexual couples can "opt in" to these advantages by marrying. By contrast, persons in same-sex relationships are excluded from the

definition of spouse and no legal privileges, benefits, rights or powers are conferred upon their relationships.

For the above reason, some supporters of gays and lesbians claim that the existence and persistence of this contradictory legal situation can be traced to a "compassionate/condo-nation dichotomy in dominant legal attitudes towards gay men and lesbians. They further recommend that until legal decision-makers are willing to confront and dismantle the legal construction of heterosexual privilege, and abandon the "compassion without condo-nation" approach, "there will be neither freedom nor equality of sexual identity."

In theory, general human rights documents protecting the rights of all should also protect the rights of sexual minorities. In fact, many persons opposing specific protections of the rights of lesbian, gay, bisexual, and transgender persons often argue that existing law already covers sexual minorities and thus no further mention is needed. In some cases, general human rights laws have been used specifically to secure rights for lesbians and gays.

While lesbian, gay, bisexual, and transgender persons are winning victories based on general human rights law, just as often these laws fail to provide sexual minorities with necessary protection from human rights abuses for a number of reasons. Sexual minorities often fail to report violence against them. In many countries, police are some of the worst violators of sexual minorities' human rights. There may be tremendous fear between gays that their complaint may not be seriously taken by the officials and sexual orientation would be made public, making targets them or their families for further violence.

In many countries, sexual minorities are so marginalized, they lack the most basic resources to defend themselves, publicize abuses, or rally support. Governments also hide their persecution of sexual minorities using the cover of other legal charges. Men and women who are imprisoned, tortured, and even executed for no reason other than their sexual orientation or gender identity are often falsely charged with other crimes. As a result of cultural and religious taboos, some governments are reluctant even to admit the existence of gays and lesbians. Not surprisingly, these same governments are even less willing to protect their human rights.

In some countries, protection for gays and lesbians may be labeled a foreign, western concept being forced upon them. In other countries, governments maintain the right to discriminate against lesbian, gay, bisexual, and transgender persons based on religious authority and criminal law. Such laws, however, are vulnerable to challenge under international law.

As a result, the supporters of Homos-movements, over the years, have been urging that various governmental and nongovernmental efforts are needed to expose the grave of human rights violations perpetrated against sexual minorities all around the world. In the mean time, they quickly add that the international community should ensure that millions of gay men, lesbians, bisexuals, transvestites, and transsexuals are able to exercise the human rights accorded to them by National and International Law.

## **NEPALESE CONTEXT**

Nepal has neither homosexual law nor sodomy law. Gays and lesbians in Nepal, who have frequently been complaining of humiliation and torture by the police, have something to cheer up with Nepalese legal regime because it could not ban their activities. For the same reason, homosexuals- like many other citizens, could enjoy the Freedom of Speech, Religion, Association, and a number of other Fundamental Rights that are accredited by the Nepalese constitution. Whether the fundamental rights, enshrined in the constitution are also inter- related with freedom of sex and orientation would be another discourse, though. In Nepal, it is still not clear that whether or not the Nepalese Supreme Court, without any particular legal text, could exploit fully the "Grund Norm"-Nepalese Constitution as an major instrument to protect or ban the activities of Homosexuals.

Look at this example. Last month, the Supreme Court had issued a show cause notice to the Home Ministry seeking a written reply on whether homosexual activities should be banned as demanded by the Advocate Achyut Prasad Kharel in a Public Interest Litigation (PIL) petition. In the petition, Kharel had sought an SC order to the Home ministry to ban growing activities of the homosexuals in the capital". There is no legal provision to ban or punish or to protect the homosexual activities, secretary at the Home Ministry Ananta Ram Pandey told the Supreme Court in a written reply relating to a show cause notice. In this context, we just wait and watch what interpretation comes out from the Supreme Court.

As far as the homosexuality and the marriage is concerned, Nepalese laws explicitly neither sanctions the gay marriage nor does it recognize marriage between partners of the same gender. Pragmatically, Nepalese legal regime makes it clear that it does not recognize marriages between persons of the same gender, even though they may have been legally married in the foreign country that does allow such marriages. Nepalese laws also have not provided any rights to gay and lesbian parents for child custody actions.

### **Concluding remarks**

To me, homosexual activity need not be legalized, and socio-economic discrimination against homosexuals should be prohibited, however. It comes clearly in anybody's mind that several illogical tendencies of Homosexuals are fully opposite to Nepalese society, although our legal regime tells nothing about the prohibition or legalization of homosexual acts. Even so, Any statements that purport to establish a homosexual lifestyle as an equally legitimate alternative lifestyle must be roundly condemned. Also, the recognition of same sex marriages would not be regarded as legal. Neither all the activities of Homosexuals can be morally accepted nor can it be legally supported by the government since it is so difficult to promote this trend, in the society like ours.

Concurring with Pope John Paul II - who is keeping up his campaign against gay marriage- it, is worth quoting here that, "the government authorities should not approve gay marriages because they degrade the true sense of marriage. The institution of marriage necessarily entails the complementary of husbands and wives who participate in gods' creative activity through the raising of children. Spouses thereby ensure the survival of society and culture, and rightly deserve specific and categorical legal recognition by the state. Any attempts of change the meaning of the word 'spouse' contradict the right reason: legal guarantees, analogous to those granted to marriage, can't be applied to unions because persons of the same sex without creating a false understanding of the nature of marriage".

This statement is particularly relevant in Nepalese context, too. Therefore, we should not create a false understanding of Homos -rights and marriage as well. Similarly, an argument can be made that gays or lesbians should not be adoptive parents because they are likely to inculcate a belief in the child that homosexuality is indeed just one other alternative.

I am not sure that whether a curtailment of sexual rights of gays and lesbian community of Nepal would in fact, lead to a curtailment of human rights. Nevertheless, One could easily argue that not "all the immoral sexual rights" fall within the boundary of Human rights regime, and therefore should not be regarded as Human Rights. At the same time, however, we need not support any discrimination against persons merely because they are homosexual or engage in homosexual activity. After all, let us make sure that Homosexuals are not treated as "second category citizens" in the age of democratization and post modernism.

(Due to size limitation, end notes have been trimmed. However the complete article with end notes is available at this [link](#). Format is MS Word RTF. -Ed. )



## **Opinion: Story of Pathetic Glory**

***By Bijaya Mani***

Nepalese political history has strong correlation with Indian history of self governance and its leadership. Indian history of freedom as exaggerated and decorated produced a complex feature with its unique characteristics, between violence or non-violence, self rule or full independence, Hindustan or India. The overall contributions of famous 'Mahatma,' with his well-known 'sticks' and non-violence, in achieving Swaraj for Hindustan, is portentous and intricate matter.

A neutral assessment of the situation in which the British were compelled to leave India will make it clear - the real story of 'Swaraj' and India's long-drawn-out circuitous impact in Nepalese politics. Let us put the established theories aside and scrutinize the reality, apart from the historical speculations which has already filled the text books in both Nepal and India. The history is written by the winners, let us step aside and start analyzing from the socio-political climate of the pre-independence era. Without assessing the exact state of affairs of the past, it will almost be impossible to analyze and establish relationship between the past and the present political scenario created by Nehru. The need for face saving excuse for British to leave India in the hands of Nehru shaped many cover up stories. It also hyped up Gandhi's non-violence which was fully covered and exaggerated by British media.

Nehru's hilarious and pathetic action for Indian secularism was his application for the membership in the organization of Muslim nations on the ground that India has more Muslim population than in Pakistan.

The famous summit between Joseph Stalin, Harry Truman and Sir Winston Churchill in 1945 (Potsdam summit) was a landmark, which created a consensus for Indian freedom. It cautioned Britain to consider for Indian liberty. Joseph Stalin requested Churchill to give freedom to India. Churchill agreed but latter denied that he had given any such assurance to Stalin. This created a hullabaloo. President Truman when asked about this controversy he expressed support for independence, though he supported Churchill at the time. It also created new thinking in Britain and delivered a clear message to the great imperial power to realize, the days of colonial empire is almost over. Churchill was deadly against in disintegrating the Queen's Empire, his historical comment about Gandhiji was also very significant in those days "If there would have been few more Gandhi's born in India, we could have ruled that country for few more centuries".

World war was on its peak, Japan also joined the war. Britain suffered a lot and faced great losses in ongoing war, had lost their strength and was short of manpower to control and manage the biggest empire around the world. BBC news used to declare, every day, "gallant retreat" of the British Army from almost all the fronts. Even Azad Hind Army of Netaji badly crushed British in Imphal (Naga land, India). This created restlessness and panic among the occupying elites. British businesses were selling off their businesses in throwaway prices and started leaving the territory. The situation was very volatile. British feared uprising from the suppressed Indians. Netaji also must have anticipated uprising against the British from his country men and its shaped leadership for the sake of long awaited freedom but he was wrong.

British properly assessed and judged the grave situation and approached Gandhi for his support against Azad Hind Army (Gandhi used to consider Netaji as his arch-rival) and assured 'Swaraj' for India under the British Empire, not full independence. Even then Gandhi whole heartedly supported British Government and Nehru publicly announced his willingness to go to the battle field and fight against Netaji (this was the glaring example of Nehru's loyalty and Gandhi's nonviolence?). In 1947, they declared Netaji a traitor and accepted to hand him over to the British Government, after he gets arrested. British even promised Nag's for their independence and sovereignty to get their participation in the war against Netaji.

