

## Articles' Section

### Politicians and growing corruption

In the political theatre of the world, one problem has emerged. It is the strong will of politicians to become economically strong by any cost. This leads to the creation of an environment that is not good for democracy and good governance. If corruption controlling is not taken into consideration, democracy will turn into an autocracy which won't last for a long time. Responsible people of many countries have become victims of corruption because of their will to be affluent. Therefore, democracy and corruption can't remain together.

Both scholars from developed and poor nations want to become economically wealthy without any labour and delay. This is a new problem of the modern world. It has severely affected almost every political community in the world and has been able to draw the attention of all politicians towards it. All political leaders are aware of this problem. Why do they remain silent about it even after they have been exposed to it? It is because they want to be benefited from it. Just like the economically developed countries become the center of attraction, wealthy leaders often get public attention. Therefore, even good and moral leaders are compelled to become corrupted and they are losing their reputation in a short time.

Especially, in the developing countries, where uneducated and poor people reside, are often found to be troubled by this problem. Those countries need to be developed and it is necessary for them to fulfill their basic needs to survive. In this situation, money to invest in the developmental programmes can be collected either through the internal or external sources. The collected money may either be an assistance or a loan. The distortion created in the mind of people involved in the collection of that money is the birth of corruption.

Considering other conditions, corruption has been incepted because of the ill intentions of those that are responsible of assistance and loans of donor countries. It affects those groups who have, or would like to have, the responsibility to run poor countries. Even if those have good intention in the beginning, they immediately become a victim of the misty environment, adjust in it and ultimately become an opportunist. In this way, leaders who are in the power of developing countries are proved to be corrupted leaders.

To be in power means to serve people and to achieve good results. No one becomes respected only after attaining power. One reaches to that status after that only if he is able to serve the nation and its people without refraining from morality and honesty. If we can't perform well and if there is no environment to achieve good results, it is better not to stick to power and refrain from it. A person who is dedicated to politics should be free from the illusion that a nation and its people can be served only by achieving power. This problem therefore affects those people really fast that are morally weak and covetous of power.

One of the reasons behind the persistence of corruption is the malice of the world established by the financial institutions and their staffs. In addition, authorities of the poor nations have become corrupted due to the diplomatic conspiracy of authorities of the developed countries and their greedy behaviour regarding with personal benefits. Many organizations have nowadays concerned about the rampant corruption in the different bodies of poor nations. However, they haven't been able to find any concrete solution because they have a lack of knowledge of its origin. It is a new problem and its nature has been developed in the different ways in different countries. It is very difficult to find solution soon as corruption is related to the attitude rather than the physical body of human being.

In the developing countries, corruption controlling has to be the highest priority if we want to

maintain democracy and its prosperity. Therefore, every single country in the world should formulate the working policy to control corruption and implement it if they want to develop their nations and make democracy long-lasting. We should try our best to implement the working policy using any means. Political instability persists in a country if the responsible politicians don't pay attention to this problem. Democracy cannot live in the political instability and as a result, an environment may be gradually created for autocracy. Most of the countries in Africa have encouraged permanent or temporary autocracy because of this conditions which have been deeply rooted. Similarly, developing countries of Asia such as Cambodia, Bangladesh or Pakistan are some of the newer examples.

It is mandatory for people involved in the power to become transparent, honest and moral. If they are dishonest, opportunist and immoral, who is able to uplift the living standard of people and who leads the nation to the path of development? Only a few politicians of this world have been moral and honest. Most of the politicians of developing countries are deceiving people and are greedy. It is also a weakness of the political party. The trend to become involved in the politics when one becomes unemployed is another problem of the poor countries. In reality, vagabonds, who don't contribute anything to the prosperity of the nation and don't work hard for their subsistence, are the enemies of human development. Therefore, if they are involved in the politics, they make democracy a means for exploitation. Not only this, these vagabonds often take advantage from elections. It is not clear whether leaders are unaware of this fact or if they have been losing their morality and honesty falling for the trap of the vagabonds.

Today, almost every country is democratic. Politicians are not aware of the fact that people of poor nations are uneducated. They think only of people around them and their vision doesn't get further than that. In the today's modern age, considering with the communication, we think to the world as a small village. Therefore, it isn't good to have a majority of outdated leaders that have a traditional thinking. It is nonsense to hope for good governance if politicians think traditionally.

*Extracted from Theoretical Campaign against the corruption*

## **Corruption is ....**

"I don't say that whether there is no corruption in any projects that the government runs. I am not in a position to show the real figure of corruption i.e. the exact quantity but according to the reports, out of the total budget allocated for a project, less than 30% is spent; 70% is misappropriated. I accept this reality." *This is a statement of a responsible authority of the government, Chakra Prasad Bastola.*

This statement was broadcasted from ...Bahas Program of Nepal Television on Thursday. In this program, minister Bastola had presented himself as if he wasn't a responsible authority of the government; he rather was an anti-graft leader and the foolish Nepali citizen knowingly or unknowingly listened to it.

Three months back, when Girija Prasad Koiral took his fourth prime-ministerial position, he said: "I have come up with the aim to maintain an active administration to end terrorism that stood as an enemy of the nation, to control corruption and to create a system of good governance."

When authorities of the government become aware of corruption, they shouldn't betray to the people in any context. If seventy percent of the budget allocated for a project is misappropriated and the government knows about that, then this should be taken as a state-

terror act in the economic sector.

"I am searching for the corrupters." This is a statement of the prime-minister Girija Prasad Koirala. In other words, regarding with his source of information, there are no corrupted people. Corruption is a lost item that has to be looked for.

He not only mentioned his understanding of corruption but also informed people in the beginning of his visit to the district to raise public awareness against corruption. Can people believe these statements given by the government? Are they characters of the drama or responsible people to serve people? It is very difficult to answer these questions.

The hidden facts have to a great extent been published because of questions raised by Indra Lohani, the presenter of a program in Nepal Television to raise public awareness. Minister Bastola has not easily said that seventy percent of the money is misappropriated. This is a statement that should not be said by a person that is in the government. The prime-minister should clarify that there is no corruption in the governmental projects. It is not ethic to stick to the power after knowing that seventy percent of the allocated budget has been misappropriated. However, there is no medicine for immoral and shameless people.

All governments which were formed with the slogan to control corruption have themselves stuck to corruption and openly robbed the state fund. To be clearer, people have lost the faith in the present political leaders and their cadres. When bribes used to be matter earlier, it is robbery today. In this context, nobody believes that the government does something for the development and public welfare of this country.

There are two types of enemies that are against nations and its people: covert (those who covertly go against people) and overt enemies (those who overtly go against people). They are very difficult to be identified. Today's armed rebels may become very good rulers and vice versa.

While one group is creating social and political terror from the jungle in the name of revolt, another one is creating economic terror seizing power. Considering this fact, it is better for conscious people to identify this fact in the time. That may save us from irreparable loss.

In the past, all conscious people were worried about the establishment of a democracy and they were involved in a movement for that purpose. Today, democracy has been restored and therefore, it is time for intellectuals to get involved in a social reform.

The people who are in the power or who want to be in power should consider the fact that being in power in a democracy doesn't mean to get fame. One can also earn fame by doing something for the social reform without remaining in power.

If Bastola who can see and publicly accept the fact that seventy percent of the state fund is misappropriated, would he be involved in a social reform starting from his cabinet? His honesty would be proved further. The ruling leaders should not assume that the citizens are idiots.

*Extracted from: Kantipur daily, Shrawan 2, 2057 B.S.*

### **The statement of Ralf Frank: Corruption and terrorism**

Fifty years have been passed since the United States of America started its assistance in the development of Nepal. The project led by the American Assistance Mission helped our nation a lot by launching different programs to eliminate Malaria, to improve the agricultural and

other physical developments.

In this context, last week, the golden jubilee took place in Kathmandu. The Minister for finance and other dignitaries of the government were present at this event. In this program, the American ambassador for Nepal delivered a speech. He presented a very analytical statement regarding with Nepal minimizing the dignity of Nepali people. The diplomatic experts may know to what extent they are allowed to criticize. They may have knowledge of diplomatic limitations. However, it is normal to be ashamed when a foreigner reminds us of our reality. Although, it was true what he was talking about, all Nepali people raised the question whether it was his subject or not, whether he spoke within the diplomatic limitation or not.

The ambassador mentioned growing armed revolt and uncontrollable corruption as the obstacles for the development and said: "I appeal to the political leaders and governmental authorities to express their determination towards good governance."

Because, political leaders and authorities of the government have been involved in ill-governance. So, a diplomatic person is compelled to appeal to them being determined to good governance. The ambassador has analyzed the weaknesses of our government and pointed out losses triggered by Nepal Bandha. It is normal for any self-respecting Nepali citizen to feel bad when a foreigner points out that we have an idiotic government in the country and that such ill-governance does not strengthen democracy. However, it will be a guideline for those in power.

Presently, Nepal has seriously been affected by terrorism, corruption and ill-governance which have stood as the enemies of the nation. Prime-minister Girija Prasad Koirala took his fourth prime-ministerial position vowing to maintain a good administration, to end terrorism, to control corruption and establish a good governance. Yet, the scandals buying aero planes for the Royal Nepal Army and RNAC Lauda Air openly disclosed the determination of the prime-minister. Both terrorism and corruption are competitively going on. With the intention to hide the scandal, the minister for home affairs, Govinda Raj Joshi, resigned from his post. Similarly, the minister for tourism and civil aviation, Tarani Datta Chataut, also resigned from his post after the Investigation of Abuse of Authority investigated Lauda Air.

Girija Prasad Koirala severely protests corruption while being in power. However, he does nothing to control it and thereby, terrorist activities in the nation intensify. The cabinet led by Koirala has to take full responsibility of growing corruption and terrorism in the nation.

If the ruling people are not corrupt and people have sufficient work and food, terrorist activities automatically become ineffective. The demands today are employment for citizens and development for the nation. A speech alone cannot give bread to people. An environment with freedom to speak cannot initiate development. If leaders aren't involved in the development, poor people automatically become rebels.

There is one problem in the political theatre. It is the mill of people involved in politics to become economically prosperous by any cost. This creates an environment that is against the presently accepted democracy. One whole believes in democracy must humbly accept the corruption control method. Otherwise, democracy will turn into an autocracy which won't last for a long time. Democracy and corruption cannot go side by side. Therefore, political stability can't be achieved without corruption control. Without this, development of the country is not possible. The living standard of people cannot uplift without economic development. Such a system cannot be a democracy. The reason behind the persistence of the corrupt environment is also the ill-intention of the established financial institutions and their

authorities. Similarly, governmental authorities of poor nation became corrupt because of the diplomatic conspiracy of the authorities of powerful nations and their greedy tendency. Furthermore, the responsible people of poor nations have been affected by inappropriate policies of donor nations and other international financial institutions. Nobody should forget about this bitter truth.

All active, political leaders, their cadres as well as high ranked authorities are aware of the growing corruption in the country. Why do they remain silent or don't think seriously about it? It is because political leaders are getting benefits out of it. In this way, political instability and terrorism are getting intensified and democracy can't survive. This triggers the possibility of the emergence of an autocrat.

It is necessary that people involved in the state power should be transparent, honest and moral. If the living standard of people cannot rise, People will start to revolt and terrorism will be going to spread.

The main cause of terrorism is the rampant corruption in the state. Therefore, authorities of the state should be transparent and honest to make terrorism ineffective. I am grateful for the American ambassador's attempt to remind us of our idiotic rulers. Furthermore, I express hatred to the corrupt leaders who attempt to boost the spread of terrorism.

*Extracted from: Kantipur daily, Magh 27, 2057 B.S.*

### **No shield can save the property earned by the help of power**

Last week, the leaders of CPN (UML) reinstated in Khulamanch (open theatre) that it is nonsense to raise its voice about controlling corruption in front of corrupt ones. It is obvious that the Commission for the Investigation of Abuse of Authority can't summon the relatives of prime-minister Girija Prasad Koirala, who are likely to be the guilty of corruption, until the PM resigns from his post. There is a high possibility that the pending file of the commission is coming into action when prime-minister Koirala outs himself of power. The unlimited property of the relatives and assistants of Koirala will be investigated. There is no dispute that people, whom the society already knows, have earned property by corruption. However, we must accept the law to prove corruption. To pave the way for this, voices for the resignation of the PM have been raised from different corners.

With the declaration of the UML not to have a dialogue with the present Koirala led government, it has declared to socially and politically boycott to Koirala, mentioning that it would not take part in any program attended by Koirala. This dedication should be followed by people because Koirala undertook corruption while taking Lauda Air in the rent during his tenure, all opposition parties along with UML successfully launched a 57 day's long protest halting the regular business of the parliament from Magh 26 to Chaitra 23. After the closing of the 19<sup>th</sup> parliamentary session, all parties along with the main opposition party came to the street protest.

Furthermore, a group of writers, litterateurs and artists protested on Chaitra 29 in Bhadrakali. When in the Peoples' movement 2046 B.S., they had accompanied the movement covering their mouth and hands by a black strip of cloth, they now came to protest with a black strip of cloth tied up on their heads. The symbolic tying of the black cloth has triggered different questions.

The six leftist groups along with the UML those were in the street protest have decided not to let prime-minister Girija Prasad Koirala to enter his office in Singhadurbar. This decision has been felt to be very strong and risky. The statement reads: "This is the final war of our

movement." The groups, these have made the plan to block the outposts of Singhadarbar around the clock until the PM resigns from his post, are going to stop him obstructing the roads of Ratnapark and Putalisadak. Though, it is an illegal act, the present condition of the country has a great demand to accept it and to be united for its success. Koirala knows that the acts are not legal.

That the Koirala led government is undemocratic and conspiratorial is proved by the fact that it has for the second time revived two ordinances that had become passive in Chaitra. People involved in the government received a huge amount of commission. They have been successful to take advantage of the tradition of optional need of audit once while spending money for the purpose of security.

The 18th session of the parliament has been running for four months. During this period, the government didn't feel the need of the formation of an armed police force. However, just two weeks before, the commencement of the 19th session of the parliament, which is on 2057/10/9, the government ignored the responsible parliament introducing an ordinance of an armed police force. Thus, before the starting of the sessions, the government hastily formed an armed police force. It doesn't mean that the government shouldn't promulgate the ordinance; it can be promulgated as per the need within the boundary of the constitution but the government can't be run for a long time through ordinance. The reason is that the democratic nation with a rule of law can't be governed by ordinance. Ordinance is not a law in itself, it is merely a working document that can be promulgated until the formation of law.

Article 72 of the constitution of Nepal 2047 B.S. has made the provision of ordinance. It reads that the promulgated ordinance will be as authentic as law: "The ordinance can be promulgated if the government feels a need of doing something immediately when the session is not being convened." This is exclusively temporary and can be promulgated in the absence of sessions of the parliament to do something of immediate need. It can't be activated for a long time. The Ka, Kha, and Ga of article 72 (2) made the way clear on how to inactivate the ordinance. However, this article remains silent regarding with the activation of the ordinance. From this, it becomes clear that an ordinance is a temporary provision to treat something immediately. It can't become permanent. In the Bihar province of the neighboring country India, the ordinance was promulgated for a long time, and thus, the apex court has declared the functions of the ordinance as illegal acts and dismissed them all. Similarly, in Nepal, the government has started the tradition of the Hitler rule in an undemocratic, immoral and unconstitutional manner misinterpreting article 72 of the constitution of Nepal.

The main issues are commissions and corruption because powerful people benefit from the loss of state while operating money of the state fund. We have not been able to undertake action based on rule. In a democracy, rules must be based on law rather than on people or groups. However, in this country, a dilemma has come into existence because a feeling of personal or group ruling has been developed. If we don't manage to solve this problem on time, the rulers may become engaged in robbing. Therefore, it is time for us to unite and fight against this problem.

*Extracted from: Baishakh 3, 2058 B.S.*

## **The play of commissions while purchasing weapons**

Prime-minister Sher Bahadur Deuba left Nepal on Bhadra 9 to take part in an international conference about sustainable development that was held in Johannesburg, South Africa. However, prime-minister Deuba has been engaged in other activities without going to Johannesburg as it was formally announced. Deuba, who was the leader of the delegation

team, was stuck in Brussels, Belgium, for three days. Therefore, he was sending other members to the conference. His stay in Brussels brought an earthquake in our nation. The deputy prime-minister of Belgium had to resign from his post. Furthermore, the coalition government of Belgium was divided into factions, leaving the government in a very unrest situation. The prime-minister's unauthorized stay in Belgium has become a subject of discussion in the diplomatic field and our nation has lost its glory. The prime-minister shouldn't have deceived the nation and its people pretending to do something that he is not. In this way, Deuba has betrayed the state by giving wrong information to the nation and its people.

The schedule that has been published by the ministry of foreign affairs said that prime-minister Deuba along with leaders of other nations should have taken part in a very sensitive discussion related to sustainable development. The summit is held in Johannesburg and it should assess the determination and achievement of the proceeding summit, which was held in Rio de Janeiro ten years ago. Furthermore, it should determine the further programs. Almost ninety leaders would have taken part in it. But unfortunately, our prime-minister has gone to Europe instead, leaving the summit aside. Following the schedule, Deuba is supposed to return on Bhadra 20. However, as he is not taking part in the summit, he is returning to Nepal tomorrow as if it was his personal visit in Europe. The arrival of Deuba, who before his departure expressed his ignorance regarding with the purchase of weapons, will be proved to be shameful.

We cannot say that prime-minister Deuba has the same authority as the prime-minister during the Rana period or not. He was elected as a prime-minister to work under the existing law of the country. The state has not provided him the exemption to violate the constitution and work against policy and principles of the state as the Rana prime-ministers did in past. Nobody should forget the fact that someone, who does another thing than was announced or who ignores the order of the state to be present in the summit, can be punished as per the rule of the state. According to the article 92 (2) of the constitution, the Commission for the Investigation of Abuse of Authority can take action against a public post holder who abuses his authority undertaking an illegal act. Acts of imposing the burden of loss in the state fund, deceiving citizens, involving the prime-minister in an unnecessary minor program that could be handled by any secretary or technical officer of the army are clearly seen to be against the existing law. It was disclosed on Monday that prime-minister Deuba had concerned about the purchase of weapons and the plan of deal was made as per his concern. Therefore, it is necessary to write a complaint against him.

A notorious Nepali agent of weapons had been active to make the government buy five thousand 5.56 M.M. Rifles from the Fabric International Horst Company in Belgium. Even if the actual price of a rifle was 300 dollars, the agreement was to pay up to 600 dollars because the company should pay commission to the authorities of both countries but at this time, the value of this rifle is 800. In the past, with the instigation of a commission agent, the government was ready to buy G 36 Rifles that were made in German paying 600 dollars for each. However, the deal was cancelled when the parliament of Germany prohibited selling the weapons to a poor nation like Nepal.

While selling and buying any goods, the government should abide by the Economic Procedure Act 2055 B.S. and the law related to the economic administration formed under this act. Acting without abiding by the law is considered to be illegal. The law has made the provision of punishment for those who do such illegal acts. When the act done under the existing law seems to be a very general one, the same act done crossing the boundary of law triggers sensation in the society. Other countries of the world are often affected as well, as all

the European nations are now worried about the split in the government of Belgium.

Paying 800 dollar for a rifle for people of a nation with a per capita income of 200 dollar means deducting one year's income of four citizens. We would have to spend at least 63 thousand rupees to import one rifle. If the money equal to the value of one rifle would be given to a poor family as a financial assistance to open a home industry, the subsistence of the four members of this family could be managed. The attention of the authorities has not yet been drawn to this fact. It is not clear why the government wants to buy 5,500 rifles for the poor country where most of the people are dying of poverty and the economic condition is in peril due to a recession. It is difficult to understand for what purpose the plan to buy such expensive weapons has been made.

Bearing this situation is misfortune for both the nation and its people. It is no wonder that the influential deputy prime-minister and the minister for health and environment of Belgium's coalition government has resigned from its post protesting against the deal of selling weapons to a poor country like Nepal.

*Extracted from: Nepal Samachar Patra, Bhadra 16, 2059 B.S.*

### **Maoist's revolution created by the growing corruption**

Nowadays, all Nepali people are worried of two subjects: the political problem of the Maoists and growing corruption. The leaders of the ruling parties in the multiparty democracy are responsible for the parallel development of these two problems. This situation was created because of the inability of the parties, especially of the ruling one, to be presented in a democratic manner. All intellectuals opine that if corruption had not grown in such a large scale, the Maoist problem would not have been intensified in this scale. While the ruling denizens of the Kathmandu valley are busy with corruption, the helpless people of the villages are eager to be recruited in the Maoist armed force. The corrupt ones are pretending of performing politics riding slippery cars whereas the Maoist has begun forming people's government in all the villages.

Gradually growing during the Panchayat Regime, corruption has escalated during the time of the multiparty democracy. Now, corruption has badly affected to all sectors. To get rid of this problem, we need a special treatment method. If we are unable to find a way to control it, it may turn the country into a disabled one or a failure.

