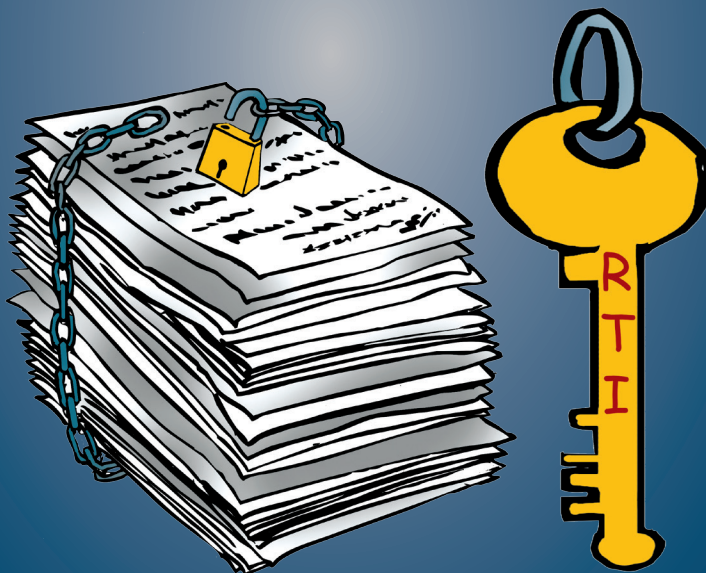




Information & News

EXAMPLES OF INVESTIGATIVE REPORTING



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PUBLISHER

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July 2015

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Design and Printing by: Print Communication, Tel: 4241355, Kathmandu

Foreword

Right to information (RTI), a fundamental right and protected by the laws, is the right to seek, receive and impart information of individual or public concern from public agencies. Active efforts are necessary to make all Nepali people aware of the RTI and encourage them for its utmost practice.

RTI is the foundation of all other fundamental rights; it provides a base for the citizens to be informed for exercising the rights to speak and write which obviously belong to their basic freedoms. Only informed citizenry can have meaningful participation in the activities to keep the democracy functional. Therefore, RTI is regarded as the oxygen of democracy.

It has been almost eight years Nepal have RTI Act, but stakeholders' role is slow off the mark in terms of implementing the RTI effectively. Media persons are those to relay the information to the public by seeking the information of public concern from different agencies. When the news is spread on rumor, hearsay or on personal interest and intention, the facts and reality are distorted and weakened. So, the media persons need to be provided easy access to the source of information. If the reporters are not accessed to the source of information, they fail to maintain the professional standard. In view of this very aspect, the RTI law was devised- to establish reporters' easy access to information sources. However, the media have not carried the news using the RTI to the extent they are expected to. The reporters should have used the RTI to seek more information and dig the hidden matter, but it has not been so due to meager practice of RTI.

In this background, Freedom Forum had conducted a three-day investigative training for the reporters from the capital city and mofussil under the SANCHAR(Support for Accountable National Institutions for Citizen's Access to RTI) project. The orientation had aimed at encouraging reporters to apply RTI for reaching the valid sources of information and searching the authentic facts, so that they could engage in the investigative journalism. Similarly, the journalists from different districts were requested to provide the investigative news and feature articles they prepared by using the RTI and disseminated in the media.

This book is therefore a compilation of the news stories and features written by the RTI-trained reporters who applied the RTI and made the stories investigative. The stories here are the ones selected out of more than 150 stories.

Freedom Forum hopes this publication will help encourage the trend of writing investigative news stories with the use of RTI and contribute to the practice of fact-based journalism. Similarly, this compilation of the news stories is expected to be a very resourceful material for the media students, journalists, and those willing to whet knowledge on RTI.

Taranath Dahal
Chairperson, Freedom Forum

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Monthly loss of Rs. 70 million in import

Ritesh Tripathi

Birgunj. Nepal is incurring a loss of around Rs. 70 million monthly in the import of goods from abroad through the sea route as the government has not paid attention to the privileges that the country is entitled to.

It has been 10 years that shipping containers come from the third world countries to the dry port in Sirsiya, Birgunj but Nepal is yet to be listed as the destination of the containers.

Kolkata in India is designated as the destination of the containers that is used to import goods to Nepal through the dry port in Birgunj and as a result, an additional Rs. 40,000 per containers is spent, according to the importers.

According to data of Himalayan Terminal, the company that operates the dry port, a total of 1,677 containers arrived every month in the Fiscal Year 2014/15. The carriage and insurance freight (CIF) papers for containers bringing goods from abroad to Nepal comes until Kolkata only.

As a result, the day of return of the containers starts counting soon as they arrived at Kolkata port. And, the time to empty and return the containers that come to Nepal is elapsed by 14 days on the way itself.

Since the dry port that came into operation from the Fiscal Year 2004/05 was not enlisted as the destination for containers at the international level, the delay fee and other charges that the traders pay falls on the consumers. Though the dry port has the facility of container free station (CFS), the CIF comes in the name of Kolkata as that facility has not been established officially.

To become a destination of the containers, the port needs to be listed at the CFS. Chief Executive Officer of Himalayan Terminal B. Mohan told Nagarik, 'If a CIF comes in the name of Birgunj CFS then we would have three days to empty the container and within that period we could easily take the containers up to Hetauda and empty them, and those destined for a long distance could be emptied here at the godwon and returned back'.

According to senior Vice-president of Birgunj Chamber of Commerce and Industry Pradip Kedia, who is also a regular importer, the containers that come to the dry port are returned with a delay of 15 days on an average. The delay fee for the first day after 14 days is 20 dollars per day, then 30 dollars following the 8 days after it and 40 dollars per day after the 10th day. 'In addition to the major rent, importers are paying an additional amount of at least 40,000 rupees per container', Kedia told Nagarik. 'Not only delay fees, the shipping company has been charging more money in one pretext or the other'.

'The shipping company sends bill including for charges like cleaning, lock maintenance, wall maintenance etc. But if the CFS was in Birgunj itself then we could handover the empty containers here itself and check for any such claims and thereby reduce the cost', Kedia said and added that the Shipping Companies have followed a policy of fleecing the traders in one pretext or the other and taking advantage of the situation.

Calculating as Kedia said of the additional expenses of Rs. 40,000 on every container, the loss comes to at least Rs. 67.08 million every month. And considering the minimum weight of goods that come in a container at an average of 20,000 kilogrammes, they become dearer by Rs. 2 per kilogram.

As a member of the UN Economic and Social Commission for Asia and Pacific (ESCAP), Nepal through its Foreign Ministry should have included Birgunj dry port in the integrated map. Since 2013, four transit points of Nepal have been included in the 'Integrated Map of AH, TR and Dry ports of International Imports' including Birgunj, Sunauli, Biratnagar and Kakarvitta. The shipping companies determine the destination based on this map. After being included in the map, the CFS has to be maintained.

For this bargaining with the Shipping Company is necessary. Since the containers that return from here are empty it has been difficult to maintain the CFS, says former Chair of Birgunj Chamber of Commerce and Industry, and importer Ganesh Latha. Since the dry port came into operation here in 2061 B.S., goods have been imported through 145,641 containers. However, data show that only 4,665 containers have been exported from here. As a result, 96.97 per cent of the containers return empty.

'The Shipping Company applies the freight charges comparatively higher in locations where the containers are sent back empty. So, if export increases the problem related to imports would come down', says Mohan of Himalayan Terminal. 'However, this cannot be the reason not to establish the CFS here, the shipping companies can make a provision to fill up the containers from India.' ■

Returning empty containers causing loss of Rs. 2 billion annually

The containers that come to Nepal with goods from abroad return empty from here. As per the records of the dry port in Sirsiya of Birgunj, of the 100 containers that come loaded with goods only four of them will return with export goods from here.

In the Fiscal Year 2014/15, various goods were imported to the country through 18,538 containers (of 20 feet size). However, during the same period, the export was only 658 containers. As a result, 1,880 i.e. 96.46 per cent of the containers returned empty.

Data at the dry port that came into operation 10 years ago in the fiscal year 2004/05, shows that the situation of export remains the same even after a decade. In the ten years of operation, goods were imported in 152,508 containers, whereas the export during the period was through 4,945 containers. As per the records of the Himalayan Terminal, that operates the dry port, in the 10 year period, 147,563 containers i.e. 96.76 per cent return empty.

Chief Executive of the Terminal B. Mohan says that the number of containers arriving is increasing but the proportion of export has not increased. Traders say that low export does not only contribute to trade deficit but also makes import costlier. 'Since the containers are returned empty from here, the burden of returning the containers too fall on the importers', Pradip Kedia, an importer and senior Vice-president of Birgunj Chamber of Commerce and Industry said. 'The shipping company would not incur any loss, and hence they count the distance to Nepal as double and levy freight charges accordingly'.

Containers coming to Nepal from abroad are used to import plastic granules, plastic goods, pistachio, spices, peas, alcoholic beverage, light drinks, betel nut, machinery, lubricants, beauty products, tea, coffee, sugar used in cold drinks, carpet, paper, chemical, aluminum goods and industrial raw materials. The additional cost in shipping charges are charged on the cost price of the goods, according to Kedia.

Nepal has been incurring a loss of around Rs. 2 billion in additional freight charges every year due to the return of the empty containers. Containers to Nepal come from abroad via the Kolkata port of India. As per the record of the Kolkata Port Trust, 43,000 containers come to Nepal annually. Of them only, 1500 return loaded with goods while 41,000 return empty.

The shipping companies levy dual charges on all the containers, according to General Secretary of Nepal Cargo Handling Agent Association (NECHAA) in Kolkata Mahendra Dugad. Since it is less likely to get goods to be export on return of the containers, if those exporting goods via containers do not get any concession. Commerce chief of Kolkata Office of APL-the major shipping company transporting goods to Nepal Philix R. Thakur says that the freight charges for locations with booking for both way is cheaper while it is expensive for only one-way booking. ■

Only 1.5 million instead of 80 million rupees

Birgunj. The process of recovering more than Rs. 80 billion of arrears in tax payment from the National Medical College in Bhediya of Birgunj-18 by the Birgunj Sub-Metropolis is yet to be completed. As per the estimated assessment of 24 March 2014, the Office of the Sub-Metropolis is yet to recover Rs. 81.145 million in house and land tax from the college.

As per the 'house land assessment and tax determination details of the tax payer' of the Sub-Metropolis office, the college had to pay Rs. 90.8 million including the Rs. 9.723 million of the previous year.

However, intervening in the tax recovery process, the Chief Executive Officer of the Sub-Metropolis Bishnu Prasad Koirala has received only Rs. 12.932 million, according to the staffers. Despite disagreement of the Revenue Unit, CEO Koirala and Financial Administration Officer Ram Dayal Yadav, on February 15, received an amount 84 per cent less than the estimation of last year.

After the revenue unit Chief Shanta Basnet did not agree to accept an account payee cheque including a letter from the college reading 'house land tax of Rs. 12.3 million and for upto F/Y 2014/15', Koirala and Yadav accepted the same without Basnet's approval. They accepted a cheque of Rs. 12.9 million including Rs. 631,000 integrated property tax for the F/Y 2014/15.

As per the letter sent by the National Medical College, registered with the number of 14835 in the Birgunj Sub-metropolis office, on February 15, it shows that it has cleared all the dues so far. However, the amount it paid is only around 15 per cent of the estimated amount.

As a result, since Koirala and Yadav accepted the amount as dues as per the wishes of the college proprietors rather than as per the regulation, the office has suffered a loss of around 85 per cent of the estimation i.e 77.86 million, according to the Sub-metropolis staffers. 'The process to recover the huge amount of dues from the college was underway but the college wanted to settle the issue by paying only around 15 per cent of the estimated amount', said the revenue unit Chief Basnet. 'I rejected the proposal and returned it but then it was later accepted without our approval'.

The Office Chief had sought the revenue units opinion in the letter of the College but then Basnet had replied that it was not possible as the amount was very low that the estimated amount. 'After I disagreed, the Chief and financial administration officer Yadav raised a note and accepted the cheque', Basnet said.

The process of recovering the tax dues in arrears from the National Medical College had begun last year. Then CEO of Birgunj sub-metropolis Tara Bahadur Karki had written a letter to the college to clear dues worth Rs. 81.145 million in house and land tax since 2004/05.

After the College did not respond to the letter with a 35-day limitation including the 'tax payer house and land assessment and tax determination details', the Sub-metropolis Office had published a public notice in Gorkhapatra daily for recovery of the arrears dated 6 May 2013.

Following the publication of the notice, the representative sent by the college for discussion at the Sub-metropolis office on May 22, proposed a meeting with five representatives each from both sides to determine the real amount of tax arrears. The meeting was held on June 1.

The five members of the Sub-metropolis office was led by chief of the planning unit Prakash Man Singh Amatya while Gaisul Ajam led the college team in the meeting that decided that the national medical college would submit details of its asset by June 9. The college had claimed that the 'tax payer's house land assessment and tax determination details' by the Sub-metropolis was higher than reality.

As per the decision, the College had to submit the required details by April 9 this year, but it failed to do so. On the other side, the process of tax recovery stopped moving ahead with the transfer of the CEO Karki. The new CEO Koirala had proposed three months ago that the college would pay Rs. 10 million, according to Basnet. However, the proposal could not materialize because the proposal for Rs. 15 million had been rejected three years ago. 'Again the CEO exerted pressure to accept around Rs. 10 million from the college, we stopped it but still it was accepted', Basnet said.

CEO Koirala however claims that the amount was part of the arrears and the remaining would be recovered as well. 'We accepted the amount to be deducted from the tax determination', Koirala said and argued that there was no reason for any suspicion. 'We have not done anything irregular', he claimed. However, the letter from the college that was used to receive the amount says that it was for up to the fiscal year 2014/15.

Managing Director of the College Mohammad Basrudi Ansari too claims that the amount was calculated for up to the fiscal year 2014/15. 'We have sent the tax amount based on the value of the land as per the government evaluation at the time of purchase by the college', Ansari said.

He said the college was waiting for official response of whether they were any further claims of arrears. He also said that the 30 bigha of land as claimed by the office was not owned by the college. He however did not wish to say how much land did the college own. The approval of the map design approval of around 20 high rise buildings of the college have also been stalled due to the tax dispute. This situation came to light after information was sought using the Right to Information Act. ■

Use of RTI as corruption control measure in Jajarkot

Ganesh Baniya

Jajarkot. Government and non-government organizations have built numerous projects in the north-east VDC of Ragda in the district. And thus spent, millions of rupees.

Some of the projects have performed well while some projects have not reached to the project sites and completed only in the paper as per a political understanding. Not even a single person involved in limiting projects to paper and misappropriating the funds have been punished so far. The stakeholder bodies too talk about good governance until they receive commission from the project and after they receive it, they keep mum. That seems to be the trend so far.

We, as information campaigners, initiated a RTI campaign to ensure that the citizens are informed about the work and activities of the public bodies. In this context, we used RTI at the northeast VDC Ragda of the district which is 55 kilometers away from the Jajarkot district headquarters Khalanga. We demanded information about the expenses made under various heads of the budget in Fiscal Year 2014/15. When we went to the office to acquire the information, the VDC Secretary was not present and it took us four days to find him. After informing the VDC Secretary about RTI through a one-hour session and handing him a booklet on RTI, we registered our application at Ragda VDC office on 17 May 2014.

We were told that the information sought would be provided in a week after necessary preparations. As the VDC office was based in the district headquarters, all documents of the VDC were there itself. We also told that the information would be provided at the district headquarters Khalanga. We received the information we had demand ten days after the application was registered.

The information received showed that a total of Rs. 3.9 million budget was appropriated for the Fiscal Year 2014/15 from the VDC office. The list of budget headings and plans of a budget of Rs. 3.9 million was received. After sometime, when we, as information campaigners, went to the villages with the list of budget provided by the VDC, there we found that projects full of irregularities. For example, the budget of Rs. 600,000 allocated for agro forest environment at the VDC level was found to have been used to invest the entire amount by the Chair to trade in Yarsagumba. Likewise, Rs. 15,000 was found to

have been received at the district headquarters itself in the name of protecting the Red Panda, instead of going to the VDC onsite. The amount allocated for the children of Ragda VDC was found to have been distributed to children in the district headquarters itself. Of the total Rs. 115,000 to be spent for children in the VDC, only Rs. 20,000 was spent and the rest embezzled.

In this way, the RTI informed the citizens about the state of the budget of Ragda VDC. Likewise, of the Rs. 600,000 allocated for agriculture forest environment at the VDC level, of the Rs. 50,000 that the farmers groups were entitled to, only Rs. 5,000 was given to some groups. When we had reached there, the amount had not been distributed even though the F/Y has come to a close.

After we took the information through our weekly magazine to the villages, the groups in Ragda VDC filed verbal and written complaints about the same at the VDC and DDC office. After this, nine farmers group received Rs. 50,000 each. Other citizens too are showing concern about the accounts of the budget. They are now familiar about the way to maintain vigil and demand for information about the projects in the VDC.

In this manner, the campaign of demanding information is now underway among the people residing in the rural parts. As people were not aware of getting the information when a demand is made for it, construction development projects were running haphazardly from the district headquarters to the villages every fiscal year. In this way, there was a problem in the development of the society and physical advancement. So, the RTI education campaign should be reach in an easy language to all the wards in all the VDCs of the district. ■

Embezzlement in social security allowance in Jajarkot

- **Cash withdrawn in the name of person who passed away 24 years ago**
- **VDC Secretary and staffers work together to embezzle hundreds of thousand of rupees every year in a VDC**
- **Social security allowance worth Rs 2 million embezzled**
- **Government released budget for more than 100 children who do not exist**
- **Unmarried person received allowance in the name of single women**

It is the fundamental right of the citizen to acquire the services provided by the State. So it is also the citizen's right to know what services the government has provided to whom and how many citizens. When citizens in the rural settlements cannot benefit from the service provided by the state even once in a year, then people have felt that a question must be raised to say where the government is.

It is the same situation in Lanha VDC of Jajarkot district. In the VDC, we worked for 4 months to demand information about who get how much of the social security amount. Four months after we had demanded the information, we received the details of the social security of Lanha VDC from the District Development Committee. Likewise, we had been demanding information using RTI from the DDC since the past three years, but we were not able to get the information that we had demanded. Based on the information we received, we were review how the social security allowance given as service by the State was distributed in paper to the citizens living in the remote villages. The information we got revealed the following details about the amount being distributed in the name of the people living in various settlements of the VDC. The amount was allocated under the name of the following people:

In Lanha VDC ward no-5, Bale Bohara of Bausekhola had died 24 years ago. Seti Devi Rawal of ward no. 4 and Jame Kami of Piuli had died 7 years ago. Likewise, it has been five years that Chyari Jaisi of ward no. 7 and Bhute Damai of ward no.8 had passed way. Moti Kala Pun of ward no. 1, Hira Rawal of ward no. 4, Asiram

Khatri of ward no. 3, Samudri Khatri of ward no. 7 and Jasunte Kami of ward no. 2 had died three years ago. But the VDC staffers had been receiving social security allowance worth Rs. 6,000 per annum in the name of all mentioned above.