That was a very crucial strategy to win the war with Netaji and slain nearly one hundred thousand Indian fighters in that war. British did not have time to fulfill their promise to the Nagas' and left that case to be finalized by the new government of India. Nagas' are still fighting from 1947 to this day for their sovereignty from India as it was promised to them by the then Government of India for their support in the war with Netaji.

When the British Government finally decided to leave India, Muslim leadership started pressurizing Britain not to leave and even started riots to create chaos all over. They demanded that if British were leaving by their own, only Muslims has the right to rule again as they were ruling in most of India from centuries. Bitter rivalry for power between Gina and Nehru forced Britain to part India as Hindustan and Pakistan.

Then in Hindustan British put all the powers and its governing machinery in the hands of their only choice Nehru which made him virtually a dictator for many decades. Here I want to quote Gandhiji when asked by the British how he can run India with 99% of illiterates he replied "I know my countrymen are fools but they are pious people, we can run democratically." In this rule of pious people Nehru ruled from 1947 to 1964 till his death nearly for two decades.

After the Second World War labor Government came in power. It fully realized the hard reality and wanted to handover the governing power to the Indians under the British Empire. Date was fixed for 1948 but elections in Britain were due, anticipating losing the election Clement Richard Atlee the then British prime minister decided to give India governing power in 1947 instead of 1948 as planned. Without any proper arrangement British randomly divided India, as Pakistan for Muslims and Hindustan for Hindus. Then unprecedented horror in the human history was faced by the Hindus in Pakistan. It was so horrific, it surpasses Hitler's holocaust. Systematic genocide in which countless figures were cruelly butchered, women, children, even new born babies were not exempted and millions of lives were destroyed. Thousands of Hindu women were forced to parade naked in the streets of Karachi and else where.

This became every day occurrence all over Pakistan, it was worse in the west than in the east. There is no record to show how many Hindus were butchered and how many migrated or fled to India. These types of news were suppressed in every frontage, which created complete pandemonium. It was gruesome and deliberate act of negligence created by power hungry great Hindu leadership. Who were accountable for all these monstrous crimes against innocent people? All the responsible authorities became silent spectators were not allowed to intervene by the new governing powers? This was the pathetic example of dedication for its people and great statesmanship shown by the leading leaders. They were the passive witness of deliberate crimes against humanity and were quiet to preserve the glory of 'nonviolence'?

In those hours of pain and sorrow, there is no evidence of a 'word' of sympathy or sorrow expressed by patriarch Gandhi or cha-cha Nehru, both the leaders never, ever, condemned the ghastly and cruelest act of barbarisms towards their own people. Gandhi must have been very pleased to see that his subjects were following his non-violence without any resistance, quietly accepted the 'miracles of Swaraj' and ignored the horror faced by the millions which created an examples for 'non-violence' to tell the world that "dead men tell no tales." Despite all those happenings Nehru Gandhi still wanted to keep Muslims in Hindustan at any cost and were able to pacify them not to leave Hindustan. Nehru's soft corner for Nizam of Hyderabad his creation of a line of actual control in Kashmir and making Kashmir a disputed issue clearly proves his dictatorial powers and gross negligence towards his National Interest. Despite vehement opposition from the public, Gandhiji forced Indian Government to give 56 corers to Pakistan. Was this a reward for the atrocities committed towards Hindus? Once that money was granted, never ending war in Kashmir started.

In 1948 Sardar Patel requested Nepal, without consulting Nehru for military assistance to end Hyderabad's resistance (he knew Nehru's favor for Nizam). Nepal promptly sent its troops to Delhi under general Sharda Shamsheer JBR, son of the then Rana prime-minister Mohan Shamsheer JBR. Nehru was outraged and feared the danger from the north for his authority. The growing popularity of Sardar Patel was also a great matter of concern to him. He saw danger for his unchallenged authority and his unflinching loyalty towards Muslims, which was also an essential factor to keep him in power. Nehru immediately sent new similar treaties to curb the sovereign powers of three Himalayan kingdoms to keep them under his clutches, Nepal, Bhutan and Sikkim. Sikkim and Bhutan signed it but Nepal refused to sign it.

Nehru started diplomatic pressure and he invited Mohan Shamsheer to India for official visit but was not able to convince him to sign the treaty. Nehru along with other leaders assured Mohan that India will never allow any activities from its soil against Nepal, and requested him to consider signing a new treaty with India for the safety of Nepal. He tried to show the importance of the treaty by anticipating danger for Nepal by possible communist take over of China. He requested Mohan for few changes in Nepalese administration and told him to constitute a parliament and local bodies and give them some powers and rule unlike he was ruling in India in the name of democracy. He asked Mohan for a personal favor for Subarna Shamsheer to give him dignity and honor in Nepal but Mohan ordered to confiscate Subarna's property, immediately after his official visit from Delhi, neglecting Nehru's personal request but considered Nehru's other suggestions and created a handy parliament etc.

Mohan's action against Subarna infuriated Nehru and he planed insurgency to punish him in October of 1949 by disbanding 31st and 32nd battalion of Bengal Rifles and deployed men in all the fronts, but at the last moment this action was suspended, when he received information that the draft for a new treaty is going to be finalized and is in progress. After the new treaty of 1950, signed between Nepal-India in Katmandu, he ordered to start the suspended insurgency without further delay. He did not even consider taking the consent of his concerned home minister Sardar Ballav Bhai Patel. Who openly criticized and even thrashed Nehru publicly for naked betrayal and violating the word of honor and assurances jointly given by all the prominent Indian leaders to the Prime Minister of Nepal at the time of his state visit.

While the proposed insurgency and conspiracy was hatching in Nepal; King Tribhuban Birbikram Shah who wanted to over throw century old Rana regime out of power took shelter in Indian Embassy and he automatically became a vital historical figure in that revolution. King Tribhuban slowly realized Nehru's ambition and the hidden motive behind his action of insurgency was to annex Nepal, without any hue and cry and without affecting his international image. The ailing King Tribhuban transferred his powers to the Crown Prince Mahendra. Mahendra gradually booted out the Indian Army and Indian officials who were governing Nepal through its ICS officials and Embassy; Indians were handling Nepalese defense and foreign affairs. Neither Nepali Congress nor BP Koirala was in a position to oppose Indian presence in Nepalese soil; as they were the ones who invited them. King

Mahendra appointed a patriot and political sufferer and the founder president of Praja Parishad, Tanka Prasad Acharya as PM. "Himalaya is the northern border of India" this was Nehru's favorite quotation; whenever he visited Nepal. Indians were invited to assist to rule by the revolutionary supreme commander of Muktisena (unlike Mukti Bahini, latter created by Indira for East Pakistan) M.P. Koirala. Then M.P. Koirala was nominated as Prime Minister by the King. M.P.Koirala, the step brother of BP was a choice of Nehru as well. Nehru was against BP's attachment with Dr. Rammanohar Lohiya.

Nehru ruled India with absolute power and had many personal weaknesses. His special relation with Subarna even forced him to violate international law and norms and even fully exposed himself, when he allowed Subarna who was in self exile, to declare war on Nepal from All India Radio Government media, in the name of Nepali Congress when all its leaders were in jail in Katmandu in 1962. Nepal was saved due to Indo-China war, started the very next day after the announcement from All India Radio. China's support for Nepalese sovereignty has always proved a safe guard for Nepal, from Indian open and naked aggressions. Nepal had faced insurgency from Indian soil for decades; and even faced hijacking and prowling in the name of Nepali Congress. It stopped only in emergency period when BP was asked to leave India or face prison for his support for Jaya Prakash Naryan.

Analyzing the past and knowing the Indian influence in shaping the current socio-political environment from 1950 and onward will make it is clear to some extent. However, pointing towards India cannot be the only excuse for our present horrific and disastrous condition. Our negligence toward development and progress is also one of the factors for the present precarious condition. One must always be vigilant to save countries sovereignty and have to try to develop the country with sincerity and dedication. It leaves a little room of hope when the elected governments cannot safeguard its own borders and lack patriotism; how can the sovereignty be preserved? No one, in power and position can be exempted from this responsibility. King also must be blamed for not looking towards the overall responsibility to preserve and safeguard national frontiers; after all they are the supreme Commander in Chief of the army.

I want to draw the attention of our "great leaders", elected bodies and their respected parties for their complete negligence, saddest performance and misrule for a decade and half. So far, they haven't done much for the country and its people. They should also judge their misrule and re-think about their regular visits to Delhi, neglecting the horrific condition of our country and its people. They should take lessons from history. In the name of democracy, do they want to surrender Nepalese sovereignty like they surrendered Mahakali? Will they ever be able to regain Nepalese territory already grabbed and encroached by India after 1950? Should we go to the international court of justice for a clear verdict?

British had fully nullified all the treaties finalized, either by East India Company or by the British Government in the accord that granted self-rule for Hindustan and said 'we are leaving India as it was' before their occupation. Jung Bahadur Rana brought back "Naya Muluk" (Banke, Bardia, Kailali, and Kanchanpur) and for the rest of the territory, British had promised to return after some time. When Chandra Shamsheer demanded rest of the territory back, British India started to pay compensation of ten thousand rupees per year until the entire land was returned. There is not a single Nepalese leader (left & right) who expressed a single word about these historical facts. Are they ignorant about the history of their own country; will they stay embalmed in their silence; or have they become a part of Indian Imperialism?



## Social: When Race Making No Face

*By Ruchi Ahuja*

Sociologists study the effects of the idea of "race" on human behavior. They also explore the impact of ethnicity. An ethnic group is a distinctive group of people within a country. Members share a cultural heritage. Ethnicity can be a basis for feeling of pride and solidarity. But, like race it can also be a basis for prejudice and has the following characteristics:

- It is based on real or imaginary differences between groups.
- It attaches values to those differences in ways that benefit one group at the expense of others.
- It generalizes all members of a target group.