There is no condition to see corruption as a minor problem ignoring its long-lasting effect. Corruption, which was considered to be a minor problem, has nowadays appeared as a communicable disease. What is the treatment of this problem? How can we control it? These questions are unanswered. Therefore, in the developing countries like Nepal, there is autocrats' time. Military rulers of Pakistan and Bangladesh are recent examples for us. It does not mean that corruption has only been growing today and that it wasn't there in the past. It was there but it was in very limited form. It did not use to be an obstacle for development. It couldn't create an instable political environment like the one we face today. Nobody wanted to be called as a corrupted person, they had a feeling of shame. But nowadays, the ruling people are not honest and moral. They are busy robbing the state fund.

Considering with the world context, it is speculated that corruption had been intensified after the First World War. However, in the poor countries with no initiation of development, it began after the Second World War. After those devastating wars, two super powers appeared in the political theatre of the world. A powerful war between the socialists and imperialists was initiated. The beginning of the 20th century has proved to be the years of tussle. When



one group tried its best to take political advantage making the poor countries its own shield, the other group began to destroy the social structures of poor countries. When the wealthy and powerful ones began their play of grabbing opportunities, some of them even appeared in the poor countries. Making national leaders of poor nations corrupt, powerful nations became more and more prosperous, when on the contrary, poor nations compelled to be dependent. Only a few people managed to seize the state through the abuse of state power and exploitation of the state fund. This dirty game was claimed to be a democratic exercise.

Even helpless and poor people falsely believed that ruling people must have the right to collect money. Assuming that, they are of a different class and thereby belonging to another than the class of general people and therefore, they must have their own identity and existence in the society. With this feeling, people in the authority remained busy collecting money using any kind of means. Therefore, only a few groups or families have managed to achieve power in the developing countries. In the reality, they are the main heroes of corruption. Just like the nature of water that is flowing from the top to the bottom, corruption begins from the top and moves towards the bottom. It is foolish to expect clean water when its source is contaminated. Every new prime-minister comes up with a slogan of a stern working policy to control the corruption. However, this is limited to a slogan. After 2047 B. S., prime-ministers from different parties got many chances to work for the nation but within this twelve year long period, process and form of corruption have not been changed.

It is nonsense to raise the voice of morality, constitutionality, legal responsibility and the value at a situation in which the root of the corruption has been deepened in an institutional manner. There is no condition to unearth its root by a simple force or weapon. Therefore, all intellectuals, thinkers, journalists and nationalist groups should continue their writing and speech about corruption and create an environment favorable to protest. If this doesn't happen today, there's a need of a superman who can eliminate this communicable disease. Surely, such a man will be born in this nation. The question if either Maoists or democrats give birth to this superman is still unanswered.

*Extracted from: Nepal Samachar Patra, Bhadra 1, 2058 B.S.*

### **It is a sin to have double privilege from the state fund**

Crimes in the society are of different kinds and forms. Similarly, different kinds of measures are set to control those crimes. It is mainly the state that is responsible for it. Therefore, important mechanisms of the state are in action to control it. When some crimes can be controlled by the law, others can't. This means that even if something is out of the boundary of law, it does not mean that it is not a crime.

Let's look an example, the police can take a severe action as per the existing law against a thief who steals one thousand rupees than to a pickpocket who steals hundred thousand rupees but this does not mean that the pickpocket is not a criminal. Numerous crimes that emerge are often out of the boundaries of law but a conscious citizen should point them out and form the habit of raising its voice to control them. Then only, the state will be compelled to formulate a law.

A dispute regarding with the double privilege of top authorities has been created. High authorities of the body of ministry, commission and constitutional body, who were re-appointed in the post, often receive pension and salary-allowance as a double privilege. If retired civil servants, who are receiving pensions, are re-appointed in further posts in the government that is providing them salary, allowances and other facilities, is it natural for them to get both, the present and past pension, salary and allowance? Is having double

privilege by a single person from the state fund a crime or not? This kind of dispute we will face. One of the recently published news reads: Three authorities retired from civil service and appointed in a constitutional post have appealed to stop their pensions sending letters to the Kausi Tosakhana office until they remained in the new post. The authorities who stopped their pensions by sending letters are Surya Nath Upadhyaa, chief of the Commission for the Investigation of Abuse of Authority, Gopal Prasad Khatri, judge of the Supreme Court and Dipendra Purush Dhakal, Governor of the Nepal Rastra Bank. Each of them has renounced a yearly pension of hundred thousand. We don't know whether they renounced pensions feeling guilty or affinity for the nation.

The present law remains silent whether a single person can have double salary or not because the law is saying nothing regarding with that a single person is being paid double salary. This is illegal and unacceptable.

There is a pension act to provide pensions to the retired civil servants. The act has made a provision to provide salary and other facilities to the responsible authorities of the state. Even if there are different acts made for different conditions, it doesn't mean that a person can have double salary and pension. The responsible authorities should know this fact.

One's pension should automatically be blocked when someone is re-appointed and begins to receive monthly salary. That is economic policy. Being in the military or civil service, one can be appointed in the same or different post even after his retirement if needed and he must accept this responsibility assigned by the state. When he is in the new post, his pension is blocked but he gets salary and other facilities as per his duty. By ignoring such a universal law, the government has presently legalized crime.

The state is a legal territory being government and the people as well as furthers and thus, it does not have the right to spend even one rupee unless it is mentioned in the law. If a retired civil servant is to be re-appointed for a certain period of time, the state can't provide him the double amount except it is mentioned in the law.

Therefore, receiving the double amount from the state fund by a single person is a crime. It is also a kind of corruption. Realizing this fact, if people, who are getting double amount, renounce even a rupee, there will be an increment in the state fund.

*Extracted from: Kantipur daily, Magh 9, 2057 B.S.*

## **The context of corruption: Selling of the government office**

Today, everyone has only one concern: intensified corruption. Corruption has been intensified in such a way that both streets and the parliament have been blocked. Not only immatured cadres in the politics have been affected by corruption, It has already managed to badly affect to the all sectors. Now, we need a special treatment to get rid of this problem. If we are unable to find out a way to control it, it not only makes us disabled but also claims our life. Corruption had been considered to be a minor disease in the past but now, it started to be appeared as a communicable disease.

As a fatal, communicable and mentally distorted disease, corruption has already overspread all over the poor and developing countries. How can this new disease be treated? How can we control it? These questions are still unanswered. No one's attention has been drawn to search for a way to control corruption so far. Those who steer the government should take responsibility of it. But unfortunately, they are busy robbing the state by twisting the law in their own favour.

In our country, the custom office with its main duty to collect revenue is open for smugglers asking for the tender secretly, thereby collecting money for individuals and parties. Moreover, state's property is transferred to a person in the name of the implementation of an open economic policy. Furthermore, bribes of hundreds of thousands rupees are taken while appointing somebody in a post.

Customs were made a good source of income for the parties in the past. Nowadays, importing and exporting without any clearance have been mounted in such a way that no means can control it. Now, the government has mobilized the Royal Armies to control smuggling in the customs. The government has just realized that goods worth millions of rupees enter in Nepal every year without paying revenues at the border of India and China-controlled Tibet. The custom posts of the border areas have been degraded in such a way that there is no possibility to control a clearance free importing-exporting. This problem has resulted out of chaos created by the rulers.

To collect money for the parties, government industries those were running in a good manner were kept for sale with the slogan of economic liberalization. Some of them were sold but only a small amount of money was added to the state fund. The government sold industries such as Bhrikuti Paper Industry, Harisidhi Brick Industry or Skin-shoes Factory. Machines and other parts of the Skin-shoes Factory are now working in India. Even if the Paper Industry is in Nepal, all the employees are Indian.

In this manner, leaders used to receive commissions by selling state run industries for a small price. Political leaders, who don't even know that the government should not undertake trade, dominate power through the political parties. Industries, which employed many people and run in a good manner during the Panchayat regime, have started to be closed. The Hetauda Cement Industry has just been liquidated. A plan has been made to transfer the ownership of the industries for a very cheap price. Other industries will be sold in the nearer future.

It is nonsense to raise the voice for morality, constitutionality, legal responsibility and the official responsibility in a situation in which the roots of corruption have institutionally been spread everywhere.

*Extracted from: Kantipur daily, Chiatra 6, 2057 B.S.*

## **The amount of development fund demanded by MPs is illegal**

On Push 15, a delegation of MPs of the national assembly met Prime-minister Lokendra Bahadur Chanda and each of them demanded to receive one million rupees of the Constituency Development Fund, even though, there is no house of representatives and the meeting of the national assembly has not been convened. The news that the PM assured them the amount has become public. The apex court considered the fund as an illegal one on Ashoj 18, 2058 B.S. and thus, it directed to the government to spend its amount only after the formation of an implementation directive. The budget of the year 2058-2059 B.S. has not allocated money to the fund. However, the PM has assured the MPs to give them the amount of the fund. Nobody knows how he distributes the amount because this year's budget doesn't allocate the amount for this purpose. Also, an act to legalize the fund has not been formulated yet.

Nepal has been divided into 250 constituencies. The provision is that the representatives, who are elected from those constituencies, are made members of the parliament (MPs). The provision of the Constituency Development Fund was made for the development of those constituencies. In the fact, the term Constituency Development Fund itself proves that the

amount of the fund should be utilized only for physical development of the constituencies. But, the MPs of the national assembly who don't have their own constituencies demanded to receive the amount and the PM has assured to do so.

It is a coincidence that the amount of the Constituency Development Fund was initiated by Sher Bahadur Deuba's led coalition government in 2052 has been dismissed from the budget ordinance promulgated by another government led by him on Asadh 24, 2059 B.S. Deuba did not dismiss the fund by his own intention. According to the article 83 of the constitution of Nepal, spending a fund by regulation and directory is an illegal act. Therefore, the fund was halted as it is compulsory to formulate an act of the Constituency Development Act to spend the fund.

A member of the parliament (MP) is defined as a person who has been elected by the people from one of the constituencies or as someone who has been nominated or elected for the national assembly as per procedure of article 46 of the constitution. Members of both parliaments are called MPs. Constituency refers to a fixed geographical region from which the people elect one MP on the basis of a direct voting system. The money allocated for the development of the constituency is called Constituency Development Fund. The money of the Constituency Development Fund should be spent within the periphery of this constituency. But, the rulers have spent the amount arbitrarily, taking it as a personal amount to spend in elections.

The report of the auditor general reads: "The fund has triggered not only arrears but also the misappropriation in the constituency development programme. The MPs were found to spend the funds arbitrarily without any audit as if they were their allowances." The report further reads that without spending the amount for development, the fund has been found to be distributed to the cadres, to sponsor scholarships for students and to buy buildings and furniture for the political parties. The MPs had established the Constituency Development Fund to expand their political influence.

Members of the House of Representatives and the National Assembly are lawmakers. They are sheer politicians. They are not involved in the development of a district. There are numerous elected developmental cadres who have been involved in the development of an area, village, region and district. Therefore, it is not mandatory for MPs to be involved in the development by any existing law as there several district and village level offices bear all of the country for the developmental activities. To assign them some of the budget of the Constituency Development Fund and the District Development Fund every year is not good because they are not developmental workers. Therefore, the court verdict was inevitable for its dismissal.

Out of 60 MPs in the National Assembly, 45 are nominated by the members of the House of Representatives, 5 are elected on the regional basis and 10 are nominated by His Majesty. It is clear that the MPs of the National Assembly do not have their own constituencies. Therefore, to ask for one million rupees from the Constituency Development Fund is shameful and illegal.

People with the honorable post of MPs have claimed the fund in an inappropriate manner. 20 million rupees used to be spent only for allowances of parliament sessions. Now, MPs are pressurizing the PM to allocate money for the Constituency Development Fund claiming that only 6 lakhs rupees is enough for this purpose in a situation where the session is not being convened. The MPs didn't feel ashamed of themselves to demand this amount of money. It seemed that both MPs, the ones who demanded the fund and the members of the cabinet, did not know the reality. Money of the Constituency Development Fund is supposed to be spent

of the development for the given constituency. Until the Constituency Development Fund Implication Act is promulgated, it does not become legal.

*Extracted from: Nepal Samachar Patra, Push 12, 2059 B.S.*

## **Political corruption with prerogative right**

On Asoj 20, 2053 B.S., the parliament formed a committee for prerogative right dwelling on. The committee includes the senior advocates and MPs such as Krishna Prasad Ghimire, Subash Chandra Nemang, Balaram Upadhaya and Omkar Shrestha. The special committee, which was formed to investigate the breaching of prerogative rights of the National Assembly and took action, has started its work. The committee has already summoned to Murari Prasad Upadhya, editor of the Himalaya Times and Ujal Sharma. The committee accused to the editorial of the Himalayan Timed published on Asoj 20 of defaming the parliament and law makers and breaching the prerogative right of the National Assembly.

Despite being a minor subject, it has become severe. Because of the severity of the subject, I am compelled to write about it.

When the 51 convention began in the third week of September, I was in New York. The media has begun to air their view on its necessity and agendas to be discussed. When I heard the news of the arrival of the delegates from different countries, it was natural for me as a citizen of Nepal to be curious about who would come from my country. I came to know that nobody came from Nepal, even after a week of the start of the convention. I called to Narendra Bikram Shah, a New York based permanent representative of Nepal. He said: "Let's see! The convention has already been kicked off. I have not been informed about any delegates from Nepal. They may come. Even if they don't, the convention is going on."

It was a diplomatic speech. It was not necessary to get information more than this. Finally, I requested: "It would be better if you told me who would come."

Past experience shows that whether even if they take part, they do nothing more than being a mute spectator of the convention. In this context, commenting about Nepali delegations, a staffer of the New York based Nepali Mission said: "We have already typed the speech to be delivered in the convention. Does it make any difference when one delivers it on behalf of the nation?"

His statement made me upset for some time. But, no one can ignore the reality. We all know our level and situation.

On October 5, a senior staffer of our Mission, by using phone, said: "Today, 19 delegates from Nepal have come New York to participate in the convention. Almost half of the convention has already elapsed. It is difficult to understand why such a big team came. It is also difficult for us to accommodate them. Nobody wants to stay at hotel. They openly say: ...How can we afford to stay in hotel? They request us to accommodate them either in the residences of Nepali immigrants or of staffers. In this way, they were divided into the different homes. Prtiva Rana (the prime-minister's mother-in-law) is all set to stay in the ambassador's residence. I hope to adjust them till tomorrow.

Replying one of my questions, he said, "Even if the government has provided them enough money for the visit, they don't want to spend it because they are habituated to save every dollar."

I know this is a common problem of Nepali. Since 1993 B.S., I have been observing and experiencing how Nepali delegates in New York are earning bread, how they boast of

themselves and how they save dollars influencing Nepali immigrants. It is not good for the people of a poor country like Nepal to spend much money. But, it would be far better if they could think of this not for an individual but for a social interest.

As per the constitution of Nepal, sub-article 7 of article 62, only the given parliament possesses the right to investigate whether something is breaching of prerogative right or not. Here, the decision of the committee is decisive as a proposal has been lodged in the committee, claiming the breaching of sub-article 3 of the article 62 of the constitution. No case about it can be lodged in the court. The parliament could and should not be directed. Because, the parliament itself is a body to raise questions and make a decision about it, nobody should care about it. But, if the MPs themselves put the parliament in limbo, triggering such a dispute, one who knows the dignity, honor and prerogative right of the parliament, should teach them. The ones who can make them aware in this situation are journalists, political columnists and other intellectuals of the society. Pointing out someone's weakness with good intention doesn't mean defaming someone or assassinating their characters.

The editorial of the Himalaya Times published on Asoj 20 reads: "Most of the MPs, who sometimes lament the conspiracy to make people develop antipathy towards democracy, are ignorant of the fact that their own activities are triggering a negative impact not only on parliament but also on the democratic system."

This statement has made the MPs compelled to review their self-tended activities. The editorial further says: "Now, generally, there is no antipathy feeling towards democracy. Also, it cannot be said that the political parties have lost the sympathy of people. But, common people are hostile towards the activities and luxurious manners of MPs and ministers."

It is difficult to understand why MPs express their anger on such an editorial based on reality and truth. It is true to say that the activities of the MPs and ministers are undemocratic. The state is falling in a narrow trap day by day due to the MPs and ministers. It cannot be said that people and journalists cannot speak and write anything at a time when the MPs elected as representatives of people do arbitrarily in the pretext of being a 'special person'.

Let's think. On Asoj 17, the MPs boycotting zero hour turned the session into uproar. Meanwhile, they severely criticized of the government. The main speakers of the session were Shankar Prasad Upreti, Dilli Prasad Sitaula, Omkar Shrestha, Mahendra Mishara, Ratna Bahadur Bishwokarma, Prem Bahadur Singh, Balaram Upadhyya and Golche Sarki. All of them had single voice: "The inclusion of MPs from the House of Representatives and the exclusion of MPs from the National Assembly for the delegation team to attend the convention of the U.N.has severely minimized the dignity and honor of the National Assembly."

In this context, I would like to draw the attention of one of the MPs of the National Assembly. When he participated in the convention of the UN for two consecutive years, 1994 and 1995 B.S., he was severely criticized by the House of Representatives and other bodies for participating in the convention. What can we do by participating in it? What did he gain participating for two consecutive years? What is the status of Nepal in the international level? Who cares about our voice? He knows the answer of all those questions. He also knows that the delegates from Nepal spend as less money as possible to save their allowances. He stayed in a hotel for some days and for the rest of the time in a friend's place when he was in New York for his first visit. Another year, he stayed at a room of one of the Nepali students of Colombia University. Someone with no experience does not know. But, the experienced MP

should inform to the others about the reality.

We wanted to have a multi-party democracy so that we would be able to express our feelings freely. Therefore, I humbly appeal to the Special Committee for Prerogative Right of the honorable parliament to accept this short article as a report.

*Extracted from: Himalaya Times, Kartik 14, 2053 B.S.*

## **The questions raised by embezzlement**

Pouring ink, whether it is simply a drop or a whole amount contained in a bottle, on a white cloth creates spots. The spot on the white cloth draws the attention of people very fast. Just like this, the economic irregularities found in judiciary has drawn the attention of everybody.

It is the natural process for a conscious community of the society to be worried of the allegation on judiciary since democracy is nurtured providing the judiciary in the transparent way.

Judiciary has been dragged into controversy after the report of Department of Auditor General, Public Account Committee of the House of Representative and disclosure of judges taking the salary of peon as their own privilege published in 2055 B.S.. The accountability of making the court transparent and accessible is not only of judicature but also of conscious citizens. That is why the attention of the media has been drawn towards this fact. Not only this, the journalists, thinkers, intellectuals and analysts, all are considering to it as a high priority. The responsible personalities of judiciary should know that it is positive endeavor for the development and freedom of judiciary.

One of the scholars and columnists of judiciary has raised a question by adding a term 'corruption' to embezzlement and economic misappropriation, which are deeds of judges. While before, that was not, even news had added the term 'corruption' to embezzlement. On 18th Asadh, 2055 B.S., judge Gauri Bahadur Karki has written a very weighty article entitled 'Corruption or Embezzlement in Judiciary?' In his article, he says "Among the embezzlements in judiciary, the ones liable to judges are not of crore but of some lakhs. They are related only to salary, allowance and privilege."

Not all embezzlements are corruption, but embezzlement is definitely a preliminary step of corruption. Revenue expenditure must be based on embezzlement. If expenditure is not written as per what is prescribed, money is not spent as per economic law or clearance is not made according to rules, then there appears embezzlement. The state has promulgated economic law to safeguard state funds; whether it is the executive, legislature or judiciary body, attempts are made to implement the same rules to maintain economic discipline. For its success, the state mechanism expects cooperation from all corners. Therefore, it becomes successful only if all of us honestly adhere to economic law. The intellectuals have been saddened hearing the statement, "He misappropriates millions and billions of rupees, why can I not do the same with some thousands?" We must be free from such a superficial matter that often deviates people from their right path.

The statement of the apex court in this context issued on Asadh 18th mentions

"It is made clear that it is not necessary to register Personal Registration Office created to work in judge's private residence and the post of wage based peon is not for official purpose." In the beginning, the statement says

"The process whereby a judge takes the salary of his personal peon as his own privilege and pays him latter is not wrong in itself."

Now, let's consider the description of what statement says rather than its intention

(1) Peon should be appointed by the judge whom he serves. (2) Peon must be engaged in the private residence to enjoy privilege granted by the government; it is not necessary to engage him in office. (3) The peon, who is not registered in the Personal Registration Office, gets salary only for his working days. Account Department must receive this information. (4) Either the peon himself takes his salary from office or judge receives his salary as his privilege and later pays to him.

The judge's right to take peon's salary has become clear. Why will the judge, while taking peon's salary, give a receipt to the office and in turn, he does ask the peon to give it while paying him at his residence? Does it mean that he has difficulty to alter peon's salary if he asks for a receipt? Or do they receive money without appointing a peon? Such questions are naturally raised.

The report of the Auditor General has merely indicated irregularities. Most of the judges have submitted the receipts of the salary of peons to the office. The report has shown the embezzlements of those judges who have taken the salary of their peons as their own privileges and have not taken receipt from them. Hiding such obvious irregularities may unearth other hidden facts. Therefore, the environment to make clearance must be created at an early stage if there is irregularity even of one rupee. Maintaining regularities in this manner can trigger the control of irregularities leading to the transparent judiciary.

"Now, the situation has been deteriorated in a way whenever we call the name of judiciary the society takes it negatively. Whether we accept or not but this is truth and reality", Judge Karki says portraying the present condition of judges.