Likewise, people with names including Chandra Kala Thapa of Lanha-2, Rekha Thapa and Deepa Khatri of ward no. 3, Sita Singh, Karna Bahadur Khatri, Sunukuwara Rawal, Dani Rawal, Kale Kami, Sushila Rawal of ward no. 4, Kalu Bohara, Nar Bahadur Khadka, Ratidevi Khadka, Sarki Kaami, Baishakhi Chanara, Tirsha Badi of ward no. 5, Dipa Rawal, Dal Bahadur Shahi, Dani Devi Oli of ward no. 6, Pahal Bahadur Shahi, Malati Singh, Nanda Kumari Singh, Khale Mahatara, Jaisara Shahi of ward no. 8, Dal Bahadur Oli, Koili Khadka and others in ward no. 9 do not actually exist. So, it was found that fake documents were prepared to receive elderly citizen, dalit elderly and single women allowance in the name of more than 50 persons who are not at all present in the Lanha VDC. VDC Secretary Dipak Sunar and Assistant Accountant Khaman Singh were involved in embezzling the social security allowance amount in the name of people who had already died and those who did not exist in the village.

Dalit elderly Kasturi BK and Dhanjit Kami of Lanha-2, elderly citizen Prithivi Bahadur Khatri, Ganga Ram Gautam, Jasuda Gautam and single women Pampha Rawal of ward no. 4, and Yogimaya Gautam of ward no. 3 are yet to receive their social security allowance. Of course, the allowance is being released every year in their name. The government says it distributes elderly allowance, but forget the allowance I have yet to have an Identity Card, says Kasturi BK. We have been demanding for the same for many times, but the VDC staffers make an excuse saying that it is yet to come from the centre. The staffers however are making receipts of the distribution of the social security allowance in their name, and presenting the same to the District Development Committee.

The DDC has been releasing child protection allowance worth Rs. 200 monthly in the name of 274 Dalit children of Lanha VDC. But parents complain that the children have not received even Rs. 200 per annum. It has been revealed that the VDC staffers have not distributed the allowance to even 100 children. In this way, it came to light that every year lakhs of rupees were being embezzled in the name of elderly, single women and child protection allowance.

Prior to this, it also came to be known that social security allowance was being spent in the name of the deceased and non-existent people in Dhime and Bhagwati VDCs. Dhime, Bhagwati and Lanha are just representative of the problem. VDC Secretary and staffers of all the 30 VDCs in the district have been misappropriating the social security fund by forging documents every year. Locals have said that the staffers embezzle the amount by developing fake receipts in the name of people who have already died, who

are not residents of the village, who have migrated after marriage and in double and treble names. They said that it can be easily noticed that a single person has signed and put his thumbmark repeatedly. Locals say that it is the concerned VDC Secretary and the assistant account that collaborate in misappropriating the social security funds in the VDC.

If lakhs is embezzled in one VDC then one can imagine that the amount misappropriated in all the VDCs of the district runs into more ten million. Failure to register the death and not updating the list accordingly, not removing single women from the list after second marriage, make receipts in the name of people who are not present, developing ID cards haphazardly, submitting fake details before the DDC, and staffers pocketing the amount in their name and reluctance in releasing information to the public is leading to the irregularities. VDC secretary was found to have not distributed the allowance even 6 months after it had been released from the DDC. It has also been found that the VDC staffers had been investing the social security fund in other areas to make additional profit.

Due to absence of monitoring, inspection and regulation on the part of the stakeholder bodies, and failure to provide the information demanded has led to financial irregularities. The amount that is received as social security allowance for the Dalit, elderly citizens, single women, the people with disabilities, and Dalit children to the VDC has been misappropriated since the past few years. The trend of misuse began from the reign of then VDC Secretaries Lam Bahadur Khadka, Shanker Dhakal, Drona Poudel and Dipak Sunar.

The government funds has been misappropriated also due to lack of timely monitoring from the District Development Committee. The government has been investing Rs. 80 million for 2,000 Dalit elderly, 2,800 other elderly, 4,000 single women, 350 people with disabilities and 10,000 Dalit students in the district. But every year this fund has been misappropriated because of the failure of the DDC to maintain up-to-date data relating to distribution of the social security allowance.

Situation after the fact was made public

After all the aforementioned information was reached to every household through the weekly magazine, the villagers boycotted the VDC Secretary. Now the people also started demanding for information. The voices of the people is becoming louder from village to village. Even people who are not

educated have started asking for information. After the scam came to light through various media, a team of the Minister of Local Development has stationed itself in Lanha VDC for a week and carried out investigation in all the wards. Likewise, the Commission for Investigation of Abuse of Authority (CIAA) had also carried out investigation. The VDC secretaries involved in financial irregularities have been brought to justice, according to the DDC.

It was also found that cash was allocated in the name of more than 100 children who were actually not part of the VDC. Now many have started receiving their social security allowance on time. The VDC offices that had been operating from the district headquarters since the past 18 years have not shifted base fact to the VDC office concerned. As a result, registration of birth and death have become regular. The VDC have also started disseminating required information on time. Of the Rs. 3 million received annually, two million rupees were being misappropriated. Now the remaining funds have been returned to the state coffers. As a result of this, other VDCs too have begun providing information. ■

Hundreds of thousands of rupees yet to be cleared in Siddharthanagar

Ram Bikas Chaudhari

Bhairahawa. A huge amount of money taken as advance for years remains to be cleared due to the sheer negligence of the Siddharthanagar Municipality. This fact came to light after information was sought using the RTI Act 2007.

Among those not paying back the advance amount they had taken since long include the leaders and cadres of different political parties, organizations and employees and officials of the Municipality itself.

As per the information received, altogether 42 individuals are yet to refund Rs 513,270.22 they had taken as advance since 1985 until 2014. The Bhairahawa Campus is one among them. It had taken the smallest amount as advance. The Nepal Electricity Authority (NEA) Bhairhawa branch, which took the highest amount as advance is also yet to pay back the amount. The Bhairahawa Campus had taken Rs 1,400 and the NEA Bhairahawa branch Rs 60,000 as advance.

Similarly, the employees of the Municipality are yet to refund Rs 34,013.16, the officials Rs 216071.9 and others Rs 263,185.97. The Municipality had sent letters to all the bodies and individuals not repaying the advance amount they had taken, for the first time on October 8, 2012, for the second time on July 1, 2014 and for the third time on February 10, 2015.

This fact was discovered in the information sought from the Municipality. The municipality has recently made available the information attached with the letters it had sent demanding payback of the advance amount. Requesting the concerned to clear the arrears, the letter states that necessary process would be moved ahead to recover the amount taken as advance as government arrears as per the Rule 207 of the Local Body Economic Administration Regulations 2064 by publishing the name and address of those taking the advance in newspapers. But the Information Officer at the Municipality has stated that the advance amount could not be recovered despite sending letters repeatedly.

Former lawmaker Binod Upadhaya says it is gross negligence on the part of the Municipality not to move ahead any other stringent process for action against those

disobeying the letter and not repaying the amount for recovering the advance. The Municipality Executive Officer Bishnu Datta Gautam, on the other hand, says they are in the process of initiating action against the defaulters.

Former Mayor of Siddharthanagar Municipality Sagar Pratap Rana, who served in the post for the longest period, has not repaid the advance amount he had taken. An amount of Rs 49,581.45 that he took as advance, to be refunded later, while going to Japan to participate in a seminar back in 2004 still remains unpaid. An amount of Rs 4,000 which contractor Mithai Lal Gupta had taken as advance in 1984 for carrying out earthwork has still not been repaid. A large amount remains as arrears as organizations from Radio Nepal to the NEA have not cleared the amount they had taken as advance from the Municipality.

As per the information received, among the 42 individuals who had taken Rs 1014,270.22 as advance since 1984 till 2013, the Prakritik Nirman Pvt. Ltd. refunded Rs 501,000, Shreeram Gupta Rs 5,000 and Ramu Yadav Rs 5,000. An amount of Rs 503270.22 remains as arrear in the name of 39 individuals. This can be seen in the information sought from the Municipality by using the RTI Act 2064.

NEA Bhairahawa branch has not paid back Rs 60,000 that it had taken as advance twice. Likewise, the Municipality's staffs have not paid back Rs 29,013.16, the municipality officials Rs 211,071.9 and others Rs 263,185.97. ■

Manoj Kumar gets justice

The Inland Revenue Office has lifted the freeze that it had placed on a one *kaththa* five *dhur* plot of land at the District Land Revenue Office, Rupandehi for long. The plot is in the name of Manoj Kumar Lohar's father, a resident of Siddharthanagar Municipality-13. The freeze on the land was lifted after information was demanded regarding the land using the RTI Act 2064.

The Plot No. 398 located at Bhujauli VDC-7, Rupandehi and in the name of Manoj Kumar Lohar's father- the late Pradeshi Lohar, had remained in the freeze at the District Land Revenue Office, Rupandehi for years as per the letter with Ref No. 265/05/16 of the Inland Revenue Office. Manoj was unaware of the reason as to why the land plot in his father's name was put on the freeze at the District Land Revenue Office. He could not know the reason even though he made numerous visits and inquiries sometimes at the District Land Revenue Office while at other times at the Inland Revenue Office.

Manoj came to know about the Right to Information after meeting and talking to Ram Bikas Chaudhari, the Chairman of the Human Rights Protection and Promotion Committee, Rupandehi and an RTI activist, at a teashop on December 13, 2014. The next day he dashed to the Inland Revenue Office and there filed an application demanding information as to the reasons why the land plot was put in the freeze. In the beginning, the office refused to register the application.

Later on, the application was registered after the RTI campaigners explained the office chief about the RTI Act. When investigation was carried out after the filing of the application, the Office found that there was no any such reason why the land plot has to be kept in the freeze. The Inland Revenue Office Bhairahawa on the very day of January 9, 2015 sent a letter addressed to the District Land Revenue Office for removing the land plot from moratorium, after it found out that there was no reason whatsoever to do so. The land plot was thus removed from the freeze.

Manoj Kumar, now, says, "The RTI Act made justice possible to me. I felt as if this Act was only made for me. I had made much effort to know about why the land plot, which was in my late father's name, had been put under freeze, but that had not been possible. Today, this Act has secured me justice. I spent thousands of rupees, but could not understand why the plot was in freeze."

In the end, it was found the Inland Revenue Office had put his plot of land in the freeze without plausible reason. ■

Corruption in Baglung DDC

Dilip Paudel

Baglung. What would an office give its staff when retiring? Letter of appreciation, gratuity or pension? But, the District Development Committee (DDC) here has suggested that it gives its staff a gold medal upon retirement. It is disclosed that the DDC here has honored its staff with gold medals worth over 1.22 million rupees. The DDC in Baglung is found to be involved in corruption, by distributing money under its different projects in a non-transparent manner. The Commission for Investigation of Abuse of Authority (CIAA) and the Auditor General have also initiated probe into the project activities undertaken by the DDC. The disclosure was possible through an RTI application filed at the office of the Auditor General. Reports acquired through RTI application mentioned about the misuse of money in the DDC in the fiscal year 2070/71 (2014-15).

Although the Public Procurement Act limits expenses through Users' Committees to no more than 3.5 million rupees, the DDC offered a Rs 13.44 million Chhisti Drinking Water Supply Project to a local users' committee under the influence of local bigwigs, and for commission-seeking. CIAA is investigating documents in this regard. The report also alleges that DDC has also distributed a sum of 1.21 million rupees to 135 people and 42 organizations quite against the rules and regulations. "Some projects show release of advanced sum beyond what would be required, payments without meeting criteria, agreements out-scaling the project cost, and distribution of council allowance and local allowance quite against the norms of administrative budget," says Tilak Sapkota, chairperson of Public Accounts Audit Forum.

There has been an excess disbursement of about 2.96 million rupees for the construction of motorable bridges over Hugdishir and Kushmisera Sarkuwa (rivers). Likewise, Rs 1.246 million has been transferred to the DDC account as expense under some title, so as to prevent the money from freezing at the end of the fiscal year; five schemes have each been offered 200,000 rupees more than what was due to them; three water supply schemes—viz, Thalepokhara, Chaubisetola, and Bhitriban—have been offered at Rs 496,000 more than the cost estimates. Similarly, there has been irregularities even in the social security fund. Nearly 352,000 rupees have been misappropriated in the name of Council and Local allowances and 4.4 million rupees collected in revenue has been spent as administrative cost. Nearly 4.8 million rupees is spent without any bills and vouchers.

Worse still, the DDC in Baglung has a sum of 36.4 million rupees in arrears to be collected. Local Development Officer, Bharat Gautam, admitted that the arrears were due to accumulation from the past. He said lapses are seen on several areas although some projects met the desired criteria. As for the decision to award the staff with medal, this was based on a decision of the District Council.

DDC Baglung has also failed to ensure monthly internal audit; it has not done its social audit; at the end of fiscal year it did not return the unfinished project to Budget and Audit Bureau, rather finished about half the budget only in the closing month of Asar (June-July). In the last fiscal year, when Punya Bikram Paudel was the Local Development Officer, 1.19 million rupees was spent irregularly for buying goods of private needs for the staff, and the arrears are yet to be cleared. ■

MPs development fund goes to musical instrument and hymns

Puspa Dulal

Kathmandu. Nepali Congress parliamentarian Rajendra Kumar KC who defeated UCPN-Maoist Chairman Pushpa Kamal Dahal in the elections from Kathmandu constituency no. 10 used his MP development fund to give the Ganesh Man Singh Memorial Study Centre around Rs. 350,000 for computer purchase and training.

However, the amount was not sufficient for the Centre founded by a Nepali Congress cadre. MP KC gave an additional Rs. 276,500 to the same institute to purchase musical instruments and for training. In this manner, MP KC invested around Rs.500,000 not for development works but in the interest of his party cadres, as per the records of the Parliament Secretariat.

In the previous fiscal year too, KC had provided Rs. 235,000 for office management and purchase of furniture to the Sanjaya Singh Memorial Foundation. MP KC has also spent Rs. 100,000 for construction of a badminton court in the name of a club at Khasibazaar, Kathmandu.

Though KC has been misusing the MPs development fund, there is nobody to be monitoring it. However, KC is not alone when it comes to misusing the MPs development fund or spending it upon close cadres of the party. An analysis by onlinekhabar of the allocation of cash from the constituency development fund by the MPs in all 10 electoral constituencies of Kathmandu had found that all MPs were found to have indulged in one irregularity or the other.

Kathmandu constituency no. 9 MP from Nepali Congress, Dhyan Govinda Ranjit, gave Rs. 100,000 to the Sriman Bhagwat Sanatan Dharma Protection Committee. Likewise, MP Ranjit gave Rs. 250,000 to the Mahila Didi Bahini Group set up by Congress cadres. MP Ranjit was found to have given Rs. 85,000 from the MPs development fund for a kul pooja(worshipping of family Deities) of the Jagaran Consumers' Group and Rs. 100,000 to a local club to purchase furniture.

Instead of using the fund for development work, NC MP Ranjit also gave Rs. 50,000 to the Balkumari Bhajan Mandal or hymn group.

Congress leader and constituency no. 8 MP, who professes development, used the MP development fund to donate Rs. 114,125 to a sister organization of the party called Loktantrik Newa Khala. The amount was said to be used to purchase musical instruments and furniture.

In the previous fiscal year too, MP Joshi had given Rs. 100,000 to 'Loktantrik Sanskriti Newa Khala' to purchase musical instrument and furniture. So, every year Joshi is distributing funds from the state coffers under the same heading and to the same organization.

UML Member of Parliament from Kathmandu constituency no. 3 Rameshwar Phunyal has been spending amount from the MP's fund to help run public service commission preparation classes. Whereas, preparation for public service is strictly a matter of personal competition.

In the previous fiscal year, MP Phunyal had released Rs. 125,000 from the MP fund for public service preparation classes. This year, he contributed Rs. 50,000 under the heading of public service training.

Likewise, MP Phunyal gave Rs. 127,000 for the renovation of the Madan-Ashrit Memorial Bachanalaya building. Other expenses in MP Phunyal's constituency include Rs. 150,000 for training on making musical instruments, Rs. 100,000 for building a women community building and Rs. 100,000 for constructing a building of a local club.

MP Narahari Acharya from Kathmandu-5, also Minister for Law, spent funds from the MP development fund to organize training on shoe making, bag making, mushroom farming, paneer making and beautician training.

MP Acharya has also spent Rs. 105,000 for purchasing musical instruments and up to Rs. 150,000 for constructing club building.

MP Prakash Man Singh from Kathmandu-1, who is also the Minister for Development, has given Rs. 400,000 to an NGO called Sahabit Samajik Sewa Sanstha.

Likewise, Congress MP from Kathmandu-2, Dipak Kuinkel has spent more than Rs. 600,000 in the name of various women's group. MP Gagan Thapa from Kathmandu-4 has spent up to Rs. 200,000 for purchasing musical instrument and more than Rs. 200,000 for women groups. ■

Computer accessories at Rs 1 to bag government tender

Ashok Dahal

Kathmandu. What can you buy with one rupee these days? A candy? Perhaps. But believe it or not, two ministries of our country have been buying keyboard, mouse, CFL bulb, Wi-Fi router and many other items at a rate of just one rupee per piece.

According to a price list obtained by Republica, the Ministry of Home Affairs (MoHA) and the Ministry of Health and Population (MoHP) have been buying scores of items at the rate of just 1 rupee, irrespective of their market price.

During the fiscal year 2070/71 BS, these two ministries have bought items ranging from computer accessories to umbrellas at Re 1 per piece.

The MoHA has bought 8 pieces of Wi-Fi router, 10 pieces each of USB keyboard and USB mouse, and several printer cartridges at just Re 1 from B&B Traders. The supplier has contracted with the ministry for providing 39 items at the rate of Re 1 per piece, bearing a huge loss just to get itself listed as a supplier for the ministry.

Similarly, the ministry has bought 50 pieces of standard umbrellas, 20 pieces of standard raincoat, 55 pieces of thermos, and electric cables including as many as 63 items at the rate of Re 1 this year.

The MoHP has also bought 15 CFL bulbs, 20 tube lights, three electric kettles, 15 cup sets, mug, mouse, broom and several other stationery items at just Re 1 from Marketing Line Ines, Koteshtar.

The matter came to light after the information was released by the ministries to Dan Bahadur Karki of Sindhupalchowk and Nodanath Trital of Dhankuta, who used the Right to Information Act to get the details of items purchased by these ministries during the fiscal year.

“Providing goods at the rate of Re 1 is nothing but a loss for us. However, we offer the lowest price just to win the ministry’s tender as there is a tough competition in the market and we don’t want to lose our regular customers,” said Ishwar Joshi, a staffer at B&B Traders, Ghattekulo, Kathmandu.

However, officials at the ministries and the suppliers claim that providing goods at a price of Re 1 is just a trick to get access to government offices. “Suppliers offer some goods at a price of Re 1 and later manage to sell other goods at higher prices,” said a supplier who did not succeed in being listed in the bid requesting anonymity.

Spokesperson at the MoHA, Laxmi Prasad Dhakal, said that the ministry has been buying the goods in line with the Economic Act and Public Procurement Act. “Even we were surprised to see goods being provided at just Re 1,” Dhakal told Republica. “They may get more income by supplying other goods after being selected in the tender process.”

Joshi, the B&B Traders staffer, also admitted that suppliers make huge income by supplying non-tendered goods. “You can charge several times more in case of some goods, that’s how suppliers recover their losses in other goods,” said Joshi.