Discrimination occurs when prejudices are translated into action. For example a person who says that all Asians are lazy is guilty of prejudice, but one who refuses to hire Asian, is guilty of discrimination. Not all prejudices result in discrimination. Some are positive. But whether positive or negative, prejudices have a similar effect in that they reduce the individuals into categories or stereotypes "Who we are by the sociological and political definition of society has little to do with who we are."

Society presumes who we are by their stereotyping the groups we belong to. Individuals are not often given the opportunity to express who they really are. Not everyone is able to find his or her own voice. We tend to consider those who are most "like us" as part of "our universe of obligation"- the circle of people and groups for whom we feel responsible, whose rights we seek to protect, and whose injuries call for amends. When those within that circle are threatened, we feel compelled to take action. When those who are beyond it are in danger, we are likely to suggest that they are not our responsibility. We avoid action because their troubles are "none of our business".

Our society has given the genetic trait of skin color the special privilege of being the dividing line between human races. But fingerprint types, blood types, or any one of the other 25 per cent of genes that vary among humans could just as logically be used. Any other choice of genetic trait would produce a racial map completely different from our "black" and "white" world. A racial world based on fingerprint types, for example, would place most Americans and Englishmen in the "Loops" race; Asians and Africans would be proud members of the "Whorls".

When seen in the employment discrimination one can well imagine employers - or customers, co-workers or supervisors - have a preference against hiring minority applicants, even if they know they are equally productive. Or employers personally harbor no racial animus but cannot perfectly predict workers' productivity. In this case, an employer assessing an applicant would assign some weight to the average performance of the person's racial group, instead of basing the judgment solely on the individual's merits.

I understand that many injustices are preformed everyday but it seems nobody notices that as we work for the rights of all people, not speaking up against ALL racism and prejudice including in our own communities. We compromise any hope for a final goal, of peace between the insignificant differences of skin color. Lets hope with a new government emerging in may change the whole concept of racial discrimination

(Author can be reached at ruchisjournal2003 (at) yahoo (dot) com)



## **Networking: PDN-Boston: A networking forum for Professional Nepalis**

**By Shailendra Yadav**

On Saturday afternoon of April 3, a crowd of over 50 plus "networkers" mostly of Nepali origin gathered at Tang Center at Massachusetts Institute of Technology, USA to attend the first such networking event organized around the interests of professional and entrepreneurial Nepali community in New England area. The event was hosted by the Professional Development and Networking (PDN-Boston) group, a special initiative of Greater Boston Nepali Community (GBNC), launched in 2003 by a group of well-knit Nepali professionals in Boston area.

The title of this 2 hour long panel discussion was "Creating Opportunities through Professional Networking". The panel boasted some of the very successful and well-known Nepalis in the area: Sanjay Manandhar (CTO, Intellisign), Dr. Shiva Prasad Gautam (Asst. Professor, Harvard Medical School), Abhaya Shrestha (VP, Behrman Capital) and Shakun Karki (Researcher, Dana Farber Cancer Institute). It was moderated by Saubhagya Shah of Harvard University. The list of attendees, who came from Massachusetts, Connecticut, New York, New Hampshire and Maine, sported multitude of professionals, entrepreneurs and students spanned across Technology/Engineering, Banking, Academia to Social Work, Food Business and more. The objective of the panel was to explore different ways networking has been creating career and business opportunities for the panelists. It aimed to bring into discussion the value of such networking seen in diverse range of fields (like Entrepreneurship, Academia, Banking etc) and at different levels of experience (a student looking for a job, a professional thinking of a career change, an engineer planning to take an entrepreneurial dive and so on).

The event began with registration/networking session over coffee; continued with a brief presentation of the group by Shailendra Yadav (core member of the group); and then followed by introduction of the panelists and moderator by another core member, Dibesh Karmacharya. The moderator, Saubhagya Shah, opened the discussion by expressing his heartfelt excitement about the eventual presence of the critical mass of Nepali Professionals in the Boston area, which spurred the formation of such networking group. For someone who has been a longtime Boston resident, he seemed extremely pleased to see Nepalis coming together in a forum like this. Sanjay Manandhar, a former GBNC president and a Massachusetts Institute of Technology graduate, who made the transition from an electrical engineer to technology entrepreneurship over a decade ago having worked extensively in Europe, Nepal and USA said, "If there is a place where a critical mass of Nepalis are extremely interested to network and take advantage of networking - it is Boston". That came off as a great cheer for the organizers, who had put in a lot of work to make this event possible.

The opening questions to panelists dwelled on the roles professional development and/or networking have played in the past and present or will play in the future during the course of their career. While everyone agreed they benefited a lot in general (from networking), they also shared their personal experiences. For Mr. Manandhar, who helps build young technology companies while working in the executive management capacity, the networking helps him meet the right people who could lead him to right clients, right team members or right markets. Mr. Shrestha, who works with a private equity investment firm in New York, noted how his relationships with people in the industry built over time has helped his company raise fund or help portfolio companies grow by pooling the resources through its broad network of individuals and institutions. For our panelists from academia, the important benefits were in getting to work on the right research topic or with the right professor. The benefits were also seen while submitting the grant applications for funding or receiving academic tenure as pointed out by both Ms. Karki and Dr. Gautam.

When questions about facing challenges during networking with fellow Nepalis were posed, they said that they had found it difficult to do it in the past owing to fewer numbers of Nepali professionals around. Also, there have hardly been many Nepali professional forums around besides the social/cultural ones with significantly broader focus like ANA. This is not to say Nepalis don't have their strong personal networks built through friends and families. But, say, if you wanted to connect professionally with someone you didn't know; then the chances of that happening wouldn't be too high unless your friend or family knew him or her personally, and would initiate the connection. The trend has certainly been changing since the discussion group "Chhalphal" (another good networking forum) was started over two years ago in Boston. Interestingly, the "culture factor" which plays perhaps a dominant role in the interactions among Nepalis, did come up during the Q and A session with audience. One comment was that Nepalis aren't usually too enthusiastic about introducing themselves to fellow Nepalis immediately unless they know them from somewhere. One audience also expressed concern about being taken rudely if acted/spoken in a direct manner to a fellow Nepali, especially among dissimilar age groups.

During the post-discussion networking, the attendees looked all upbeat about professional networking. Although not everyone was immediately clear about the objectives of PDN-Boston group and the mechanics of networking, they all seemed to have benefited from the discussion and were looking forward to future events as revealed to me now by Deepti Bhattarai of Waltham, MA, "The PDN event helped me get a job. I met Mamata Sharma, and learned about an opening at her firm iDL systems, an e-learning software company. I currently work in this company as a Content developer. So, thanks to PDN-Boston for making the connection". Turned out Anil Shrestha of Somerville, MA (another core member and one of the organizers) also benefited from meeting Ms. Sharma. "It was at this networking event that Mamta Sharma from iDL Systems announced the openings at her firm. I talked to her then followed it up with a phone call and an email. After couple of interviews, I was offered an internship position. The event allowed me to contact/network with the hiring personnel directly. I was able to hand in my resume personally, which I believe helped me get an edge over other applicants - an important strategy considering the increasing competition posed by the present difficult economic environment. Thanks to PDN-Boston and all of us working behind it. I am sure other people will also benefit from such programs?" said Anil.

The newly formed Professional Development and Networking group (PDN-Boston) that made its debut at MIT this Spring fills yet another vacuum in the slowly but steadily growing Nepali society in the US. This group has the potential to be an important resource for Nepali professionals (say as a job bank) and entrepreneurs (to meet like minded entrepreneurial Nepalis) in the dynamic and sometimes tough economy, said Shailesh Gongal, moderator of popular Chhalphal Discussion Series,

Boston and Chair of Help Nepal Network (HeNN USA), who also attended the event with his wife Reema. He also noted, The message from the forum at MIT and the accomplished panelists is clear - hard work, smart work, and networking are three sides of an equilateral triangle?. The PDN-Boston group's next event, a workshop on ?Nuts and Bolts of Networking? is scheduled for September 25. Other events (like panel discussions and workshops on Offshore Outsourcing and Personal Finance) are planned for later this year. The group is currently looking for a new name and developing its own website which will enable online registration and ?members-only" access to the searchable database of Nepali professionals added through event registration or self sign-ups. For more information on PDN-Boston group or how to get involved, please send an email to [pdnboston@yahoo.com](mailto:pdnboston@yahoo.com) or visit our yahoogroups site at <http://groups.yahoo.com/group/pdn-boston/>. To sign-up for PDN-Boston mailing list to stay updated about future events, please send an email to [pdn-boston@yahoogroups.com](mailto:pdn-boston@yahoogroups.com).

(Shailendra Yadav, who is a co-chair of PDN-Boston group and an executive member of Greater Boston Nepali Community (GBNC), currently works as a Mechanical Engineer at Broad Institute of MIT and Harvard in Cambridge, MA. He can be reached through email at [yadav@broad.mit.edu](mailto:yadav@broad.mit.edu))



## Children: Nepali Youth Camp 2004

*By Sunil Nepal*

Friends of Nepal - New Jersey (FON-NJ) organized a day camp for Nepali Youth in Raritan Valley Community College, Raritan, NJ on Saturday, August 28, 2004. The camp was first of this kind in NJ focused entirely towards Nepali Youth. Main purpose of the camp was to introduce young Nepalis to Nepali language and culture. About 16 youths (ranging from 3 to 17 years) from NJ (11), PA (2), and NY (3) attended the camp. Camp was attended by youths of Non-Nepali origin also. Camp started at 2 PM in the afternoon and completed with a pizza dinner at 7 PM.