Writing something about the judiciary body, a journalist or columnist may trigger 'contempt case' against him. Judge Karki has clearly and boldly expressed this bitter truth. He further says, "Vulnerable people like me do not have any legitimate power to protest and curb the corruption, injustice and illegal activities undertaken by seniors having state power. Being vulnerable to law, we have to see opposite flow of the river. No matter how erroneous or illegal a verdict made by another bench is, we do not have right to speak against it."

Analyzing such sorts of realities and truths can form the steps of improvements. But, it seems that no senior authorities with their outdated thinking have thought of it. The people working in the judiciary seem to have forgotten the fact that only the empowerment of democracy can make them powerful. It is necessary for everyone to think of how the judiciary can be made impartial and accessible to the people in order to empower democracy.

*Extracted from: Kantipur daily, Asadh 32, 2055 B.S.*

## **Banks and Banking Sector in Nepal: The Center of Corruption**

Nepal Rastra Bank, the central bank of Nepal started as per the Nepal Rastra Bank Act 2012 B.S., a nationally banking service by establishing branches at the district level. It replaced the responsibilities and functions of the Muluki Khana that was in existence during the Rana regime. Before that, Nepal Bank Limited was established in 1997 B.S. as a commercial bank during the rule of Juddha Shumsher. Nepal Bank Limited is the first bank of Nepal, which is established by the government and public investments. Later, His Majesty's Government operated two national banks by establishing Rastriya Banijya Bank and handing over the commercial functions of Nepal Rastra Bank to the latter. Nepal Rastra Bank started working as the central reserve bank and the government's regulatory body in the sector. Nepal Bank Limited and Rastriya Banijya Bank served the nation for a long time establishing some 500



branches throughout the country, but the government is now preparing to hand over both banks to the foreigners. Although, what the country gains or loses from these transfers is not calculated yet, rumors abound in the papers that a lucrative amount is being transacted as commission through these dealings.

Many democratic countries of the world have realized that the all-round development of a nation is impossible without economic development. Nepal has been adopting the policy of economic liberalization to assimilate this fact. Unfortunately, the moment the government started the policy of economic liberalization; there has been embezzlement of national property, transfer of public property as private property and closing down of well-functioning industries. The government, which failed in transferring industries like Bhrikuti Paper Mills, Harisiddhi Brick Industry and Bansbari Leather Factory to the private sector in the pretext that the state should not run industries, had adopted a soft policy on establishing private banks. Under these policies, the neo-capitalists and the elites got attracted to the establishment of private banks like Nepal Arab Bank, Nepal Indosuez Bank and Nepal Greendlays Bank under the affiliation and involvement of foreign banks. Many opportunists crowded around the periphery of Nepal Rastra Bank to receive approval to establish new banks seeing that it was a business yielding high profit with a mediocre investment. As a result, many financial companies, even cooperatives commenced financial transactions without any regulation and control. During this course, banks were also established with the domestic investment and dozens of groups are still waiting to get approval to establish more commercial banks in Nepal. It, thus, seems that the only profitable business in Nepal is the banking sector.

The present laws of Nepal have offered special protection and privileges to banks. As soon as the banks receive approval of establishment from Nepal Rastra Bank, they are endowed with the special provisions of the Commercial Bank Act, 2034 B.S.. The development banks are protected by the Development Bank Act, 2053 B.S. and the financial companies by Financial Company Act, 2042 B.S.. No other business sector receive such privilege in Nepal by law. Despite the fact that the banks are established under the Company Act, 2053 B.S. and are run accordingly, it does not seem justifiable to provide them with such privileges in an open and competitive market. There has been a practice of commission and illegal transactions in the banking sector due to this unprecedented privilege.

The only reason for the government to make such provisions to the banks some dates back is that when the country had only two government banks: Nepal Bank Limited and Rastriya Banijya Bank, functioning as commercial banks. The state, therefore, had provided strong protection and support to these banks. Consequently, the foreign investors have been amassing millions of profit. No one has taken this issue seriously. In the fact, a separate set of laws should have been formulated for the banks established with foreign involvement and investment. The civil society of Nepal rues at the fact that the government has not paid any heed to this grave issue. What has been crystal clear here is the banking entrepreneurs have been making a fortune by riding the privileges offered to them by the special laws and acts. This has resulted in the common people as customers being extremely exploited and the banks as service providers amassing a huge amount and turning to neo-aristocrats in no time.

Nepal Rastra Bank has categorized financial institutions into commercial banks, development banks and financial companies and has prescribed the minimum limit of capital for each. It has provided that the development banks can be run locally, regionally or nationally. Banks started to be opened like the growing of mushroom in Nepal to earn maximum of profit with minimum of investment. Even the stock market of Nepal prioritizes the banking sector in their enlistment and financial transactions. Nepal Bank Limited, which is said to be running

at a loss, possesses the market share value worth Rs. 400 whereas foreign-invested banks boast at the share value of around Rs. 2000 per share. In such a favorable situation, vested groups are bent on receiving approval for the establishment of new banks even at the cost of a hefty sum of money.

There is an attraction, not only, to the commercial banks, which can transact globally, but also in the financial sectors that transact locally within the national and local markets. Furthermore, the number of cooperatives has skyrocketed once they started collecting deposits from people. There are news reports that many finance companies and cooperatives have cheated people of their deposits, let alone their rightful returns as promised. Some of such firms have been presented to the courts under the embezzlement sections of the Civil Code of the country. Some companies are being sued by the CIAA. But, no government agencies and their attempts to return peoples savings from these institutions have been successful. People have been crowding around the district police offices and district administration offices requesting them to punish the firms and recover their savings; they have been filing cases against the companies in courts but with little effect. In the fact, the country lacks appropriate laws to control such unruly acts; hence the bankers ride their luck.

The cooperatives have been provided with many concessions by misinterpreting the Cooperative Act, which was formulated to promote cooperative model of development. Among many cooperatives operating in Nepal, only one percent has received approval from Nepal Rastra Bank for financial transactions whereas the majority is carrying financial transactions without approval. In the absence of an effective monitoring and regulatory body to control such illegal acts, they have been openly collecting savings from the common people notwithstanding the fact that they should have focused their financial activities only for the welfare of their members. No policy has been formulated to control such irresponsible acts. This has contributed largely to the fact that these companies are cheating too many common people.

It is not only the small scale financial companies that are cheating people, even the bigger commercial banking transactions have been exploiting the people and the nation. Many commercial banks seem to invest on so called large scale industries with the people's hard earned savings. Those industries thus invested most of the times seem to be unable to pay back the loan due to their involvement in 'other' things rather than creating jobs and promoting products as promised. That can be surmised from the present pattern of investment whether one day, these banks will have to be captured only with the remaining physical assets of these industries to get their investment back. What it points to is let alone the investment, the banks cannot even collect the interests from such bad investment. The examples abound in their massive investments in big hotels like Radisson, Taragaon, Hyatt Regency and Fulbari. The prospect of future of these industries looks bleak due to the immense investment by state owned banks. Once, if such industries cannot pay back on time, the bank faces problems and so do the common people.

In the sum up, though the functioning of the private and state owned banks seem to be working differently, they are furtively involved in the exploitation of common people and promoting corruption.

*Extracted from: Theoretical Campaign Against the Corruption*

## **Rampant Corruption in the Banking Sector**

The Panchayat regime, with an intention of developing the nation by attracting foreign investment, enforced the Foreign Investment and Technology Act in 2038 B.S. Some foreign

banks entered to Nepal following this. In 2042 B.S., Nepal Indosuez Bank was established with an initial capital of Rs.60 million, though Rs. 120 million was required, as a joint venture of a French Company - Indosuez (50 %), Rastriya Banijya Bank (15%), National Insurance Company (15%) while the common public invested remaining 20 percent. The bank, with its headquarter in Durbar Marg, has been distributing millions of rupees as profit to its investors till this date. Last year only, the bank earned Rs.130 million as profit. The bank has now got a capital of Rs.170 million. Its share of Rs.100 is being sold for Rs.1100 on the stock market. Though, the bank initially invested only Rs.30 million, it has been distributing millions in profit to the shareholders each year. It has about 846,250 shares worth Rs.100 each. From this point of view, the bank has done a good business.

In the second week of Shrawan 2058 B.S., newspapers stated that the French Company was about to go back selling its share. It is said that the company's share is being sold to a group including Prithvi Bahadur Pandey for Rs.296 million. Before considering whether the banks can sell their share to the public or not, it is necessary to answer why the foreigners are going back leaving the lucrative business of the banks. Some newspapers have mentioned the reasons as little opportunity of investment, recession, small market and unstable political situation. Though established as a joint venture, the executive director of the bank is appointed from the French Company as it holds the largest share. In the initial phase, it was given special privilege. The French Company can part from the bank as per the laws of Nepal. Otherwise, the bank will continue to exist. Being ignorant of this fact, the company has just devalued its position by talking about selling all of its shares.

It is said that the Credit Agricole Indosuez has adopted the policy of not being involved in the small market of Nepal. But, the company has also expressed its desire to stay here if two-thirds of the bank's share is given to it. It had requested to the government to increase its share of 50-60 percent and the government, favoring the request, has included the policy in the budget and presented to the House of Representatives. However, it is risky to allow to the foreign companies to have majority in the management committee of banks. Keeping in mind the welfare of its citizens, the government should not let foreign companies have majority of shares in a bank. But, as there is no such person who can understand this fact, any decision can be taken here.

The bank has requested with the government to increase its ratio of share. On the other hand, it has also tried to sell all its share. This double standard does not match the image of the renowned bank like Agricole Indosuez.

The founder of the bank made an agreement on 23 September 1958 Section 4.2 of the agreement has made a strong provision not to sell the share without the shareholders consent. According to the provision, the company should sell its entire share to the Rastriya Banijya Bank (RBB) or National Insurance Corporation (NIC). The public, who also have share in the bank, can purchase the share at the given rate. But, ignoring all these facts and citing the direction of Bhadra 12, 2052 B.S. of Nepal Rastra Bank (NRB), the CEO of the bank Mark Dumez said that RBB and NIC cannot purchase the shares. Instead of informing to the other shareholders about the company's intention and the prices of the shares, he seems to have intended to limit the right of the shareholders as per the agreement by writing to them that they cannot purchase the shares. It can be understood that a conspiracy is hatched to sell the shares and the authorities of the RBB and NIC have also been lured by this. It is difficult to understand under which authority Mark Dumez, who could not inform the issue of the share sale to other shareholders, wrote to the founders on Shrawan 17, 2058 B.S. about purchasing the shares within seven days.

The sale of the shares has to be transparent. The shareholders reserve the right to sell its share to those paying the highest amount. It was rumored that the highest offer was Rs.415 and the lowest Rs.350. Nevertheless, it was not informed that the shares are going to be sold to those offering the lowest price. It is understood that the French company has been ready to sell its shares even at the lowest price to those who can arrange for its safe exit. In this way, though there is a legal vacuum regarding with the permission to the sale of share and establishing the new shareholder in the bank, the NRB with the consent of Nepal government has tried to appoint office bearers in the bank, which is totally illegal. As one raises legal questions against such works carried out by the NRB, it has created an illusion that the laws are faulty. But, the NRB has not brought to an end the system of giving permission to such works, though the banking system is misled or the laws are said to be faulty. The NRB has taken many such decisions causing loss to the banking sector.

The existing laws of Nepal have given special protection to the banks. Soon after the approval of the NRB for carrying out its business, the entire domestic and the foreign banks can be theirs to the rights guaranteed by 'Banijya Bank Act, 2034 B.S.' The banks are established as per the Company Act, 2053 B.S. and the Act gives them the right to be involved in the business. Consequently, many foreign banks have been extracting millions of rupees from this poor country. The practice of earning at the time of prosperity and going back when there is less earning is against professional ethics. So, a renowned company like Credit Agricole should uphold its image by taking a decision only after proper consideration. It is surprising how the French company is about to sell its shares when the laws do not permit it to do so.

It is clear that no one can make decisions against the main objectives of a bank established in joint venture with foreigners. The NRB, to manage the banking system, should intervene in and purchase the shares of the foreigners who are about to run away from the business. The share purchased from such shareholders should be sold at higher prices to other interested companies through global tender, as done in the share market. Otherwise, the NRB should sell the share to Nepali entrepreneurs by calling the meetings of general assembly and direct them to operate the bank.

The duty of the NRB employees is not only to earn by being involved in the illegal acts but to help to the banks to be operated as smoothly as ever. In order to carry out this responsibility, Nepal Rastra Bank Act, 2012 B.S. has given them necessary powers and rights. In case of mismanagement in the banking sector, NRB is responsible for improving through intervention. It is clear that NRB can earn millions of rupees in profit if it purchases the share of the French company in the given rate of Rs.350 per share. Thousands of shareholders of the bank are willing to purchase the share from Rastra Bank by paying Rs.200 in addition to the given price. This will make the price of the share Rs.550 and the Rastra Bank can earn Rs.160 million. The price of the share of the bank in the stock exchange is Rs.1100.

Nepal Indosuez Bank does not seem to have made any effective contribution to the development of the nation. In the 16 years of service, the bank has opened only five branch offices. These branches were, however, established under the compulsion. The French company that invested Rs.30 million initially has already taken tons of millions of rupees back to its country. The price of its share in the bank is Rs.84.6 million at present, which it plans to sell for Rs.296 million. Our hope is that the foreigners contribute to our economic development has been shattered. It is evident that the foreigners are involved in the profitable sector.

*Extracted from: Nepal Samacharpatra, Thursday, 25 Shrawan 2058 B.S.*

## **Nepali judges have not been idle ones**

The news related to the submission of a contempt case by a lawyer on Bhadra 29 against Deputy Prime Minister, Ram Chandra Poudyal, accusing him of defaming the judiciary while addressing a mass in Tanahu district stressing the need of corruption control on Bhadra 22. The case should have been lodged in a court defamed by him, but without considering the level of court defamed, the case has been submitted to the apex court.

Amidst his speech, Minister Poudyal accusing Commission for Investigation of Abuse of Authority (CIAA) of not properly taking action against corruption, he further said, "The court should not give its verdict in favour of corrupt ones giving them clean cheat immediately after the submission of case on behalf of CIAA." In the course of his speech, he vocalized, "There is not only the shortage of law but also of implementation to curb graft."

If the case lodged on the basis of the above two utterances is convicted, the court can slap to the speaker to jail of maximum one year or maximum ten thousand rupees fine or both.

The exact data of corruption related cases are as follows:

Commission for Investigation of Abuse of Authority had lodged 60 different cases in different appellate courts throughout the nation. Among these, 30 cases are finalized; the remaining 30 cases are still awaiting a verdict in appellate courts. Among the 30 finalized cases, 20 accused persons have received clean cheats, whereas 10 persons have got partial exempt. In other words, in the corruption related cases, no one has been fully convicted by the appellate court. Similarly, 29 appeal cases were lodged in the apex court. Among them, four cases have been finalized with exempts for the accused. Since corrupts people have been fully protected by the law itself, minister Paudyal might have informed the judiciary authorities of the truth.

The verdict of the apex court by division bench including former chief justice Mohan Prasad Sharma on Jeshtha 12, 2056 B.S. with regard to the case in which Lokman Singh Karki was convicted of exempting gold smuggler, taking gold as a bribe from him, has grab the right of Commission for Investigation of Abuse of Authority to lodge anti-graft case. This verdict has not only given clean cheats to the accused, it has also challenged to the jurisdiction of CIAA. While CIAA has appealed to the apex court for reconsideration of the verdict, I as an applicant on Shrawan 29, 2057 B.S. have lodged a writ in it. Considering the case for one year, the full bench of the court held on Shrawan 29, 2057 B.S. has realized that the next full bench should decide the case. If all the decisions and verdicts made by judges were the final ones, the provision of review or revision would not have been needed.

In the neighbouring country India, judges in the traditional language are called 'Nyayamurti'. Judges must be able to become Nyayamurti. Only then after, the fame of Nyayamurti becomes practical. It takes a long time for the Nepali judges to be called Nyayamurti. A judge should not have any prejudice or bad intention to trap someone. Anyone with this respected post of a judge should be refrained from such simple social ties. Only after then, he can give justice to the people as a Nyayamurti. Even an illiterate person can be Nyayamurti if he is refrained from social tie and economic greed. Therefore, it is said that a judge should be wiser than a scholar.

Neither a court is a group of judges, a building made up of bricks, stones and concrete nor it is the group of clerks sitting beside cupboard with piles of cases and related documents. Court is rather something in which a person with the post of justice within a timeframe holds bench to give its verdict. If anyone at that time does not maintain the honor of the court or makes

contempt over the verdict of the court, then it is regarded as a serious contempt of the court. The law has made provision not only for the right to speak against judges involved in the corruption; it has also empowered people to lodge complaints against those judges. Therefore, nobody is restricted to speak truth. We have to be free from the feeling that judges never commit any mistakes.

The report of Auditor General, 2054 B.S. had pointed out embezzlement of the judges of different levels of the court taking the salaries of personal peons without appointing them. Since some newspapers made comments on the embezzlements, a lawyer lodged a contempt case. Since then, it became a subject of public debate. Ultimately, District Court Kathmandu convicted some of the journalists of making contempt of the court and slapped them fine. Since this year, the report of Auditor General is being published every year with the mention of embezzlement of judges, for they are taking the salary of their personal peons. But, no one has encountered this allegation. Similarly, no one has dared to point out this irregularity. It is because the dominance of some of the lawyers and judges with sycophant tendency and tyrannical mind and having the desire to develop the feeling that judges never commit mistakes is continuing in the judiciary branch.

Judges also are just like other general people of the nation. Any member of the society who is living in such a corruption-affected country cannot be refrained from corruption; he may be involved in it directly or indirectly. Therefore, realizing that they should be liable to be punished, the Constitution of Nepal and Judiciary Council Act, 2047 B.S. has established Judiciary Council as one of the powerful and apex bodies. However, it seems to be very passive, since its manual has not been made in a proper manner and its body is not capable enough to take stern action against judges. Within ten years of duration, many cases have been lodged in the Judiciary Council. But, most of them are pending due to anonymity of the applicants and lack of evidences. To be specific, no judge has been penalized by the Judiciary Council so far. The fact that judges have not been punished does not mean that all of them are clean in their behaviours.

Corruption seen in the middle of 20th century in the form of new disease has hit to the political and social sectors hardly throughout the world. Therefore, in this context, no one can claim that the judiciary has not been affected by this. In a country where there is economic liberalization, powerful peoples often loot. In such a corrupted society, people having a civil post are often dragged in the controversy. The nation and society are not improved until we develop an environment to realize weaknesses and lapses on behalf of the responsible authorities.

*Extracted from: Kantipur daily, Ashoj 2, 2057 .B.S.*

## **Closure of educational institutions and responsibility of the government**

People of a country those get the basic needs of a human life such as education, health facilities and justice can use the fruits of democracy. For a man to be a human being, one should get an education, be healthy and receive justice against injustice. People of democratic nations have got education, health facilities and justice free of any cost. Therefore, the democracy is stable. But, in our country, there is an expensive fee to obtain these three basic needs. People are not able to pay this heavy amount.

The education sector is in the full of tension. All educational institutions are closed. But, nobody can answer the question why those institutions are closed. Forwarding some of their demands, the All Nepal National Free Student Union (Revolutionary) was the first to declare the closure of educational institutions. Then, PABSON as the second party appealed to close

the schools. In this manner, other educational institutions also indirectly remained closed. Moreover, campuses have also been closed. Maybe, the schools might have been closed due to the fear of Maoists but why have the campuses been closed? This question is still unanswered. When the education minister was asked about the closure of schools and colleges, he was found to be ignorant of this fact. Some institutions were closed by the force whereas others were closed to grab the opportunities. Anyway, people knew that the closure of all educational institutions in this manner is not good for the nation.

The students affiliated to the All Nepal National Free Students Union (Revolutionary) called an indefinite closure of Kathmandu based schools starting on Mangsir 23. In a bid to close educational institutions, the demand to end the commercialization of private schools and campuses was forwarded. Among the demands, five were directly related to the private educational institutions. The demands are the following: (1) Appointment letter must be granted to the teachers and staffs working in the schools. (2) The basic salary of both teachers and staffs should be fixed. (3) The entrance fee collected from students on a year basis should be stopped. (4) There should be 25 to 50 percentage reduction in the present fee structure. (5) Private schools should be converted into the governmental ones.

Considering with these demands from a side of the civil society, they don't seem unnecessary. Therefore, PABSON has set to fulfill the first three demands and it is in process to fulfill the last one. However, the modality to fulfill the demands has not been declared yet. However, it is sure that the fee will be reduced to a certain percentage.

In this way, the decision made by PABSON has not yet been welcomed or the agitators have not accepted its decision. Therefore, educational institutions are still closed. It can be speculated that the problem is complex as no dialogue between the Stakeholders i. e. government authority, ANNFSU and PABSON has been initiated.

The nation, for which the government has been established as a guardian, has pre-formulated the plan and policy and implemented them. People have faith over this kind of government. Four days before, the educational strike of ANFSU (R), on Mangsir 19, the government has declared a 29 points' charter of reformation in the education sector. But, the programme also included some policies that are not compatible to our society. Those policies against our society have to be amended. Despite the declaration of the reformation package, no resolution has been attained yet and the strike is continuous. In this context, PABSON has already called three strikes in the educational institutions. Now, we are waiting for the fourth call. The situation has further between worsened due to the lack of unity among the stakeholders.