According to Nabin Chalaugain, chairman of suppliers association, suppliers should not be solely blamed for the anomaly. “Such oddity is not possible without the participation of government officials,” he said. ■

RTI in Banke: successes in issues ranging from citizenship to gratuity

Rakesh Mishra

Banke. Gomati Nau, office assistant at Indrapur VDC, took compulsory retirement from his service sometime back. He could not get his gratuity after the service, unless he took recourse to the Right to Information Act.

A resident of Indrapur-9, Nau worked with the local VDC Office as an office assistant, initially on a temporary basis and then as a permanent staff for six years. He retired in December 2013 due to age limit.

As he didn't receive his gratuity and other outstanding benefits, for example, cash in lieu of unused home and sickness leave, which he was entitled to as per the Local Autonomy Act and regulation pertaining to it, he filed an RTI application at the Municipal Office of Nepalgunj, seeking information as to when and how he could get them.

Responding to the RTI request, the Municipal Office of Nepalgunj informed him affirmatively on the provision of gratuity distribution and the process to be followed. He followed the process and is now awaiting the call from the concerned officials. "They have promised to release my gratuity and other benefits soon," said Nau.

Harassed for long due to confusion and non-cooperation from officials, Nau had finally approached the RTI Center at Nepalgunj, which assisted him towards filing an RTI appeal.

Electricity through RTI

Here is another case from the same village where a local resident is able to have electric power supply line set up in his house through the use of RTI. Rahmat Khan, a resident of Karmohana, Indrapur VDC, had his power supply line cut off since quite some time. According to him, in September 2014, officials at the local office of Nepal Electricity Authority asked for money (bribe) to get the lines reconnected. Worried that they were demanding money even for their official job, Khan finally told his problem to the Citizen Help Camp organized by the Center for Information and Human Rights, Nepalgunj, on the occasion of International Right to Know Day. Members at the Camp advised him to file RTI appeal, seeking information on why the line was not reconnected. Accordingly, he asked the NEA officials for the reason of not reconnecting his power supply lines. He said they soon reconnected the lines following the RTI request.

Varsha Gets Citizenship Certificate

Right to Information has helped a girl in Banke district get her citizenship certificate on the basis of her mother's. Varsha Sharma, a resident of Bagishwari VDC-2, was long deprived of citizenship certificate, as her father had died when she was still a child, even before he could obtain a citizenship. For years, she pined for acquiring this document but to no avail. Subsequently, she had filed a case with the Appellate Court, which ruled in her favor earlier in 2014, issuing an order that she be issued with Citizenship Certificate on the basis of her mother's. However, the District Administration Office ignored the order. Varsa then filed an RTI application with the District Administration Office, seeking clear information as to when would she get her citizenship paper as per the court order. Following this, on 26th April 2015, she got her citizenship card on the basis of her mother's.

Varsa said with happiness that she had not only got the citizenship document but got that on the basis of her mother's. "Without this all my educational achievements would have gone meaningless," she said.

While RTI Center, Banke, advised her to use RTI Act to get her problem resolved, a group of lawyers and RTI activists, including Vishwajeet Tiwari, Rakesh Mishra, Bal Bahadur Chand and Sunil Shrestha, played supportive role to help her. They had also discussed the issue separately with Chief District Officer, Bed Prakash Lekhak, and the Information Officer Bishnu Sahani.

Mission Successful

Right to Information has also been helpful in protecting and renewing field book records of land ownership. Ram Shoharat Tiwari, a resident of Matehani-2, Banke, had his field book records and the *sresta* (main record) of land ownership (kept at local office of the Land Revenue) worn-out.

After repeatedly failing to get access to those documents, he filed an RTI application with the Land Revenue Office, seeking information on who was responsible for protecting the field book register and the main office record of his land ownership, how much budget was annually allotted for this purpose, whether the concerned *phantwala* (official assigned at a particular bureau) was responsible, and who would bear the cost if the old and worn-out official field book records and *sresta* were to be replaced with new one.

Earlier, the officials used to return him helplessly in one or the other pretext, asking him to come again later, but following the RTI application, they began process towards copying the records in new registers. As a result, he was successful to have the official records of his land ownership details properly transferred to new registers, within a month. Tiwari had filed RTI application in February 2014. RTI Center Banke had facilitated the exercise of Right to Information over the issue. ■

Height of unnecessary expenditure!

Muktinath Bhusal

Arghakhanchi. At a time when the State has to depend on foreign donors for development works, many government body staffers are found to be on a spending spree. This is also validated by the fact that the periodic district development plan formulation seminar of Arghakhanchi district was held in Lumbini.

The DDC hall in Sandhikharka, the district headquarters of Arghakhanchi is regarded as one of the most expensive and attractive seminar hall of western Nepal. However, the DDC seminar of the same district was organized by the concerned authorities in Lumbini, neglecting the same seminar hall.

On November 29, 2014, the toilet construction work had not been completed but based on a fake file even Deputy Prime Minister Prakash Man Singh was kept in dark and the district declared 'Open defecation free' district by Local Development Officer Hari Prasad Gyawali, to thereby make extravagant expenditure.

National Planning Commission Under-Secretary Jagannath Adhikari, Secretary at the Ministry of Federal Affairs and Local Development Som Lal Subedi, CA members Top Bahadur Rayamajhi, Duman Singh Thapa, NC district chair Kamal Bhusal and Secretary Basudev Acharya, UML leader and former DDC Chair Pitamber Bhusal and other individuals came to attend the seminar travelling from Kathmandu by air and by car.

The DDC Arghakhanchi had booked the meeting hall of the expensive Buddha Maya Garden hotel of Lumbini and 18 rooms at Hotel Stupa and 22 rooms at Shakya hotel. Hotel proprietor Santosh said that the meeting hall was booked for Rs. 16,000 per day and rooms at both the hotels for Rs. 2500 per day. According to him, the food cost per participant was Rs. 400 while a list of 83 participants was provided. The name list of the participants as provided by the DDC included 56 from government, semi-government and other organizations while 27 were from political parties and media persons.

Looking at the information demanded using the RTI act shows that such an extravagant affair for a minor program and the unnecessary expenses were evident.

Eighteen employees of the DDC had emptied the office to reach Lumbini. Reaching Lumbini some 155 kilometers away by ignoring own seminar hall with a capacity for around 500 people and in a district with abundant tourism potential, LDO Gyawali would not possibly saved himself from bearing the expenses of the air fare of those coming from Kathmandu and of the evening party, said a distinguished citizen of the district headquarters.

Though everyone in the district headquarters were misled that the participants were taking a bus to Lumbini, they had actually hired a bus (Lu.1Kha. 8288) for Rs. 15,000 for one-way cost where only 18 people travelled. Political party representatives and office chiefs had reached Lumbini in government and semi-government vehicles with registration number Ba.1Jha.8444, 8899, 580, 5854, 5323, 6938, Ba.2Jha. 582 and Ba.1Ya. 1911 and 66.1-0754 UN. 'Had the expenses incurred in Lumbini for the seminar in the district itself, it would have promoted local trade and encouraged investment in the hotel sector', said one of the participants.

In this manner, instead of organizing regional workshop to collect feedback from every VDC for developing a program for the district, holding extensive deliberations on the people's aspiration and possibilities with two or four VDCs and then developing a plan through a political coordination mechanism for development, this event held in presence of some leaders who are based in the centre and return to the district only during election and some individuals is wrong not only from the procedural point of view but also in principle. Such wayward development projects that would not be owned by the local citizens is bound to be not implemented and neither attain any result. ■

Rs. 35 million arrears recovered in one month due to RTI

Laxman Dhungana

Arrears worth Rs. 35 million was recovered in Bardiya after information was sought about the matter. Information including the details of the name list of those who have not cleared the advance amount taken has been demanded after the District Development Committee Office in Bardiya recorded increasing arrears in the form of uncleared advance withdrawals.

After the information was sought, the DDC took up the recovery of the arrears as a campaign ahead by publishing a notice on the same. Local Development Officer Dilliram Sigdel said that the recovering of the arrears outstanding since a long time has been taken ahead as a campaign.

Those not clearing the advance amount include the security allowance distributed to the VDCs, the amount of the MP development Trust used in the constituency, the local body office-bearers, former Chairs, political party representatives, user committees, MP liaison unit office among others.

In the fiscal year 2067/68, various parliamentarians and former parliamentarians had not cleared the advance amount worth Rs. 4 million that they had taken in the name of their party cadres by recommending to them projects in the name of the constituency development.

On 1 January 2015, details were sought of the arrears including the namelist of those who have taken amount in advance to take the total amount to be recovered since the past two decades to Fiscal Year 2014/15 up to Rs. 147.96 billion. The Bardiya District Development Committee provided the information on February 6, 2015. In just one month of the information sought, Rs. 35.46 million was recovered, according to the DDC Bardiya' accounts officer Ramesh Gharti. The DDC is yet to recover in the form of arrears worth Rs. 112.49 million.

After communication was made repeatedly for clearing the advance amount and a public notice issued, an additional Rs. 31.74 million rupee has been submitted to the Attorney General for comptrolling, according to DDC Bardiya. Likewise, another Rs. 10 million of the regular under the Ministry is under process of being cleared. 'We are preparing to go to Kathmandu along with necessary documents and the details in the third week of June', accounts officer Gharti said, 'we are achieving success in arrears recovery.'

Information Officer changed for not delivering information on time

After information was sought demanding the necessary details of the arrears, the information officer of DDC Bardiya Ms Parbati Pandit did not provide the information and make different excuses to ignore it despite repeated contacts made to her. After the required information was not received in 15 days, an application was written to the Local Development Officer on 1 February 2015 seeking the information along with action against the Information Officer. In response LDO Dilliram Sigdel had provided the information on 6 February 2015. Based on the same complaint, and with concerns that the information officer was becoming inactive, the DDC Bardiya replaced Parbat Pandit on 4 June 2015 with Planning Officer Sundar Prasad Shrestha, designating him the new Information Officer. ■

This is how the facts became public

Namaskar Shah

Nepalgunj. Maifujul Kabadiya is a resident of Nepalgunj ward no. 10. His family business is vegetable selling. Kabadiya entered into the business of selling and distribution of vegetables from a very small age, following the profession of his father and grandfather.

He was running his vegetable trade from Tribhuvan Chowk in the heart of Nepalgunj. But when a wholesale vegetable market began operating from the tourist spot of Ranitalau of Nepalgunj, he too shifted his based there. However, the environment there encouraged him to speak against the irregularities taking place in the Ranitalau Wholesale Vegetable market and he used to do so. But the Committee there enjoying a monopoly would not listen to him. Instead, he was forced out of the market, including two others. He suffered injustice. He thought how would I seek justice, if I go to the police, local administration, it would be hard to access it, and if I go to the court, it would take years to get justice. In this way, he was just confused for a year.

During the process, he happened to come to know about Right to Information. He says, 'I decided to take the help of RTI to fight against injustice and monopoly'. As per the RTI, on 28 October 2014, he sought information from the Ranitalau wholesale vegetable market governing committee about the details of all income and expenses.

But the Committee Chair Babu Kabadiya instead threatened to kill Maifujul instead of giving him information. The incident of threatening to life for demanding information drew the attention of all. He however was not frightened, and filed a complaint at the local administration demanding security. He did not move behind from his demand for information as well.

The issue spread nationwide. A team deputed from the centre on December 15 tried to resolve the issue by holding discussion between the victim and the stakeholder institution at the office of the RTI centre run by the Information and Human Rights Research Centre. The team led by RTI campaigner Dharmendra Jha made the effort to resolve the problem by meeting with heads and representatives of concerned institutions.

During the process, Chief District Officer of Banke, Bed Prakash Lekhak, Chief of District Agriculture Development Office, Banke Rajendra Pradhan, market committee chair Babu

Kabadiya, chair of information and human rights research centre Biswajit Tiwari, convenor Rakesh Kumar Mishra and Bal Bahadur Chand held a discussion and decided to postpone the election of the vegetable market committee scheduled for December 16, and instead form a committee to investigate into the matter.

The discussion formed an investigation committee convened by agro market expert at the District Agriculture Development Office in Banke Mahendra Narayan Lal Karna. Assistant Officer at the District Administration Office Rom KC and executive director of BAS Namaskar Shaha were members of the Committee. The Committee was given a month to present its report.

The Committee investigated the matter concerning the market for a month and made its report public. During the investigation, the Committee concluded that the formation of the Talau Wholesale Vegetable Market Operation Committee as not in accordance with the Agro Produce Market Management and Operation Guidelines 2053 B.S.

As per the report made public by the Committee, the Ranitalau Vegetable Haat bazaar was found to have run by contractor Asgar Ali from F/Y 2054/55 to 2062/63 and then Babu Kabadiya had been serving as the Chair of the Committee since 2065 B.S.

The report also said that of the total income of Rs. 254,973 there was no bill receipt for the same. Income shown is worth Rs. 3.1 million including 1.6 million from rent of the bazaar, Rs. 64,399 from retail shops and Rs. 1.42 million as government grant. Though an accounts assistant and an auditor had been appointed to the Committee, the maintaining of accounts was not regular.

According to the Committee report, the bill receipts so far are not clear, the Chair had been spending cash under various headings unilaterally, economic transaction made without decision of the Committee, stall rents were collected irregularly, new executive committee had not been elected since 5 years, regular meeting of the executive committee not held, payment made for Rs. 32,000 but the details not clear, the income and expenditure from retail shops and stalls not clear, and donations and advertisements awarded in various pretext without any formal decision.

The market committee had received grant of Rs. 3.87 million from the District Agriculture Development Office for five years for infrastructure development while it was collecting Rs. 40 each from every stall. But the accounts of the Rs. 2,400 collected from 60 stalls were not maintained. The Committee also did not find records of the income and expenditure from the period 2065/66 to 2067/68.

The Committee was also found the market committee to have not followed the provision of approving the annual budget and programme from the annual general meeting or the

committee itself. Though power tariff was not recorded as an income, every stall owner was charged Rs. 100 per month as power tariff.

According to the investigation committee coordinator, Mahendra Narayan Lal Karna, the transaction was not made through the bank but in cash. The Committee had also appointed Asgar Ali Kabadiya, the father of the Committee Chair Babu Kabadiya as security guard of the market and also allowed him to run a market at a land taken on lease by the committee. In this manner the Committee was making income worth lakhs of rupee illegally.

On 21 June 2012, the Committee meeting is found to have appointed auditor Dhan Bahadur Chand to audit the annual accounts. But then on June 22, the minutes of auditing done in the presence of four members of the executive committee does not have the signature of the auditor. In the auditing held in presence of the auditor's representative Ram Prasad Sharma, the committee was suggested to buy goods from firms registered in PAN for goods worth Rs. 5,000 and above from firms registered in VAT. However, that too was not found to have been implemented.

Even though the daily rent was said to be Rs. 40 per stall daily, it was found that the stall owners were charged from Rs. 60 to Rs. 100 per day. But the income registered was only Rs. 40 per day as rent of the stall, according to the Committee coordinator Karna.

The investigation committee has made a 16-point recommendation including for the District Agriculture Development Office to hold an annual general meeting immediately and elect a new executive committee. Others include to give the stall on rent through a tender, carry out all financial transaction through the bank, maintain accounts, audit by following the existing accounting system, establishing a monitoring mechanism, following the suggestions of the auditor and to be formed as per the directive of the Committee.

Chief of the Agriculture Development Office Rajendra Pradhan said that the market committees were difficult to regulate in absence of an agriculture market act. The problem is because the committee itself is autonomous, he said. Though the existing act provides that the Agriculture Office staff is the member-secretary of the market committee, it has not be followed by many. The market committees have been facing various problems of late due to a lack of policy that authorizes the agriculture office to take strong acting against those operating illegally, Pradhan said. ■

Rs. 500 million in negation of competition

Toofan Neupane

Kathmandu. On July 14, Finance Minister Dr Ram Sharan Mahat tabled the budget estimates of Rs. 819.47 billion for the Fiscal Year 2015/16. However, the opposition MPs including from the CPN-UML, ruling coalition partner of Nepali Congress, are unhappy with the plans included in it. They have been openly expressing their dissatisfaction in the deliberations on the budget that began after July 14.

Though everyone other than those belonging to the party of the Prime Minister is criticizing the budget, nobody has been heard protesting against the 'Constituency Development Program' and the 'Constituency Infrastructure Development Special Program' included in the same budget.

When the Finance Minister announced in the budget speech that Rs. 1.202 billion has been allocated for the constituency development program and Rs. 3.6 billion for the constituency infrastructure development special program, the MPs were seen applauding and banging on the table in support of it.

Even the opposition applauded when Finance Minister announced that the budget for the 'constituency development program' that the MPs can spend in projects of their choice through their representatives was increased to Rs. 2 million from Rs. 1.5 million and that of the 'constituency infrastructure development special program' that is spent through users committee full of the FPTP MP's cadres in project of his/her choice from Rs. 10 million to Rs. 15 million. Now under this program, MPs can spend a total of Rs. 4.802 billion in projects of their liking.

The great earthquake that struck the country in the last quarter of the financial year has had a very bad impact on the nation's economy. The annual economic growth rate is expected to be lower than that of many years in the past. However, the funds allocated for the reconstruction of the infrastructures damaged by the earthquake is around 11 per cent of the total budget. Even the salary of the civil servants was not increased as it would add economic burden considering the need for reconstruction. But then what is the significance of increasing the funds allocated for the MPs to be spent at the conscience of limited individuals in projects influenced by politics, where no authority has dared to check and question over its use/misuse and that is spent without fulfilling any

rules or procedures? 'Budget should not be appropriated like this without any monitoring mechanism, the anomalies that it will invite will not benefit any pro-people government', says former Speaker Damannath Dhungana.

No monitoring

The constituency development program that began when UML's Bharat Mohan Adhikari was the Finance Minister in 1994 with Rs. 250,000 per MP increased to Rs. 500,000, Rs. One million, Rs. 1.5 million and now to Rs. 2 million from the current Fiscal Year. The MPs had demanded Rs. 50 million to be spent in their respective constituency but the budget of the constituency development special program that began with Rs. 10 million last year has been increased to Rs. 15 million from the current financial year. Under the two headings, so far more than Rs. 10 billion has been spent. Now, Rs. 5 billion is being spent every year, but what was the effectiveness of this program for 20 years? No government authority has felt it necessary to evaluate it. A joint-secretary at the Ministry of Federal Affairs and Local Development, who served as Local Development Officer in various districts in the past, says it is unfortunate that no unit has yet been established to coordinate, assess impact, carry out need assessment and monitoring at the centre of a program that has already run for almost two decades.

The funds appropriated by the Finance Minister are sent to the DDCs based on the number of constituencies and the MPs by the Ministry of Local Development. Then the MPs representatives come to take away the budget to implement the project that the MP has selected as per the constituency development program. The project under the constituency infrastructure development special program is also selected by a committee convened by the FPTP member of parliament of the concerned constituency. A user committee comprising own cadres is formed to complete the projects. And, nobody will assess the effectiveness of the work done and inquire about the misuse of funds.

The Commission for Investigation of Abuse of Authority (CIAA) that is authorized to oversee irregularities in the public bodies has so far not looked into these projects. Likewise, the National Vigilance Centre is keeping its eyes closed over it. It has never been discussed in the parliament meetings. Neither has anyone raised questions over it at the Public Accounts Committee. In the experience of the aforementioned Under Secretary the district-level monitoring committees just set aside the MP's project when selecting projects for monitoring. The Office of the Auditor General sometimes mentions in its annual report that these projects have not been monitored/assessed and shows arrears. But that is not heard anywhere. 'We never got an opportunity to deal these projects as separate ones', says the Under Secretary.