As campers were coming in, volunteers taught campers to sketch Nepali flag and map of Nepal. After a brief introduction by FON-NJ President Dr. Tulsi Maharjan, campers were divided into two groups based on age (up to 7 years old; 8 and older) for lessons on Nepali language and Nepali culture. In-class session lasted for about 2 hours. Younger group learned to speak and write Nepali. They were taught to relate everyday experience (hot, cold, food, tasty, sour) in Nepali. Younger group was taught under the co-ordination of Pratikshya Rijal. Campers in the older group were taught about Nepali culture, language, national monuments, etc. and were engaged in conversation in Nepali and topics relate to Nepal. This group activity was organized by Ananta Risal. After breakaway classes, all campers converged in one room and learned to dance to Nepali tunes.

This venture was a good learning experience to campers, parents, teachers, and FON-NJ. Attempt to organize classes for a small but diverse group (age, knowledge of Nepali language, knowledge about Nepal) was a challenge. Overall, campers had fun learning Nepali and about Nepal and interact with other Nepali children. Parents had an opportunity to watch their kids learn something "Nepali" and enjoy Nepali music and companion of other Nepali friends.

At the end of program, Dr. Tulsi Maharjan distributed certificates to campers and volunteer teachers.

Financial support to organize the camp was provided by Suman Timsina (PA), Ramesh Shrestha (PA), and FON-NJ. FON-NJ extends appreciation to sponsors, volunteers, and parents who made this program a reality.



## Activities: Numafung in NYC

**By Help Nepal**



Columbia University Presents screening of the award-winning film **NUMAFUNG**.

An ethnographic feature film documenting the changing lives and ways of the Limbu people in rural Nepal

Sunday, October 3, 2004, 4pm Arledge Cinema, Lerner Hall Columbia University  
2920 Broadway at 115th Street, New York

Tickets for this fundraising event are \$10.

**All proceeds will be donated to the Help Nepal Network's health post building project in Mugu, Nepal.** To learn more about the Help Nepal Network, please visit their site at [www.helpnepal.net](http://www.helpnepal.net). For tickets and questions about the film screening, please contact Ujjwal Bhattarai at 914.484.0371 or Abhaya Shrestha at 646-645-2243.

NUMAFUNG an ethnographic feature film documenting the changing lives and ways of the Limbu people in rural Nepal.

### **Venue and Time:**

Sunday, October 3, 2004, 4pm  
Arledge Cinema, Lerner Hall Columbia University  
2920 Broadway at 115th Street, New York

### **Directions:**

Subway: 1/9 Train to 116 Street station  
Car: The location (Lerner Hall) is at 116 Street and Broadway

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## NY Updates (2): 1. Nepali Ghar in NY 2. Interaction with Foreign Minister

### **1. "NEPAL GHAR" proposed in New York**

If everything goes as planned, Nepalese living in and around New York City area will soon have a place that they can call their own - a place that will bear Nepali Name, will carry Nepali identify and will upheld Nepali dignity in New York City.

So far two important meetings have been held - one each at HE Murary Raj Sharma's residence and office. Those meetings have discussed and formed two major blocks of dedicated individuals within the capacity of "Board of Trustees" and "Board of Directors". The Board of Trustees is chaired by Mr. Kulchandra Gautam and the Board of Directors is chaired by Tsewang Sherpa Lama who are supported by 85 individuals from different backgrounds and representative of many Nepali Community.

At this time, the board of Directors are working on possible names, bylaws, logo, 501(c) status and other necessities.

Any comments, suggestions, or questions can be sent to [NepalCenter@yahoogroups.com](mailto:NepalCenter@yahoogroups.com) which would be the open forum for discussion on this topic. Or alternatively, suggestions can also be sent to Tsewang Sherpalama [sherpalama@aol.com](mailto:sherpalama@aol.com), or to Somnath Ghimere at [somu13@hotmail.com](mailto:somu13@hotmail.com).

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### **2. Interaction with Foreign Minister Dr. Prakash Sharan Mahat**

#### **By NDYC-USA**

On September 26,2004, Nepalese living in and around New York City had an opportunity to meet various distinguished personalities from Nepal on an interactive program. The guests were Hon. Dr. Prakash Sharan Mahat, State Minister for Foreign Affairs, along with Mr. Sunil Kumar Bhandari, Central Working Committee member of the Nepali Congress, and Mr. Pradeep Nepal, Central Working Committee member and party spokesman of the CPN (UML) who were a part of delegation from Nepal to the 59th session United Nations General Assembly.

Nepalese Democratic Youth Council in USA organized this informal interaction to hear from them and ask them questions about the current situation in Nepal.

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## Diaspora: London Chhalphal

**By TND Research**

On September 16, 2004 at Room G3 of School of African and Oriental Studies (SOAS) in Russell Square, London, great spirit of a few Nepali youths from Boston has shown its contagious nature giving birth to "London Chhalphal" as an extension of "Chhalphal Discussion Group" in Boston.

London Chhalphal, coordinated by Rajesh B. Shrestha, held its first and historic discussion on the topic of "Sambidhan Sabha (Constituent Assembly): Maoist stand, view point of other political players and its relevance in Nepal". The chief speaker was Dr. Surya Subedi, who is a professor of International Law at the Leeds University; Professorial Research Associate at the Department of Law, SOAS, University of London; Visiting Professor at City University, London as well as the Faculty of Law at the Tribhuvan University, Kathmandu. He is considered an internationally renowned expert in International Economic / Trade Law, International Environmental Law, Public International Law, International Law of Human Rights, Constitutional Law and the legal aspects of Indo- Nepal relations.

London Chhalphal is an open, free-for-all forum for regular informal/semi-formal discussions program on Nepal. It usually meets on the first Thursday of each month at a neutral venue in Central London. For more information, please visit [www.london-chhalphal.org](http://www.london-chhalphal.org).

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## Peace: International Day of Peace celebrated

**By CM Yogi**

Five volunteer teachers from university in England were recently fortunate enough to take part in a peace rally, initiated by Shanti Sandesh Yatra Pariwar (Family for Peace Movement) under the coordination of C.M. Yogi and conducted in response to the current troubles in Kathmandu. The march itself was held after Mr Yogi, the Principal of Hindu Vidyapeeth school , appeared on national television in an interview programme called Bahas ('Discussion'), and was consequently invited by The Reporter's Club to give his opinion in a face-to-face debate with leaders of various religious sects. Such interaction provided the opportunity to meet with Islamic leaders, and the result was a gathering of over twenty different social organisations in central Kathmandu, arranged in under eleven hours and bringing together the many ethnic groups of Nepal.

The march itself was an enormous success, attracting a huge amount of support on the day from nearly 2,000 participants as well as coverage from the national media, and numerous further telephone calls and letters from enthusiastic well-wishers during the subsequent days afterwards. Having experienced the entire progression of these problems, from walking around road blockades of burning tyres, furniture and even minibuses, to seeing these same blazes rising like funeral pyres across Kathmandu from the roof of Hindu Vidyapeeth Central school, to being forced to stay behind closed doors because of the army-enforced curfew, it was both rewarding and somewhat liberating for us to be able to process through the centre of the capital along with such a plethora of the different religions and cultures of the Nepali nation. Two simple slogans embodied the essence of the rally, 'Peace, Love and Harmony, Our Prayer from the Heart' and 'Religious Tolerance and National Unity - the Need of Today'.

Surrounded by Muslim hazi topi, yellow Buddhist robes, Hindu dhoti-kurta, Janist costumes, Christian habits and the occasional lost tourist, simply the discrepancy in modes of dress exemplified the resolution of all groupings of Nepal to come together and overcome not only the immediate issues regarding the brutal execution of Nepali nationals in Iraq, but also the longer term ethnic division and political instability which has become such a concern to the Nepalese in recent years. At the same time, it brought into sharp focus the very vibrancy and diversity of the country itself. Over 1,000 Muslims, whose main place of worship had been vandalised, burnt and despoiled, and who themselves had been victimised and ostracised just hours before, walked side-by-side amongst representatives of the very populace who persecuted them. Such a presence allayed fears not only of racial clashes predicted by many within the capital, but also potential backlash against the 700,000

Nepali workers employed in Muslim countries, whose jobs and very lives had been brought into question owing to recent events. Each leader of the various religious communities in attendance stressed the same message when addressing the crowd at the procession's finale, one of peace, love, non-violence and fraternity throughout Nepal's ethnic spectrum. As foreigners, it was a humbling and even awkward experience, having spent so little time in the country and in truth being almost wholly unable to relate to the situation at hand. But simultaneously it felt uplifting and hope-inspiring to be able to see a country put religious difference - the cause, albeit often as a pretence, of so many of the world's conflicts today - to one side and unite as a nation rather than under any banner of exclusivity. Furthermore, the rally's ethos of harmony and an acceptance of others, rather than an endorsement of individualism, was very reassuring at a time when extreme and restrictive religion is seen by some as the only way to preserve traditions and cultures against the influence of the West.

Such multicultural toleration seems essential for the cause of Nepal, particularly as the Maoist threat drives more and more of the country's population into the increasingly crowded Kathmandu Valley in search of security. One got the impression that the rally itself thus symbolised the determination of the people to safeguard national integrity and defy the forces at present trying to collapse the country in on itself, and as visitors it was both rousing to see such composed solidarity in face of such troubles, and heartening to feel that the future of this country was being supported by such a constructive and resolute attitude.