Because the government could not promulgate the terms and conditions as per the educational act, this problem has been created. The government should have initiated the categorization and ranking of salary for the teachers and staffs of private schools from this academic year. But because it didn't do so, the situation has been aggravated. Despite various attempts to reform the educational sector, there is no improvement. Had the government implemented the policy related to the fee, both students and guardians would have felt an economic relief. The fee related policy could not be implemented this year because schools and governmental authorities can collect a lot of money if it is delayed for one year.

With the intention to close private schools, the seventh amendment of the Educational Act has made a provision stating that the private schools are to be changed into the companies. But, the amended act has become a hard blow for those educational offenders who have been running educational institutions for years without paying taxes. In the poor countries like Nepal, educational institutions cannot be converted into the business companies. It is because of these practices of failure policies and actions, these problems have been created.

Everyone knows that the big educational offenders, born during the time of the Panchayat regime, have now managed to spread within the last twelve years. Even if a service oriented field like education has been commercialized in an arbitrary manner, the responsible authorities of the government have not taken any measures to control it. As a result, the situation has gone out of control. Now, private schools and colleges have become problematic on their own. But, our leaders make the situation worse.

The present education minister, Devi Prasad Ojha, was once an influential leader of the CPN (Marxist). He got an opportunity to handle the portfolio of the education ministry in the past interim government. He is a good teacher also. We cannot say that he is new and does not know the field of education. Therefore, he should handle the problem wisely. Otherwise, he should inform to the public about his incapability and resign from the post as soon as possible. If the nation and its people have to bear a loss due to the inability of an individual, no place will be left for educational institutions, students and their guardians to tolerate it.

*Extracted from: Theoretical Campaign Against the Corruption*

### **A question mark on the authenticity of the Public Account Committee**

In 2057 B.S., newspapers, for some weeks, gave priority to the news related to an airplane called Lauda that the Royal Nepal Airlines Corporation took in lease. This news managed to get the attention of everyone. RNAC made a contract with the Australian Lauda Air to take a twelve year old Boeing 767-300 on a lease basis. Furthermore, without being mentioned in the agreement, RNAC paid two million USD as an advance payment. Because, RNAC paid two million USD (one million dollar as an advance payment and one million as a bank guarantee) without any assurance, a complaint was lodged in the Public Account Committee. Thus, PAC began its investigation on this issue. It directed to both the government and RNAC to halt the contract because of a violation of the economic rule of the nation. However, the process did not halt, the airplane was brought.

Objecting the default of the decision of the committee, Tarani Datta, minister for tourism, was presented in the committee interrogated. He presented his statement with the smell of corruption. Although, he tried his best to justify his compulsion to bring the airplane, he could not give any satisfactory answer.

The committee made an attempt to interrogate prime-minister Girija Prasad Koirala about the default of the directive of the Public Account Committee. The chairman of the committee himself, Subhash Chandra Nemang, went to the residence of Koirala and requested him to be presented in the committee. Because, Koirala showed no interest. Then, the committee wrote a formal request. As the prime-minister Koirala had already been presented in the committee in a bid to give a statement regarding with the appointment of G.S.L, in what we call Dhamija Scandal. Thus, this will be the second presence for him. It is for your remembrance that RNAC had to bear a loss of 250 million rupees. However, the news remained silent regarding with the amount of money taken by commission agents who are nearest and dearest to the Koirala family because the airplane has already been brought and it has begun its flights. There is no possibility for RNAC to escape from the loss in the Lauda Scandal.

Putting a question mark on the authenticity of the directive of the Constitutional Committee, the judge of the apex court, Laxman Aryal, said in a mass meeting on Marga 26: "With a verdict of the apex court, a precedent has been established saying that the Public Account Committee is not able to give directives and verdicts for an action." Aryal said this in the context of the Surya Toba Company. Convicting the government of collecting a fewer amount of tax from Surya Toba, the Public Account Committee made a decision on



2053/12/2, meaning that 15 crore, 59 lakhs and 80 thousand rupees should be collected by the government from that company. The committee also directed to the government for its implementation. However, the amount as per the directive of the committee could not be collected.

The scandal of Surya Toba is as follows. It is seen that the Surya Toba Company consumed more raw materials in comparison to its production of cigarette in the fiscal years 2050-2051 B.S. and 2051-2052 B.S. Considering this, the annual report of the Audit General convicted the government of having failed to collect the needed tax. It is the government's duty to collect the tax. Meanwhile, the Surya Toba Company lodged two different certiorari cases on 2053/12/28 and 2054/5/12 in the apex court claiming the extortion of its rights. The division bench of the Supreme Court gave its verdict about it on 2054/12/26. Judge Laxman Aryal said, "No case has been lodged in the apex court yet, challenging the verdict of the case of Surya Toba Company."

The inability of the parliamentary committees as bodies of the parliament to direct the government and question marks on the validity of its directives are not reasonable. Parliamentary Committees should be strong and responsible realizing the fact that not everything can be written and implemented in the law. For the democracy to be strong, democratic exercises should be continued.

Currently, in Nepal, public properties are openly being converted into the personal properties and state funds are being used as a patrimony. There is no situation in which a citizen can forgive such atrocities. Even if the citizens are helpless, powerless and soundless, peoples' representatives should not be treated in a similar manner. We can't say that peoples' representatives can't give directives to the government and restrict its illegal acts. Legitimacy is not always a written thing in the law. It is also not only the verdict of the court.

Therefore, the Public Account Committee of the House of Representative has peoples' mandate to investigate atrocity, misappropriation and corruption undertaken by the government. The committee should continue its acts such as giving directives to the government, informing to the people about those distortions and so on.

*Extracted from: Kantipur daily, Paush 3, 2057 B.S.*

### **The State, its people and the civil servants are exploited because of the Sunday holiday**

Due to the hasty and emotional decisions of the political leaders, the administrative structure of the nation has been spoiled badly. The amount of the state fund has been misappropriated by establishing unnecessary offices, appointing unnecessary staffs and granting unnecessary, the leaders are loyal to the parties, others have also been influenced and they are thereby tending not to work. As a result, all the staffs working in the administrative mechanisms have become a burden for the state. In the pretext of making the administration strong, bureaucracy has been spoiled extending unnecessary programmes.

In the offices, one day per a week, Saturday, has been taken as a holiday for a long time. But, on Bhadra-1, 2056 B.S., when Krishna Prasad Bhattarria was prime-minister, Sunday was also declared to be holiday within the Kathmandu valley. It was declared as a trial period claiming that two-day holiday can help to save electricity as well as fuel and maintain a good environment of city. However, its trial period has not yet elapsed. Later, other prime-ministers, such as Girija Prasad Koirala and Sher Bahadur Deuba and responsible authorities in the administration did not show their concerns to cut unnecessary holidays. But unfortunately, no political leaders or responsible authorities thought of how the state and its

people are affected by it. The Sunday holiday, which was started as a trial, was implemented only in the governmental offices of the Kathmandu valley. The holiday is not compatible to both law and practice. When the staff of Kathmandu valley enjoys 52 days of extra holiday per a year, the same staffs from outside of the valley are deprived of this.

There are two types of holiday. First, there is the holiday of office operation; opening and closing of the office for the public service and second, the holiday as a privilege. These two sorts of holidays are of different nature. Since holiday is to be understood in the context of the employees, the state and people may be exploited because of it. This fact cannot be understood by the political leaders and staffers. When a question is raised on this issue, they claim the following: "No, 40 hour has been maintained as per the policy of I. L. O. ....international tradition is ...." With this claim, they have been successful to continue the holiday.

In the Kathmandu valley, governmental offices remain to be closed for 130 days per a year including 52 days for Saturday, 52 days for Sunday, 11 days for Dashain and Tihar, 5 days for festivals, 3 days for special days, 1 day for birthday and 5 days for miscellaneous reasons. Similarly, the court remains to be closed for 138 days. Besides that, other 2-3 days of holiday including the royal visit, sun eclipse and other emergencies are added to it.

Besides the holidays mentioned above, the act has made the provision of other holidays for the staffers those are appointed to the governmental work. They have the privilege of 54 days of holiday per a year including 12 days for emergency, 30 days for home affairs and 12 days for illness. In other words, out of 365 days, the staffers can have 200 days of leave. While Muslims and Christians can have one day leave, female staffers enjoy two days of leave for Haritalika, Shreepanchami and International Female Day.

In the United States of America, United Kingdom and other European countries, in addition to Saturday and Sunday, only 12 additional days of holiday have been arranged. In these countries, a staffer can get no more than 110 days of leave. Even if the central government of India grants two days of holiday per a week, the total of holiday per a year is no more than 115 days. Since the provincial governments in India grant one day of holiday per a week, the total amount of holidays per a year is only 70 days. In Bangladesh, Sri Lanka and Pakistan, the provision has been made for one day of holiday per a week as well.

Even in the autocratic Rana regime, act and regulations regarding with holidays were formed and offices were run and holidays were granted accordingly. On Magh 28, 1987 B.S., the civil law made the provision of 67 days of holiday per a year. This includes Sundays and additional 15 days. In other words, during the Rana regime, offices used to be closed for only 67 days.

*Extracted from: Theoretical Campaign Against the Corruption*

## **The context of corruption and transparency**

The political community of the world has severely been troubled by a problem. This problem seems to be new due to the gradual raising of the public voice against it. In other words, the political community has become ill due to a communicable disease. It has caught to those opportunist groups these have the responsibility to run the developing countries in which Illiterate and poor people reside. In those countries, there is a huge need of economic development and basic commodities of human life. All politicians these are in the power and those who are trying their best to get the power have become victimized of this disease. The main reason to spread this disease so fast is that their shield of morality and honesty cannot defend the disease.

It is mandatory for those involved in the government to become transparent, honest and moral. Who is supposed to uplift the living standard of the population and who is taking care of the development of the country if they become dishonest, opportunist and immoral? In this world, only few national leaders are honest. Most of the politicians are acting to reach to their own interests.

The ill intended work of the developed countries' financial institutions and governmental staffs has maintained the corrupting environment. Many institutions in the world have started to realize the rampant corruption in the governments of poor countries and their related bodies. However, not even those institutions are able to find concrete means to control the corruption. Not more than 25% of the money invested by the World Bank for developing countries is spent for the development of these countries. As a large portion of the invested money for a given objective has been found to be misappropriated and turned into private property, the World Bank has started its own investigation. With the hope that corruption can be controlled by transparency, it has begun to invest into this sector. At the moment, the World Bank, therefore, not only invests in the development of the countries but also in the raise of transparency that is supposed to uplift people's living standard.

The former officer of the World Bank and German citizen Dr. Pitar Ijen is one that he put the focus on transparency and made people aware of its importance. This also led to the World Bank to become involved in this topic. Dr. Pitar Ijen worked in the different African countries for the World Bank for 14 years and is familiar with the corruption of those countries. He highlighted the need of transparency to control the corruption. The World Bank has invested millions of dollars for this purpose. Yet, it is very difficult to say that transparency can control corruption completely because corruption is a big disease that can't be treated by any single action.

Transparency International, an organization based in Germany, has established a branch in Nepal. We are not in the position whether in which we may predict to which extent it will be able to control corruption that is prevalent in the governmental and nongovernmental financial institutions. However, if we can implement the transparent policy, the present and prospective illegal work will be disclosed.

Tarun Dal, a sister organization of Nepali Congress, has begun its campaign against corruption in the different districts along with other organizations. Recently, Tarun Dal has appealed to make the ministers' properties public but the ministers have been ignoring this appeal. As it is a sister organization of Nepali Congress, some questions have been asked.

Nepal National Free Student Union (ANNFSU), a sister organization of the CPNUML and a student organization affiliated to the Nepal Communist Party, has also decided to openly protest against the corruption. In this way, all the sectors have agitated against the corruption because there is no sign of decreasing in the acceleration of corruption. We can't say that corruption can be controlled easily.

It is correct that political stability can't be achieved without corruption controlling. There is no possibility of development of a country during the political instability. The living standard of people won't go up without economic development of the country. Furthermore, a political system can't be proved to be democratic if it lacks the ability to uplift the living standard of people. If we want to maintain and develop the democracy, corruption controlling must be in the highest priority. Therefore, if all countries want development and to make democracy long-lasting, corruption controlling is a pre-requisite. Therefore, all the nations have to formulate a working plan for the corruption control. However, political instability will persist if national leaders don't care about this. Democracy can't stay alive in the political instability

and gradually a favorable environment for autocrats can be created. Many examples of this can be found in the African states.

*Extracted from: Kantipur daily, Asadh 16, 2055 B.S.*

## **The politics of bribe, robbery and remission**

Up to the present, all sectors have been influenced by the single term 'corruption'. Corruption has become a subject to discuss and think in every house. It is necessary to differentiate between the types of corruption. There are many officers of low ranked who have difficulty to pay for their subsistence and therefore expect a bribe as a reward for working hard for someone, there are corrupted officers who misuse the authority with the bad intentions, there are civil servants who do dilatory work, there are clever officers who collect money from the entrepreneurs, there are authorities these spoil the national revenue openly and there are national leaders who intentionally try to get private benefits betraying the state and its people. It is very difficult to understand the crux of corruption if we do not limit its prevalence in meaning.

Corrupted people are not ready yet to call taking a commission corruption. There is a dispute ongoing in which one says taking commissions is a type of corruption when others claim that it is not because it has been universally accepted. If this dispute is not going to be resolved in the time, there will be high chance to be failed the state because national leaders misinterpret the meaning of corruption. But that can be discerned by the people after a long time seriously. If so, time can be passed. Two courts of Pakistan, our neighbour country, have banned to the properties of the former prime-minister Benazir Bhutto this week. Furthermore, the properties of her mother and her husband also have been banned. The verdict was made by the Special Court of Panjab Province and Rawalpindi Court when the case was submitted by the corruption control office. The ban has affected almost 30 crore dollars owned by Bhutto.

For those who were deeply involved in the corruption in the past, it is high time to become more conscious because the technology can spread to any news around the globe very quickly. The detailed news about the former prime-minister Bhutto was for the first time broadcasted by the New York Times on November 25th 1997 A.D. It is crucial for our leaders to think that people are alert and aware of corruption as it is a subject of mass concern.

Corruption is a byproduct of the 20<sup>th</sup> century. To be more specific, it has developed after the Second World War. International relationships began to establish and assistant as well as help between and among the citizens of different countries have been initiated. With the technical and technological assistance, customs, traditions and cultures of one country began to spread to others. Therefore, values of the society as the properties of the local community were transformed. Everything became Western oriented. As a result, clever people of the poor nations gradually started to be selfish and give priority to personal rather than social benefits.

Developing countries of the world are being suffered from the corruption like a communicable disease. Without its treatment, the development of the country will be stopped. Corruption was proved to be the main cause behind the downfall of Indira's Congress in India. Similarly, the main reason behind the economic bankruptcy of South-Eastern countries such as Thailand, Malaysia and Indonesia was also corruption.

Now, we started to listen to the anticorruption speech of the head of the government. On August 15th, 1997 A.D., Indar Kumar Gujral, prime-minister of the large, democratic nation India, spoke about the corruption in Lalkilla. Similarly, on Phalgun 8th, Surya Bhadur Thapa,

prime-minister of Nepal, disclosed from the rostrum of the representative house that the price of Mps has been fixed and sold. The Indian prime-minister Atal Birari Bajpeyee has vowed to fight against the corruption in spite of the possibility of losing the majority of votes. Similarly, Girija Prasad Koirala, prime-minister of Nepal, has decided to run a transparent and corruption free government. However, within the first week of the formation of both cabinets, a situation for the ministers to resign has been created due to the corruption related reasons. Is it possible that those two governments can control corruption? While trying to seek the answer to this question, sensitive minds have stumbled.

Both Nepal and India have been suffered from the problem with the same nature. All the economic, political and social sectors of Nepal have been found to be influenced by the every incidents of India. Nepali leaders are not in the situation to think about new technology because copying India has been proved to be their main duty.

In the both countries, bribes existed in the earlier days and robbery is prevalent everywhere now. In the past, if someone was called a briber, he used to be ashamed. However, if we call someone corrupted now, he boastfully asks for the definition of corruption. He calls himself neo-rich. In this way, all the corrupted people are being respected. The corruption of the past has been turned into the robbery. The authorities became robber. They contest for elections. When became elected, they were the national leaders and began to rob after forming the government. As a result, the governments became very weak. Therefore, it is necessary for everyone to find a treatment for this disease. Everyone has to be concerned about this.

*Extracted from: Vimarsa Weekly, 25 Baishakh, 2055 B.S.*

### **Activities of the judges and salary of peon**

The main objective behind empowering to the judges with prerogative rights is that they would be transparent, moral and honest and would contribute to the development of democracy. The provision of the basic salary, equal to that of first class civil servant having five years of experience, has been made for judges while fixing their level; this is more than what a Chief District Officer (CDO) who has sole responsibility of maintaining peace and security gets. In the same way, the salary for the judge of the appellate court has been fixed more than what a secretary of the government who should take sole responsibility of the ministry obtains. The reason behind such prerogative rights for the judges with regarding to salary is that the persons having the responsibility to give justice to the people would feel different from other employees. They would not be compelled to fall in the trap of any kind of covetousness, greed and influence or would be able to furnish impartial justice to the nation portraying their maximum honesty.

Recently, the departments of Auditor General and Public Account Committee of the House of Representatives have made everybody surprised by publicizing the economic irregularities undertaken by the judges. It has been revealed that among all the judges working in district, appellate and apex courts, more than 150 persons obtain money from any source to take personal economic benefit breaching the economic law. The report also reveals that the judges of all levels were found guilty of misappropriating state fund; some are often obtaining the salary of peon without appointing him. Others are taking rental allowance residing in the governmental house, and some other judges are taking local allowance illegally.

As per the report of Auditor General, many judges have obtained millions of rupees illegally. It is not a huge amount of money. Whether the government would compel them to cough up misappropriated money or exempt them calling it arrears is another matter. Intending that the

justice would be executed more transparently and honestly, the privilege or prerogative right granted to the persons having opportunities to be judges are to be utilized by them being within the boundary of their own dignity and portraying clean behaviour. If they do so, not only will the dignity of their post be maintained, but they will enjoy their respectful life and also after their retirement. If the persons, who are accountable to execute of justices to people, themselves do something arbitrarily, like breaching existing act and law, how can we believe that they would execute justice without prejudice. When a man gives priority to himself, he is in need of personal benefit and when he tends to grab opportunities, he loses all his shame and embarrassment; he becomes unwise. Such a condition will not be beneficial for anyone with post of accountability.

When the honorable persons like judges are accused of involving in the economic irregularities, it is natural process for all to be conscious. In this context, when consulted to the apex court, I obtained some information. With regard to the tradition of the judges of apex court taking lump sum payment including salary of peon and driver, privilege of petrol and other allowances, one of the accountable judges said, "Lump sum payment is taken since it is nuisance to fill different vouchers for different purposes that also leads to the extra burden of work in the account department."

This answer is very irresponsible. Though there is no provision that the judges are liable to submit bill, voucher and receipt while obtaining those privileges, they should have been aware of the fact that the account department would feel respite to prepare different vouchers for different purposes.

In the same way, other judges having the privilege of peon made a tradition of taking payment of monthly salary including peon's salary within it. As a result, there seemed economic irregularities. On the one hand, after two, three years back with the irregularities, we must adapt illegal means to regulate it, while on the other; it is difficult for those who took huge sum payments as a privilege, to return the money. Such awareness has raised a very serious question for the judges.

His Majesty Government, while granting privilege of peon to judges, has given clear directives. The judge during his servicing tenure can post a peon for his service on the basis of monthly salary. In the directive, it has been mentioned that the peon to be posted must be a qualified Nepali citizen. Similarly, it is mandatory for judges to inform to the account department about the posting of peon. Therefore, we cannot say that the act of taking the salary of peon as their privilege without posting them is right. The reason behind granting the privilege of peon to judges by His Majesty Government is that they would be more secure and there would come effectiveness in their work.

Meanwhile, on Asadh, 18, 2055 B.S., apex court has issued a statement, which reads, "The way of taking salary of private residential peon, by judge as their privilege and giving later to him is not wrong." In other words, the fact of compulsory posting of peon has been accepted. The statement does not clarify as to whether receipts must be issued while giving salary to peon or it is not necessary; a judge can grant him the amount less or more than what has been fixed. The statement also remains mute regarding with the qualification and informing process of posting to the account department.

This article has been written with the objective that the dignity and prestige of all the courts of different levels throughout the country would not be undermined by any quarter and they would remain respectful forever. When a judge commits a minor mistake, its effect will be on his post rather than on a person. Therefore, a person with a public post must be alert and careful. If he does so, its good effect will not only be on judiciary but on the whole system of

democracy. If a judge is moral, the justice that he executes will be impartial. Impartial justice in turn makes democracy strong. No one should forget that judiciary and democracy are dependent on each other.