Many districts do not get more than Rs. 15 to 20 million as DDC grants from the centre. But, a district with at least two constituencies would receive Rs. 30 million in addition to the Rs. 2 million per MP. Then there is a fear that a 'parallel DDC' would run through

this budget. 'This would overshadow the regular development mechanisms like DDC and VDC', says administration expert Dr Bhimdev Bhatta. 'when works are carried out through those mechanisms it would be based on the need and they would also be accountable for the expenditure.'

There are 37 staffers on an average in the DDC offices to manage the DDC grants. But how is it possible for the same number of staffers to manage an equal amount of additional funds?, 'It is not possible, this is just for the MPs selecting projects through their cadres, handing over project to known contractors, and it's just for their own benefit.'

The project agreement of the Rs. 3.30 billion that was released in 2014/15 began only in the month of Chait i.e. in March/April. The Ministry had released the authority in February/March. Though the guidelines says that the agreement needs to be completed within May 15, the date was postponed to mid-June reasoning the earthquake that hit more than two dozen districts of central Nepal. The development works that begin with the month of Asar in the Lunar Calendar brings with it many anomalies, also echoed in the terminology 'Asare Bikas' or monsoon development. 'The agreement is signed in mid-Asar but the date included is from the beginning', adds the Under Secretary.

Since the last year, the government has been allocating Rs. 1 billion in the name of development program based on people's participation. The amount is distributed proportionately to every constituency at the rate of Rs. 4.166 million. There is no separate standard to mobilise this fund that goes under the heading 'DDC additional grant' and in the project selection. It is distributed under the coordination/recommendation of the FPTP member of parliament of the concerned constituency.

The local bodies are without locally elected people's representatives since 2001. The budget has been increasing every year in these bodies through grants, NGO program and other projects. 'There would be a lot of control provided there were elected people's representatives in the local bodies, but now there is no need to be accountable, there is impunity everywhere', says economist Keshav Acharya.

Administrative expenses worth Rs. 200,000 including Rs. 50,000 per CA member from the constituency development program and Rs. 150,000 at the rate of 1.5 per cent of the Rs. 10 million of the constituency infrastructure development special program is allocated. So, of the total Rs. 3.35 billion that was spent last year through the two projects, Rs. 66 million was spent in administrative expenses. Who is making this expenditure without a separate mechanism and staffers, one does not know, and there is no accountability for it. Cannot we check corruption taking place so openly? Former Speaker Dhungana says, 'The amount is given by the government to please the MPs, so nobody would want to displease them by raising questions over its use/misuse, and monitoring it.'

The expenses made through the project are not monitored. And even the selection of projects are done haphazardly. Reviewing the documents received by Himal magazine including details of the expenditure of the Rs. 1.75 billion allocated for the 175 constituencies of 55 districts from the 2.4 billion allocated under the 'constituency infrastructure development program' for the 240 constituencies in 75 districts shows that MPs have wasted millions in petty projects selected by them without fulfilling the required standard (see, box, 3.30 billion in petty projects).

The certified details collected by Freedom Forum, an organization working in the field of Right to Information by exercising the RTI from 55 DDCs of the country show that MPs have acted as per their liking in the selection of projects.

Ploy to negate competition !

The constituency development program that began with Rs. 250,000 increased by 8 times in 20 years. The constituency infrastructure development special program that began last year with Rs. 10 million has been increased by 50 per cent in just a year. On this basis, it is likely that the government will continue to add budget to this program. But even if the allocated amount is not increased this year, a FPTP member of parliament can spend Rs. 850 million during his/her term in the constituency as per his/her liking.

Spending the taxpayers amount in projects that have political influence and without any monitoring would certainly increase the vote bank for the next elections. Following 2006, the situation has become such that one cannot win elections without spending money. In this situation, by spending Rs. 850 million from the state coffers, the MPs will be able to maintain sufficient influence until the next election. 'The situation is such that an honest and capable person cannot win elections', says former Speaker Dhungana, 'Now the competition is only between those who can distribute cash, and a culture has developed which says if you do not make money you cannot win elections, and your politics is over.'

The funds that is received from the state coffers built of tax payers money should not be allowed to be used as parental property by the MPs, says economist Acharya. 'The people's money should not be allowed to be misused to influence the voters in the coming elections.'

When then Finance Minister Bharat Mohan Adhikari began distributing cash to MPs through the budget in 1994, a writ petition was filed at the Supreme Court arguing that it was against the law. In response to the writ filed demanding a halt in the haphazard spending of the public property, the Supreme Court on 27 September 2001 issued an order requiring the defendants to do so only by formulating a legislation, which led to the development of the regulations. Advocate Dinesh Tripathi, who had taken part in the pleading in the case, says the MPs have been misusing the government resources by abusing their authority. 'These projects have no utility, there is no goal than to

influence tomorrow's politics by distributing cash from the state coffers to the cadres and supporters', adds Tripathi. 'The objective is to negate equal competition by creating a vote bank for tomorrow through the projects that experience widespread corruption in absence of transparency and accountability.'

Fear of becoming an addiction

Before the budget was introduced last year, the MPs ran a signature campaign demanding Rs. 50 million to every constituency to be spent on projects of their choice. Though it was widely criticized, the fund increased to Rs. 10 million. This time the amount further increased. The preliminary draft of the new constitution proposes 320 members of parliament in the two houses of the Federal Legislature. Likewise, the proposed 8 provinces will have 550 members of the Provincial Assemblies. So if this trend of distributing funds from the state coffers to the MPs is not stopped, tomorrow all the 870 MPs of the federal and provincial legislature will not stop staking a claim over it. 'If we do not stop the addiction of money in the MPs then it may become a chronic disease', says economist Acharya. 'A large per cent of the state coffers will be spent on this.'

On the other hand, the direct involvement of the lawmakers in development works is against the principle of separation of power. The law has outlined the task of the lawmakers as 'forming government, drafting laws, monitoring the executive and making it accountable, and passing the budget'. In this context, they have shown a surprising greed of becoming a 'development agent'. Advocate Tripathi says the limited resources in a country like Nepal should be spend with maximum benefit to the people but not to give it to the MPs for them to distribute it to their cadres. 'We can see them distributing directly to the cadres, it is a misuse of the people's tax and dereliction of duty to show interest in any work that you are not at all responsible for', he says and adds, 'it is not the job of the MPs to be involved in development works, we should not encourage this trend that is on the rise.' ■

MPs are addicted to money

Majority of the budget from the constituency development fund and constituency infrastructure development special program is found to have been spent in petty projects. As the expenses have not been monitored well, the expenditure in the projects are carried out as per the liking of the MPs. That is funds from the state coffers. It has its own system of spending and monitoring. But the budget from these programs are taken as parental property by the MPs. These programmes that have become a medium of boasting and extending political influence should not be continued. If there were elected representatives in the local bodies then the MPs would not enjoy monopoly. There would be 'cross checking'. Now there is an atmosphere of immunity everywhere.

Now as funds for both the programs have been increased in the new budget, nearly Rs. 5 billion will be spent annually. If all these could be invested together, then how much megawatt of electricity could it help produce? How long road would be constructed? We could build an irrigation project that would irrigate around 12,000 hectares of land.

The MP have developed an addiction to play with money. This addiction should be removed. Spending of funds from the state coffers in projects selected haphazardly by individuals must be stopped.

■ Keshav Acharya, Economist

Rs. 3.3 billion in petty projects

In the previous fiscal year, a total of Rs. 3.3 billion including Rs. 901.5 million of the constituency development program and Rs. 2.4 billion from the constituency infrastructure development special program was spent. This amount was spent in around 7,000 projects. The existing methodology in developing the projects of Rs. 50,000 to Rs. 9.8 million and the standards in the selection of the program projects have been completely violated.

Reviewing the details sought by Freedom Forum from 55 districts by exercising the Right to Information shows that the MPs have spent the amount not in infrastructure development but in distributing it. Likewise, an analysis of the details received by Himat of the constituency infrastructure development special program in 175 constituencies shows that the budget allocated with the objective of contributing to proportionate infrastructure development of the constituencies has totally failed.

Of the Rs. 1.75 billion of 175 constituencies Rs. 936.2 million was found to have been spent in roads. But even with such a huge amount, not a single motorable road has been constructed. The roads constructed without environmental impact assessment and using dozers haphazardly have become a reason for landslides and soil erosion in the hills.

Surprisingly the funds are spent more in building of religious structures like temples and monasteries rather than in essential sectors like irrigation, embankment and flood control, health institutes etc. In the 175 constituencies, nearly RS. 42 million has been spent in construction of religious structures alone, whereas only Rs. 10.3 million has been spent in the health sector in those constituencies. More than Rs. 93.7 million has been spent in an unproductive sector like constructing community buildings. Likewise, for these works, Rs. 22.65 million was spent in the name of administrative expense.

The allocation of funds for the selected projects is such that the contingency deduction that should have been 1.5 per cent in Kalikot, Mustang, Sankhuwasabha, Humla, Taplejung, Bajura, Manang districts is as high as 3 per cent. Some show the cost amount more than the allocated budget while a budget of Rs. 10 million has projects of only 9.3 million, the status of the remaining 0.7 million is not mentioned. Baitedi with two constituencies received a budget of Rs. 20 million but the projects developed is of Rs. 21.1 million. Likewise, Siraha-4 with a budget of Rs. 10 million has a project of Rs. 10.15 million. Tanahu-2 has a project of only Rs. 9.2 million and Lamjung-2 only Rs. 9.3 million. In many districts, the funds are allocated equally to distribute the Rs. 10 million. They do not mention about the deduction of contingency, or if applicable where it would come from.

In order to avoid the standard of recommending a maximum of 10 projects, many MPs have merged four to five different projects under one heading. Funds have been distributed in 57 projects in Dolakha-1 and 27 in Dolakha-2. A total of Rs. 2 million has been allocated to distribute Rs. 1,000 each to every family for purchasing smoke-free stoves in one municipality and seven VDCs. Rs. 50,000 each has been distributed to 24 schools.

In Okhaldhunga-2, the school infrastructure development and drinking water project of a different village have been presented as a single program. Majority of the projects in Tahanu are limited to religious institutions and community building construction.

Chairperson of Freedom Forum and senior journalist Taranath Dahal says a study of the details show that the guidelines developed by the Ministry of Federal Affairs and Local Development have not been followed, and instead of spending through the government mechanism the MPs have been receiving the funds personally and spending it accordingly. 'The standards have been violated right from the project selection to implementation, and the fund has been scattered rather than in infrastructure development, adds Dahal.

Economist Keshav Acharya says that scattering across petty projects will not bring any result. 'There is no significance of this program, it must be closed', he said. 'Even if we cannot do so immediately, a provision must be made to invest the fund in a multi-year project of 50 to 70 million or build capital to a common project collecting the funds of two to three districts.' ■

KeyInfo

EXPENDITURE IN 2014/15

Constituency Development Program:

Rs. 1.5 million
(per CA member)

Rs. 901.5 million
Total amount CA members-601

CONSTITUENCY INFRASTRUCTURE DEVELOPMENT SPECIAL PROGRAM :

Rs. 10 million
per constituency

Rs. 2.4 billion
Total amount for Constituencies-240

Rs. 3.3 billion
Total amount for both programs

APPROPRIATED IN 2015/16

Constituency Development Program:

Rs. 1.5 million
(per CA member)

Rs. 1.2 billion
Total amount CA members-601

CONSTITUENCY INFRASTRUCTURE DEVELOPMENT SPECIAL PROGRAM:

Rs. 10 million
per constituency

Rs. 3.6 billion
Total amount for Constituencies-240

Rs. 4.8 billion
Total amount for both programs

THEMATIC DETAILS OF LAST YEAR'S EXPENDITURE:

55

No of districts studied

175

No of constituencies studied

Rs. 1.75 billion

Total expenditure: (except the Rs. 1.5 million under the constituency development program)

1,739

No of projects run

PROJECT AND COST : (In 000)



Road:

Rs. 936,204.9



Bridges (including culvert)

Rs. 108,389



Community building:

Rs. 937,77.5



Irrigation:

Rs. 41,095.37



Embankment/flood control :

Rs. 40,400



School/campus :

Rs. 194,101



Drinking water :

Rs. 78,935



Sports :

Rs. 17,810



Electricity

(including solar energy) :

Rs. 123,735



Religious structure:

Rs. 42,050



Health institute building:

Rs. 10,300

Administrative expenditure : **Rs. 26,250**

Others: **Rs. 33,952.2**

Misuse of scholarship fund through forged signature, RTI comes to rescue

Santosh Pandey

Kalaiya. Thirty-six students at a school in Bara, a district in the southern plains of the country, could reclaim their scholarship using the Right to Information (RTI). The Shree Durga Higher Secondary School at Ward Number 10, Barewa Baraiya had to refund the scholarship amount to these many students after Mr Mukesh Kumar Kushwaha of Kalaiya Municipality-14 filed an application on December 31, 2014 to the Information Officer using the RTI. Responding this, the school on January 6, 2015 provided a 24-page document with the certified copies of the receipts of the amount distributed as stipend to the students of Grade 1 to 12 from the dalit community, girl students and the meritorious ones, to Mr Kushwaha.

When the RTI user, based on this information, asked the students to check whether the students figuring in the list had actually got the scholarship, it was found that 40 students had not taken the scholarship and the teachers had signed on the receipts on their behalf. After this, Mr Kushwaha drew the attention of the school administration towards this discrepancy. In response, the school Head Teacher Manoj Yadav assured Kushwaha that the school would provide scholarship to the 40 students. Some times after, the school distributed Rs 14,400 to 36 students at the rate of Rs 400 per student. The Head Teacher said two students did not turn up.

Aman Ansari of Kalaiya Municipality-9, the first boy of Grade 9 and Sanjaya Kumar Kushwaha of Kalaiya Municipality-14, the third boy of the same class, expressed their happiness for getting the scholarship. "Somebody else took the scholarship amount in our name. We are successful in getting back the scholarship amount using RTI. RTI has ensured our rights," they shared.

The District Education Office, Bara provided Rs 208,300 to the school in the FY 2013/14 for distributing as scholarship amount. The school, on October 15, 2014 distributed the scholarships to 529 students including the dalit, meritorious and girl students at the rate of Rs 400 per student in the presence of School Inspector Manjoor Alam, the representative of the District Education Office.

Applicant Kushwaha had sought information regarding the school's internal income sources, the verified copies of the particulars of the annual income from this source and the amount received for scholarship in the FY 2013/14 as well as the number, names, the names of the parents and addresses of the students drawing the scholarship amount.

I met some of the students in my village in course of searching for the students who got the scholarship to verify whether the school had actually distributed the scholarship amount. Although some of the students I met said they got the amount, many more told me that they had not received the amount and that was not their signature. I met some 40 students who said they had not signed the receipt, Kushwaha said. The school Head Teacher, on the other hand, explained that some students might have been left out in course of distributing the scholarship amount and they have been provided with the amount. However, the students have claimed that the signature on the copies of the receipt is not theirs. As an impact of this, the school, through a teachers' meeting, appointed Assistant Head Teacher Inar Das as the Information Officer and also put up a board with his nameplate and contact number. ■

Irregularities in health in Salyan

Narayan Aryal

Salyan. The District Free Medical Treatment Recommendation Coordination Committee, Salyan has, in the period of 5 months from last Saun to Mangsir (July/August to November/December), recommended to various hospitals and medical centres free medical treatment for 22 persons.

Though the Committee chaired by the Chief District Officer (CDO) made the recommendation for free medical treatment to 22 persons, it did not show any concern over the enforcement of the recommendations during the same period.

Details provided by the District Administration Office in response to the information sought by Nodanath Trital of Freedom Forum, in accordance with the Right to Information Act, 2064 (2007), shows the recommendations made but does not mention whether the recommendations were actually put into practice.

As per the details received, the Committee met on July 18, 21, 22, 30, 31 on August 12, 24, 31, September 1, 14, 21, 22, October 20, November 10, 24, 25, 26, 27, 28 and December 11. Every meeting has recommended to various hospitals, medical college and medical institutes free treatment to one person each suffering from a serious disease.

Two meetings in a day

Health of a person is a sensitive issue. The constitution of the country has established it as a fundamental right. Providing free treatment to citizens with poor financial situation and providing financial support for the treatment is the policy of the government. So, on the recommendation of the concerned VDC at the district-level, there is a provision whereby the CDO-led Committee recommends for the free medical treatment.

The District Free Medical Treatment Recommendation Coordination Committee of this district had held two meetings on a single day and recommended free treatment for the patients. The Committee had met twice each on 1 September 2014 and November 27, 2014. However, the time of the meeting has not been mentioned in the minutes booklet. Though the time has also to be mentioned if more than one meeting has to be held for the similar purpose on the same day, the Committee is found to have taken a

decision just by mentioning the date only. Looking at the situation following the decision, it is found that the recommendation has been made to the same hospital where the treatment is undergoing. Likewise, the Committee is quiet over the enforcement of the recommendations while the time has not been mentioned when two meetings have been held in a single day. Looking at all this, the situation of medical treatment service at the district-level seems to be very weak.

Who is the chairperson ?

On the other hand, the Chairperson of the meeting of the District Free Medical Treatment Recommendation Coordination Committee is not clear. Who chaired the meeting of Saun 14 or who is the coordinator of the Committee is not clear. A copy of the minutes booklet received of the meeting after information was sought using the Right to Information Act, 2007 by Nodanath Trital of Freedom Forum mentions that Chief District Officer Yagya Raj Bohara is the Chairperson of the Committee. However, in the attendance sheet, officiating CDO Dipendra Poudel has signed as the Chairperson. The end part of the decision minutes bears the government stamp of the Assistant CDO on the signature of Dipendra Poudel. So three different posts and the name of two persons has been mentioned in the same decision booklet.

As per the Act, CDO is the Chairperson of the District Free Medical Treatment Recommendation Committee. In the absence of the CDO, the officiating CDO can assume the responsibility if the authority has been delegated accordingly. However, the Act does not recognize the Assistant CDO. ■

Irregularity in public procurement: cost of a pen from Rs. 1 to Rs. 6,500.

Krishna Timalaina

The preamble of the Public Procurement Act 2007 reads- Whereas, it is expedient to make legal provisions in order to make the procedures, processes and decisions relating to public procurement much more open, transparent, objective and reliable, obtain the maximum returns of public expenditures in an economical and rational manner by promoting competition, fairness, honesty, accountability and reliability in public procurement processes, and; ensure good governance by enhancing the managerial capacity of procurement of public entities in procuring, or causing to be procured, construction work and procuring goods, consultancy services and other services by such entities and by ensuring the equal opportunity for producers, sellers, suppliers, construction entrepreneurs or service providers to participate in public procurement processes without any discrimination; Now, therefore, the House of Representatives has enacted this Act in the First Year of the issuance of the Proclamation of the House of Representatives, 2007.