Nick Grafton-Green, Peach Kwan, Will Saab, Kate Kinsey, Simon Maharaj and Hannah Shaw were all volunteer teachers at HVP Central and HVP Thali during the summer of 2004.

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**"THERE IS NO WAY TO PEACE, PEACE IS THE WAY."**

We all very well know that "A journey of a thousand miles must begin with a single step." So, YSP that started its work in late 2003 is proud to inform you that we had a very splendid three days program on the special occasion of International Day of Peace – 2004.

We went to the different schools and colleges (Hari Siddhi College, Padma Kanya Secondary School, New Summit College, Hindu Vidyapeeth – Nepal and Namuna Machchhindra Secondary School) of the valley. It won't be scandalous to write that today almost all the youths of valley probably Nepal is not satisfied with what they are and how they are. Simply, can say that the unstable political situation, unsecured employment and rapid unplanned urbanization, which had, lead to the Westernization, are the main causes of today's youths who are mentally depressed. At this situation we thought that it would be effectual to have talk and interaction in the topic "Peace for Youths". And we can confidently say that it really helped to build the knack to think positively in this critical situation. So, we visited afore mentioned colleges and schools with Peace Prayer, Talk, Discussion, Interaction and answering the unanswered quarries of the youths.

We should really thank Dr. Suddha S. Rauniyar (who is daily providing food, care and education to many unfortunate street children of Kathmandu), Dr. Chinta Mani Yogi (C M Yogi) and many other wholehearted personalities who prayed for the success of this three-day talk and interaction program. We should specially thank Mr. CM Yogi who went to each and every school and college with us and encouraged us. He decidedly supported us. He reactivated the sleeping soul; he filled the spirit in the surpassed soul of every youth, which was really a great experience for us too. It is said that - Everything has its beauty, but not everyone sees it, but we are very sure that after the talk and discussion of CM Yogi the youths must have realized their beauty, bounty and the inestimable strength. We would also like to thank all the people who supported us.

Let's hope the infinite strength that the youths have could be energized and that energy would be harvested for the noble cause and sprung the fruit of fraternity, brotherhood, coexistence and PEACE.

**May Peace Prevail On Earth!**



## ANA update: Iraq Fund

By TND Research

So far, ANA has raised more more than US\$ 17,000.00 for families of victims of Iraq murder. More than 200 individuals/group donors come forward with their generous contributions. Contributions range from \$5.00 to \$1500.00. ANA expresses its thanks to contributors for their support on its website and believes that each victim family would be able to receive more than 1 lakh.

More details are available at <http://anaonline.org/iraq/>

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## Reflections from a decade back: Interview with Girija P. Koirala

("Reflections from a decade back" is a regular feature of rejuvenated TND. Pramod Pandey compiles this section from materials published approximately 10 years ago. - Ed)

Compiled by: Pramod Pandey

Originally from: Oct 17, 1994 (14 Kartik 2051 BkSm)

Date:16 Sept 1994

Source: The Independent

Subject: An interview with the PM

*This is a transcript of an interview of PM Girija Prasad Koirala taken at his official residence in Baluwatar by Achyut Wagle of The Independent on September 16, 1994.*

**Q: What is your self-assessment of the last three years of your government's performance?**

A: When I took over as prime minister, I had three priorities on my agenda - maintaining law and order in the country, which was pretty bad, consolidating democratic institutions and accelerating the developmental process. The law and order situation has, to my mind, improved markedly. My philosophy on democratic consolidation is - until we can bring development to the common man, democracy cannot be consolidated. That is why my second priority was development. But, against our will and efforts, we were marching down a new trail. For myself, working in a parliamentary monarchy was a new experience; there are many hurdles to be faced on our journey to prosperity. The opposition, from the very beginning, raised their voices on non-issues and my Nepali Congress (NC) friends, in their ignorance and misunderstanding, did not cooperate with me. Now you have the situation before you.

**Q: What was the real reason for the misunderstandings? Have you now come to perfect understanding?**

A:The causes if misunderstandings were not concrete ones. They were merely problems of adjustment. I was confident the problem could have been solved steadily in the course of time, but friends preferred hasty, ill-considered decisions and actions. However, all problems have now been solved, there are non left to be solved, and not a single iota of difference among us.

**Q: If the problems could be solved in this miraculous way, why did you recommend the dissolution of the House of Representatives (HOR) despite the NC having a majority in the House?**

A: I recommended dissolution when the differences climaxed. But we have now been able to bridge the differences. The ticking of the clock drove us to dissolution. The whole party has vowed to face the elections unitedly. During the elections, it is natural that our party cadres will be engaging in healthy competition for recognition to get electoral tickets, but once the candidates are announced, problems may vanish automatically.

**Q: As soon as you took over the prime ministership, NC supremo Ganesh Man Singh kept criticizing your modus operandi. He has now announced that he no longer belongs to the NC. Doesn't this come at a crucial hour to the NC as a party?**

A: I don't want to say anything about Ganesh Manji. He is the biggest of the bigs. In a system where anyone can expound one's views, he is no exception but I feel, as one of the founder members of the NC, he should help the party in this election. I hope he will ultimately do so.

**Q: Nepotism allegations have been made against you and, as a matter of fact, little difference from the panchayat system was perceived in your administration. Also, your cabinet**

**colleagues are allegedly indulging in rampant bribery. Why couldn't you control these bad tendencies?**

A: I don't agree that anyone I have favoured has taken an important post. As far as taking some people into confidence is concerned, I have to do so to run the country. Should affairs miscarry, I have to face criticism as head of government. Therefore, I needed to appoint some people, in whom I have confidence, in some important positions. About the administration, there was a psychological gap between the administrators and politicians. They were intimidated that we, who had criticised it so long, may take some drastic action and that we were only experienced in criticising the bureaucracy, which was functioning properly. Bribery should, of course, be eliminated, but it is very difficult to take action against anyone until there is substantial proof.

**Q: During your premiership, Nepali foreign policy has been Indocentric. Do you think that may be why your government was not successful?**

A: We have to take the geopolitical situation of the country into consideration in shaping foreign policy. In the middle of two giant neighbours, India and China, we should maintain good relations with both. I have neither a pro-India nor a pro-China attitude. I always consider Nepali interests and work accordingly. I won't countenance any interference in Nepali interests, sovereignty, independence or territorial integrity.

**Q: Despite your oft-claimed all-time best relations with India, New Delhi has not yet shown interest in resolving the Bhutanese refugee problem. Isn't that a major failure?**

A: Keeping our good relations with Bhutan in mind, we should try to solve the problem bilaterally. If that doesn't work we will invite India to the discussions. If it still isn't solved, we may internationalise the issue. There may be no other alternative.

**Q: The Nepali Congress saved itself from a formal break-up via the July 27 decision, in which three senior leaders - you, President Bhattarai and General Secretary Nidhi - 'voluntarily' decided not to contest the forthcoming polls. Now you have made up your mind to contest it. Won't it affect party unity?**

A: When the decision was taken, we had to decide in favour of unity. Now the atmosphere in the party has changed and our party workers are demanding our candidacy for the sake of unity.

**Q: It was said to be a voluntary decision and you also asked for a chance for a second line of leaders. Why have you changed your mind?**

A: At that time we had to defuse the tension in the party and it was decided so. That purpose has been served, so I have now decided to contest. Besides, if I don't fight the elections myself, what is the need for a fresh mandate? I feel all three leaders should contest the elections fairly. A second line of leadership should gradually evolve. All necessary leadership qualities may not be found in any one person. I am also convinced the three top leaders should not deny the party their active leadership.

**Q: How many constituencies will you be contesting? The talk of the town is that your daughter is also contesting.**

A: I will fight from my own two constituencies, as earlier. My daughter will not contest. There are so many dedicated party workers on the one hand and, on the other, she is not a political person.

**Q: What will be the Nepali Congress's election strategy be? In the last elections, it made many promises which it didn't keep. Can't the government raise the living standards of the lower socio-economic classes?**

A: It is not true that my government could not do anything at all. Drinking water, electricity, agricultural and educational facilities have been extended. One has to go to the villages to see the work done on development. We go to the public with our heads held high. I don't like to be high-sounding, but confirm that the NC will bag a comfortable majority to form a government, we have so much public credibility.

**Q: One overriding concern of the opposition parties is that the elections may not be free and fair. Your people being in power, will mobilise the bureaucracy and state resources to win the elections.**

A: This suspicion does not have any ground to stand on. I am a man of strong democratic faith. I have also invited independent observers, even from outside the country, to evaluate the fairness of the polls. There is not much time left, so it is unfair to make premature assessments.

**Q: Isn't it a fact that the government media have not been fair, as befits a democratic nation's media?**

A: The government media are not popular anywhere, but I agree that they may not have been as fair as desired. Most of the personnel there have a sycophantic culture developed in the panchayat period. This same phenomenon continues. Consequently work has already started to privatise them.

**Q: You seldom appear in the private media. Access to you is also very difficult, complains the private press. What is the reason?**

A: I don't want to give long lectures to the media while doing nothing, but think there is little difficulty in meeting me. I am so straightforward the media may sometimes have complaints about it.

**Q: Is the government thinking of changing the election date?**

A: Yes, I think by one or two days. The proposed date is a Hindu festival, so devotees may have problems casting votes. The date needs to be extended by a few days.

**Q: How is your health now?**

A: Quite good. That is why I am able to work.