*Extracted from: Theoretical Campaign Against the Corruption*

### **Same agent in RNAC airplane sale, Dhamija and Lauda cases**

The meeting of the House of Representatives (HOR) which could not be held on Wednesday Falgun 4, 2057 B.S., had been postponed for four days to be held today (i.e. Monday). The demonstration of the opposition party in the parliament demanding resignation of Prime Minister Girija Prasad Koirala has not come to the end. The winter session of the HOR that begun on 25th of Magh has observed the demonstration from the very beginning and consequently the four regular meetings have not been held yet. The ruling and opposition parties have not taken into consideration the loss caused by such demonstrations after the obstructing the meeting and damage the nation caused by such acts. It seems that they were elected into the HOR not to lead the nation towards the prosperity but only to uphold power and promote corruption.

In the present period, the opposition parties under the leadership of UML have been united to protest the HOR meeting for a right cause. Sometimes, certain things can be justified even though they are against the laws; the PM of the majority should be taught in this way when he forgets his morality. The opposition parties have taken up the main issue of corruption while hiring a Lauda Air plane.

The opposition parties have demanded the resignation of Prime Minister Girija Prasad Koirala, since he was involved in the corruption. He has clarified this issue in the Public Accounts Committee of the Parliament. He is not willing to probe due to his involvement and he is not ashamed of it. It is shown by his absence in the four meetings during this session of Parliament.

The constitution and the laws cannot give freedom to the ruling party in the name of majority. It should not be forgotten that someone trying to be above the law is bound to find him/her at the bottom of everything. Girija Prasad Koirala, who remained in power for the longest time in the last ten years, must understand this. He will be victorious when he keeps aside his attitude that remaining out of the post is equal to death.

The Lauda issue, which resulted from the desire to pocket a lot of money, has led RNAC to the path of bankruptcy. The employees of the RNAC have stated this fact in the press release. However, both the government and the plane mafias are reticent regarding with this fact. The Nepali people have various questions such as who is responsible to protect RNAC and who will be accountable for the ever-increasing loss? Is there a law that can compensate for the loss caused by the mafias? The press release of the employees has stated a loss of Rs.150 million during the hiring deal.

CIAA has been investigating the plane-hiring row. Hari Bhakta Shrestha, executive director of the RNAC, and Tarini Datta Chataut, the concerned minister, have already resigned. The media have clearly mentioned that there is involvement of Nona Koirala and Sujata Koirala, close relatives of the Prime Minister. However, the CIAA has not interrogated them and is still looking for evidence. Many intellectuals have asked to the PM to clear the way. None had denied that Ramlal Shrestha of ICTC and Dinesh Shrestha have close contact with Nona and Sujata Koirala respectively. Meanwhile, evidence which proved Dinesh Shrestha to be the authorized Nepali agent of Lauda Air has been collected in the process of investigation.

Democracy is not a system in which one can do anything he/she wishes; neither it is a system to use the public property as private. It is also not a system in which a family can rule in an autocratic way. But, our mentality has not gone beyond of the same feudal system. The CIAA, like any other, should now be clear that Girija Prasad Koirala has got an opportunity to be the Prime Minister four times and has misused the power in a very traditional society which is structured by feudalism and superstitious practices. The CIAA should be alert about this issue. No law prevents it from interrogating the suspects in corruption. People wish that CIAA book all the criminals involved in 10 years of corruption in the RNAC, will punish as soon as possible.

*Kantipur Daily, Monday, Falgun 8, 2057 B.S.*

## **Corruption and Satyagraha of the Indian prime minister, Gujral**

Poor nations like ours have been suffered from the corruption that has spreaded like a communicable disease. The political, economic and social lives in these countries haven't been improved. So far, no effective solution to this problem has been found. Therefore, the spread of corruption is ongoing. The area of its encroachment is getting bigger day by day. It is being spreaded everywhere and it will even end our existence if we are not able to control it in time. This is a big concern of conscious citizens of developing nations like Nepal.

On 15 August, 1997 A.D., Indra Kumar Gujral, Prime minister of India, the largest democratic nation, disclosed in Lalkilla that the governmental sector of India has been tormented by the corruption. He was therefore looking for the treatment. In his speech, he reiterated the need of a peaceful protest against corruption. There has not been any dispute about its need or justification. However, it is necessary to discuss about its effectiveness and achievement.

The Forum for Free Opinion called for a movement against corruption. It was for the first time in Nepal that this happened on a public level. On Mangsir 7, 2053 B.S., it organized a seminar on 'means to control corruption' and decided to celebrate this day as the anti-corruption day every year. The people involved in this forum are trying their best in searching for the means to control corruption. However, no programme has been organized by the government. It is completely indifference towards this problem. The government is neglecting this field is a serious matter because all sectors are already infiltrated by the corruption.

To control the corruption, the 'Corruption Control Act 2017 B.S.' was formulated. In 2043 B.S., the Commission for the Investigation of Abuse of Authority (CIAA) was established. Because, it is a constitutional body, everyone was confident that it can achieve something. Yet, both the commission and the Special Police Department have been proved to be incapable. One of the reasons why it happened was legal mistake. Later, the Constitution of Nepal 2047 B.S. also made the provision of the Commission for the Investigation of Abuse of Authority. However, it has remained passive for six years because some of its sections were found to be contradictory to the articles of the constitution. The necessary acts to solve the problem have not yet been formed. However, nobody is concerned about it. Corruption like we see it today would not be possible if the CIAA becomes powerful and effective.

In the past, corruption was not as open as it is today. This doesn't mean that there were not any corrupted people. However, they were embarrassed by their actions and they used to think and say that taking bribes is a sin. Also, corruption used to be controlled to some extent because of such religious and social fear. Even if some people with a greedy mind were corrupted, it used to be a secret with no intention to harm the nation or social traditions. If



neighbours and friends knew about someone's corrupting affairs, they would hate to be the corrupted one. He would have to die in his own room and wouldn't have the courage to move in the public. At that time, corruption did not have any social recognition.

Unfortunately, those days are gone. The corrupted people have changed into wise and clever leaders. A few years back, at while talking about corruption, we used to tell the story about T.T. Babu in an Indian railway station. Similarly, we used to describe corruption citing the bribe of ghee taken by Bahidar (a junior clerk in the court) and Bichari (a non-gazetted third class civil servant in the court).

Corruption, which in the past used to be limited in the certain sectors, has now crossed the line. It has made the whole country immoral and valueless by taking the achievement of the society and nation aside.

This problem is not only ours but also of India which is facing this problem as proved by Gujral's speech. Primeminister R. K. has performed his duty by giving priority to the rising rate of corruption and the need of its control. In our country, the country's ministers are turning their ear deaf and the MPs are busy collecting money for the elections. The authorities of all three governmental bodies are seen to be deeply involved in the corruption. Therefore, none of these bodies is concerned to control the corruption.

Gujral declared "Please, give complaints of corruption against any minister or authority directly to me. I'll take action." This was the first speech against corruption on behalf of the governmental head. Gujral publicly vowed to take action against corruption. Now, he also has to effectively implement the plan against corruption by turning the weak law into a strong one. Gujral pointed out the need of 'Satyagraha' (grand protest) against the corruption. Satyagraha means to organize a program in which entrepreneurs or citizens do not have to give bribes for work.

A movement is going on in Nepal too. To fight against corruption, discussions, meetings and seminars have been begun. As it is only in its beginning, the result of its work is not yet beneficial. In the contrast, enmity against it has been intensified.

How will Satyagraha against corruption begin in India? How can Satyagraha achieve any success in a situation in which all social bodies are corrupted? We will track this. From which level should Satyagraha begin? How can it be accepted from the citizens and what type of program does the government form? If the series of plans are formulated after seeing the answers to these questions, it can be successful. However, it is very difficult to begin a new plan. Later, it may become a way of life.

*Extracted from: Himalaya Times, Bhadra 9, 2054 B.S.*

## **The context of corruption control**

Corruption has intensified in such a way that it has been spreaded everywhere and has badly affected to all the sectors. Now, we need a special treatment to get rid of it. It may not only make us disabled but may also take our life if we are unable to make a concrete decision in time. We cannot ignore its long-lasting effect. Corruption, which used to be taken lightly, nowadays, is seen as a fatal disease.

Human beings have been facing different problems and misfortunes since the creation of the world. The human society had to fight against different diseases until medical science has not been established. Fatal diseases like pox, malaria, pestilence and cholera spoiled the public life and society. In many poor countries, people are still fighting with fatal diseases. A few

years back, another disease called corruption, which is harder than many others, has fully affected almost every single developing country. What is the treatment for this new disease? How can it be treated? These questions are remaining unanswered. Therefore, in the developing countries like Nepal, autocrats sometimes raise their heads. The military rules of Pakistan and Bangladesh are examples for us.

It doesn't mean that whether there was no corruption in the past. It was prevalent, but only in the limited amount. The effects of corruption, at that time, didn't use to be known as an obstacle for the national progress. It did not create the political impasse. No one wanted to become corrupted because that meant shame and embarrassment. But today, the rulers of the nation have been deprived of morality and honesty.

Corruption has intensified only after the Second World War. Two supreme powers began to grab the opportunity of making under developing countries shield. Since then, rich national leaders have appeared in the poor countries. Powerful nations and their corrupted leaders became rich and richer when poor nations became even poorer and started to depend on them.

By misusing power and exploiting the national fund, only few people managed to capture the state. They argued to their dirty game as a democratic practice. Poor people falsely opined that the ruling people have the right to collect money because they are from different classes. Because of this thinking, the authorities became busy to collect money using any kind of tricks. In the developing countries, only few selected people of the certain group and family have reached to the top level. Those are the main actors of corruption.

Just like the nature of water, corruption begins from the top and lowers down to the bottom. To expect fresh water is foolish if its spring is poisoned.

In our country, the custom office with its main duty to collect revenues is made open for the smugglers. The state's property is transferred to the person implementing the open economic policy. Bribes of hundreds of thousands are taken while appointing somebody in the post.

Not only this. The prime-minister, which is the most powerful post, can be admitted from the rostrum of the House of Representatives also corrupt. If so, what is the meaning to be selected by the citizens? No action can be taken against those incapable and irresponsible people. If so, how can corruption be controlled in this country?

The prime-minister of each new government comes up with the slogan to form the strict working plan to control the corruption. But this is limited in the slogan. Since 2047 B.S., six prime-ministers from the different parties have been appointed. But within this eight year's long period, some people have become neo-rich by corrupting and there has been hamper in the national fund.

After this New Year 2055 B.S., the Nepali Congress formed the government. Though the Congress was in the minority, it managed to form the government. Girija Prasad Koirala, the president and parliamentary leader of Nepali Congress took his oath lauding to control corruption. But until now, no sign in his behaviour has been seen that is likely to control corruption. We have doubts whether his term may expire with the play and conspiracy whether the anti-corruption slogan will be limited in the slogan only. Even though it is difficult to face the facts, it is not impossible to solve the problem.

It is nonsense to highlight morality or legal responsibility in the situation in which corruption has institutionally spreaded its roots everywhere. If we keep playing deaf, corrupted people will be encouraged. Therefore, all the intellectuals, journalists and the nationalist groups should continue to write and speak about the problem. In a favorable situation, a protest

should be created. If not today, a superman will be born that will be capable to control this communicable disease. With this hope, we are living.

*Extracted from: Vimarsa Weekly, 15 Baishakh, 2055 B.S.*

## **The need of an educational campaign against the corruption**

Though, many countries of the world have implemented a working plan against the corruption in their own ways, they haven't been able to halt the speed of its development. In addition to this, the World Bank has invested a huge amount of money in a single organization to control the corruption. However, effective results have not been achieved in the comparison with the sum of the investment. Merely, it has been able to introduce 'transparency' in the developing nations. I don't think that this is enough to create an environment that can control the corruption in the developing countries. The means to control corruption can be achieved only after its origin and speed have been identified.

Let's look at our new formula from the following way: Corruption is an obstacle for achieving a stable environment and it has been proved to be the hindrance of economic development. Therefore, we cannot have a politically stable environment without the corruption controlling and consequently, economic development is not possible. Without economic development, the living standard cannot raise. The government's nature which would be able to uplift the living standard only triggers chaos.

Therefore, the term 'corruption' is likely to be defined. However, to do this, it's importance to find its nature and its trace of origin. This is possible only if we study it thoroughly. Being a new subject, it has not been easily proved to be an acceptable subject. It needs constant practice to become simple.

Now, we need to know the answers of the following questions: How can we create a corruption free society? How can we reinstate the moral values that are vanishing from the society? How can we create an environment of confidence? As all political, social and economic sectors have been badly affected by the corruption, how can we make these sectors free of it? Considering these questions, we think that it is necessary to implement two plans: an immediate and a long-term plan. The immediate plan has to be implemented by the government and will achieve results in a short time span. The long-term plan, on the other hand, can be implemented by the parts of the public. On 15th Chaitra, a historic work was inception: an interaction program on the study against corruption.

Not a single university in the world has started to teach anti-corruption as a subject. However, this doesn't mean that this subject shouldn't belong to the area of university studies. Corruption is a social problem and it has been proved to be an obstacle for the economic development. Moreover, it has challenged to the rule of law and good governance. Considering its importance and seriousness, there's a necessity to study this subject and this has been realized. Therefore, the study against the corruption should and can be a subject.

The interaction program was organized on 15<sup>th</sup> Chaitra, (from 7 AM to 9 AM) in Patan Multiple Campus. Participants were students and the teachers of the department of sociology. In the same day (from 5 PM to 7 PM), another interaction program on the same topic was organized in the department of sociology, Trichandra Multiple Campus. Khagendra Bhattarai, principal of Patan Multiple Campus, stressed about the need of studying anti-corruption as a subject to get rid of this disease. Similarly, Resh Raj Adhikari, head of the department of sociology, highlighted the need of that type of interaction before launching any new subject. In the same way, Dr. Sidhibir Karmachary, principal of Trichandra College, said that time has

come to begin for teaching about the anti-corruption subject. Dr. Badri Nath Shrestha, advisor of the Vice Chancellor, attended both interaction programs as a representative of the Vice Chancellor and made the program more glorious. He encouraged the participants by giving his words to support the department of sociology that it would begin to offer thesis writing about anticorruption. The columnist himself had the opportunity to coordinate both programs.

We need to extend the identification and necessity of an anti-corruption subject to the different universities of the world as fast as possible, beginning its study first in Nepal. This is not impossible because if the subject can be taught in the poor countries like Nepal, it can also be taught in the other universities in the world. We only need dedication and alertness.

It is very difficult to scale corruption which stands like a Himalayan peak and which is different than what we have seen before. However, if we are serious in our study and work hard, we are able to analyze every parts of this peak. We merely need to be well prepared for this expedition.

Tribhuvan University will be known as the first university who has started the study of anti-corruption. Nepal will then proudly be able to send highly skilled manpower of anti-corruption to different nations.

*Extracted from: Kantipur daily, 26 Chaitra, 2056 B.S.*

## **The need of will power in the corruption control**

Leaders of the developing countries like Nepal flay corruption done by the ruling party and other bodies of the government until they become ruling themselves. This is not only the problem of our country. Others have been badly affected by this problem as well.

On August 15th 1997 A.D., Indar Kumar Gujral, Prime-Minister of India, vowed to control the corruption because he was in a minority and had led the coalition government, his dedication had to be limited to this speech. Similarly, Nawab Sarib, Prime-Minister of Pakistan, flayed corruption but it was merely because of the opposition party. As a result, all properties of the former Prime-Minister Benerji Bhutto have been restrained. Moreover, corruption done by the authorities of preceding governments has also started to be disclosed. However, no action has been taken against the ruling leaders and the present authorities. We are hearing similar news of the policies of Khalida Jiya, Prime-Minister of Bangladesh, to control corruption but so far no means to effectively control corruption have been implemented not only in Nepal but also in other countries. I don't mean to say that it is too late to control corruption in our country. Furthermore, it should be controlled as per country and its circumstances.

Considering the working methodology of corruption control, not only our neighbours but also other many countries have not put the provision of a corruption control body in their constitutions. Nepal is the only country that has such a provision, the Commission for the Investigation of Abuse of Authority (CIAA), in the 12th section of its constitution. Seeing it in this context, the CIAA should be very powerful because it is an independent constitutional body. However, the commission is very weak.

Let's consider its history. In the amendment of the Panchayeti constitution in 2032 B.S., the provision was named ...Commission for the Controlling of Abuse of Authority. It was differed in the form of the present one regarding with its jurisdiction. The commission at that time had the right to do enquiries, investigations and verdicts whereas the commission today is only allowed to investigate. On the one hand, it is attempted to let the corruption control body look powerful while on the other hand, it is made disabled. Therefore, the present

corruption control body of Nepal has become very passive.

There was a sign of hope when Prime-Minister Girija Prasad Koirala lauded the slogan 'Corruption control is the first need' immediately after his appointment. However, in the course of time, his loud slogan started to become weak. Sooner or later, something has to be done to control corruption.

Corruption controlling policy must be formulated by dividing it in the different stages. Yet, it is impossible to formulate and implement the different plans at the same time. The first stage is very simple. It is the formulation of an effective methodology act for the Commission for the Investigation of Abuse of Authority. This act has been formulated once. Soon after the constitution of Nepal in 2047 B.S. was established, the commission act 2048 B.S. was made. However, some of its sections and articles were found being contradictory with some of the constitution. Therefore, the commission remained passive for more than five years. On Kartik 6, 2053 B.S., the Supreme Court dismissed the contradictory acts and the commission began to move slowly. Yet, it didn't become as powerful as expected. The Special Police Department formerly working to control corruption became limited in Kathmandu because its working area was put under the control of the commission. All the bodies became mixed up and ambiguous due to the lack of coordination between constitution and act.

The ministries of law and parliamentary management made preparations to submit an amended draft of the commission act to the session of 2053 B.S. After that, the media would disclose a dispute regarding with the discussion if the bill was a general or an economic one. What a hilarious argument of the authorities! How can they solve the complicated problems like this of the nation if they cannot agree on such a minor dispute? It makes me sad. Four sessions have been going on since then and no bill has been submitted for the commission act.

Before submitting a bill, suggestions are being collected that are going to different bodies where additions and deletions are made. Those changes are made to achieve capability and completeness. However, in the case of the draft for this commission, it has been realized that the opposite policy has been adopted. When the government staffs want to make it favorable for themselves, ministers are compelled to change it according to the interests of their parties. The present draft is not favorable for the commission. A few weeks back, the commission appealed to the ministry of law to change it. We will see whether the ministry submits the draft with amendments as per commission's appeal.

In a small country, a minor working plan can control the corruption. In our country, corruption should be controlled effectively because the Commission for the Investigation of Abuse of Authority has been defined as a body of the constitution. We merely need a national leader who has a strong will power to control the corruption. If we manage to get rid of this problem, we can develop our society and our nation. Besides that, it will be helpful to our neighbours and other countries which have been severely affected by this problem as well. The anti-corruption working plan of Singapore, one of the smallest countries in the world, has been a lesson for many large countries. Will we be able to change into a powerful country that can teach other countries a lesson about transparency, morality and honesty?

*Extracted from: Kantipur Daily, Jestha 31, 2055 B.S.*

### **Corruption control: Demand of a new age**

Political stability can't be achieved without corruption control. Economic development is not possible without a stable political environment. Without economic development, the living

standard of people cannot be uplifted. Thus, a government that is unable to uplift the living standard cannot last for a long time.

This is a new message for a new century, a new formula for a new age and a new notice for a new generation. To know about the corruption control's inevitability and necessity, mere observation of our own circumstances is enough. There is no necessity to go somewhere and read piles of books. Just like morning shows the day, the present predicts the future. Today, corruption is successful to badly affect not only to people but also the society and the whole nation.

The main cause of frequent changes of the government in the developing countries is the rampant corruption within society. The more corruption spread, the lesser the time duration of the government and vice-versa. A change of the government maintains instability and this triggers mistrust. Mistrust is accompanied by immorality.

A society infected by the corruption cannot create a politically stable environment which cannot lead to the path of development and prosperity. Therefore, the main and primary work of countries which have an instable political environment is corruption control.

Not a single step can be taken for the development of a nation without corruption control. But corruption control is not an easy task as someone may expect. It takes time to control corruption even if we launch a special campaign against it.

This new formula was incepted in a time when many developing countries were suffered from the corruption. Our concern is not only about this country. All the developing countries have been badly affected by the corruption. African countries such as Ethiopia or Nigeria as well as Asian countries like India and Pakistan have been hit by this problem. The recent mid-term poll in India and the newly formed coalition government are obvious signs. Furthermore, three prime-ministers of India have been charged within three years. Similarly, Sariph, prime-minister of Pakistan who got one third of the majority in the election, had to be sacked by the simple military officers. Let's discuss about the past ten years of our own country. Within ten years, we had seven different prime-ministers and four different coalition governments had been formed. Changing the political scenario that often, always triggers instability and mistrust. We know this fact but many people don't know what triggers instability and mistrust.

Different unpleasant incidents took place in the parliament, one of the responsible bodies of the state. For an example, the president of the ruling party himself toppled his own government casting votes for the opponent party. Furthermore, the MPs of the ruling party remained absent while voting for the prime-minister's proposal and as a result the nation became obligated to face mid-term elections toppling the government. Considering the present economic condition of the nation, the state should bear at least five billion rupees including expenses of both government and people for an election to hold. It is not necessary to mention how good it would be if a nation like ours gets a developmental project of five billions.