But one may not believe that the major public institutions of the country are procuring goods and services against the norms and values of this Act. According to the certified bill receipts collected by using RTI, the country's home administration or the Home Ministry that issues directives to majority of the public institutions and initiates action against those not following it, is purchasing pilot pen for 1 rupee per piece. The Home Ministry staff use umbrella that has been purchased for Rs. 1 per unit.

Not only umbrella, the Ministry has been purchasing many other office goods as per the Public Procurement Act at Re. 1 per unit from the listed firms. In the Fiscal Year 2014/15, the listed firms of the Home Ministry—Aroma Enterprises and B and B Traders have been supplying many goods in a price that is many times cheaper than the market price.

As per the bidding list of goods, the Home Ministry has certified bill receipts that says that it purchased 50 units of standard folding umbrellas in the past one year for Re. 1 per unit. Not only umbrella, the traders have been supplying to the Home Ministry CFL bulbs at the cost of Rs. 1 per unit.

The listed firms that supply goods in a price that is higher than the market price to other public institutions supply cloth for Rs. 5 per meter to the Home Ministry, that would be

directly involved in taking action in case of market irregularities. Any cloth that they sell for Rs. 65 per meter to other Ministries, they supply to the Home Ministry for Rs. 30 per meter. Likewise, the Home Ministry has also been found to have purchased a 15,000 watt electric kettle to 100-page good quality diary for Rs. 1 per unit.

Likewise, a Japanese pilot pen that was could Rs. 95 per unit in the market as per the bidding price of a listed firm, the Home Ministry purchases it for Re. 1 with a firm and for Re. 70 with another firm for up to 5,000 units. Wire of 7/22 that would cost between Rs. 8 to Rs. 1,000 per coil in the local market is provided by a listed firm to the Home Minister for Re. 1 per coil.

Generally, consumer goods have the maximum retail price written on them, but why are the firms that supply goods to the Home Ministry are bidding them for such a low price. This is the major question.

Spokesperson of the Public Procurement Monitoring Office, that is responsible to check such anomalies in public procurement process, Naresh Kumar Chapagain says that the ploy is to win a tender by supplying goods that are consumed in low number at cheaper price and those consumed in high number at higher price. If any firm says that bids to provide all such goods for Re. 1 then it would either not supply such goods or compromise with the quality of the goods. After witnessing the bill receipt for a good purchased for Re. 1 at the RTI program, spokesperson Chapagain said, 'I am seeing such a bill for the first time, we will investigate it.'

Market analysts say that those trying to display influence and access by supplying goods for cheap for such influential body would recover the losses from the normal market price. They would not indulge in a trade of loss, it's just an illusion.

As per the details of the bidding price of stationery goods provided by the Home Ministry, apart from some specific goods, it has been purchasing all other goods for Re. 1 per unit. From vacuum flask to a broom, from sweeping cloth to a lock, toner cartridge to CFL bulb of every unit, all are provided to the Ministry by the listed firms for Re. 1. The agreement reached between the Home Ministry and the firm that has made the lowest bid says that all transaction shall be made as per the Public Procurement Act, 2007, Public Procurement Regulations 2008 and prevalent rules and regulations. But this bidding price has raised one question, is the Home Ministry purchasing goods and services as per the applicable act and regulations?

Chairperson of Freedom Forum and senior RTI activist Taranath Dahal says it's due to the shortcomings in the PPA, which has been encouraging many policy irregularities. Its needs to be amended.

According to the Home Ministry, internal management unit, of the Rs. 10.629 million allocated under the heading of office goods supply cost for the fiscal year 2014/15, the ministry has purchased necessary goods for just Rs. 4.8 million. Because, the suppliers bid for an unimaginable price for any goods to be supplied to the ministry.

As per the collected bill receipts, another fortunate ministry is the Ministry of Health. According to the certified bill receipts provided by the Health Ministry, the listed firms have been bidding and supplying goods from envelope to books, diary to board marker for Re. 1 per unit. The clay heater that other ministries pay Rs. 400 per unit, the health ministry has purchased it for Re. 1. From computer mouse to water heating kettle, all have been purchased for Re. 1. The bill receipts provided by the health officials also show that the tea cup set used at the health ministry has been purchased for Re. 1 per unit. But the health ministry that had presented itself as one following austerity by purchasing goods for cheap is found to have paid from Rs. 95,000 to Rs. 107,000 for a Chinese sofa set. And the ministry that purchased stationery goods for Re. 1 in the same period of the year spent nearly Rs. 1.627 million for carpet, chairs and sofa set.

Another interest fact that was found in the certified bill receipts provided by the Health Ministry is that a listed firm Marketing Line Inc. has supplied HP Laser 13.a tonner for Re. 1 for 5 units. And the same good, the same firm has sold to the same Ministry on 8 December 2014 for Rs. 9,500 per unit. These two bills issued by Marketing Line Inc. highlights the anarchical act being carried out by the firms involved in supplying goods in the market. ■

Wages through RTI

Dipesh Ghimire

Kalikot. Kalikot is one of the most remote districts of Nepal. It's been barely seven years since this district found access to means of transportation. The district does not even have any access through airways. Who would have experienced the pang of being deprived of both road and air transportation link for so long a time as the residents of Kalikot district? Not that there were no efforts to resolve those problems in the past. But the political and economic crises, coupled with lack of good governance, made all such efforts meaningless.

Various sectors were trying for long to construct an airfield in Kalikot district. Work commenced for constructing an airfield at Suntharali, Kotwada, in 1996. Nearly nineteen years have elapsed but there's still no sign of the work being complete. Long deprived of road access, the inhabitants of the district could not even see their dream of having air access come true. Many people had joined the airfield construction work in the hope of earning some money and, ultimately, being able to board a plane for travelling from and to their district. But, unfortunately, since quite some time, they couldn't even earn their wages. The laborers struggled a lot to acquire their wages. They held many rounds of talks with the user's committee of airfield construction, staged rallies at District Administration Office, and also appealed to leaders of political parties to help address their problem, but to no avail. Thus the laborers remained unpaid.

Amba Budha is one of those laborers deprived of wages in Suntharali airfield construction. He regrets the fact that they were left unpaid for their long work. "We are unpaid since the year 2066 (2009 AD)," he said. "We met Members of Users' Committee, concerned officials as well as contractors but all went in vain."

Eking out their two meals from the hard toils of the day, it was hardly possible for them to continue rallies and struggles. After failing to secure their wages despite long effort, they cursed their own fate and turned to other options for earning. Gradually, the issue fizzled out and the laborers also seemed to forget it. The Users Committee and the contractors ignored it, the administration was filled in with new staff and they were unfamiliar with the problem.

With the commencement of road access to Kalikot in 2007, inhabitants gradually took less interest in the issue of airfield construction and the construction process took an

indifferent turn. Meanwhile, Khagendra Bhattarai, an RTI activist, approached the Users' Committee, seeking reasons for delay in airfield construction work. But members of the Committee declined from registering his RTI application. Subsequently, he got the tips about the laborers left unpaid and decided to explore their issue. Bhattarai says, "Initially I thought of exploring the reasons for the delay in construction but later on I thought the issue of unpaid laborers deserved priority."

Bhattarai then met with some of the suffering laborers and apprised them of the relevance of the RTI. Together, they lodged an RTI application with the District Administration Office in April 2014, seeking information on the budget received for the airfield construction, its expense breakdown, the details of employment and the payments made to them.

The District Administration Office responded to the RTI application with due priority and called the Users' Committee with all the relevant documents in this regard. It was revealed that workers' pay to the tune of some 1.4 million rupees had not been released to them. The then Chief District Officer, Kishor Chaudhary, soon arranged a meeting of the office bearers of the Users' Committee and the labor representatives at the District Administration Office, which resulted in the agreement to disburse the outstanding dues to concerned laborers soon.

The process revealed that part of the budget issued was misused by the Committee, whereas a part of it was yet to be released from the Ministry of Tourism and Civil Aviation. The District Administration Office wrote in this regard to the Ministry as well as the Committee. The Ministry took step to release the outstanding fund, and the Committee also deposited the sum misused by it. As a result, the laborers received their wages pending since eight years.

Bijay Narayan Manandhar, Chief District Officer, underscored the efficacy of RTI Act 2007, saying, "We came to know that laborers even launched futile demonstrations earlier to get their dues repaid, but now a mere one application, seeking information as per the Right to Information Act 2007, has been successful in giving their outstanding wages to them."

Amba Budha says happily, "I got thirty thousand rupees in my wages, after so many years. It's like a dream to me." Advising others also to use RTI Act, he says, "I never thought a mere single application could prove to be such a powerful weapon!"

Activist Bhattarai said his RTI request helped dozens of laborers to get their outstanding payment from the concerned parties. "RTI is related to people's everyday life and hence none should hesitate to use it in order to know about any issue." ■

‘MPs spent as they pleased’

Kamal Dev Bhattarai

Ways of fund misuse

- Funds not used in development projects
- Lawmakers selected projects to please their supporters
- Claiming project developed by another agency as their own
- Project location not specified
- Money given to institutions affiliated to lawmaker's party
- Budget scattered into numerous small projects

Kathmandu. At a time when the government is preparing to increase budget for Constituency Development Program (CDP) bowing to lawmakers' pressure, reports of arbitrary spending by people's representatives have been revealed.

Last year, the government had allocated Rs10 million for each of the 240 constituencies to be spent under the direct supervision of the Constituent Assembly member. This year, they have been mounting pressure on the government to increase the amount to Rs50 million. Besides, the government had also increased the Parliamentary Development Fund by Rs 500,000 to Rs 1.5 million for all lawmakers.

A preliminary report prepared by Freedom Forum, a non-governmental organisation, shows that budget allocated under both headings was not used in development projects. The study conducted in 60 districts found that the lawmakers selected the projects to please their supporters/cadres flouting the guidelines of the Ministry of Federal Affairs and Local Development.

According to the document, Local Development Minister Prakash Man Singh, who was elected from Kathmandu constituency-I, spent the money on installing solar lights in his constituency. He claims to have installed solar lights in front of the CA building, spending most of the money on it. In fact, the Kathmandu Metropolitan City had set them up there as part of the preparations for the Saarc Summit.

The directive states that the budget should prioritise old development projects stalled due to the lack of funds. Other areas specified for budget are reconstruction of physical infrastructure damaged by natural disasters and on disaster preparedness projects.

The budget allocated for CDP should be spent in coordination with the District Development Committees, municipalities and Villages Development Committees. The directives also require the money to be spent on infrastructure development and employment generation in the constituencies concerned. But the documents provided by the DDCs to Freedom Forum show that most lawmakers failed to meet the criteria while selecting the projects. The documents were obtained by exercising the right to information.

The spending is suspicious as the development projects mentioned in the reports are not clear. For instance, location of the 'road construction' and 'infrastructure development', among other projects, where the expenditures were made has not been specified.

Rameshwor Phuyal, UML lawmaker from Kathmandu-3, spent the money on Public Service Commission exam preparations while some of it reportedly went to the Madan Ashrit Auditorium. He claimed that the expenditure is in line with the directives prepared by the ministry. Phuyal, however, underlined the need for an effective mechanism to monitor the use of such funds. Rajendra Kumar KC, Nepali Congress lawmaker from Kathmandu-10, provided the money to Ganesh Man Memorial Institute for purchasing trumpets and computers, and for conducting training programs.

Bhimsen Das Pradhan, NC CA member from Kathmandu-9, also provided Rs600,000 for the institute to purchase trumpets.

The study shows that most of the money was given to institutions affiliated to the party that the lawmaker represents. NC lawmaker Ram Hari Khatiwada said that fund misuse by some lawmakers had put the program in negative light even though it is good in principle.

The documents also show that budget allocated for CDP was scattered into small development projects, contrary to the directives. UML lawmaker Rabindra Adhikari said people had got bad impression of the program. "There are many good examples from last year of the scheme. And there are cases of misuse too," he said. Last year, cross-party lawmakers had threatened not to pass the budget if their demands were not met.

While the NC Parliamentary Party meeting had asked the government to allocate Rs 50 million, the Finance Ministry allocated Rs10 million, promising "gradual increment every year". ■

Right to Information in Campus

Yekraj Giri

Jhapa. It's been seven years that RTI has come to force in Nepal. In the meantime, many examples have been set of the citizens acquiring information after a struggle. One of the burning examples of this is - Kankai Multiple Campus of Kankai Municipality-3 of Jhapa district. Assistant Professor of the Campus Thakur Prasad Rasaili has been waging a continuous struggle to get the information related to the institution that he is himself affiliated to.

A permanent resident of Garamani VDC in Jhapa, Assistant Professor Rasaili demanded for three information as per the RTI Act on 13 October 2014. He had demanded a copy of the decision of the Board of Directors about the appointment of the assistant campus chiefs and certified copies of their letter of appointment, certified copies of the appointment letter of the Chief of the Application Teaching Committee and certified copies of the appointment letter of the chiefs of the subject committees.

The Information Officer of Kankai Campus did not provided the information within the 15 days limitation period as specified in the law. Rasaili then filed a complaint before then Campus Chief Trilochan Mainali within seven days as per the law. But Mainali did not agree to accept the complaint filed by Assistant professor Rasaili. As a way out, Rasaili sent the complaint to the Campus by post. But Campus Chief Mainali totally ignored the provision of informing whether or not to provide the information or to make arrangement to provide it through the information office within seven days of receiving such complaint. Instead of providing the information, Rasaili was asked for clarification for demanding the information.

However, Rasaili did not lose confidence, and instead relied on the RTI. Accordingly, he filed an appeal at the National Information Commission on 17 November 2014. In response, the Commission on 27 November 2014 ordered the Kankai Campus to provide the information as sought by Rasaili. The Commission issued an order to the Chief of Kankai Campus and its Information Officer to provide the information as sought by the applicant within seven days or if it cannot be done so inform about the same with appropriate and sufficient reasons to the Commission.

Following the Commission's order, the Campus wrote a reply to the Commission on 28 December 2014. The response from the Campus was that the purpose of Rasaili demanding for the information was not clear and it was not felt necessary to provide the information considering that it would harm the academic prestige of the campus.

This was based on the consensus and decision of the Board of Directors. National Information Commission was not satisfied with the reply. The Commission could not agree to the reasons given by Kankai Campus for denying the applicant the information. The Commission issued a second order for enforcement of the previous order on 5 February 2015 stating, 'Provide the information sought by the applicant'.

The Campus Chief Mainali who was appointed to the post on 21 January 2013 resigned on 14 January 2014. The board of directors approved the resignation on 5 Feb, 2015. And on 7 February, Tanka Bahadur Karki who was Mainali's predecessor was again appointed the Campus Chief. The second order of the Commission created an upheaval but there was a confusion of what to do next.

The campus team was divided about whether or not to enforce the Commission's decision. Some time elapsed. It was informed along with reasons for a team of RTI campaigners to come to the campus to understand the reasons behind the failure to implement the Commission's order and for Rasaili being denied the information. That forced the Campus to take up the issue seriously. Then a meeting of the Campus Board of Directors on 13 June 2015 enforced the order of the National Information Commission and decided to provide Rasaili with the information. The same day when RTI activists had landed in Jhapa.

Following the incident, the Campus is preparing to provide for an Information Officer in order to provide the information sought by the citizens. Appointment to the present vacant post will be made this month and the same person will be designated the Information Office, according to Campus Chief Karki. This case study has presented an example, which shows that you can get information from the local body, even if you are affiliated to it. It has also helped others to understand RTI, demand for it and alerted public bodies and responsible office-bearers to provide the information that is demanded by the citizens.

As per Clause 5(5) of the Statute of the Campus, appointment of the Assistant Campus chief should be made only to the person who is not involved in a paid job for other educational institutions, and in that case the appointment could be made only if she/he resigns from the paid job. Mainali and Upreti appointed to the post were involved in paid job elsewhere. Eligible candidates Rasaili and Til Birkam Kandangwa were dependent only on Kankai campus. Mainali and Upreti appointed as Assistant Campus Chief on the recommendation of then Campus Chief Trilochan Mainali resigned from their respective posts. Upreti's resignation was approved on 5 February 2015 and Mainali's on 19 March 2015. That is why he had sought the information.

Likewise, Rasaili had sought information about the appointment of the Chief of the Exercise Training Committee as the Campus Chief had on 17 August 2013 appointed Sher Bahadur Baniya to the post even though Rasaili was the senior-most and eligible for the post as per the Educational Administration Regulations Clause 5(1). ■

RTI delivers justice

Krishna Adhikari

The citizen's campaign of Right to Information is going nationwide. The trend of seeking information has suddenly surged after the awareness on RTI increased at the citizen's level. The public works that otherwise were not done for long are being carried out after seeking information. The citizen's watch on irregularities, bureaucratic red tape and opaque activities has also started increasing.

The Vegetable Market Management Committee at Ranitalau, Nepalgunj had not had its elections. Its accounts were unsystematic. Even the vegetable traders were unknown about how the vegetable market was running. The Committee had its election and a new committee has been elected after the filing of an application using RTI. The Committee's accounts have been made public and now the former management committee is to refund the misappropriated amount.

The stalls at the vegetable market have been asked to display the price list of vegetables and decision has been taken to refund Rs 254,000 pointed out to by the investigation committee formed to look into the income and expenditure of the committee after the Information and Human Rights Research Centre, Nepalgunj organized a public hearing at the vegetable market.

Similarly, the distribution of the scholarship amount to students at a lower secondary school at Banjaregaon, Indrapur in Banke district has started after three years. The school administration had stopped the distribution of the scholarship amount, citing no election of the school management committee, depriving the students of the scholarship.

The school has distributed the scholarship amount to the dalit students and the girl students of Grades 1 and 2 after information on why the scholarship amount was not distributed was sought using RTI. The District Education Office, Banke provided Rs 76,725 to the school for distribution of the scholarship for the Fiscal Year 2013/14.

Likewise, about Rs 52,000 released to the school in Fiscal Year 2011/12 and approximately Rs 55,000 released for the FY 2012/13 has been distributed. The school administration now has started distributing the scholarship amount after the monitoring team from the District Education Office started strict monitoring following the application of the RTI at the time scholarship amount was not distributed.

A local youth from Indrapur, Arif Salmani, had sought information from the District Education Office, Banke after learning that the school at his village had not distributed the scholarship amount for three years. Using the RTI, Salmani had sought information why the scholarship was not distributed for three years and why the election of the school management committee was not held. Schools run institutionally have to be registered as per the law. But many schools are in operation in Banke district without registration as institutional schools.

The trend of running institutional schools after getting them registered has increased following the use of RTI.

The Bageswari Temple in Nepalgunj is a major religious destination of west Nepal. However, nobody knew how much movable and immovable property the temple had, who was looking after it and how it was being used. Lawyer Lok Bahadur Shah of Nepalgunj sought information on this. Shah has now filed cases against the Temple Management Committee and the District Administration Office, Banke after they refused to provide the information he sought. The case is under consideration at the Appellate Court, Nepalgunj.

RTI useful: service seekers

Abdul Satar of Nepalgunj Sub-metropolis -16 filed an application related to RTI seeking to know the reason as to why the case concerning compensation for torture that was registered at the Appellate Court Nepalgunj had not been allocated date for hearing for long. Something that had not been done since about a year was done on the third day of the registration of the application. The court fixed the date for hearing into Satar's case and the court proceedings in this connection were speeded up. Satar had filed a case related to compensation for torture against a police officer claiming that the police officer tortured his son in detention at the District Police Office, Banke. Similarly, Ram Sorahat Tiwari of Nepalgunj Sub-metropolis-5 said that his work that he had not been able to get done for years was done after he filed an application using RTI. Tiwari's land-ownership certificate was so worn out that one could not make out what was written on it and he had applied for a copy of it at the District Land Revenue Office.