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**Literature >> Story: "Classmate"**

## सहपाठी

(By Satyajit Ray)

-अनुवाद : कुमुद अधिकारी

सत्यजित रे

अहिले बिहानको नौ बजेको छ ।

मोहित सरकारले घाटीमा टाइको गाठो मात्र के लगाएका थिए, उनकी पत्नी अणा कोठामा आएर भनिन् तिम्रो फोन ।

अब यतिबेला कसले फोन गर्न सक्छ होला \*

मोहितको ठ्याक्कै साढे नौ बजे कार्यालय जाने नियम रहेको छ । अब घर बाट निस्कने बेलामा तिम्रो फोन सुनेर मोहितको पारो चढ्यो ।

अणाले भनिन् उ कुनै समयमा तिमिसगै स्कूलमा पढ्थ्यो रे ।

स्कूलमा..... हो र ? ..... नाम भन्यो ??

उसले जय नाम भन्दा उसले बुझिहाल्छ भन्यो ।

मोहित सरकारले स्कूल छोडेको करीब तीस वर्ष भयो होला । उसका क्लासमा चालीसजना जती केटाह थिए । धेरै ध्यान दिएर सोच्दा पनि बढी से बढी वीसजनाको नाम सम्झन सक्छ साथै उनीहको अनुहार पनि सम्झन गाह्रो नपर्ला । सौभाग्यले जय या जयदेवको नाम र अनुहार राम्रैसग उसलाई याद छ । जयदेव क्लासका राम्रा केटाहमध्ये एक थियो । गोरो, सुन्दर अनुहार, पढाई लेखाईमा तेज, खेलकुदमा पनि अगाडि र हाईजम्पमा चाहि प्रथम । कहिलेकाही उसले ताशको खेल पनि देखाउने गर्थ्यो र कैसेवियाकाको गणनामा उसले कुनै पदक पनि जितेको थियो । स्कूलबाट निस्केपछि मोहितले उसको कुनै खोजीनीति गरेन । आज यतिका वर्ष पछि बन्धुत्व कारणले वा कुनै समय सहपाठी रहेको यो मानिससग खासै अपनत्व महसुस गरिरहेको थिएन । तै पनि, मोहितले रिसीवर समाते ।

हेलो.....

को ? मोहित..... । मलाई चिन्यौ साथी..... म तिम्रो जय क्या ..... जयदेव बोस । बालिगञ्ज स्कूलको सहपाठी ।

आवाजले त चिन्न सकिन..... अ तर अनुहार चाहि याद छ ..... भन के छ ?

तिमी त ठूला अफिसर भईहाल्यौ यार, मेरो नाम नै विर्सनौ यही ठूलो कुरा भईहाल्यो नि ।

अरे छोड यी सब कुरा..... भन के छ ?

ठीकै छ..... अलि आवश्यक थियो । एकपल्ट भेट्न चाहन्छु तिमिसग ।

कहिले ?

जहिले तिमि भन्छौ, तर अलिक छिटो भए राम्रो.....

त्यसो भए आजै भेट । म वेलुका छ, बजे नै घर आईपुग्छु, तिमि सात बजे आउन सक्छौ ?

किन नसक्नु..... अवश्य आउछु, लत धन्यवाद त्यसैवेला सबैकुरा गरौला ।

हालसालै किनेको आसमानी रको कारमा कार्यालय जादा मोहित सरकारले स्कुलमा घटेका केही घटनाह याद गर्ने कोशिस गरे । हेडमास्टर गिरीन्द्र सुर को तीखो नजर र गम्भीर स्वभाव हुदा हुदै पनि स्कुलका दिनह साच्चै कस्ता कस्ता खुशीले भरिएका थिए । मोहित आफै पनि एउटा राम्रो विद्यार्थी थिए । शंकर, मोहित र जयदेव यी तीन जनामा मात्र प्रतिनिता चलिरहन्थ्यो । पहिलो, दोस्रो र तेस्रो स्थानमा यिनै तीन जनाको पालैपालो कब्जा रहन्थ्यो । छ, कक्षा देखि लिएर मोहित सरकार र जयदेव बोस सगै पढ्ने गर्दथे । धेरै पल्ट त एउटै बेन्चमा बसेर पढेका थिए । फूटबलमा पनि दुईजनाको स्थान वरावरी मै थियो । मोहित राइट इन खेलाडी थिए भने जयदेव राइट आउट । त्यसवेला मोहितलाई यो दोस्ती आजकै मात्र नभएर युगौ को हो जस्तो लाग्थ्यो । तर स्कुल छाडेपछि दुईजनाकै बाटाह छुए । मोहितका बाबु एक रईश थिए, कोलकाताका नामी वकील । स्कुलको पढाई सकिने वित्तिकै मोहित एउटा राम्रो कलेजमा भर्ना भए र यहाको पढाई समाप्त भएको दुई वर्ष मै एउटा ठूलो व्यावशायिक कम्पनीमा अफिसरको पदमा उसको नियुक्ति भएको थियो । जयदेव चाहि अर्कै शहरको कुनै कलेजमा भर्ना भएको थियो । वास्तवमा उसको बुबाको नोकरीमा सरुवा भईरहन्थ्यो । अचम्मको कुरा के थियो भने कलेजमा गएपछि मोहितलाई जयदेवको कमी कहिल्यै महसुस भएन । उसको स्थान कलेजमा अर्कै साथीले लियो र कलेजको जीवन समाप्त भएर जागिर शुरु भएपछि त्यही साथी पनि फेरियो । अहिले मोहित आफ्नो कार्यालयको दुनियामा चार ठूला अफिसरह मध्ये एक छन् र उनका राम्रा साथीह मध्ये एक आफ्नै सहकर्मी छ । स्कुलका साथी मध्ये एकजना प्रज्ञान सेनगुप्त छ । तर स्कुली जीवन स्मृतिमा प्रज्ञानको कुनै स्थान छैन । तर जयदेव, जोसग भएको तीस वर्षसम्म भेटसम्म भएको छैन उसको स्मृतिले राम्रै ठाउ बनाएको छ । मोहितले पुराना दिनह याद गर्दै यही कुराको वास्तविकता महसुस निकै गहिराईमा गरे ।

मोहितको कार्यालय सेन्टल एभेन्युमा छ । चौरगी र सुरेन्द्र बनर्जी रोडमा पुग्दा पुग्दै गाडीको भीड, बसका हर्न र धुआले मोहित सरकारको स्मृतिको दुनिया ढल्यो र उ अगाडि उभियो वर्तमान । आफ्नो नाडी घडीमा दृष्टि दौडाउदा उसले आज तीन मिनट ढिलो कार्यालय पुगिन्छ, भन्ने कुरा बुझ्यो ।

कार्यालयको कार्य सम्पादन पछि, मोहित जब ली रोड स्थित आफ्नो घरमा पुगे तब बालिगंज स्कुलको बारेमा उनलाई रतीभर संभ्रना बाकी थिएन । यहा सम्म कि विहान टेलिफोनमा भएको कुराकानी पनि विसिसकेका थिए । आफ्नो नोकर विपिन डाईग रुममा आएर एउटा पुर्जा दिदा मात्रै उनले यो कुरा सम्भ्रं । कुनै अभ्यास पुस्तिकाबाट च्यातेको कागजको टुक्रा थियो पढ्याईएको । त्यसमा अग्रेजीमा लेखेको थियो जयदेव बोस..... एज पर एपाइन्टमेन्ट। रेडियोमा आउदै गरेको वी.वी.सी. को समाचार सुन्न छाडेर उनले विपिनलाई भने, उसलाई भित्र आउन भन ।

तर तुरुन्तै फेरि उनले महसुस गरे कि जय यतिका दिनपछि भेट्न आउदैछ, उसको नाशताका लागि केही त मगाउनै पर्थ्यो । कार्यालयबाट फर्किदा पार्क स्टीटबाट आरामले केक या पेस्टी जे पनि ल्याउन सक्थे तर जय आउने कुरा सम्भ्रनामै रहेन । खै घरवाली ले कुनै वन्दोवस्त गया छ कि छैन यस बारेमा ।

चिन्दैछौ ?

यो प्रश्न सुनेर र सोच्ने मान्छे तिर हेर्दा मोहित सरकारको मनोदशा बैठक कोठाको सिडी पार गरेपछि एक कदम पछाडि बड्दा सिडी नभएको ठाउमा खुट्टा राखेजस्तो भयो ।

कोठाको चौखट नाघेर जो सज्जन भित्र पसेका थिए उनले खुकुलो सूती पतलून लगाएका थिए । त्यसमाथि साधारण छापा वाला सूती कमेज (शर्ट) थियो । दुईटैमा कहिल्यै इस्त्री लगाए जस्तो थिएन । शर्टको कलरबाट जुन अनुहारले चियाईरहेको थियो, त्यो देखेर मोहितले आफ्नो स्मृतिमा बसेको जयदेवको कुनै तालमेल बसाउन सकेनन् । आउने मानिसको अनुहार सुकेको, गाला भासिएका, आखा गाडिएका जीउको र पनि घाममा डडेर कालो भएको थियो । यही अनुहारमा तीन चार दिनका सेताकाला जुगा पनि उम्रिएका थिए । निधारमा एउटा कोठी र कनसिरी तिर जताततै छरिएका कपाल ।

ती मानिसले यो प्रश्न नक्कली हासो बनाएर सोधेका थिए उनका दातका लहर मोहितले देखेका थिए । पान खाएर सडेका दात देखाउदै हास्नेले चाहि सबभन्दा पहिले आफ्नो मुख हत्केलाले छोप्नु पर्ने हो ।

प्रशस्तै फेरिए नी..... हैन ?