Democracy is a system that is able to bring multidimensional development to a nation and its people. It is not a system in which state power is controlled by immoral ones and leaders become neo-rich overnight exploiting the wealth of people. It is also not a system in which political conspiracy exists. Unfortunately, that is exact what happened. No one has realized the need to control it. People having a character with double standards have become the rulers of our country. How can we develop the country in this situation?

Corruption is a new disease that has been incepted in the middle of the 20th century. Representatives, who, until recently, didn't understand the meaning of 'commission', don't even want to utter the name of a project without a commission nowadays. We've also seen many organized groups that were ready to hand over their own country to someone for the sake of economic benefit. However, only a few people are aware of the fact that all these are happening because of what we call 'communicable disease', the problem of corruption.

As we mentioned before, this problem was incepted after the Second World War. After that, it has managed to spread in poverty and scarcity of the developing countries for half a century. Considering the fact that it was only a short time span, corruption should have taken longer to spread. However, like communicable diseases, it spread very fast and it even managed to accelerate its speed. It managed to affect most of the poor nations in the world in a very short period of time.

Let's think about corruption's origin. How and from which medium did it come into existence? When developed countries made small countries their colonies? They, e.g. America or Great Britain, used to openly exploit the poor nations. At that time, citizens of poor nations used to be sold like cattle. Furthermore, they directly ruled over these countries by making secret agreements with the clever people. The beginning of the 20th century marked an attempt quit this ill-tradition and to bring a good political environment. At the same time, governments were formed in the some countries. Many of them got the change to form their own governments. Unfortunately, conflict has been initiated again due to the proudness and ambitious leaders. The First and the Second World War took place during this period. Those wars were followed by the end of the totalitarianism of the developed countries and the establishment of self-governance.

However, developed countries couldn't stop the trend of exploitation and created a new form of it: economically colonized to developing countries. They continued their attempts to maintain their dominance. They made new plans to grant assistance to the poor countries. This triggered attraction of poor countries towards the developed ones. Yet, it was not enough to satisfy them. Therefore, they seized the master minds of poor nations. The result of this is that the developing countries have been trapped in corruption.

Corruption is the biggest fatal disease we are facing today. If everyone is aware of this reality, corruption can be controlled. However, it's not only a problem of this country, it is a global problem but the problem should not be ignored thinking that as it is a global problem it can only be controlled with a global effort. Countries that are hoping to control the corruption soon should go ahead. Countries that cannot decide on this problem cannot develop. Therefore, we have to combat against the corruption and control it if we want prosperity and development.

*Extracted from: Kantipur daily, Paush 26, 2056 B.S.*

## **The movement against corruption and its achievement**

A society that has been affected by the corruption has lost value and forsakes morality. A member of this type of society is selfish and deprived of human values while he is looking for opportunities. We should not let this valueless society last for a long time. A humanitarian society should be created as fast as possible finding a way out of it. Otherwise, we will have to face a very troublesome time.

Without controlling corruption, a country cannot go a step ahead only even in the path of development. However, this is not as easy as someone may expect. This problem can be

controlled only if we protest against it in a campaign uniting all sectors and be aware of it. The 'Forum for Independent Thinking' has been launched as a movement against the corruption with these objectives. This movement has just entered its fifth year on Marga 7. On Mangsir 7, 2053 B.S., it decided to call for a protest against corruption. Since then, it has been dedicated to control the corruption through the different programs.

The determination of the 'Forum for Independent Thinking' says: "When corruption has stood as an obstacle of the stable political environment, it has also been proved to be a hinderance for the economic development. Therefore, a stable political environment can't be achieved without controlling corruption and in the absence of a stable political environment, economic development is impossible. Without economic development, the living standard of people can't be uplifted and the political system can't last for a long time. Therefore, corruption control is the only tool for our multidimensional development. The economic development of the country, with intensified corruption, is often stalled, the social structure is broken and political instability is created. The same, that used to be heard as traditional stories, has presently happened in Nepal."

Corruption can basically be controlled in the following ways: (1) forming a stern law against the corruption and (2) creating a stigma or establishing a society based on moral values. The present Nepali society is deprived from both above mentioned means. Therefore, corruption has been managed to spread institutionally because it has been institutionally developed, it is very difficult for us to define it as corruption. In the past, authorities used to take bribes. But nowadays, they are robbing the nation and its people are twisting the law at the day light.

'Forum for Independent Thinking' has openly protested against the corruption by opening four departments: (1) The department for street protest, (2) the department for investigation of corruption, (3) the department for legal treatment, and (4) the publication department. The department for street protest has continued to organize mass rallies and public-interactions against the corruption. To investigate corruption, the department for the investigation has found different corruption related incidents in the governmental bodies as well as law breakers and bank offenders. In the department for legal treatment, the provision has been made to lodge complaints against corrupt people. In the publication department, the 'Nepali Aawaj' (an anti-corruption special issue) has been published portraying the hidden governmental and non-governmental reports related with corruption.

The 'Forum for Independent Thinking' has achieved great success in a short time span. The Commission for the Investigation of Abuse of Authority which has been inactive since 2048 B.S., started to act on Mangsir, 2053 B.S.. The custom privilege of vehicles for MPs was cut by the decision of the cabinet on 2053 B. S. In other words, what we called Pajero Culture ended. Similarly, article 25 of the MP Remuneration and Privilege Act from 2052 B.S. made a special provision of pensions for former MPs. Claiming the provision of pensions an illegal act, the 'Forum for Independent Thinking' lodged a case against it. On Kartik 27, 2057 B.S., the apex court dismissed the article for pension privilege. Millions of rupees of the state fund can be saved from this way.

Democracy is a system that is able to bring multidimensional development in the peoples' life. Democracy is not a name of a system in which political conspiracy is made, politics as pure welfare is taken as a profession and as a tool to seize power. Also, the state fund does no turn to personal property.

At present, immoral elements have come forward and seized the state in the name of democracy. They are disseminating the miss-result of the democracy. Therefore, conscious citizens should not remain silent. It is time for us to be united to remove the mask of the state



robbers and shake each other's hand to process the movement of the 'Forum for Independent Thinking'.

*Extracted from: Kantipur daily, Mangsir 12, 2057 B.S.*

## **Political parties and the context of corruption control**

We are compelled to hear that there is rampant corruption. Corruption is intensified in such a way that there is no signal to control it in an easy manner. Had it affected only a few areas, it could have been controlled but it has affected all areas, there is no possibility to do so in an easy way. A society that suffers from corruption gradually becomes selfish, dishonest, irresponsible, immoral and it ultimately loses its existence. In other words, a humanitarian tendency is replaced by a non-humanitarian tendency in the society. Such a situation is an obstacle for the social and democratic development.

Yesterday, we were fighting for both a transparent, free environment and democracy. However, all our wills and wishes have been spoiled. Chaos and opportunistic feelings began to develop. The democracy that I explored is about to harm us because its main source is corruption. A transparent democracy can't even be imagined without controlling corruption.

Corruption is not just like a simple disease. People and society suffering from it seem healthy on the outside but they are badly affected to the inside. They are not only fearful but also careful. Now, let's consider the effect of corruption on parties.

### Communist Party of Nepal (UML)

The 22nd of Falgun made UML disabled. Once, this problem appears, a loss is mandatory. On that day, the largest party in the parliament was divided into two factions. The leaders had been found to believe that they would be powerful by the faction. We are aware of the fact that this split is not due to different principles. The main cause of the split was the greed of power. The magic prosperity while being in power is the main reason. Greed triggers sin and sin ultimately encourages destruction. Corrupt people and groups don't pay attention towards this problem. The group in which they invested the important parts of their life, the base on which they stood and developed their personality, the principle of which's basis they made their party the largest one, they didn't hesitate to accuse each other of being rebels.

### Nepali Congress

Internal conspiracy for the first time began in the Nepali Congress. The party was divided into Chattise and Chaurahattare because of the leaders' covetous feeling of power. Both groups have shown their unity only after fulfilling their self-resuming power. The prime-minister might have known his pain when he, on Baishakh, had to involve unnecessary people in his cabinet. Considering the internal conflict, impede, conspiracy and boasting, this party is also not out of risk.

### Nepal Sadvabana Party

The Sadvabana Party, which has been formed advocating Hindi language and claiming to represent the Terai region, has developed an internal conflict within a short span of time. Janta Dal was emerged immediately after the split of the party. With the accusation of being opportunistic and corrupt, the leaders showed an open split between them. However, a consensus was made again. When they managed to seize the ministry of forest, Janta Dal disappeared. The Sadvabana Party was reunited.

### Nepal Workers and Peasant Party

Fifty percent of the Nepal Workers and Peasant Party, which means two out of four, involved in the communist movement, changed the party. When one of them was shamelessly involved in the UML, another member was involved in the cabinet of the coalition government of the Congress and RPP. In this way, the largest parties themselves were found to be involved in the development of an anti-democratic culture.

### Rastriya Prajatantra Party

As this party was incepted from the ocean of corruption, everyone has seen the smear of corruption on their face even if they try their best to hide it. Therefore, there is no need to analyze the unity and split of this party in depth. With the continuation of Panchayati group based politics, two different groups, the Thapa and the Chand group, appeared. In the first election, they presented themselves in two different groups. However, in the second election, they were united. The members of both groups continued to change the group according to the situation.

Some members that were elected from the Chand group switched unnaturally to the Thapa group. How are the leaders that changed the party going to present themselves and how are the people going to accept them? Those questions are left for the future.

People have started to know those leaders that fulfill their self-grabbing opportunities. They also know the groups who deceive people by instigating such an inhuman activity.

*Extracted from: Vimarsa weekly, Jestha 29, 2055 B.S.*

### **The need of capable bureaucracy**

When an organ of the body becomes weak, the whole body is affected. Therefore, if a body of the government becomes weak, it should be treated immediately. If it is not treated, internal tension will grow and the problem may get worse; there will be no way out later. Therefore, not only the government, but also all of us should continuously think of how to become strong and capable. -Disabled organization and the movement of staff

*Extracted from: Pachas Prasanga*

### **Selling property is not the solution**

In this democratic age, a nation can only be developed in a marathon speed if the policy of liberalization can be adapted in the economy. Taking this principle as a basis, the developed nations of the world like the U.S. have adapted the policy of economic liberalization and free market. Within this policy, these countries have reached to the climax of development. The structure of the society with high literacy rate and a strong economy is the main infrastructure of the success. No one should be ignorant of the fact that a suitable environment is inevitable for the implementation of any policy.

People won't believe for a long time that liberalization means closing of industries by selling machines and exporting its parts to the foreign nations. Instead of that, it means involving the private sector into the economic development and encouraging foreign capital in the national development by adapting the policy of liberalization.

It has been disclosed that a dispute regarding with the privatization of public enterprises between the finance minister and the minister for industry and commerce has been created. When the finance minister is determined to privatize corporations to make donors happy, the minister for industry and commerce is deterrent to wait some time.

The before mentioned three industries those have been sold in an initial phase, Hari Shidhi Brick Industry, Bhrikuti Paper Industry and Bansbari Skin-shoes Factory were established by the government of China for our industrial development. After those industries have been sold in the pretext of liberalization, we have got the following results. The brick industry has not yet been paid. Contrary to this, the public banks of the nations have been compelled to provide additional loans. The Bhrikuti Paper Industry was sold with a value of 220 million rupees has become a burden for the economic sector of the nation, consuming a debt of 1 billion rupees of the Nepal Bank. Using all parts of the Skin-shoes industry, India is running a very good shoe industry in Kanpur, thereby contributing to the national economy.

The fact that a democratic government does not run the industry and trade is to some extent true. But, in the countries like Nepal, where 80 % of the people are illiterate and 90 % are below the poverty line, both the nation and its people are exploited to a few capitalists if all industries are privatized. Therefore, the meaning of liberalization is not to privatize to the all state properties.

Because of the lack of a simple manager to run the Rastriya Banijya Bank, the largest bank of Nepal and run by the government, it has been handed to an American manager. Before this happened, Nepal had already shown the precedent of its intellectual bankruptcy handing over the Nepal Bank in a contract. It is shameful that our country did not have even a skilled manager. We are facing such kind of problems because there is not a single leader or governmental authority who thinks of the reason behind the creation of such a situation.

If public corporations are being categorized from a point of view of the welfare of the nation and its people, then all corporations presently owned by the government should be run by the government itself. Then after only, people can take benefit.

In a bid to continue privatization, the government has recently sold the Butwal Power Company Limited, one of the largest electricity production companies, to the Inter craft Company with a value of 9.5 million rupees. How and why are these types of agreement made? With whose instigation is the draft of the agreement made? There is no provision to inform people about those issues. When many public corporations have already been transferred to the private sector, others are in the pipeline.

*Extracted from: Nepal Samchar Patra, Magh 7, 2059 B.S.*

## **Growing production of liquor and the Maoists' appeal to the public**

Nepalese people do not have ideas on how to explore and create new things. Moreover, they don't know how to be presented in an innovative way." This statement is come from an experienced person. It is true that Nepalese people, who do not practice trade and business, have no any idea how to explore new things.

There was a flood of readymade clothing industries in the country. Factories were established in every house. Now, they are gradually being liquidated. In a similar manner, there appeared a fashion to purchase shares. The profession of establishing giant factories or businesses and to sell their shares, convincing people of getting great benefits, began to rise. Recently, more applications than needed were submitted for purchasing shares of one of the development and other banks invested by the foreigners. Furthermore, people flocked to purchase shares of the Hyatt Regency and Radisson. The share market in Nepal is now on its climax.

In the wake of this situation, on Bhadra 28, 2058 B.S., the Himalayan Distillery has made 17, 34,600 shares, each with a value of 100 rupees, open for sale. It is necessary to think about the need of such a debatable factory like the distillery rather than talking about whether

general people purchase these shares or not. It seems that the factory has successfully made its way to sell shares. Even if the public does not purchase the shares, the process won't be halted. If we see the assurance description, the leadership of the NIDC Capital Markets Limited 32 banks (both smaller and bigger ones) has already assured to purchase the shares. Therefore, despite peoples' apathy to purchase shares, the company will manage to collect 17 crore, 34 lakhs and 60 thousand rupees. But, the question is, on what basis did those companies assure to purchase the shares of the Himalayan Distillery?

The Himalayan Distillery, that was connected to the Sigram Company Limited of Canada, on Kartik 19, 2056 B.S., has now been changed into the Public Limited Company on Kartik 18, 2057 B.S. within one year. The Himalayan Distillery, that was established in 2042 B.S. as the Himalayan Distillery Private Limited, and the Jaulakhel Distillery are sister companies. Here, we are merely thinking if the nation is able to bear the burden of such huge company for the production of liquor or whether this an appropriate time for this purpose or not.

The Mahila Sangh, a female wing affiliated to the Communist Party of Nepal (Maoist), has launched different programmes to make people aware of the fight against liquor. The cadres of the organization have also managed to declare some places as liquor-free areas. They have been successful to ban liquor even in the places like Chitwan or highway areas where liquor is used in a very large scale. Furthermore, by pressurizing to the government, they made an agreement to use liquor only in the stipulated places. In a bid to control liquor, on Bhadra 2, 2058 B.S., a group participating in a programme set fire to the Sah Distillery situated in Khajurakhurda V.D.C., ward no. 5 and destroyed it. While setting fire, the industry was surrounded by thousands of people. They not only destroyed the building but also the produced liquor. This scandal clearly indicates peoples' feelings towards the government and entrepreneurs.

During the Rana regime, nobody accepted the tender related to liquor. In other words because it was regarded as one of the inferior works, Muslim and Teli people from India used to be requested for that purpose. Later, liquor began to be adulterated by chemicals that harm the human health and thus, the government gradually became compelled to control such liquor. The struggle between the people and liquor entrepreneurs continued.

In Nepal, 43 industries got the approval of the government to produce liquor and 21 industries are in operation. Among them, 11 industries produce high quality liquor and five now produce beer. The staffers of the revenue office say that if the alcohol industries pay revenues as per the existing rule, they can't run for more than six months.

Thus, it is said that alcohol industries can't be operated without hiding taxes because the rates are high. For the Nepalese people, alcohol industries are more than necessity in the comparison to other basic needs. Who keeps record of this?

We see the equipment fixed in this industry and we know that it will produce high quality liquor. But where is its market? Even if something good is written in the study of feasibility, it is merely liquor and it is not an essential medicine. It is an easily available thing that can be produced everywhere in the country. Therefore, its first market is Nepal. This must be realized by everybody.

To be specific, we all must say that for the economic development of the country, industries are essential but not alcohol industries. People need grain not for alcohol, but for their survival.

*Extracted from: Nepal Samachar Patra, Bhadra 23, 2058 B.S.*

## **Nepali origin foreign army in the poll and constitutional dispute**

Prime-minister Sher Bahadur Deuba swears for anything and is ready to grant the amount needed to persist in the prime-ministerial post from the state fund, even though it means a huge loss for the nation. He is always fond of sticking to power. We can make this conclusion by observing his past activities. First, let's briefly discuss how he loots the state fund. He never hesitated to misappropriate the state fund. That occurred during the time of his first premiership in 2052 B. S. or in the time when he resumed power for the second time in 2058 B.S. He is the first prime-minister who formed a jumbo cabinet. For an example, he visited the U.S. or the United Kingdom with a jumbo team including his own family members. He never felt ashamed to spend the state fund for a trip to Belgium when he was supposed to go to Johannesburg to attend a summit. Prime-minister Deuba has shown his determination to hold elections on Kartik 27 at any cost. It does not mean that we have to disbelieve to the prime-minister's determination. But, we must believe to the Sher Bahadur's speech with a doubtful mind. It is because the infrastructures for elections seem to proceed in a steady manner.

Despite his determination to hold the elections in a stipulated time, no elections related activities have been seen yet in any village or town. Even if the date of the elections has been declared, most of the government bodies have shown their apathy towards elections due to the recent split in the Nepali Congress and Maoist movement. The governmental bodies have been stuck to problems like delays in granting money from the finance ministry, lack of assistance to the election commission from all levels and so on. The election commission has disclosed that some of the appointed people as chief electoral officers have been nominated illegally under the pressure of the government. They have also disclosed that the government is not being able to assure the safety of the election officers responsible to hold the elections.

Because, the present security force is inadequate to provide security during the elections. The government has made an amendment in the regulation last week. The amended regulation has made it possible to recruit ex-Gorkha soldiers and people from the Indian army. There is a dispute regarding whether with the ex-army personnel who served in a foreign army is eligible to be recruited for our security forces or not. But, it is another discussion if such type of mixed armed forces can be formed within such short period of time. Therefore, people, who served in the foreign army and are now retired and engaged in their home affairs, can't be recruited. The reason for this is that a new army training along with a special training for the election procedure is needed for them. It is doubtful if the government can train and deploy them in the field, as there is very limited time.

The section 26 (3) of the Act for Election of House of Representative, 2047 B.S. reads: "The gap between the day to public the final list of candidates and the day of the elections must be at least 30 days." In other words, it takes at least 40 days to carry out all the processes of elections such as the publication of the final list of candidates, the nomination of candidates, and so on. Because it takes time for candidates to get a ticket from their respective parties and reach constituencies, it is impossible to hold the elections on the declared date.

The prime-minister and the minister for home affairs said in their speeches that the elections can be held in the stipulated date. But, by observing their activities, it seems that it takes four to five months delay from the stipulated date to completely hold elections. It seems that, with the intention to remain in the power for as long as possible, Deuba's led government is lingering the election process. The political parties contesting in the elections are also not confident that the elections will be held in the stipulated time and that members of the House of Representatives will be elected within six months as per article 53 (4) of the constitution.

The House of Representatives should be holding election on Mangsir 7 as per declared schedule. Otherwise, a constitutional crisis may be created. It is very difficult to understand that whether Deuba is aware of this or he just pretends to be ignorant of this fact.

The central committee meeting of CPN (Unified), that lasted after four days and was held last week, concluded that the elections can't be held. Other parties also started to say that the elections cannot be held in such a situation. Political parties have submitted a memorandum to the prime-minister. However, no reaction has been received from the government so far. Those parties which were prime movers of the election have expressed their doubts on the view and activities of the government and both candidates and voters are not in a position to believe the activities of the government regarding with the elections. Both the small and large parties have not been able to publish their manifestos and make the lists of the candidates even though the Election Day is coming nearer.

The political vacuum, a situation of not having representatives, prevalent at the present, did not even occur in the autocratic Panchayat regime. All the functions of the Local Self Governance have been initiated by the civil servants. Deuba became prime-minister as the leader of the parliamentary committee of Nepali Congress that achieved the majority in the general elections in 2056 B.S. However, since he has registered a new party called Nepali Congress (Democratic) with his own leadership in the Election Commission, he has lost his legacy prior to Asoj 7. Therefore, Prime-minister Deuba should not be in the power. But unfortunately, Deuba cannot be refrained from the power.

It is obvious that the members of the House of Representatives can't be elected until Mangsir 7. There is no doubt that there will be a constitutional crisis in the near future. Waiting for such a crisis is the trick of Deuba to lengthen his prime ministerial tenure. The use of Article 127 of the constitution is mandatory for the way to be out of the constitutional crisis.