The Office had been dilly-dallying to provide him the copy of the land-ownership certificate citing absence of records. Twenty-three months had passed by since Tiwari had applied and the Land Revenue Office had been sending him from one office to another, sometimes asking him to produce the recommendation letter from the Land Survey Office and the related VDC office and sometimes asking him to publish notice in newspaper.

Tiwari said the Land Revenue Office gave him the certified copy of the land-ownership certificate after he filed an application using RTI seeking information from the Office. Tiwari shared that RTI was a very useful tool for the public who do not have political connection.

Gomati Nau who worked as the office assistant at the Indrapur Village Development Committee (VDC) office at Indrapur, Banke used RTI after she was denied gratuity she was entitled to get after her retirement. Now, she is getting that. Likewise, Munnidevi Baneni of Nepalgunj-4 has got her work done on the same day she filed an application using RTI. Before this, the work was pending for 15 days. She had applied for a copy of the map of her land from the District Land Survey Office and had been making rounds for many days. She at last resorted to RTI after her work was not done for days.

Campaign of demanding and making public information

Lately, the trend of demanding information using the RTI from the governmental and non-governmental organizations and the organizations disclosing the information is found increasing. The Bageshwari Good Governance Club, Nepalgunj has already sought information from 59 government and three NGOs in Banke district over the last three years.

RTI campaign lawyers have also filed cases at the Appellate Court Nepalgunj with the information sought by the Club as evidence to make these offices accountable. Namaskar Shah, Director at the Bageshwari Good Governance Club and an RTI campaigner, shared that many offices are reluctant to disclose information and even if they provide the information, they give incomplete information. The District Administration Office, Banke, which is responsible for monitoring the works of the district-based government offices and for having good governance and accountability maintained, is found hesitant in giving the information sought. According to Shah, local bodies as the District Development Committee and the Nepalgunj Sub-metropolitan City also show reluctance in providing information. Of late, the trend of immediately providing the information sought is also catching up, according to Shah.

The Commerce Office and the Nepal Electricity Authority office in Nepalgunj have also started prompt disclosure of information in easy manner. Similarly, of the three INGOs from where information was sought, Action Aid Nepalgunj has provided all the information sought. However, GIZ has not provided any of the information demanded. The District Development Committee (DDC) Banke has taken a decision from the 24th District Council to update information every three months after frequently asking for information with on matters of public importance and following discussion on RTI.

The law professionals in Nepalgunj of Banke district have started to demand official information from the government offices and using the same as evidence while filing cases in the courts. The Appellate Court Nepalgunj had issued an order to the Nepal Electricity Authority not to cut power after a case was filed on the adverse effects of the power cut on the general public. The public in Nepalgunj, the hottest place in the country, had felt relief with this court order. ■

Ganga Maya's RTI application and its impact

Sabin Chandra Acharya

Kathmandu: The Right to Information (RTI) Act in Nepal was passed on July 21, 2007. Its main objectives are to make the functions of the state open and transparent in accordance with the democratic system and to make responsible and accountable to the citizen; to make the access of citizens simple and easy to the information of public importance held in public bodies; and to protect sensitive information that could make adverse impact on the interest of the nation and citizen.

In order for RTI to achieve its potential, and as international experiences show, it is critical that the Act is effectively implemented. Systematic and regular use of the RTI Act by various stakeholders may contribute to effective implementation. Through its use, it will be possible to identify areas for improvement, as well as contribute to the familiarization of government officials with the importance of RTI.

Better delay than never. Years after its enactment, people have gradually started becoming aware of their right to know as per the RTI Act. It is a highly commendable in a democratic system. Still, many people living in the rural areas are unaware of the RTI and the benefits they could obtain from it. Requesters with some knowledge on the RTI Act can contribute to enhancing its implementation by collaborating with government officials who are unaware of their responsibilities.

In its latest and praiseworthy move, Ganga Maya Adhikari, of Phujel, Gorkha, on June 6, 2015, filed an RTI application at Nepal Police Headquarters, Naxal, seeking update on the progress made so far by the law enforcement agency in regards to the Interpol Red Corner Notice issued against Rudra Acharya, the principal accused in the murder of her son Krishna Prasad.

She had called off her 360-day hunger strike in October last year after a five-point agreement with the government, which had expressed commitment to bring Krishna Prasad's killers to book. An excerpt of the application filed at Nepal Police HQ, addressing its Information Officer, read: "As it has come to my knowledge that Nepal Police has already issued an Interpol Red Corner Notice against Acharya, I would like to request you to provide me with the information as to what progress has so far been made, why the accused has not been arrested till this day and why there was delay on the part of Nepal Police to bring him back to Nepal."

Ganga Maya, who is on fast-unto-death demanding action against murderers of her son at the National Trauma Centre, Bir Hospital, said she filed the application as per Article 27 of the Interim Constitution of Nepal, 2007 and Section 3 and 7 of the RTI Act.

In October last year, Nepal Police had issued Interpol Red Corner Notice for the arrest and extradition of Acharya, 31, of Ratna Nagar Municipality-8, Chitwan who is believed to be hiding in the United Kingdom. Within a week of submission of the RTI application, DIG Kamal Singh Bam, Central Police Spokesperson, sent a reply in writing to her. In his response, DIG Bam said, "We have taken help of the Interpol General Secretariat to bring Acharya to Nepal from London as Nepal has not signed extradition treaty with the UK. Nepal Police is also making additional diplomatic efforts to arrest and bring him home as soon as possible." "Interpol London also has been requested to find Acharya's whereabouts in London," he said.

It shows how powerful the RTI is provided people utilize it. Ganga Maya's RTI request made Nepal Police answer her all question raised in the application. An aide to Ganga Maya said she was pleased to enjoy her legal rights. "But he has urged the police to make more efforts to deliver justice for her and her family," he informed.

Nanda Prasad Adhikari, her husband, died while staging fast-unto-death on September 22 last year on the 333rd day of the hunger strike at Bir Hospital. Since June 5, Ganga Maya has been fighting for justice. ■

MPs development fund: question over transparency

Sushil Panta

The amount given to the MPs through the MP Development Fund for the development of their respective constituencies has been found to have been misutilized more than utilization. Though the constituency infrastructure development special program that began from the current fiscal year has been comparatively better utilized questions have been raised on the distribution of funds from the constituency development program.

The constituency infrastructure development special program has been found to be comparatively following the set criteria as it has been provided in the regulations that the FPTP MP elected from the 240 constituencies chair the program while the PR MP is the coordinator of the monitoring committee.

Under the constituency development program, majority of the MPs have been found to have spent the budget in unproductive sectors, at the behest of their party cadres. Under the infrastructure development program, one cannot allocated less than a minimum of Rs. 700,000 and not in more than 10 projects. In the constituency development program, the MPs can spend as their liking.

It has been found that users committee are formed made up of relatives or cadres, and the funds distributed to cadres. The MP development program that began with Rs. 500,000 in 2058 B.S. has now reached Rs. 1.5 million. Questions over the transparency of the constituency development fund has been raised since the very beginning.

MP Rajya Laxmi Shrestha of Nepali Congress from Kathmandu spent more than half of the Rs. 1.5 million in the fiscal year 2014/15 in RJ and speaking art training. In the previous fiscal year too, MP Shrestha had allocated funds under the same heading of RJ and speech training. However, the constituency infrastructure development program that began from this fiscal year is found to be comparatively transparent.

However, many programs are duplicated with central projects. Even influential MPs of Kathmandu are distributing funds accordingly. In many constituencies, the monitoring committee has not been effective due to absence of PR MPs. From the regional perspective, majority of the MPs of Kathmandu have been found to have spent the funds

in preservation of temples, constructing post-death rituals buildings, and paving roads with stone plates etc.

Many MPs have spent under the same heading in the name of capacity building of women. An MP has spent funds in similar headings like women entrepreneurship, women creativity, women capacity enhancement etc. An MP has been found to have allocated public for a program called people music protection program. Interestingly, majority of the MPs of UCPN-Maoist advocating for secularism, have allocated funds for temples. Installation of solar lamps in the urban areas has been a new heading added to the MP development fund. Even in areas where central project has installed the street lamps, budget has been scattered in the name of installation of street lamps.

An MP has allocated Rs. 200,000 for training to learn how to play the musical band. Musical band is not a traditional music of Nepal, and neither does it needs protection. Congress MP Ambika Basnet has allocated Rs. 100,000 for generating awareness on cleanliness to the Tol Sudhar Samiti. It may be noted that at the same time a grand cleaning program like the Clean Bagmati campaign is underway voluntarily. There are duplication of many programs in the constituency infrastructure development program. An MP of Kathmandu has allocated funds to build a park and install solar lamps in front of the international convention centre, whereas the work is underway through the central project. MPs of Kathmandu-6 have allocated Rs. 1 million each to 10 small and big projects. As majority of the development has already taken place in Kathmandu, many CA members argue that they have no option than to spent on renovation of temples, bulding roads and installing solar lamps. Many projects that have been selected do not even cost Rs. 700,000.

NC member of parliament nominated by the Council of Ministers Radheshyam Adhikari is the only one MP who has not taken the 50,000 rupees that MPs are entitled to as management expense from the Rs. 1.5 million fund. All other MPs have taken it as administration expenses. MP Adhikari has allocated fund for only two projects. He has allocated Rs. 500,000 for adding a new storey to the Ratna Library building in Baneswar and Rs. 1 million for constructing a truss bridge connecting Thapagaon New Baneswor to Anamnagar. In the name of allocated gender budget, majority of the MPs have allocated budget for various trainings in the name of women's empowerment.

The situation in districts outside Kathmandu is even poor. A tendency has been found to set up fake users committee to spend the fund. Despite clear regulations that bars distribution of funds to party's sister organizations, the tendency of giving away budget to organizations linked to the name of one's party leader is evident throughout the country. CPN-UML MP Rabindra Adhikari, who was declared the best by the National Planning Commission, accepts that irregularity has been increasing in the spending of the MP development fund. There are very few MPs who have selected projects in a transparent manner. ■

RTI ensures scholarship

Sher Bahadur Sarki

Bajura. There are 11 schools in Barhabise VDC, which is popular as the main gate to Bajura district. I exercised the right to information in order to file application to acquire information about the Dalit scholarship amount in these schools. First, I went with the application to the Bhimeswar Primary School in Barhabise-3. When the application was submitted to the School's Information Officer, the Officer registered it honestly and said that since it was the time for the Office to school, the information sought by the application would be sent to me itself. Similarly, I went to the Sigada Secondary School in Barhabise-4 along with my application. There too, the information officer told me that he would prepare the details through the accounts officer and sent it to me. But 15 days passed and still I did not receive any information whatsoever from both the schools. I had sought information about the number of Dalit students that enrolled in the year 2072 B.S., the amount that is received for them (as scholarship) and the process of distributing the amount.

Likewise, when I filed an application using the RTI to the accountant of Shree Bhagwati Secondary School, the information officer of the school got infuriated. He did not agree to register the application I sent to be registered in his office. He said that he would not register the application because he had never received such application before and that he would register only letters received from the District Education Office. Instead, he posed many questions to me like how could you send such an application, neither it has a stamp of your office, nor it is written on a letter head of your office, and where is your office. I inquired about this with many people but I cannot give you information as per your application, you can go where you want to, is what is said to me. When I told him that you are the Head Teacher of a Secondary School, have you not read the Right to Information Act, 2007, he took out a small note from inside his coat pocket and gave it to me the details that he had jotted down.

In the details, it was written that there are 92 Dalit students from Grade 1 to 8 in the school, who receive a total of Rs. 36,800, and 5 students from Grade 9 to 10, who receive Rs. 2,500 leading to a total of Rs. 39,300. The process of distribution as mentioned was Rs. 200 for stationery, Rs. 400 for school dress and Rs. 600 for the very poor. He shared that all the amount as of that time was deposited in the bank account of the school. When I asked him why was the amount not yet distributed, he responded saying I will distribute it later. On the other hand, the school office staff Lal Bahadur BK shared that

the amount had been deposited in the school's account in December, 2014. Likewise, when the financial details of the school was sought or an effort made to see it, he said he could not show it to me.

The information about the application that I registered using RTI spread across other government and non-government offices of Barhabise VDC. The term Information Officer became a matter of concern for all. All have now become alert and conscious. I feel that if all work day and night on this then we could find the amount that has been actually been misappropriated in Barhabise VDC. Then nobody shall dare to misuse the amount that is received for any specific task.

Though it has been clearly mentioned in Clause 3 of the Right to Information Act, 2004 B.S., it has become a new and surprising matter for Barhabise VDC. We cannot find financial clarity in any work here. It's not only about a particular school here, but there are many development construction works where financial irregularities are rampant. There is the Kala Patal Sajana Laljhadi forest, the biggest in the VDC where many irregularities have been reported. Hundreds of trees are felled and sold in a year. But amount generated from it is neither found in the bank accounts of the forest (users committee) does do the users group office-bearers have any information about it.

Likewise, if you look at the agriculture roads, the amount misappropriated is higher. It does not seem that anyone can speak anything about it in the village. Public hearing on development works here are held with close-knit people, by organizing feasts and passing all kinds of agenda. The situation of financial irregularities in this VDC is getting deeper by the day. However, as of late, majority of the officials of the public bodies are aware about the legislation relating to right to information. As a result, if citizens demand for information in those offices, then it is likely that they will receive it. As the youths in the society have become familiar about this, they have been holding discussions from time to time about running a campaign on seeking information. ■

Corruption made public !

Shankar Kharel

Duhabi. It has been revealed that the thickness of the graveling of a road project in Duhabi-Bhaluwa municipality-2 is only two inch instead of the required six inch, and the width 16.25 feet instead of 20 feet.

The facts came to light after the information sought by local citizen Kuldip Chaudhary about the road construction was reviewed. The construction of the road was carried out through the budget of the municipality from Duhabi-2 to the Nahar via Krishna Mandir.

Chaudhary had sought information relating to the decision related to the project, the minutes of the users' committee, estimate, contract agreement, work completion report, technical report, payment details and certified copy of the bill receipts related to it. But, he was only provided with a copy of the minutes of the users' committee and estimate design of the road. 'When I went through these papers, the facts of embezzlement became evident', Chaudhary said.

Corruption even in works like these that are carried out through the users' committee is very unfortunate, Chaudhary said, and added, 'The plan mentions that filling of mud worth Rs. 109,831 should be carried out but not a single tractor-load of mud has been filled in there. The local residents have been taken aback after looking at the papers'.

He also shared that the Municipality did not give any information when a copy of all the documents was demanded, but instead threatened him. Authorities at the Municipality however claimed that all information that he had demanded were ready to be provided, without disclosing about the type of information though.

Executive Chief of the Municipality Tej Narayan Yadav claimed that he was not one who would hide information.

Local residents however said that if documents relating to such type of development projects are made public, corruption in collusion would minimize. The local youths have now come forward demanding transparency in the works and functioning of the Duhabi-Bhaluwa municipality.

Kuldip Chaudhary also shared that since the few evidence he received suggested corruption, he had drawn the attention of the Commission for Investigation of Abuse of Authority (CIAA) contact office in Itahari for further investigation. ■

Request for information ensures scholarship

Rakesh Mishra

Nepalgunj. Request for information has made a school in Banke district in mid-western Nepal to offer scholarship to its students. A lower secondary school based in Banjaregaon, Indrapur, had not offered any scholarship to its students since the past three years. The School started offering scholarship following an RTI appeal registered by a local youth. In mid-February, the School authorities said they offered scholarship fund to the girls and the downtrodden students of grade One and Two.

According to Tirth Ram Verma, the Principal of the School, the school was offering a total of Rs 76,725, as part of scholarship fund received from the District Education Office in the fiscal year 2070/71. He also promised to distribute about 52 thousand and another 55 thousand rupees received for scholarship for the earlier two fiscal years (that is, for the year 2068/69 and 2069/70 respectively), within a week's time.

Verma confessed that the scholarship fund was distributed as the Information was sought at a time when the fund was yet to be distributed. He said even the monitoring team of the District Education Office had recently alerted them on the issue.

Based on the tips that the School had not distributed scholarship fund to the students since three years, Aarif Salmani, a local youth, had filed an RTI appeal with the District Education Office, Banke, in the second week of January, 2015, seeking information on why the fund was not distributed and why the School Management Committee was not elected.

In this connection, the District Education Office, Banke, wrote to the School principal and replied four days later that the scholarship fund remained undistributed due to some differences over the issue of distribution. It also informed that the school was now set to offer scholarship by the last week of January and elect a Management Committee by the first week of February.

Meanwhile, there has been a notable increase in the practice of seeking information by using Right to Information Act, in Banke district. But RTI activists involved in this practice say sometimes they don't get replies and sometimes the replies received do not actually relate to the information sought.

Lately, the Information Rights Center formed under the aegis of Information and Human Rights Research Center has been facilitating the filing of RTI requests on various issues of public interests in Banke district. ■

Interesting facts on pilot pen purchases

Krishna Timalisina

The most used among the stationery materials in any public office in our country is pen, especially the Pilot Pen, and photocopy paper. These materials are purchased by the public bodies through competitive bidding process from the listed supplier firms as per the Public Procurement Act, 2063. However, it is found that the firms have been determining the maximum and the minimum price of the different materials arbitrarily playing within the lacuna of the very Act that was brought to make the public procurement system transparent and accountable. This can be seen from the difference seen in the purchase of Pilot Pen by different Ministries and the Departments. As per the information collected, some public bodies located inside Singha Durbar (the Central Government Secretariat) are found paying Rs 107.35 per piece of Pilot Pen while some are paying only one rupee. The purchasing price of another brand of pen used by offices is Rs 406.80 at some office while it is Rs 22 at some other offices. Furthermore, there are offices in the Singha Durbar, which also pay up to Rs 6,500 per piece of Parker Pen.

This discrepancy in the price of Pilot Pen and other stationery materials has been found in the information provided by the same government ministry. As per the information, those lucky employees who use such expensive pens are from the Ministry of Land Reform. In contrast, the Ministry of Health has been paying Rs 1,000 a piece under the heading Parker Pen Purchase. As per the verified bills of payment and invoice received from various 26 ministries, departments and some specific public bodies from where the information was sought, the Ministry of Land Reform is the body that spends the most in the purchase of pens, Pilot Pen and Parker Pen. The Ministry of Health, which has stated that it has purchased most of the goods for one rupee, has however shown it pays Rs 130 per a piece of Pilot Pen. Likewise, the bill for the list of goods purchased by the Health Ministry for office purpose also includes a Desktop for Rs 175,715, a laptop of Rs 92,000 and a mini-iPods of Rs 105,000. The Ministry of Home Affairs, which has purchased many materials at the rate of one rupee like the Health Ministry, however, has been paying Rs 70 per piece of Pilot Pen. According to the certified photocopy of the document related to the purchase of stationery materials, the Ministry of Agriculture has purchased a Japanese Pilot Pen for Rs 175 on a certain date while paid Rs 66 for a piece of the same brand pen to another firm on another date.