बस ।

मोहित अबै उभिईराखेकै थिए । आगाडिका व्यक्ति सोफामा बसेपछि मोहित पनि आफ्नो ठाउमा बसे । मोहितको विद्यार्थी जीवनको फोटो एलवममा छ । त्यस फोटाको चौध वर्षको मोहित र अहिलेको मोहितलाई दाज्ने हो भने चिन्न खासै गाहो नपर्ला । फेरि सामुन्ने बसेको जयलाई चिन्न किन यति गाहो भईरहेको छ ? मात्र तीस वर्षमा अनुहारमा त्यति विन परिवर्तन हुन्छ, र ?

तिमीलाई चिन्न कुनै कठिनाई भएको छैन । बाटामै भेटेको भए पनि चिन्ने थिए । आएका भलाद्मीले शुरु गरे वास्तवमा म माथि दुःखको पहाड नै बस्यो । कलेजमा हुँदै पिताजी खस्नु भयो । म पढ्न लेख्न छोडेर नोकरी खोज्न थाले । बाकी त तिमीलाई थाहा छ नै । राम्रो भाग्य र सिफारिस नभए आजको जमानामा हामी जस्ताका लागि.....

चिया त खान्छौं नि ?

चिया ? हुन्छ तर..... ।

मोहितले विपिनलाई बोलाएर चिया ल्याउन अहाए । साथै केक र मिठाई नभए पनि चल्छ भन्ने सोचेर केही राहत महसुस गरे । यसलाई त विस्कुट नै पर्याप्त हुन्छ ।

ओहो..... ती भलाद्मी भन्न लागे आज दिन भरी कतिपय पुराना कुराहरू सम्झिरहे । के भनौ र तिमीलाई मोहितको समय पनि त्यसै गरी वितेको थियो । तर उनले केही भनेनन् ।

एल सी एम र जी सी एम को कुरा थाहा छ ?

मोहितलाई यो बारेमा थाहा थिएन तर प्रसंग उठेपछि उनले सम्झे एल सी एम अर्थात् पी टी मास्टर लाल चंद मुखर्जी र जी सी एम अर्थात् गणित शिक्षक गोपेन्द्र चन्द्र मिश्र ।

स्कूलमा हामीलाई जबरजस्ती पानी ट्याकी पछाडी उभ्याएर कसैले हाम्रो फोटो खिचेको थियो, याद छ ?

ओठका कुनामा मीठो मुस्कान ल्याएर मोहितले जनाए उनलाई त्यो कुरा याद छ । आश्चर्य यी सबै कुराहरू सत्य थिए । तर यो मान्छे जयदेव नभए उसलाई यो सबै कुरा कसरी थाहा भयो त ?

स्कूली जीवनका ती पाच वर्ष, मेरा जीवनका सबैभन्दा राम्रा वर्षहरू थिए । आउने आगन्तुक बताइरहेका थिए र फेरि अफसोस प्रकट गरे ती दिन त फेरि फर्केर आउदैनन् हगी ?

तर तिमी त मेरै उमेरका हौं नि । मोहित यसपल्ट नबोल्न सकेनन् ।

म तिमीभन्दा तीनचार महिना कान्छै हु

फेरि तिम्रो हालत यस्तो कसरी भयो ? तालु पनि खुइलिएछ ?

समस्या र तनाव देखि बाहेक के कारण होला र ? आगन्तुकले भने तर तालु खुइलिनै त हाम्रो परिवारमा पहिले देखि नै हो । मेरा बुबा र हजुर्बा पैतीस वर्षमै चिन्डे भईसकेका थिए । मेरा गाला पनि भासिएका छन् । हाड तोड मेहनतले र समयमा राम्रो खाना नपाउनाले होला । फेरि तिमीहरू जस्तो कुर्सीटबलमा बसेर हामी काम गर्दैनौं । गएको सात वर्षदेखि एउटा कारखानामा काम गर्दैछु, त्यसपछि मेडिकल सेल्समेनको नाताले यताउताको भागदौड, बीमाको दलाली, यसको दलाली, उसको दलाली..... । कुनै एउटै काममा जुटीरहन आफ्नो भाग्य कहा छ र ? आफ्नै जालमा फसेको माकुरो जस्तो यताउति डुलिँरहन्छु । भन्छन् नी देह बोकेको दण्ड । हेर्नु छ यस देहले कहा सम्म साथ दिन्छ । तिमीले त मेरो हालत देख्यौं नै ।

विपिनले चिया लिएर आयो । चियासग सन्देश र समोसा पनि थियो । ओहो श्रीमतीले त चासो चिईएछन् है । तर उसको सहपाठीको टुटेफूटेको नक्सा देखेर के सोचिरहेकी होलिन ? यस कुराको भान उनलाई भएको थिएन ।

तिमी लिदैनौ ? आगन्तुकले भने ।

मोहितले टाउको हल्लाउँदै भने अह, भरखर पिएको ।

सन्देश त लेऊ न

अह..... तिमी त शुरु गर..... ।

भलाद्मीले समोसा टिपेर मुखमा हाले र एक टुक्रा चबाउँदै भन्न लागे छोराको जाच आईसक्यो र मेरो हैरानी यही हो कि मैले उसको फीस जुटाउन सकिरहेको छैन । केही बुझ्न सकिरहेको छैन ।

अब अगाडि भन्न जरुरी छैन । मोहितले बुझि हाले । यो मान्छे आउनुभन्दा अघि नै उसले बुझ्नु पर्थ्यो मामला के हो भनेर ? आर्थिक सहायता र त्यसका लागि प्रार्थना । आखिर यसले कति रकमको मद्दत माग गर्छ होला ? यदि बीस पच्चीस पैसा दिएर पिण्ड छुट्ने हो भने त राम्रै हो तर यो मद्दत दिईएन भने यो बला टल्छ जस्तो लाग्दैन । थाहा छ मेरो छोरो निकै बाटो छ । उसले यो मद्दत पाएन भने उसको पढाई त बीचमा नै रोकिने भयो..... म जब जब यस बारेमा सोचन थाल्छु रातको निद्रै गायब हुन्छ । प्लेटवाट अर्को समोसा पनि उडिसकेको हुन्छ । मोहितले मौका छोपेर किसोर जयदेव र आगन्तुकको अनुहार भिडाएर हेरे, र अब उनलाई पूरा विश्वास भयो त्यो बालकसित यो अघेडको कुनै मेल छैन ।

यसैकारण भन्दै थिए कि..... चियाको चुस्की लिदै आगन्तुकले थपे यदि तिमी डेड सय पैसा यो पुरानो साथीलाई दिन सक्छौं भने.....

भेरी सरी

के ?

मोहितले मनमनै निश्चय गरेका थिए पैसा पैसाको कुरा भयो भने सिधै हुन्न भन्दछु । तर अहिले आएर उनलाई लाग्यो यती रुखो भएर नाई भन्नु पनि ठीक हुन्न । त्यसैले आफ्नो गल्तीलाई मरम्मत गर्दै नरम भएर भने सरी भाई ढ अहिले म सग नगद छैन ।

म भोलि आउन सक्छु ।

म कलकत्ता बाहिर रहन्छु र तीन दिनमा मात्र फर्कन्छु । तिमी आईतवार आऊ ।

आईतवार ?

आगन्तुक एकछिन चुप लागेर बसे । मोहित पनि मन मनै केही निधो गर्दै थिए । यो त्यही जयदेव हो यसको कुनै प्रमाण थिएन । कलकत्ताका मानिसले एक अर्कालाई ठग्न हजार तरीकाह सिक्सकेका छन् । जो सग पनि तीस साल पहिलेको वालिगंज स्कूलका केही घटनाहका बारेमा जानकारी लिन कठीन काम थिएन । त्यै सही ।

म आईतवार कति बजे आऊ ?

विहानै, विहानै ठीक हुन्छ ।

शुक्रवार इदको छु छ । मोहितले यो सप्ताहान्त आफ्नी पत्नीसित वाईपुरको एउटा साथीको *बागान बाडीमा* मनाउने निश्चय गरिसकेका थिए । वहा दुई तीन दिन बसेर आईतवार बेलुका मात्रै फर्केर आउन सकिन्छ । त्यसैले आईतवार विहान ती भलाद्मी आउदा मलाई भेट्दैनन् । यदि उनले दुई शब्दमा हुन्न भनिदिएको भए यो वहानाको आवश्यकता नै थिएन । तर धेरै मानिसहले सिधै त्यसो गर्न सक्दैनन् । मोहित पनि त्यस्तै स्वभावका मानिस थिए । आईतवार मोहितलाई नभेटेर उसले अर्को उपाय निकाल्यो भने मोहित फेरि पनि बच्ने कोसिस गर्नेछन् । शायद त्यसपछि अर्को समस्याको सामना गर्ने *नौवत्* नआओस् ।

आगन्तुकले चियाको अन्तिम घुट्टोको पिएर कप तल राख्दा राख्दै अर्का एकजना सज्जन भित्र आए । यी आउने मोहितका अन्तरंग मित्र थिए वाणीकान्त सेन । अरु दुई मित्रहको पनि आउने कुरा छ त्यस पछि त ताशको अड्डा यही जम्छ । उनले आगन्तुकलाई शंकाको दृष्टिले हेर्न लागे । मोहितलाई यो पनि पत्ता लाग्यो । आगन्तुकसित साथीको परिचय गराउने कुरा मोहितले टारेरै छाडे ।

लत फेरि भेटौला..... अहिले जान्छु..... । भन्दै आगन्तुक उठ्न लागे त मलाई यो उपकार गरिदे, म साच्चै ऋणी हुनेछु ।

ती मलाद्मी गएपछि वाणीकांत सेन अचम्भित भएर मोहित तिर फर्केर भने यो मान्छे त तिमीसग तमा कुरा गर्दै थियो के कुरा छ ?