*Extracted from: Nepal Samachar Patra, Asoj 13, 2059 B.S.*

## **Prime Minister Thapa and the context of corruption control**

On Phalgun 8, 2054 B.S., Prime Minister Surya Bahadur Thapa standing on the rostrum of the House of Representative openly disclosed the fact that corruption is being undertaken in the country. He accused to the parties and leaders of erstwhile government of being guilty of corruption. He alleged to the MPs and leaders that they not only need liquor but also beautiful lass. Saying that, politics has become powerful due to the irresponsible and immoral behaviours of some MPs and leaders. He also accepted the fact of all being responsible for the same. Highlighting the fact of the purchase of MPs, PM disclosed that he was said to have known that the price of a MP had been fixed from minimum five millions to maximum ten millions.

With all these happenings, what do the people, who are compelled to live in such kind of plight, think? While a MP earns millions of money while changing government, we can guess how much the state's amount can be misappropriated by the people who attain the power. This is a very serious question. It is therefore about time for Nepali people to ask this question to the people who attain power and monitor their changing life styles. The time has come to declare the peoples' representative, who is found to be guilty of collecting state fund ignoring peoples' service and state fund, a state rebel and punish them as per the law.

This type of statement from the head of the state from rostrum of the parliament about discloses and acceptance of rampant corruption in the country is perhaps the first incident in the history of Nepal. If an authority of the government says or discloses the incidents of

corruption, it must be investigated and made the reality public without any delay. People are now curious to know how the government reacts on Prime Minister's parliamentary speech.

On that day listening to the clarification of PM, thousands of citizens who are worried of corrupt attitude of the nation might have been happy. Most of them might have thought now, anti-corruption movement begins from top level; it would begin from governmental level. The plans will immediately be formulated to curb it. Not only this, different constitutional bodies having the responsibility to curb corruptions such as Commission for Investigation of Abuse of Authority (CIAA) and the governmental body like Special Police Department under the Ministry of Home Affairs that have become powerless might have felt relief.

In section 12 of the Constitution of Nepal, a provision of Commission for Investigation of Abuse of Authority has been made to control corruption. In the same section, an attempt has been made to show the Commission powerful mentioning in its functions, duties and rights. No country in the world has made such a constitutional provision of such commission to control corruption. But, CIAA has been limited within its name since the working procedure was made in such a way that the articles of statute were contradictory to each other. No leader and MP have any concern about the amendment and activation of the commission.

Prime Minister Thapa is in against of corruption. If PM feels the need to curb corruption, he, at first, should formulate to the law to empower to the Commission for Investigation of Abuse of Authority, should endorse to the same issue from the cabinet and introduce an ordinance to promulgate it. In other words, he should try his best to introduce ordinance in the coming winter session. There is also a rumor that with an attempt to formulate necessary law for the commission, a draft was prepared in the time of the then Prime Minister Girija Prasad Koirala. But, an attempt to make the commission powerless by deleting important contents of that draft is still going on. How is this ordinance introduced and endorsed in the Parliament unknown? This is a subject of concerning to all people.

Formulating the plan to control corruption and implementing it is more difficult that just saying so. Prime Minister Thapa spoke as if he was going to take initiative from the next day. We therefore happily listened to it. A huge number of people, who think that corruption should be controlled, were spelt bound. But, the curiosity as to when the action with regarding to this will be initiated has become the subject of anticipation. Amidst the speech, Prime Minister has accused himself guilty. In other words, all are liable for punishment. Therefore, controlling corruption has turned out to be hard work.

Even if Prime Minister did not make it clear, he tried his best to disclose the faces of corrupted ones. Oh, the irony! Import-ministry is not enough for them; ministry for local development is needed, ministry for water resource is necessary to collect millions of rupees, they need ministry for construction and transportation to earn money enough for their seven generations, they threat to topple government if they do not get home ministry to traffic gold. What a surprising argument! With his zeal, the way Prime Minister spoke against corruption in the Parliament that general people could not dare is courageous work. He deserves thanks for it.

The name of Prime Minister will be recorded with golden print in the history of Nepal if the work plan like that of his speech is formulated and implemented. Otherwise, this context will be considered no more than a speech of opportunity.

*Extracted from: Kantipur daily, Phalgun 21, 2054 B.S.*

**An open message to honorable MPs on behalf of the citizens**

Recently, some bills related to the controlling of corruption have been registered in the House of Representatives due to the pressure of people and honorable ministers. Since the present government has shown its concern to control corruption, it is natural to be drawn the attention of people like us who are active in anti-corruption activities. In a discussion, dismissing Corruption Control Act 2017 B.S., the government has presented bills for the amendment of Commission for Investigation of Abuse of Authority Act 2048 B.S. and for Corruption Control Act 2057 B.S.. If it is endorsed without change, the government once again will deceive to people and the nation.

In other countries, the government takes the responsibility to control corruption. The corruption controlling bodies are under the control of the government. As CBI in India before 2034 B.S., Special Police Department was active in Nepal to control corruption. It was very effective in its work. But, in 2034 B.S., the third amendment of the Constitution of Nepal 2019 B.S. made a constitutional provision of Commission for Elimination of Abuse of Authority. Since both of them were established with the same objective, they were to some extent working together dividing the work. Later, while drafting the Constitution of Nepal 2047 B.S., the term 'Elimination' was replaced by the term 'Investigation'. Then, the Commission was limited within its name.

Talking to the context of world, this is the first case of taking responsibility to control corruption by a constitutional body. From this point of view, the commission should have been very powerful and capable of controlling corruption. But unfortunately, though the government endorsed its Working Procedure Act 2048 B.S., it remained in a dormant condition from 2047 B.S. to 2053 B.S. In other words, we got a bitter experience that formulating an act is not enough. Let me recall a past event; had the apex court not given its verdict dismissing some of the articles of the Commission Act 2048 B.S. in 2053 B.S., we would have already seen its death.

We have seen that the moment action is taken to control corruption, groups of leaders and feudalist people often become negative to it. Creating the enmity relation between the Commission and the Special Police Department and making them weak, they have been successful to undertake corruption. Since the law to determine whether something is corruption, bribe or commission is incomplete, the responsible authorities have managed to make the people confused. A bill for the formulation of law is being introduced. For which it is the time for honorable MPs to think seriously.

At the first while defining main terminologies, 1 to 12 has been mentioned referring that 'a person's civil post' refers to this and this. The way it defines the terms is very narrow. When we define terminologies in this way, the field of commission becomes very narrow; it returns to the previous condition. Therefore, if we want to broaden the field of commission, Let's replace the terms with an appropriate sentence "A person with a civil post would refer to one possessing a post with some rights, duties, and responsibilities that are to be obeyed by him as per the Constitution, some other existing laws or decision/order of concerned body."

Similarly, due to the definitions of terminologies, the dispute as to whether the Commission can take action against the retired persons charging them of undertaking corruption during their powerful tenure of their service or not, still remains unsolved. Therefore, the categorization of civil posts is not scientific.

Similarly, in the article 4 (1) of main act, the jurisdiction of the Commission has been specified. However, sub-article (2) neutralizes it. For example "Despite writing anything in sub-article (1), the commission won't carry on any investigation, enquiry and any other actions regarding to the business and decision of parliament and its committee or speech



delivered by MP in the session, the decision made by cabinet and the verdict and other business of the court."

With the intention that the Commission could not be able to investigate and take any action against the ministers and judges who are guilty of corruption. The article (2) seems to have been managed very cleverly; corruption does not have any concern over businesses and speeches delivered by lawmakers. In this way, the government is trying its best to deceive MPs.

There is no doubt that corruption in this country was begun from higher authorities. Therefore, if ministers and judges were exceptions in the executive and judiciary bodies, the action against corruption would be an artificial one. For your remembrance, the cabinet often makes policies and takes actions and if the implementation process of a policy is affected by any bribes or so on, it becomes corruption. Similarly, judges can undertake corruption whilst in the judiciary proceedings.

In the upcoming amended act, no provision will have been made for a section capable to take action against offender or criminal gang in the banking sector, which has been appeared as one of the serious challenges in the country. Due to those offenders in the banking sector, two large state run banks are now in the verge of bankruptcy at the same time. Some of the scandals that often happen in the banking sector, for example, are granting more loans than deposit, granting banking privilege with commission, misuse of the letter of credit and so on. If the banks are not revived at the earliest, it may cause a massive misfortune.

In the same way, the educational sector is being an autocratic one. Vulnerable people are being exploited in the name of education. I just came to know that corruption is undertaken even in such a virtuous field. In the same way, Non-Governmental Organizations are earning foreign currency in the name of social service spoiling the honor of the nation. The government has not been able to bring all those kinds of organizations under the periphery of CIAA. It seems that the government is ignorant of the bosses of INGOs, who are capable of growing gold in the desert, can come under the definition of corruption.

Finally, even if the act formulated to curb corruption cannot take action against the guilty peoples of corruption, it should at least be able to point them out. We should not fully rely on the bill draft and endorse corrupt and sycophant leaders. Therefore, I appeal to all the honorable MPs to empower the Commission for Investigation of Abuse of Authority so that it could be capable to carry out detail investigation against all kinds of corruptions happening throughout the nation.

*Extracted from: Theoretical Campaign Against the Corruption*

### **Caravan of smugglers in the House of Representative: Prime Minister**

Smuggling should be taken as one of the more serious corruption actions. The meaning of smuggling is illegal business. One, who does trade prioritizing in the act of escaping from tax payments is called smuggler. The state takes to the smugglers as criminals who undertake crimes against the state. Therefore, if a country has empowered smugglers, it is both the state mechanism and fund that are weak; with increment of poverty, most of the people face the scarcity of basic needs.

A few days back, Prime Minister Girija Prasad Koirala spoke on an interaction programme titled 'The Role of Law Makers in the Nurture of Parliamentary Norms and Values' held in Katmandu, "Representation of smugglers has been increased in the Parliament. Such smugglers are not only representing Nepali Congress, but other parties as well."

Assuring the representatives of his party being smugglers and suspecting the representatives of other parties being the same, he with certainty said, "Different distortions have been increased in the Parliament due to the feeling that one must become MP to earn money. He must earn it at any cost and he has exempt to do whatever he likes."

This is a hundred percent true. Truth breaks out; disclosed unknowingly in this manner. Despite a great effort to hide it, it cannot be concealed. We are happy since the Prime Minister Koirala has observed a fact that all Nepali people have seen and experienced. All have seen and experienced the fact that the political sky of Nepal has been fully covered by corrupt peoples and smugglers.

But, the question as to how and why the PM disclosed this, unexpectedly, has become the subject of concern for all citizens and politicians. Despite, whether he disclosed it for the welfare of the nation and people or for fulfilling any vested interest, it is to be welcomed. Since Girija Prasad Koirala disclosed the facts, he has proved to be a leader of smugglers. He must accept it.

On Shrawan 24, 2057 B.S., the Prime Minister hastily sacked the senior minister of the cabinet, Khum Bahadur Khadka. No reason was made public behind his dismissal. The members of the cabinet and MPs became alert since Prime Minister Koirala took stern action against a lucky member of Nepali Congress who always has an economically rich portfolio. Previously, no such action had been taken against ministers in the Congress Cabinet. No one should be discharged from his post without any reason; this is a universal principle.

From his action, we came to know that Prime Minister Koirala seems to reach near to the boundary of graft control. He has identified the fact; seen a caravan of smugglers in the House of Representative. With the confidence to formulate law to book them, he might have spoken in a confident manner. Many people have speculated that whether the Prime Minister, who resembles other leaders who speak empty promises, may translate his words into actions.

Accepting the fact that there is dominance of corruption and smugglers in Nepali politics, on Baishakh 23, 2055 B.S., in the 13th session of the parliament, a Joint Parliamentary Committee has been formed to prepare a report investigating the leakage of revenue. The committee consisted of six members from the House of Representatives and three members from the National Assembly. The chairman of the committee was Pari Thapa. Though the joint committee prepared a report, it could not present in the House of Representatives within the stipulated time. Though the committee presented its report on Phalgun, 2055 B.S. in the 15th session of Parliament, no discussion could be made on it, since the Parliament was scheduled to be terminated on that day. However, the chairman of the committee had already made the summary of the report public on Magh 8, 2055 B.S. in an anti-graft street program launched by 'Forum for Independent Thinking' held in Naya Baneshwor. Not only this, the report had already been published in the special issue on anti-graft of 'Nepali Awaj', 2056 B.S. Unfortunately, the government has not been able to take action against the guiltiest pointed out in report.

In the report of Joint Parliamentary Committee, all the people from ministerial posts to smugglers in customs offices of the borders of country have been mentioned. As a formality, a commission under the leadership of Balaram K. C. has also been formed to suggest to the government regarding with how to take action against those convicted in the report. Though, the final report from the commission has not been made public, there is no sign that the report would indicate the guiltiest and process of action against them.

Smuggling refers to the crime against the state. We cannot say that there is no law to bring

punishment to the guiltiest persons. Whether it is ordinance or bill, law can immediately be formulated if the government wishes. The state should not create any environment for the criminals to be extended for a long time.

Girija Prasad Koirala is not only an ordinary citizen. Nepali people have posted him in a supreme post of the country; he has been empowered to bring multidimensional development in the nation. The spirit of the Constitution of Nepal 2047 B.S. is that only one powerful executive citizen is the one who is elected as Prime Minister. In this sense, what Prime Minister Koirala speaks is always true and no verifiable. Therefore, that he saw the caravan of smugglers in the House of Representatives has been considered right by all the intellectuals and they have given their words to back the PM if he initiates a measure to minimize the number of those smugglers. Most of the citizens are waiting for Prime Minister's concrete action.

Not a single aspect of his slogan that Girija Prasad Koirala launched while assuming power has yet been translated into action. He is very skilled to generate such types of slogans of public concern. While assuming power, he said, "The nation has adversely been affected by the terrorism, corruption and bad governance. I have objectives to defeat terrorism, control corruption and maintain good governance as they have been seen as our enemies." The vulnerable people were confident of defeating terrorism, controlling corruption and attaining good governance in the country. But, his commitment limited within his speech. Whether he saw a caravan of smugglers in the House of Representatives remains to be discovered. The entire population follow to the Prime Minister if he has capacity to identify corrupt peoples and smugglers.

If Prime Minister Koirala takes initiative to control smuggling and corruption during his prime ministerial tenure, the slogans of good governance and smooth administration that he launched while assuming power, will automatically be translated into practice. Terrorists begin to be weak if poor and vulnerable citizens can have something to do and two quarters of meal per a day. The main problem of the day is rampant corruption in the nation. Therefore, it is not difficult for us to control smuggling and corruption that has been extended around us; what we merely need is willpower, which has not yet been seen. Prime Minister Koirala will go nowhere if he loses this opportunity; his name would be recorded in the list of those former cruel rulers who looted and deceived to the Nepali people.

*Extracted from: Theoretical Campaign Against the Corruption*

### **Necessity of legal action against the conspiracy of plane- mafias**

Under the what circumstances and influences the Royal Nepal Airlines Corporation (RNAC) appointed 'First Airlines Representation Europe Limited', which is a company registered in the UK with only one pound capital and notoriously known as Dhamija, as general sales agent for Europe had already come into discussion.

RNAC formally made an agreement with the Fair Limited owned by Dinesh Dhamija, a businessman of Indian origin, to carry out transactions worth millions of rupees on 31<sup>st</sup> of March 1993 A.D. RNAC recognized it as an agent and also provided it with the tickets worth hundreds of thousands rupees. When the Fair Limited acquired GSA from Europe, it started to get maximum facilities from RNAC. It was also agreed that the Fair Limited could get hundreds of free tickets for Kathmandu-London-Kathmandu annually. As per the RNAC records, 976 tickets worth 31 million rupees were distributed free in two fiscal years between 2050 and 2052 B.S., out of which, maximum number of tickets was acquired by Fair Limited.

The conspiracy of the individuals who had close relation with government authorities to get commission by deciding in the favour of Fair Limited and putting RNAC at a loss came to be known as Dhamija case. A problem emerged between RNAC and the agent when \$24,000 was still left to be acquired by the RNAC from the agent. As designed by the conspirators, Fair Limited filed a case in a court of London against RNAC. The RNAC did not defend or it was asked to do so. It was the game of the plane-mafias. Finally, the row was over when RNAC paid Rs150 million to Dinesh Dhamija. Pradip Raj Pandey, the executive director and other directors, who signed on the agreement, were removed from their posts with infamy. The government formed a probe committee chaired by Justice Min Bahadur Rayamajhi. Though the report was submitted to the government after the investigation, it has not yet been implemented. The report has clearly mentioned that the meeting to appoint Dhamija as an agent was held at Baluwatar, the Prime Minister's official residence. It is yet to be looked into as to why the meeting was held out of the RNAC, though it has its own office.

Recently, RNAC decided to purchase a 12-year-old Boeing 767-300 from the Australian Lauda Air. Moreover, RNAC has violated the law by offering 2 million of USD 1 million USD in advance without any guarantee and the Bank guarantee of 1 million USD. If this amount was not given in advance, the concerned party would not be able to pay the local agents, who were designing all this for commission. Similarly, the case of Chase Air had also started. It has a different story. Finally, RNAC was relieved after paying tons of millions of rupees.

RNAC had taken an interesting decision some months prior to the agreement with Lauda Air to purchase Airbus of a French company after selling both of its Boeing 757 planes one was purchased 13 years ago and the other 12 years ago on the installment basis. RNAC, which was paying the annual installment of Rs.500 million, has recently cleared that debt. If only the amount of annual installment is saved, it can save Rs.500 million each year. But, those who wish to ruin RNAC have already decided to sell the planes used for the last 10 years with the logic that they should longer be in use.

RNAC had made an agreement with 'N Set World Services' of Australia to hire a plane some months ago. The agreement to hire a plane for 4,300 USD per hour was frequently changed sometimes on the basis of the size and age of the plane and sometimes on flying hours, finally for 3,500 USD per hour. There is no information as to what happened later. Though, the corporation did not inform anything officially, it was learnt that the deal was finally dismissed for the sake of commission.

Another incident we should know is that these mafias bagged the amount by selling the Boeing 727 plane which was supposed to be useless and sold it at a throw away price in the U.S.A. for total Rs.110 million eight years back. These planes were flown to the U.S.A. Though, these planes were supposed to be useless in a poor country like Nepal, they are still flying in the Arabian skies.

Democratic system does not mean a system of loot in which everyone can do anything he/she likes; it is neither a system in which the public property can be used as private property. But in Nepal, the leaders elected to the government by the people never felt and realized that they should accomplish their assigned duties within the limitation of laws and get back to people. Those who remained in power representing people should be accountable for every deed that went wrong during their office terms.

A special court of New Delhi has slapped three years of imprisonment to the former Prime Minister PV Narsingh Rao convicting him for taking hundreds of thousands USD in the bribe. Former Home Minister Buta Singh, along with Rao, has been punished by the court.

The court ordered three-year imprisonment when both of them were charged 100,000 USD each. Seventy-nine-year-old Rao is the first Indian ex-Prime Minister to be sentenced for corruption. Former Chief Minister of Tamilnadu, Jayalalita, has been found guilty of taking bribes worth millions of Indian Rupees in purchasing government utilities and the court has given slapped a three-year jail term.

These are exemplary incidents for Nepalese society. Those who are eyeing at the property of RNAC are not hidden to anyone, but the only thing we are lacking is legal action. We should make efforts to book these mafias and their agents as soon as possible. Then only can RNAC move ahead on the way of prosperity.

*Kantipur Daily, Monday, 21 Kartik 2057 B.S.*

## **Means to curb graft**

Corruption is the product of the 20th century. This doesn't mean that corruption didn't exist in the past. However, it appeared in a smaller scale. It did not spread like a communicable disease and therefore, no careful observation was required. It is not possible to solve this problem with a minor treatment because of its deepening roots. There seems that there can be found no evidence of this disease. Instead of seeing a rising control rate, it seems that its spreading rate is increasing day by day. Corruption, which could be controlled by a simple law, has nowadays spreaded everywhere and it is now an institutional manner.

### Causes of spreading corruption;

1. It is imitable. This means that someone does the same as someone else sees the action done by another.
2. Money has become sublime as it itself is used to reduce the concerning of morality and immorality.
3. It seems that all the people oppose corruption. However, everybody gets involved in it if he/she gets the opportunity. Therefore, it has become an artificial protest.
4. The reasons behind these augmentations are: lack of exact data, ineffective implementation of taxes, no provision for recording property taxes, trend of the authorities to submit unreal property descriptions or not to submit it and convert it into a parental property later with false proof, operation of fake industries and operation of illegal businesses rather than legal ones.

### The opinions of immoral people towards the corruption;

1. Corruption shouldn't be done but money is necessary to run a party. The collection of money for this purpose shouldn't be called corruption.
2. If leaders who remained in the jail for the saking of the country managed to collect some money, it shouldn't be considered a serious crime.
3. The party, after becoming the ruling one, should help those entrepreneurs who donated money to the party because we will have to ask them for other donations in the future.
4. Are there any countries in which corruption doesn't exist? Corruption can be found even in the small as well as powerful countries. Therefore, minor corruption is considered normal in our country.
5. Someone who does work gets benefits for it. Therefore, it is nonsense to care about this.
6. Money taken or expected by the officers for doing something shouldn't be considered as the bribe. Their salary isn't enough for them.