The photocopy of the list of purchased stationery materials provided by the Agriculture Ministry also includes a bill related to the purchase of a mobile phone. According to Mr. Dan

Bahadur Karki and Mr. Nodnath Trital, the applicants for the information to this effect, the employees at the Prime Minister's Office (PMO) are found using the Pilot Pen bought at Rs 102 per unit. The PMO is found paying Rs 34 per unit of the Gel Pen which can be bought at Rs 22 in the market. The Public Procurement Monitoring Office under the PMO, whose job is to monitor the public purchase process, is found buying Pilot Pen at an expensive rate than the market price or at Rs 113 per piece. The Ministry of Finance, which allocates budget and the revenue paid by the people to all these bodies, uses more than 1,000 dozen pens annually. The Finance Ministry employees use the Pilot Pen purchased at an average cost price of Rs 100 per unit. This ministry consumes 3,000 reams of photocopy paper bought at Rs 525 per ream on an average. As per the details collected, the firms listed by the Ministry of Youth and Sports have been supplying Pilot Pens for Rs 117 per piece to it. Gel Pen, which normally costs Rs 22, is supplied to the ministry at Rs 33 a piece. The information provided by the Department of Printing shows that the Pilot Pen, which a firm supplied to it at Rs 107.50 per piece, is being supplied by another firm at Rs 73.

The price of the Gel Pen bought by the Department is also comparatively expensive. It is Rs 37 per piece. The Parliament Secretariat, which spent Rs 22.9 million in the Fiscal Year 2013/14 under the heading Office Expenses, is found buying Pilot Pen at the rate of Rs 97 per unit, and surprisingly, Gel Pen at the rate of Rs 41. The Ministry of Physical Infrastructure and Transport, which spent nearly Rs 1.5 million in the purchase of stationery materials in the Fiscal Year 2013/14, is found to have bought Pilot Pen at the rate of Rs 102 per piece. As per the information given by the Department of Mines and Geology, Lainchaur, it has been paying Rs 91 per unit of the Pilot Pen. The National Planning Commission (NPC), the government body that formulates the development plans of the country, on the other hand, has been purchasing Pilot Pen at the rate of Rs 95 per piece. The Central Zoo that has given the information stating it spends Rs 60 per piece of Gel Pen which normally costs Rs 22 per piece in the market and Rs 85 per piece of the Gel Pen refill has given the certified photocopy of the list of purchases which shows it has made a payment of Rs 80.23 per piece of Pilot Pen. The National Dalit Commission is found spending Rs 116.66 per unit in the purchase of Pilot Pen under the heading -Purchase of Pilot Pen for Office Purpose while the Cooperatives Board has certified payment bill showing that it paid Rs 113 per piece of Pilot Pen to one firm and Rs 118.65 to another listed firm.

Apart from this, the photocopies of the payment bills made available by most of the public bodies show that the same listed firm supplies the same material to one body at a very nominal price and to another body at a very high price. ■

MPs distributing funds by violating standard

Puspa Dulal

Kathmandu. During the Panchayat regime (a party-less system), the head of the village Panchayat used to be called one who can 'eat development'.

The head of the village used to spend 5 per cent of the budget allocated by the government for development to organize a big feast for the villagers. And the remaining, 95 per cent of the budget used to go into the pocket of the village chief.

There used to be a huge crowd of people to attend the feast. And after savouring the feast on offer, the locals used to exclaim in satisfaction, 'The Panchayat served us development.' Because, the ordinary people were not aware that the development program was meant for the people. As a result, Karnali is still far behind in terms of development in compared to other regions of the country.

System change but old habit dies hard

Its been 26 years that the autocratic Panchayat rule was brought down. And it has been 7 years now that the country has become a republic following democracy. Comparatively, the people's level of awareness has increased a lot.

But the tendency to savour development as it existed during the Panchayat regime is yet to go away. The facts behind the distributon of the Rs. 10 million by MPs of constituency no. 1 in Dolakha can be described as an example of the Panchayati habit.

During the panchayat people used to be elated upon getting a one-time meal in a feast hosted by the leaders and in a republic today, the people are content that the MPs have given then a one thousand rupees development program.

Two million cash distributed in Dolakha

In the current fiscal year, MPs of constituency no. 1 in Dolakha have served development as a meal for the villagers in a modern way. The budget allocated by the state for development of the village was distributed to every household at the rate of Rs. 1,000 per household.

MP Parbat Gurung, elected on a FPTP ticket, MP Pashupati Chaulagain, a PR MP distributed two million rupees to 2,000 households at the rate of Rs. 1,000 per household in order

to purchase smoke-free oven. Constituency no. 2 MP Ananda Pokharel has also signed on the decision to distribute cash accordingly.

Agreement of the CDO too

A Chief District Officer or CDO is one that monitors all the activities in the district and ensures enforcement of the law. But, The decision of a committee, convened by FPTP members of parliament and including PR MPs as members and the Local Development Officer as member-secretary, to spend funds in 57 projects against the criteria has been signed by CDO Prem Lal Lamichane as well.

Do the CA members fall under the ambit of CIAA?

Dolakha DDC has said that cash grant was distributed in collaboration with the Alternative Energy Promotion Centre. According to sources, the contractor that supplies the over is affiliated to the UML party. MPs Gurung and Chaulagain are UML leaders. So, when the MPs are violating the code to distribute cash from the state coffers, then do they come under the CIAA scanner or not, Chief Commissioner?

This was how the cash was distributed

One lakh each was distributed to 13 drinking water projects, 2 lakhs to another and 10 lakhs to another drinking water project. A total of Rs. 2.5 million was distributed to 15 drinking water projects.

Likewise, MPs distributed another Rs. 2.5 million to all the schools in the electoral constituencies ranging from Rs. 50,000 to Rs. 100,000 in name of renovation and construction. Likewise, Rs. 2 million was given for two rural roads.

Cash reaches the cadres

According to information shared by the District Development Committee Dolakha, majority of the Rs. 10 million distributed in the electoral constituencies have reached the party cadres. DDC staff says that the responsibility to purchase the stove was given to local UML cadres.

As per the rule, MPs are allowed to spend the budget in a maximum of 7 development programs in a fiscal year. However, distributing budget to 57 programs is just a way to feed the party cadres, say the experts.

Lets savour it together

The MP that is distributing budget to many programs, then that is outrightly being misused, says former Finance Secretary Rameswar Khanal. 'If ten million rupees was spent on two or three programs then we could see the result. But we do not see that happening in any electoral constituency', Khanal said adding, 'Splitting the budget for many programs is just a way to savour the budget together.'

He also commented that by allocating budget to the electoral constituencies, the ruling party leaders were in fact postponing the local elections. 'The major responsibility of an MP is to draft policy and regulations and if someone wishes to develop the local level then he/she would become the DDC Chair or the Mayor, not a member of parliament', Khanal said.

Demand for additional 50 million

The parliamentarians who have not been able to utilize the fund of Rs. 10 million have begun without any shame a signature campaign for a budget of Rs. 50 million. The ruling Congress-UML MPs have been collecting signatures in support of increasing the constituency development program budget to Rs. 50 million.

As of five days ago, 103 MPs of Congress and 144 MPs of UML had signed for the increment. Finance Minister Mahat is in favour of integrating the budget instead of scattering it. Last year too, MPs had warned of obstructing the budget if they were not given Rs. 20 million and Finance Minister Mahat had allocated Rs. 10 million, even though he was against it.

In the fiscal year 2015/16 budget, the funds of Rs. 10 million has been increased to Rs. 15 million and the fund of Rs. 1.5 million to Rs. Two million. Many such information received by exercising the Right to Information have shed light on how the members of parliament are misusing funds in the name of the people.

Member of Parliament Palten Gurung elected from Dolakha constituency no. 1 had distributed Rs. 10 million from his electoral constituency development program fund as below:

Plan and programs	Allocated amount in Rs.
Jiri municipality, Gaurishanker, Khare Chanku, Marbu, Suri and Syama VDC, grant to purchase improved metal stove @ Rs. 1,000 per house	Two million
Jhapra Drinking Water Project renovation and construction (together with ECARDS)	One million
Thaldanda Drinking Water Project, Pawati	100,000
Simras Drinking Water Project, Melung-6	100,000
Garbe Drinking Water Project, Melung-5	100,000
Birta Drinking Water Project, Bhedpu-3	100,000
Titechaur Drinking Water Project, Bhedpu-8	100,000
Brahman Drinking Water Project, Ghyangsukhathokar-9	100,000
Dithapa Village Drinking Water Project, Jafe-2	100,000
Khulalkot Drinking Water Project, Jafe-8	100,000
Bhangerikha Drinking Water Project, Sahare-9	100,000
Tinekhu Drinking Water Project, Suri-9	100,000
Basbote Kumate Drinking Water Project, Ghyangsukhathokar-1	200,000

Harpung Drinking Water Project, Khare-8	100,000
Khanigaon Drinking Water Project, Mirge-3	100,000
Simachaur Drinking Water Project, Kabre	100,000
Bhumegumba secondary school, Chankhau-9	100,000
Dibyaswari lower secondary school, Suri-2	100,000
Sarsepu lower secondary school, Jhyanku-8	100,000
Nilakantheswar higher secondary school, Jungu-2	100,000
Hanumanteswar primary school, Namdu-9	100,000
Jiri higher secondary school, Jiri	100,000
Boudha Bhumeswari secondary school, Mali	100,000
Kalika secondary school, Thulopatal	100,000
Kalidhunga secondary school, Mirge	100,000
Bhim secondary school, Bhedpu	100,000
Bhimeswar lower secondary school, Bhirkot	100,000
Siddheswar secondary school, Malu	100,000
Sitapaila higher secondary school, Jafe	100,000
Himawarti secondary school, Marbu-6	50 thousand
Chetrawati higher secondary school, Chetrapa	50 thousand
Saraswati community secondary school, Jiri	50 thousand
Baityaswar higher secondary school, Namdu	50 thousand
Pathibhara primary school, Shyama	50 thousand
Laxmi higher secondary school, Ghyangsukhathokar	50 thousand
Bhumesthan secondary school, Ghyansuthokar	50 thousand
Kalika higher secondary school, Ghyansukhathokar	50 thousand
Gupteswar secondary school, Malu	50 thousand
Busti lower secondary school, Namdu	50 thousand
Dhanmale lower secondary school, Thulopatal	50 thousand
Diyalekharka lower secondary school, Pawati	50 thousand
Bindabasini lower secondary school, Pawati	50 thousand
Ahaldanda primary school, Bhedpu	50 thousand
Kalikadevi lower secondary school, Bhedpu	50 thousand
Dumsijhang primary school, Hawa	50 thousand
Bhimendra lower secondary school, Melung	50 thousand
Dandakharka lower secondary school, Dandakharka	50 thousand
Golmeswar higher secondary school, Malu	50 thousand
Janata lower secondary school, Jhule	50 thousand
Janakalyan primary school, Chyama	50 thousand
Setidevi primary school, Shyama	50 thousand
Janajagriti higher secondary school, Shahare	50 thousand
Sepding primary school, Suri	50 thousand
Hanumante Campus building renovation and construction program, Kabre	1 million
Renovation and construction of the Bhotechap-Gogantar rural road in Sahare VDC	1 million
Renovation and construction of Sitali-Melung rural road in Melung VDC	1 million
Total	10 million

Hundreds of thousand embezzled in the name of installing solar bulbs

Krishna Timalina

Kathmandu. It has been revealed that many Members of Parliament have misappropriated funds by claiming that the solar bulbs installed by the Asian Development Bank (ADB) at the cost of Rs. 130 million through its energy conservation project in the streets of Kathmandu as installed through their respective constituency infrastructure development program.

'I spent Rs. 2.5 million in the park and installing solar bulbs at the side of the water storage tank outside the Constituent Assembly building in Baneshwar under the street light improvement project'. This is mentioned in the minutes of Magh 20 of Kathmandu District Development Committee by incumbent Deputy Prime Minister and Minister for Local Development Prakash Man Singh.

The program endorsed by local development officer Tirtha Raj Bhattarai in the presence of 18 CA members including Minister for Law Narahari Acharya reads that Rs. 2.5 million was allocated to install solar street bulbs in various places in Ward no. 32 on behalf of Prakash Man Singh as per Rule 5(2) from among the Rs. 10 million of the constituency infrastructure special program.

Documents also show that from the same fund, Minister Singh also installed solar bulbs worth Rs. 2.5 million in various locations of Ward no. 11. But according to Chief Deputy Manager of the Solar Energy Project of Nepal Electricity Authority, Nutandev Bhattarai, the NEA installed 640 solar bulbs with the support of ADB and the installation work was still going on in various parts of the valley.

The NEA installed 640 solar bulbs including 130 watt-peak solar panel from Airport to Maitighar, Ranipokhari, Padmodaya turn to the city hall and Jamal. They were installed before the SAARC Summit through contractor company-China Hydro.

For this, the ADB spent a total of Rs. 126.3 million including 6.884 million RMB and Rs. 15.8 million. The solar bulbs run with two solar panels of 130 watt-peak capacity of 60 watts and 150 ampere hour battery.

Likewise, one panel of 130 watt-peak for 60 watts, 100 ampere hour battery and 130 watt-peak for 30 watt solar panel and 50 ampere hour battery have also been installed. After

installing solar street lamps in Kathmandu valley, the government has begun installing such street lamps in cities outside the capital as well.

The government has allocated Rs. 80 million in the current fiscal year budget for the project to install solar street lamps outside Kathmandu valley. For the project, the NEA has already reached a contract with China Light Company 9 months ago worth Rs. 122.6 million. The estimated cost of the project was Rs. 137.5 million. The government has also allocated budget for this program in the new fiscal year for expansion of the project to other cities and to meet the deficit budget. Accordingly, street lamps of 60, 40 and 30 watt will be installed in a total of 763 locations including 284 locations in Biratnagar, 193 in Birgunj, 202 in Pokhara and 84 locations in Dhangadi.

Likewise, two solar panels of 130 watt-peak and 150 ampere hour capacity battery for the 60 watt capacity bulbs, one solar panel of 130 watt-peak and 90 ampere hour capacity battery for the 40 watt capacity bulbs will be used. As per the contract, one solar panel of 130 watt-peak and 50 ampere hour capacity battery for the 30 watt capacity bulbs will be installed. ■

Procurement irregularities: expensive pen drive in Singha Durbar

Toofan Neupane

Presentation of bills for pen drive with 500 per cent more than market price shows the height of irregularities in offices inside Singha Durbar, the central administrative office of the country

How much would a pen drive cost in the market?

According to Computer Association of Nepal (CAN) that brings together traders of computer and its spare parts, a 4 GB pen drive can be bought for Rs. 400. Likewise, a 32 GB pen drive would not cost more than Rs. 1,500. However, various offices inside Singha Durbar paid more than 500 per cent of the aforementioned price for a pen drive last year.

We had reviewed the pen drive purchase bill, purchase order and goods deposit reports of the Office of the Prime Minister and Council of Ministers, Ministry of Finance, Minister for Youth and Sports, Ministry of Health and Population, Ministry of Agriculture, Department of Cooperatives, Dalit Commission and the Public Procurement Monitoring Office. Analysis of the details collected by Freedom Forum exercising the Right to Information shows that a 4 GB pen drive was purchased for up to Rs. 2,000 and a 32 GB for up to Rs. 7,000. Freedom Forum had received this information as approved copies from the respected offices using RTI act 2007.

Interestingly, the bills presented by these government institutions within Singha Durbar are not only numerous times expensive than the market price, but the price of a good purchased from the same seller is different from one Ministry to another. For example, the Finance Ministry has purchased on 8 December 2013 four units of 4 GB pen drive and two units of 8 GB pen drive for respectively Rs. 2,000 and Rs. 3,500 from the Marsyangdi Enterprises of Babar Mahal (VAT no. 301439444). But the Ministry of Agriculture on 6 April 2014 purchased from the same Marsyangdi enterprises twice 10 units of 4 GB and 12 units of 8 GB for Rs. 375 and Rs. 500 respectively.

Furthermore, the price of the pen drives purchased on different dates by the Ministry of Finance and Public Procurement Monitoring office throughout the year from different sellers is same as per their size (GB).

Expensive Finance Ministry

Among the stationery goods worth lakhs of rupees that the Finance Ministry purchased from 22 July 2013 to 4 December 2014, it has spent Rs. 427,500 for 118 units of pen drive of 4, 8, 16 and 32 GB capacity. So, on an average a pen drive has cost the Ministry more than Rs. 3,600. The purchases have been made from Marysyangdi Enterprises, Global Digitronics, Arisent Nepal, Prasant Enterprises, Premium Trading International, Himansu Consultants, Jaya Ganesh Suppliers and Krishna Stationeries. Surprisingly, the rate of purchase made for 17 times from 8 sellers in a span of 18 months shows the same amount: Rs. 2,000 for 4 GB, Rs. 3,500 for 8 GB, Rs. 4,500 for 16 GB and Rs. 7,000 for 32 GB (see Bill).

We looked into the bill, purchase order and deposit report of 8 bodies, and this was the most expensive. It stands at around 500 per cent more than the market price.

And the bill of the majority of the sellers does not have any address or contact number. The Public Procurement Monitoring Office had purchased 27 units of pen drive of 4, 8 and 16 GB capacity on different eight occasions at a total price of Rs. 33,950 from Kuseswar Enterprises and R & Q Trade and General Order Suppliers. When we try to find both these shops with address of Anamnagar we could not find them. The person who came into contact in the mobile number mentioned in the bill no. 18 of R & Q Trade and General Order Suppliers with seller taxpayer number 301943145, did not wish to name himself and mention about his business.

On 5 June 2014, the supplier has taken payment for a bill worth Rs. 15,994 from the Public Procurement Monitoring Office for pen driver, colin, cloth, knife, nanglo and some sets of public procurement act and civil code.

When the mobile number mentioned in the bill of another transaction by the Public Procurement Monitoring Office dated 29 July 2014 with Kuseswar Enterprises (tax payer number 301609692) was contacted, the person did not wish to identify himself. He passed on another number to talk to his brother about any trade-related business, but it was the same number mentioned in the bill of Q & R trade and general order suppliers. So, two suppliers of different names were actually operation by the same individual/group.

Among the details we reviewed, the cheapest procurement was made by the Ministry of Agriculture Development. The Ministry had between 29 August 2013 to 6 April 2014 purchased 52 units of pen drive at the total cost of Rs. 31,445, which puts the average price of a pen drive at Rs. 605. Other government bodies too have purchased pen drive with different sellers on different dates and on different cost price. There is no uniformity in it. There is one similarity i.e. the bodies inside the same premises have purchased at a rate that is very different to one another and is very expensive than the market price. ■

Lack of transparency in procurement of goods

The minimum and maximum cost price of 20 different office goods purchased by 26 central bodies as per bidding, sealed quotation and direct purchase show a big difference in the per unit price of the goods. For example, an 8 GB pen drive cost is between Rs. 540 to Rs. 3,000. The provision to keep maximum and minimum purchase price of goods need to be checked. Of the 26 bodies, only 9 bodies have following the bidding or sealed quotation competitive methodology. Others were found to have purchased directly.

The central body responsible to monitor the procurement of subordinate bodies but follow a competitive and austere procurement policy. As the central bodies do not follow a competitive method, non-competitive and non-transparent tendencies in good purchase and procurement seems to be on the rise. Every office should maintain the purchase price in acceptable level and alert the market to procure goods and services in proper price in a transparent manner, as envisioned by the Public Procurement Act, 2063 B.S.