यतिञ्जेल त तिमी नै भनीरहेको थियो । पछाडि तिमीलाई सुनाउन अचानक त भनेर गयो ।

को हो यो मान्छे ?

मोहित जवाफ नदिईकन बुकसेल्फ तिर गएर त्यहा बाट एउटा पुरानो फोटो एलवम निकालेर ल्याए । त्यसपछि एउटा पातो पल्टाएर वाणीकान्त अगाडि राखिदिए ।

यो तिम्रो स्कूलको गुपहोला शायद ?

अ बोटोनिक्समा हामी सबैजना पिकनिक गएका थियौ ।

यी पाच जना को को हुन् ?

मलाई चिनेनौ ?

पर्ख त हेरौ ।

अलवम आखाको छेउमा ल्याउने वित्तिकै वाणीकान्तले आफ्नो साथीलाई चिनीहाले ।

ल मेरो देब्रेतिर उभिएको केटालाई राम्ररी हेर त

फोटोलाई अभै आखाको छेउमा ल्याएर वाणीकान्तले भने अ हेरे त ।

अरे त्यही हो त त्यो भलाद्मी अहिले भर्खर यहाबाट उठेर जाने । मोहितले भने ।

स्कूलदेखि नै जुआ खेल्ने लत त लागेको छैन त्यसलाई ? अलवमलाई छिट्टै वन्द गरेर सोफामा फ्याक्दै वाणीकान्तले भने मैले यो मान्छेलाई कम से कम तीस वतीस पल्ट (रेसकोर्समा) रेस मैदानमा देखि सकेको छु ।

तिमी ठीकै भन्दै छौ..... मोहित सरकारले स्वीकृति जनाएर ती आगन्तुकसित भएको कुराकानी सबै सुनाए ।

अरे थानामा खबर गरीहाल त वाणीकान्तले उनलाई सल्लाह दिए कलकत्ता त अब यस्तै चोर, लुटेरा र उचक्काहको अड्डा भएको छ । यो फोटोमा भएको केटा यस्तो पक्का जुवाडी वन्नु असम्भव..... इम्पोसिबल ।

मोहितले विस्तारै हास्यै भने आईतवार जब म घरमा भेटिन्न नि, अनि थाहा हुन्छ त्यसलाई । मलाई लाग्छ त्यस पछाडि यस्ता कामवाट ऊ चेतने छ ।

वारुईपुरवाला मित्रका घरबाट पोखरीको माछा, पोल्टीको ताजा अण्डा, खमा फलेका आप, अम्बक, जामुन र डाव खादै, छातीमा सिराने लगाएर ताश खेलै तन मनको सारा थकान र जकडन भगाएर आईतवार वेलुका घर आइपुग्दा आफ्नो सेवक विपिनबाट पहिले वेलुका आएका सज्जन आज विहान पनि आएका थिए भन्ने खबर मोहितले पाए ।

केही भनेर जानु भएको छ ?

अह भन्नु भएन विपिनले भन्यो ।

ठीक छ, ज्यान बच्यो । एउटा सानो जुक्तिले दशा टयो । ऊ फेरि आऊदैन । पिण्ड छुट्यो ।

तर अह होईन । आपत रात भरिलाई मात्रै टरेको थियो । अर्को दिन विहान आठ बजे, मोहित बैठक कोठामा बसेर समाचारपत्र पढ्दै गर्दा विपिनले एउटा पट्याएको पुर्जा ल्याएर दियो । मोहितले खोलेर हेरे । त्यो तीन लाईनमा लेखेको चिठी थियो साथी मोहित, मेरो दाहिने खु मर्किएको छ । त्यसैले छोरो पठाऊदै छु सहायताका पमा घेर थोर जे हुन्छ, यसको हातमा हालिदिनु ठूलो कृपा हुनेछ । निराश गर्दैँनौ भन्ने आशा सहित । इति ।

तिम्रो जय ।

मोहितलाई लाग्यो अब कुनै उपाय छैन । जसरी हुन्छ घेर थोर दिएर नै ज्यान जोगाउनु पयो भन्ने निश्चय गरेर नोकरलाई बोलाएर भने ठीकै छ, केटालाई बोलाऊ । एकछिन पछि एउटा तेह चौध वर्षको केटो भित्र पस्यो । मोहितका छेउमा आएर प्रणाम गयो र केही पाईला पछि हटेर चुपचाप उभियो ।

मोहितले उसलाई केही बेर ध्यानले हेरे । त्यसपछि भने बस ।

केटो केही क्षण अलमलिए जस्तो भयो र फेरि सोफाको छेउमा दुईटै हात काखमा राखेर बस्यो ।

म आईहाले है ।

मोहितले दोस्रो तलामा गएर श्रीमतीको आचलबाट चाबीका गुच्छा निकाले । त्यसपछि दराज खोलेर पचास पैयाका चारवटा नोट निकालेर एउटा खाममा राखेर बैठकमा ओर्लिए ।

तिम्रो नाम के हो ?

हजुर \* संजय कुमार बोस ।

यसमा पैया छन् । जोगाएर लैजानु पर्छ ।

केटाले टाउको हल्लाएर स्वीकृति दियो ।

कहा राख्छौ ?

यहा माथिल्लो गोजीमा ।

टाममा जान्छौ कि बसमा ?

हजुर, पैदल जान्छु ।

पैदल ? तिम्रो घर कहा छ ?

मिर्जापुर स्टीटमा ।

यती टाढा पैदल कसरी जान्छौ ?

पिताजीले पैदल नै आउनु भन्नु भएको छ ।

ल त्यसो भए एउटा काम गर । तिमी एक घण्टा यही बस..... हुन्छ ? नास्ता गर । यहा थुप्रै पुस्तकह छन् हेर । म नौ बजे कार्यालय निस्कन्छु । मलाई कार्यालयमा छोडेर मेरो गाडीले तिमीलाई घर पुयाई दिनेछ । तिमी डाईभरलाई आफ्नो घरको बाटो देखाउन सक्छौ ? मोहितले सोधे ।

केटाले टाउको हल्लाएर भन्यो हजुर ।

मोहितले विपिनलाई बोलाएर संजय बोसका लागि चिया आदि ल्याउने आदेश दिए । फेरि कार्यालय जानको लागि तयार हुन आफ्नो कोठातिर लागे ।

आज मोहितले आफैलाई एकदमै हलु महसुस गर्दै थिए र साहै खुशी पनि । जयलाई देखेर चिन्न नसके पनि उसको छोरो संजयमा मोहितले आफ्नो तीस वर्ष पुरानो सहपाठी भेटेका थिए ।

**अनुवाद : कुमुद अधिकारी**

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## Literature >> Poem: "Home"

By Dinesh Adhikari

Whenever I see  
people  
heading for the temples  
with offerings  
I don't know why  
I am always in a hurry to get back home

My son is shaping the times  
with his mighty hands  
so what if he did not eat some curd on the sly?  
i think he's more valiant than Krishna  
my little daughter  
with her bright eyes  
and oh-so tender fingers  
she always manages to drive away my  
fatigue  
i find her stronger than kali  
and when my beloved shrouds her needs  
and serves me a platter of smiles  
i find her more bountiful than laxmi

forgive me, if i have offended anymore  
those who always leave their homes  
to socour the temples in search of peace  
i cannot even bring myself  
to see humanity there  
so what if they have conquered the spoils of  
the world?  
if they have not discovered happiness in their  
own homes  
i wouldn't hesitate  
to call them born losers

when i am away  
and see  
people  
busy clanging bells in the temples  
i don't know why  
unknowingly  
and slowly  
i take it out from my pocket  
and start caressing the photographs of my  
children

*(Translation of Ghar from the anthology Atirikta Abhilekh, Sajha Prakashan, 2056)*

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## Presidential Debate: Winners Vs. Losers

**Collected by NavaRaj P.**

On the threshold of Bush Vs. Kerry Debate for the presidential election in the United States, the following distinctions between Winner vs. Loser could be fun to characterize. Enjoy:

The Winner is always part of the answer; The Loser is always part of the problem.

The Winner is always has a program; The Loser always has an excuse.

The Winner says, "Let me do it for you"; The Loser says - "That is not my job."

The Winner sees an answer for every problem; The Loser sees a problem for every answer.

The Winner says, "It may be difficult but it is possible"; The Loser says "It may be possible but it is too difficult."

When a Winner makes a mistake, he says, "I was wrong"; When a Loser makes a mistake, he says, "It wasn't my fault."

A Winner makes commitments; A Loser makes promises.

Winners have dreams; Loser have schemes.

Winners say, "I must do something"; Losers say, "Something must be done."

Winners see the gain; Losers see the pain.

Winners see possibilities; Losers see problems.

Winners believe in win/win; Losers believe for them to win someone has to lose.

Winners see the potential; Losers see the past.

Winners are like a thermostat; Losers are like thermometers.

Winners choose what they say; Losers say what they choose.

Winners use hard arguments but soft words; Losers use soft arguments but hard words.

Winners stand firm on values but compromise on petty things; Losers stand firm on petty things but compromise on values.

Winners follow the philosophy of empathy: "Don't do to others what you would, not want them to do to you"; Losers follow the philosophy, "Do it to others before they do it to you."

Winners make it happen; Losers let it happen.



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