7. Commissions should be taken while giving and taking financial assistance. It is, therefore, not a crime. Similarly, provision of the commission is found in the tenders. It can't be controlled.

Let's look at the elements these help to augment or to develop the corruption:

The main aspect that encourages to the corruption is keeping the sources of donations secret that is given to the parties. A party should either accept donations in an open manner or boycott the secret collection of them. Another option would be not to take any donations.

The ones who earn a lot of money, is it in a wrong or right way, get great honor from the society. This society also has been influenced by the immoral people of the autocratic Rana regime and the party-less Panchayat. Therefore, today's society still favors of the corruption and instigates people to be corrupted. Corruption cannot be controlled until this type of attitude persists.

No one undertakes corruption by taking and giving receipts. Therefore, there is no proof of corruption and the court cannot do anything without evidence. Additionally, nobody can be sure about someone's intention in the court. The constitution has also guaranteed the fundamental rights of an individual. In this context, law that is used to effectively determine someone's punishment for the corrupted behaviour appears to be weak.

#### Commission for the Investigation of Abuse of Authority

Section 12 of the constitution of Nepal has made a provision for the Commission for the Investigation of Abuse of Authority. The constitution clearly mentions its function, duty, rights and working procedure. It has been operating since the implementation of its regulatory act in 2048 B.S.. However, some sections of this act were contradictory to the constitution and therefore, the commission couldn't start its operations immediately. In other words, it had remained passive for five years. Yet, nobody cares because the interests of the authorities wouldn't have been fulfilled if the commission had become active right away.

On 8th Ashoj, 2053 B.S., the Supreme Court gave its verdict and established the commission as a strong, capable and effective organization. In this situation, a collective effort should give the commission moral support.

The constitution of Nepal from 2047 B.S.'s section 12, sub-articles 1, 2, 3, 4, 5 and 6 of the article 98 lied the basics for the function, duty and rights of the Commissions for the Investigation of Abuse of Authority. In this article, we can be certain that the commission is strong and powerful.

#### Special police department

The Corruption Control Act from 2017 B.S. and its amendments are still active. In this act, the Special Police Department has been established and started its work to control the corruption. However, all of us are aware of how this department has been operating. Considering its past, it implemented effective actions against corruption but after the constitutional provision, it continued to remain passive.

This department has become ineffective because it has been kept sometimes under the cabinet, sometimes under the secretariat of the ministry of council. Furthermore, chiefs of the department worked only for a short period of time. However, it could be strong and effective if it would operate with some amendments in its act.

#### Revenue Investigation Department

This department was established as a branch of the ministry of finance in 2032 B.S. with the aim to control the revenue leak. Recently, the department is under the Revenue Leak Control Act from 2053 B.S. and the Foreign Currency Regulation Act. Furthermore, its working area has been made clear. Despite its occasional actions, it has not been active because the head of the department and other officers have been found to be loyal to the minister rather than their duties for the safety of their positions. If their positions occurred safe, the department wouldn't face this problem.

### State System

1. The government is able to formulate and implement different controlling laws. But it must have the willing power to do so.
2. The government can seize the money that has been obtained through the corruption. In addition, other properties can also be seized. A certain portion of the seized money can be allocated for awarding the informant. In this way, the corruption can be discouraged.
3. The body that controls corruption should receive full support. This can be done by granting a sufficient amount of money, employing the officers as per need, encouraging to the officers by the proper evaluation of their work and by remaining neutral in the investigation.
4. The secret exchange of donations to political parties must be stopped. This will raise the dignity of the parties and the people those are the part of them. If the culture of donations persists, the leaders will become money oriented and the party ultimately weak.
5. The illegal act of the parties to collect money does not let the multiparty system flourish. Parties lose the people's faith if they are election-oriented. People think that their leaders are money minded.
6. Parties should launch the campaign against corruption. This should also include content about their objectives. Only then, people can see the party's good reputation.

*Extracted from: Kantipur Daily, 24 Phalgun, 2053 B.S.*

## **Interviews' section**

### **1. Is there any corruption in Nepal?**

Definitely! There is corruption in Nepal and it is increasing. And in my opinion, it has already crossed the line which means that it has affected the whole nation and it can be found in the all sectors. It is found not only in the governmental or political sector but also in the all social sectors.

*Extracted from: Interviewer: Nawaraj Pokhrel, Program 'Achel', Radio Nepal, Chaita, 2055 B.S.*

### **2. Is there actually as much corruption as felt by us?**

Corruption is in the high level. Where there is power, there is corruption even if it shouldn't be. However, there is because peoples with power are rulers and they are the medium whether they should control the corruption. We can see the corruption everywhere if they themselves become the corrupted. The nature of corruption resembles the nature of water as both flow to the downwards. A son learns the bad habits of his father. The lower rank's employee becomes immoral and irresponsible when the head of a company has a bad behavior and doesn't control it. If the head of an office is of good behavior, transparent and has good morality, no staff member is corrupted.

*Extracted from: Interviewer: Gangadhar Gautam, 'Manthan' program of Metro F.M. Bhadra7, 2059 B.S.*

### **3. What is the present condition of a good governance and corruption?**

Currently, the governance is bad and corruption is increasing. It is increasing in the form of robbery and scientific dacoit. And this is being on the basis of the institutional law. In the past, corruption was seen in the bribes only. Meanwhile, it has turned into a system of robbery and dacoit. This is a matter of grief. It greatly harms to the development of the country.

*Extracted from: Nispakshya Weekly, 24 Baisakh, 2059 B.S.*

### **4. Have you realized a halt of corruption happening since the beginning of your protest?**

Instead of stopping, it is grown and evolved into the different forms. When I started to protest, there was only the form of bribe. Later, during the period of Panchayat, it spread and developed into a culture of corruption and a corrupting system evolved. After the reestablishment of the multiparty system, this system turned into robbery. Now, not only robbery but also the dacoit has been started. In the conclusion, the culture of bribe that used to be exchanged by low ranked staff during the Rana regime has institutionally developed. In the past, I only used to oppose corruption but now, I have started to be involved in the anti-corruption movement also.

*Extracted from: Interviewer: Bharat Koirala Vimarsa Weekly, Baisakh-20, 2059 B.S.*

### **5. In which area do we find the most corruption?**

Corruption is prevailed everywhere. In the past, corruption meant taking and giving bribe. At that time, making someone do your work while giving him the bribe of 20-25 rupees used to be termed as corruption. But nowadays, there is corruption of billions of rupees. Misappropriation and corruption have been flourished.



There are two types of corruption in the country. The people of low ranked are corrupted to fulfill their needs. They become corrupted because they are facing the lack of money. Even though, this type of exchanging bribe in a small scale is called corruption as well but our movement doesn't include it. Low ranked staffs are compelled to misappropriate small amounts of money because price is being hiked and the salary is being less. Therefore, for them, it is a matter of need. To me, this is not corruption.

The second type of corruption is the result of ambition. Many decisions made by higher authorities aim for their own interests and those ruin the nation. Such decisions include misappropriations of millions of rupees for the personal benefits and work, thinking only about the election.

*Extracted from: Interviewer: Bipindra Kafle,  
Program Achel, Nepal Television, Jestha, 2059 B.S.*

#### **6. You have been involved in the anti-corruption campaigns for a long time. In which sector did you find the most corruption?**

I think it would be better to ask 'Where is no corruption?' rather than 'Where is corruption?' Corruption is rampant everywhere and this is the reason why a movement is needed. Not only people with government posts but also intellectuals are being corrupted. We can take NGOs as an example. There are numerous people who are earning money by establishing social organizations. While they are claiming to be as purely social, non-profitable and nonprofessional organization, they are following their own interests and bringing money from the abroad. One could say that they are cultivating dollars. For me, this is corruption as well. The so-called intellectuals flay me but I know it.

*Extracted from: Interviewer: Dev Prakash Tripathi,  
Ghatna Ra Bichar Monthly, Magh -15, 2059 B.S.*

#### **7. What are the main causes behind the rising of corruption?**

There are many causes behind the corruption. It cannot be said that corruption has been increased due to a single reason. It has been increased due to illiteracy, poverty and the lack of reformation in the administration. Thus, corruption has been increased due to the lack of responsibilities of the politicians and due to the selfishness of the administrators. Therefore, corruption has been increased because of a mixture of different elements. This makes it difficult to control it. Even though, corruption can't be eliminated, it can be controlled and this should be done as a continuous process.

*Extracted from: Interviewer: Deelip Paudel,  
Radio Program of Adhyatma Jyoti 'Hamro Chaso', Mangsir- 4, 2064 B.S.*

#### **8. What may be the reasons behind such deep rooted corruption in the society?**

There are many reasons. We cannot find out that whether someone is corrupted or not by simply seeing his face or his clothes. Corruption can be seen only in one's behavior. The main reason is morality. A society that incorporates morality, faith and honesty makes the progress. On the contrary, a society remains in trouble if it loses those three factors. We are currently in trouble and the Nepalese society seems to be cycle of trouble. That is because corruption, misconduct, dishonesty and tyranny are in the rising scale. This has to be controlled by the state's every bodies. The authorities of the government should have formulated policies to control corruption. However, they didn't do so and thereby, we see rampant corruption.

*Extracted from: Interviewer: Gangadhar Gautam,  
'Manthan' program of Metro F.M. Bhadra -7, 2059 B.S.*

### **9. How did political parties augment the policy-based corruption?**

Policy-based corruption is more fatal for the nation than economic corruption. Surely, political parties are responsible for the policy-based corruption. They emphasize individual benefit rather than the welfare of the nation because of their intellectual bankruptcy. Political parties represent the parliament and the MPs are legislative body on their own. It has been a trend for both of them to be involved in the corruption when they formulate policies. This has led to an increase in weak policies in Nepal. The representatives of the political parties have been suffering from the disease of cheating the nation and thus, earning money in a short time span. As a result, misappropriations of the state fund can be seen in the Pajero scandal as well as the pension- and treatment-privileges. Therefore, I repeatedly say that present political parties are not faithful to the nation in a way that they exploit and instigate corruption from the policy level.

*Extracted from; Interviewer: Deelip Paudel,  
Radio Program of Adhyatma Jyoti 'Hamro Chaso', Baisakh- 25, 2061 B.S.*

### **10. Can a country be developed without controlling corruption?**

The development of a country cannot be accelerated without controlling corruption. The reason of the establishment of the Maoist party is corruption and thus, the Maoist problem cannot be solved without controlling corruption. These problems should be solved simultaneously even if they need different actions plan. The effectiveness would be bigger if one's success affected to another's. Corruption has gradually appeared in a new form and it should be treated accordingly. The country's youth have been attracted by the Maoists because the state couldn't provide them any employment and food. The Maoist problem will gradually be solved after the implementation of a special plan on how to control corruption. The nation and its people will start to feel safe. Elections also can be held only after dissolving the corruption and the Maoist problem.

*Extracted from: Rastravani Weekly, Kartik -27, 2059 B.S.*

### **11. What types of corruption are you referring with the term 'institutionalized corruption'?**

The definition of corruption is very complicated. What do we call corruption? What do we call robbery? What do we call dacoit? What do we call bribe and what do we call commission? Corruption is an act ranging from taking bribe to rob the state fund at daylight. Taking bribe of five rupee by a Ditha (Non-gazetted staff of court) for fixing the present date, destroying the project by misappropriating 50 million rupee or ruining the state by preparing to hide 5 billion rupee, all of those actions are called corruption. In my opinion, corruption that we are seeing in the developing countries such as Nepal, India, Pakistan, Bangladesh, Nigeria and Ethiopia, has been established because of the formation of coalitions and interim governments, frequent elections, half of development and bankruptcy of banks.

After the Second World War, imperialist countries adopted a policy to impose an economic blockade on the developing countries and made them economically fragile. This is an intensified corruption in those countries. Due to the non-governmental organizations and donations, this type of corruption is being increased. Politicians and intellectuals of the developing countries are being spoilt with corruption due to the developed countries.

*Extracted from: Interviewer: Ghamaraj Luitel,  
Program 'Aachar-Bichar', Radio Sagarmatha, Chaitra- 15, 2057 B.S.*

**12. Where and how did the initiation and institutionalized development of corruption take place?**

The root of corruption is the ones that are responsible for the state. Thus, the officials and authorities that are involved to run the state can be found responsible. Regarding with the question where the corruption can be found, those that govern the nation and those whom we have chosen as our representatives are being corrupted. When they occur in the parliament or government, they should do something for the sake of people. However, they rather do something for their own interest and development. It is, therefore, clear that whether they are corrupted in such way that they are misappropriating a huge amount of money.

*Extracted from: Nispakshe Weekly, 24- Baisakh, 2059 B.S.*

**13. It is said that whether there cannot be found any evidences of corruption. In this situation, are there any means to control or at least, to reduce it?**

Evidences of corruption can be found. We may even find many of them. Corruption is a crime and it is true that a criminal has to leave traces to get caught. Even though, the current law is weak. We cannot say that there is no evidence of corruption.

*Extracted from: Interviewer: Nawaraj Pokharel,  
Program 'Achel', Radio Nepal, Chaitra, 2055 B.S.*

**14. Is it possible to control the corruption? If so, how?**

It is possible. We have seen how our political friends had lived in the past and how they are living today. A corrupted person can't hide it by any means. It surely becomes public and this is what we call evidence. If we have them, it is possible to take action.

*Extracted from: Interviewer: Nawaraj Pokharel,  
Programme 'Achel', Radio Nepal, Chaitra, 2055 B.S.*

**15. In your opinion, what should be done in order to control the corruption?**

We have launched any campaigns against the corruption. Basically, corruption can be controlled by the law. Therefore, the government should formulate the strict law and create a frightening environment. However, to formulate the strict law means to control corruption only for a certain time. Thus, formulating the law is not enough in the situation in which the social structure is already deteriorated with corrupted ministers, bureaucracy and the leaders. I don't believe that corruption can be controlled easily as an environment of confidence does not exist anymore. Therefore, we, anticorruption fighters, think that the government should come up with three plans: an immediate, a short term and a long running plan. However, the government seems to be plan less. It only talks about controlling corruption. For the immediate purpose, a strict law should be formulated. Under the short term plan, checks and balances must be maintained in the areas that are affected by the corruption. A long term plan to make free to the society from exploitation should also be formulated. To do this, the government needs specialists. Neither the government nor the people have the feeling that corruption can be controlled. Therefore, considering its seriousness, we have to conduct anti-corruption plans.

*Extracted from: Interviewer: Ghamaraj Luitel,  
Program 'Aachar-Bichar', Radio Sagarmatha, Chaitra- 15, 2057 B.S.*

**16. Corrupted people are very powerful and it is said that they are deeply rooted in the society. What programs and plans did you formulate to fight against them?**

Currently, corruption has been developed institutionally. In the past, corruption used to be appeared in the form of bribes. This form of corruption used to be found in an individual rather than institutional level. Nowadays, 'a chain' of corruption has been evolved. For an example, if corruption takes place within a project, a system is created to distribute bribes from an overseer to a minister. This system becomes very strong and it's fully developed. It is obstructing to my campaign. I often get threatened by the Prime-minister and other people with telephone calls. The dimension of corrupted people is huge. Thus, all of us should be able to break and demolish the system. This can surely be achieved by a collective effort. I am convinced that criminal attitudes as well as the matters are not long lasting and that a corrupted person is a criminal. Therefore, I am certain that one day, corrupted people will lose and we will win.

*Extracted from: Nispakshya Weekly, 24- Baisakh, 2059 B.S.*

**17. What type of reformation do you feel is necessary for the elimination of corruption?**

First of all, people must be made aware of fighting against corruption. They should get conscious of not establishing any relationships with the corrupted people. Those should be boycotted from the society and no place should be left for them. The campaign against the corruption has to be launched effectively. A corruption controlled society is crucial to develop the democracy. Until it is controlled, a stable political environment in the country is not possible. Furthermore, without a stable political environment, there won't be any economic development and without this, the living standard of the people cannot be risen. The government that is unable to uplift the living standard of people has to be deposed.

*Extracted from: Nispakshya Weekly, 24- Baisakh, 2059 B.S.*

**18. Now, what steps are you going to take to control the corruption?**

Our movement is entering to its fifth year on the 7th of Mangsir, 2065 B.S. Within those five years, we have achieved many things. We have set up four departments. One of them is called street department and it makes people aware of corruption on the street. Another one is the investigation department. It investigates over these sectors which have involved in the corruption and sends its report to the Commission for the Investigation of Abuse of Authority (CIAA) or any other authoritative bodies. The third department is the legal treatment department. This department prepares the cases against corruption and submits them to the Supreme Court. The fourth department is called publication department. This department propagates the corruption related information by publishing them in a magazine called 'Nepali Aawaj' which is published as a special issue against corruption. We continuously launch these types of programs.

*Extracted from: Interviewer: Ghamaraj Luitel,  
Program 'Aachar-Bichar', Radio Sagarmatha, Chaitra -15, 2057 B.S.*

**19. There is also a governmental mechanism to control the corruption. Besides that, you have formed a pressure group. To what extent is it justifiable?**

The intellectual group should definitely put pressure on the governmental mechanism. Otherwise, it will become willful. But this should not only be done by the pressure group, but also by the all of us.

There are many governmental mechanisms. Having a look at other countries, there is no

constitutional provision for the corruption controlling. However, we have one to control the corruption. Therefore, the Commission for the Investigation of Abuse of Authority (CIAA) should have been able to take action against the PM also if he is guilty. But in the reality, the CIAA has not even been able to take action against the low ranked staff who has been found guilty of corruption.

There are 3-4 bodies to control the corruption. But none of them is active and able to control it. Therefore, we started this movement.

*Extracted from: Interviewer: Bipindra Kafle, Programme Achel, Nepal Television, Jestha, 2059 B.S.*

**20. What should the judiciary's role be to control corruption? How has it worked so far?**

Don't talk about the judiciary! At the moment, everything is mixed up. For a judge, to become omniscient he has to know everything. But how can he become omniscient if everything is mixed up? There is no harmony between the different types of cases and the court. In the court, all types of cases are studied by a single person. However, there should be division. In the Rana regime, there were two separate courts criminal and civil but now, both are single entity. Therefore, I cannot say that corruption is controlled by the judiciary. Corruption still appears in an intensified form.

*Extracted from: Nispakshya Weekly, 24- Baisakh, 2059 B.S.*

**21. If we analyze the Nepali societies, what role do the conscious citizens have to play to rampant the corruption prevalent?**

Because the nature of corruption is just like the nature of water, it is imitative. If one person is corrupted, another might do the same assuming that this is a must. Let's take an example: You and I studied together, we both passed the M.A. and participated in the exam of Public Service Commission for service. You were posted in the custom office when I was in the post office. You managed to earn unlimited property but I couldn't do so. In this case, my wife may make forcibly to corrupt. I mean is that the society encourages to one to become the corrupted. You managed to earn money in this way and thus, the society asks, 'He earned a lot of money, but why didn't you?' Of course, it takes time for someone's mind to be changed. No one becomes corrupted immediately. However, the environment can make one gradually to be corrupted. Corruption begins with the feeling that if my friend did it from that way, I can do same. It is like a tiger that is afraid with human being only until it eats a man for the first time. If once it eats human flesh, he compares each of its activity to the eating of human flesh. I'm trying to say is that one doesn't get the taste of corruption until he does it for the first time. He fears with the law, prestige, society, police and the CIAA. But, if, once, he becomes corrupted, his fears disappear and he begins to think 'this property belongs to my grandfather, my wife. It doesn't make any difference if the rule is altered. It is just a matter of adjusting the document.' This kind of thinking makes him corrupt.

*Extracted from: Interviewer: Gangadhar Gautam, 'Manthan' programme of Metro F.M. Bhadra -7, 2059 B.S.*

**22. At the moment, the civil society has not been found to work effectively. Why?**

Why isn't it effective? I myself fight against it. In a multiparty country, democracy won't be successful and powerful people won't do what is expected from them until the civil society becomes effective and conscious. The constitution has determined the sovereignty of people

over the state. Therefore, every individual should be aware of this. Conscious citizens should be agitated against the corruption from their respective positions. To make this happen, I am going from door to door.

*Extracted from: Nispakshya Weekly, 24 -Baisakh, 2059 B.S.*

**23. How did you gain your will to fight against corruption?**

I didn't gain my will. I have some objectives and I have a dream concerning with the type of democracy our country needs. Citizens should obtain health service, education and justice freely and without cost in a democracy. During the Rana regime, people used to obtain those services freely while they are being deprived of them now. Since the restoration of the democracy, all these services have become costly. This is a painful matter.

*Extracted from: Interviewer: Dev Prakash Tripathi,  
Ghatna Ra Bichar Monthly, Magh 15, 2059 B.S.*

**24. What would you say to the citizens who love justice?**

It is essential for us to know our rights and duties. People should oppose of the corruption by being as conscious and aware as possible. Development of any sector of the country is impossible until corruption is controlled. Thus, let us be united to oppose corruption, turn deaf to the leader's speech and do not fall for avarice.

*Extracted from: Nispakshya Weekly, 24- Baisakh, 2059 B.S.*

**25. Finally, is there anything else you would like to say?**

Good governance and the development are not possible without controlling corruption. Therefore, it is mandatory for all of us to be involved in anti-corruption campaigns.

*Extracted from Nawadit weekly, Jestha 15, 2061 B.S.*