■ 52nd annual report of the Auditor General, 2071 B.S.

Millions of budget misused : need to alert the people

Krishna Timalina

After news report about MPs misappropriating the MPs Development Fund, information was sought about it by exercising the Right to Information Act. As per the details collected from 72 DDCs, many CA members have included the budget under the heading of road construction. But whether the work has been accomplished or not, no authority has a monitoring report on it.

The political parties that have shown no concern ever after a decade without local elected bodies were involved in lobbying to increasing the budget of the constituency development fund to Rs. 50 million. After a long effort they were successful in adding Rs. 5 million to it. Now, there is no limitation in the misuse of the allocated Rs. 1.5 million as per the wish of the MPs.

The expenditure is haphazard and there is always a tug of war in the district councils just as the financial year is about to come to a close over the projects supposedly formulated within the rules of procedure of the constituency development program. It was the same situation everywhere this year as well. Neither the Finance Ministry or the Ministry of Federal Affairs and Local Development bothered to see how the MPs were spending funds from the Constituency Development Fund and MP Development Fund.

When information was sought from all the 75 District Development Committees about the details of the expenditure of the funds that the MPs are entitled to from the Constituency Development Program, DDC Kaski was the first to respond to the request for information.

As per the details sent by Kaski DDC last Falgun 11, majority of the MPs have allocated budget for infrastructure development in their respective constituency. As per the provisions of the previous budget, there are 10 CA members representing from four constituencies in the district. And accordingly, a total of Rs. 115 million has been allocated under the constituency development fund and MPs development fund.

But rather than in essential and long-term infrastructure development, the fund has been spent in rural roads, community buildings, users group, drinking water projects, purchasing furniture and supporting mother groups. The concerned MPs have submitted before the local development officer plans to spend money on martyrs memorial park,

martyrs memorial waiting room, martyrs memorial school building and constructing school compound wall and gate.

Furthermore, even the expenditure of the funds allocated accordingly have not been monitored. As per the CA Secretariat, the highest amount from the constituency development fund and the MP development fund has been spent in Kathmandu valley. Accordingly, there were a total of 51 CA members from the three districts of the valley, including 36 from Kathmandu, 10 from Lalitpur and 5 from Bhaktapur.

These 51 CA members were authorized to spend nearly Rs. 600 million from the state coffers. Majority of that money was scattered around cadres, clubs and related organizations. As per Rule 3 of the constituency development program rules of procedure, the budget can be allocated under the convenorship of a FPTP CA member. And the PR CA members are only witness to it.

The allocation of money from the central budget for constituency development program began in Nepal in the fiscal year 2003/04. As continuity of the same, Rs. 1.5 million was allocated in the previous budget, and now it has reached Rs. 2 million to be spent in the constituency that the members of the constituent wish.

Furthermore, an additional Rs. 10 million was allocated for the constituency special infrastructure development program and now Rs. 5 million has been added to it. The government has also introduced the constituency development program (rules of procedure) regulations, 2058 B.S. to manage this fund and the program to be selected as per the individual decision of the CA/LP member.

Accordingly, while selecting the programs, the FPTP CA members can allocate the money in their respective constituency and the PR CA members in constituency in a district of their choice. The proposed program has to be presented before the DDC in the first quarter of the financial year. This provision was made considering the rise in the number of political motivated development works and to minimize arrears.

However, spokesperson at the Ministry of Federal Affairs and Local Development Purna Chandra Bhattarai claims, *'a monitoring system has been established based on the principle of balance of power. This management committee is chaired by FPTP CA member and the monitoring committee is chaired by a PR CA member who has invested more than 50 per cent in the particular constituency. This is monitoring targeted at the program while the DDC also carries out monitoring through its regular monitoring mechanism.'*

As per information received, there are 7 CA members that represent from the home district of Finance Minister Dr Ram Sharan Mahat and in Nuwakot too the MPs are spending the amount from the Constituency Development Fund and the MP Development Fund in

projects focused in their respective pocket votes area. Using the same powers, the MPs are selecting project and allocating cash.

The message of allocating budget from the state coffers to the MPs accordingly is that the State is not discriminating against any region in terms of infrastructure development based on geography. However, when around Rs. 600 million is allocated for the Kathmandu Valley from the state coffers, Manang district with just one CA member Tek Bahadur Gurung gets only Rs. 11.5 million for the entire district.

Looking at the information of how and where the budget from the Constituency Development Fund and the MP Development Fund is being spent, it shows that Darchula and Dopa districts, who are deprived of infrastructure development and the majority of the State services, have just one representative each. Likewise, there are two members representing Humla and four from Jumla, that are even deprived of fundamental rights guaranteed by the constitution. However, Banke that is represented by Prime Minister Sushil Koirala has a total of 10 CA members to received nearly Rs. 120 million from the state fund.

The number of representatives in majority of the district represented by the leaders who influence national politics and national planning is also high. According to the details sent by Okhaldhunga DDC, the amount from the Constituency Development Fund and the MP Development Fund is being spent in newly announced municipality for tourism infrastructure development, micro-hydel project and various 15 rural road expansion. As per the details, there are five representatives including from PR in Okhaldhunga.

There are five representatives from Phytuan district, where Home Minister Bamdev Gautam was elected while there are 18 CA members represented in the Constituent Assembly from the home district Jhapa of UML Chairman KP Oli. But in terms of representatives, the highest number of CA members after Kathmandu is from Dhanusa district, with 26 CA members.

Likewise, there are 21 members represented in the CA from Siraha, where UCPN-Maoist Chair Pushpa Kamal Dahal was elected. The DDC from here too has said that budget from the Constituency Development Fund and the MP Development Fund was finished by sharing among incomplete projects or clubs and women groups, in order to make the cadres happy. So, if the millions of rupees from the State coffers are being spend irregularly like this then why given the CA members the right to spend such a huge amount of money? Need to assess it. ■

Constituency development program: objectives and practices

Anirudra Neupane

Some democratic countries that elect people's representatives to the central parliament through first-past-the-post (FPTP) electoral system from various constituencies have a tendency to allocate some amount in the central budget for the candidates to fulfill the commitments they made before the people during elections.

However, the involvement of parliamentarians, represented in the legislature constituted to develop the state policies, in budget formulation and implementation like local people's representatives the major role of the parliament that should be monitoring over the executive may be weak and damage the public fiscal management system. Hence, the process of allocating the budget to be spent as per conscience of the parliamentarians has come under severe criticism.

But as the budget tabled by the executive cannot be implemented without approval of the parliament, it becomes a compulsion of the government to allocate budget in the name of constituency development fund in case the MPs want it. Furthermore, on some occasions, there would be a possibility of the government cunningly allocating such budget in order to make the opposition happy and limit clause-wise deliberation and comments over the budget to a mere formality.

Allocation of funds in the central budget for constituency development program began in Nepal in the fiscal year 2003/2004. The program was not include in the annual budget estimates for 2010/11, but then it was re-inserted following protests by the opposition.

Every year Rs. One million was being allocated for the constituency development program to be spent as per the wish of the concerned members of the parliament in their respective constituencies. It was increased to Rs. 1.5 million from the fiscal year 2014/15.

Due to vehement pressure from the parties in the government following the second CA elections and the silent approval of the opposition, the Government allocated an additional budget of Rs. 10 million each for the 240 electoral constituencies for the constituency special infrastructure development program.

In the Fiscal Year 2014/15, the total amount allocated for the constituency development program and the constituency infrastructure development special program and to be spent on the recommendation of the members of parliament is Rs. 3.31 billion.

The government has also been making amendments to the Constituency Development Program (rules of procedure) Regulations, 2058 B.S. to manage the programs to be selected on the independent decision of the members of the Constituent Assembly/Legislature-Parliament.

The regulations were last amended in 2071 B.S. Likewise, the Constituency Infrastructure Development Special Program (rules of procedure) regulations, 2071 has also been introduced for operation and management of the constituency infrastructure development special program.

What is the basis of program selection?

According to the Constituency Development Program (rules of procedure) Regulations, 2058 B.S., the parliamentarians need to follow rules as below:

- The FPTP MPs can allocated budget to their respective constituencies and others in a constituency in a district of their choice.
- The proposed program must be presented before the District Development Committee within the first quarter (of the F/Y) otherwise the budget is not released,
- The programs must be of above Rs. 50,000 and programs related to the uplift and advancement of the targeted group included in the periodic district development plan and other regional projects, and should ensure at least 20 per cent people's participation,
- At least 50 per cent budget must be used for physical infrastructure development program,
- Financial support is not allowed to political parties, sister organizations, other organizations or individuals,
- The number of projects must not be more than 12.

Likewise, the Constituency Infrastructure Development Special Program (rules of procedure) regulations, 2071 outlines the following standards to be followed:

- The programs should be selected by the constituency infrastructure development special program direction and management committee convened by the FPTP member of parliament of the concerned constituency and including the MP spending at least 40 per cent of the constituency development program fund in the constituency, local development officer and representatives of other offices related to development.
- The committee should meet and formulate plans within the first quarterly.

- The number of projects should not be more than 10 and less than of Rs. 700,000. The program should be as such that it is completed within one fiscal year.
- Due consideration should be given to district development projects, regional projects, incomplete projects, and projects that have failed to received funds due to lack of sources in the VDC and DDC.
- Investment should be made in programs that see more people's participation and is operated and managed by the users committee.
- Investment cannot be made in infrastructures related to organizations, parties and their sister wings.

Both regulations are found to accord importance to the role of the parliamentarians in selecting the constituency development programs. However, the programs selected and implemented accordingly must be based on the village, town and areas level plans.

For the purpose of carrying out a study of state of adherence to the authority of expenditure of both the program and the set priorities and directives for expenditure of budget allocated for the constituency development program, Taranath Dahal and Anirudra Neupane had, in accordance with the Right to Information Act, 2007, sought information including details of the project selection process, setting of priorities and the program and budget in the Fiscal Year 214/15 from all the 75 district development committees. Of them, 30 DDCs provided the information that was demanded for and of them the information received from six districts have been analysed here.

TABLE 1: No of Constituency and CA/LP members

District	Okhaldhunga	Sarlahi	Tanahu	Rolpa	Achham	Dolakha
No of constituencies	2	6	3	2	2	2
No of constituencies from where details on the special infrastructure development program were received	2	6	3	2	2	2
No of CA/LP members that provided details of the constituency development program	3	17	7	0	0	2

The table above shows that the number of constituencies and the number of members in the Constituency Assembly through various parties through the proportional representation (PR) system and through nominations by the Council of Ministers makes a difference in the

budget that goes for the constituency development program. For example, Sarlahi district with 6 constituencies has 17 members in the Constituent Assembly and would thus receive Rs. 85.5 million for the constituency development program.

This amount is three times or more than the amount that districts like Dolakha, Accham, Rolpa and Okhaldhunga would receive. Though this may seem appropriation on the basis of population, the constituency development program is found to have been adding another imbalance in terms of the number of MPs of the constituency, in addition to the existing imbalance in the allocation of resources being carried out based on influence and access since the past.

Accham DDC shared that since the Rs. 1.5 million of the constituency development program is appropriated directly by the CA members the Office did not have any records on the same. This means that, even formalities related in to the implementation and monitoring of the program have not been met. Likewise, Rolpa DDC has not mentioned anything about the constituency development program while Okhaldhunga DDC has not shared anything about the programs selected by the FPTP members of parliament. Though Dolakha DDC has given the name of the projects selected by two MPs, it does not mentioned anything about the projects of the PR members of parliament.

TABLE 2: Details and number of infrastructure special program

Districts	Constituency	No of projects	No of region-wise projects				
			Road	Education	Drinking Water	Electricity	Others
Okhaldhunga	1	10	5	2	0	1	2
	2	10	9	1	0	0	0
Dolakha	1	57	2	38	15	0	2
	2	27	12	11	4	0	0
Sarlahi	1	10	2	2	3	2	1
	2	10	3	5	0	0	2
	3	10	7	0	1	0	2
	4	10	3	3	1	0	3
	5	10	4	1	1	0	4
	6	10	1	0	0	0	0
Tanahu	1	9	4	0	1	0	4
	2	10	6	3	0	0	1
	3	10	8	0	0	0	2
Rolpa	1	10	10	0	0	0	0
	2	10	9	0	0	0	1
Achham	1	9	2	4	0	3	0
	2	10	6	0	1	2	1
Total		223	93	60	27	8	25

In the six districts reviewed under the study, except Dolakha all other districts have budget allocated for 10 programs in a constituency, which is due to the maximum limitation determined by the regulations. In some constituencies, due to the minimum ceiling of number of projects and budget of at least Rs. 700,000, many small programs are found to be put under the same program. In constituency no. 6 of Sarlahi district, a lumpsum of Rs. 10 million has been found to have been allocated for renovation and upgradation of roads linking the headquarters Malangawa to various VDCs but without mentioning the name of the roads. Likewise, in constituency no. 1 of the same district, Rs. One million has been appropriated under the heading of furniture preparation and distribution for community schools and colleges, but without mentioning the name of the schools and colleges concerned.

In constituency no. 2 of Okhaldhunga, the infrastructure development of one school and the drinking water project of another village have been included in the single program. In constituency no. 1, budget has been allocated for tourism infrastructure development plan in one municipality area but the name of the project has not been mentioned. Such examples have been found in almost all the constituencies of Sarlahi district and in constituencies of other districts.

In both the constituencies of Dolakha district, the allocation of budget under the constituency infrastructure development special program has been carried out in outright violation of the regulations. More than 10 projects were found to have been selected against the rules of procedure in both the constituencies. Budget has been found to have been scattered in 57 projects in constituency no. 1 while the same is done in 27 projects in constituency no. 2.

Of the 57 projects in constituency no. 1, there are only 4 projects that have a budget of more than Rs. 700,000. Even under the Rs. 700,000 plus projects, Rs. 2 million has been found to have been allocated for the distribution of smoke-free stove in 7 VDCs and one municipality, while Rs. 50,000 each has been distributed to 24 different schools. Likewise, in constituency no. 2, only 7 of the 27 projects were found with a budget of Rs. 700,000 or more. Probably, with both the constituencies having CA members from the same party and only one PR member of parliament in the district, and thus with no opposition in the local body, a very good example of misutilization of the state coffers has been seen in the two constituencies of Dolakha district.

Budget has been found to have been allocated for a total of 223 projects under the infrastructure development special program in 15 constituencies of the five districts. Of them, 41 per cent or 93 projects are related to road construction and maintenance. No project is for construction of a concrete road. There were no example of two constituencies coordinating to allocate budget for a big project. Majority of the projects are with a budget of around Rs. 700,000.

Likewise, of the 223 projects there were only 19 projects with a budget of Rs. 1.5 million or above. A total of 4 projects were found with a budget of above Rs. 2 million including in both the constituencies of Okhaldhunga, in constituency no. 2 of Tanahu and constituency no. 2 of Achham district. This shows that the constituency infrastructure development special program will be limited not in the long-term interest but only to show the presence of the CA/LP members.

Allocation of budget however for the construction of school and campus buildings could hopefully lead to a long-term positive impact in the education sector. Religious homes or dharmashala, community buildings, park and sports ground too are found to have been covered under the special infrastructure development program, which would in fact tarnish the image of the program. In Sarlahi, some budget has been allocated for construction culvert and embankment while no funds have been allocated in the hilly districts for disaster control and reconstruction.

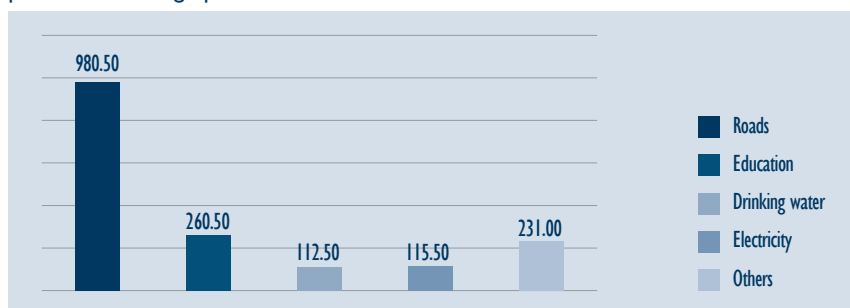
The allocation of funds were found to have been done proportionally in the constituencies. In Achham constituency no. 1, four of the 10 projects are of Rs. One million while in constituency no. 2, a total of 7 projects are of Rs. 700,000. Likewise, in Okhaldhunga constituency no. 1, five projects are of Rs. 700,000 each while in constituency no. 2, another five projects are of Rs. 800,000. In Rolpa, in both the constituencies, 18 of the 20 projects are of Rs. One million. Furthermore, in Sarlahi, 22 of the 55 projects are of Rs. 700,000 each while 10 projects are of Rs. One million each. In Tanahu, 9 of the 29 projects are of Rs. One million, 5 of Rs. 800,000 and 4 of 700,000 rupees. In Dolakha constituency no. 1, 27 projects carry a budget of Rs. 100,000 and 24 carry Rs. 50,000 each whereas in constituency no. 2, seven of the 27 projects are of Rs. 100,000 and five are of Rs. 700,000 each. This shows that no cost estimation was made while allocating budget for the projects, it was just done haphazardly.

TABLE 3 : Region-wise budget allocation (in Rs. Lakh)

Program/district	Okhaldhunga	Dolakha	Sarlahi	Tanahu	Rolpa	Achham	Total
Road	135	83	292.5	193	190	87	980.5
Education	23.5	60	108	14	-	55	260.5
Drinking water	7.5	37	59	9	-	-	112.5

Electricity	27	-	42.5		-	46	115.5
Others	7	20	98	84	10	12	231
Total	200	200	600	300	200	200	1,700.00

Analysing, the budget of 17 constituencies in six districts shows that on a numerical basis that under the constituency infrastructure special program, 41 per cent of the projects are related to road construction and renovation, while the allocation of budget for the same comes to 57.67 per cent. The road projects are relating to dirt road construction, renovation and gravelling. Budget has not been allocated in irrigation project (with an exception of purchasing water pump in Sarlahi) and negligible in health, which shows that agriculture and health are not under the priorities of the constituency infrastructure special program. The region-wise priority in the infrastructure development program is presented in the graph below:



Constituency development program

The basis for selection of programs for the Rs. 1.5 million that the CA/LP members get for the constituency development program is not found mentioned anywhere. The Rs. 1.5 million projects have been found to have been selected at the rate of 12 in almost all the constituencies. CA/LP members have been found to have written the name of the projects in a letter pad with their or their representatives' signature, and making recommendations to the DDC for releasing the budget.

In the six constituencies of Sarlahi district, 17 CA members have been found to have allocated funds for construction and renovation of *dharmashala* and temples. In Tanahu constituency no.2, eight of the 12 projects are related to construction of religious sites and community buildings. Majority of the projects in Tanahu district are related to clubs, mother groups and to construction of community buildings, which shows that attention has not been given to region-wise priorities in project selection.

The MPs elected through the PR system were found to have selected comparatively less number of projects. In Sarlahi, seven of the 11 CA members elected through the PR system were found to have recommended less than five projects. The PR CA member Surendra Kumar Karki (Ram Karki) of Okhaldhunga district is found to have decided to invest the entire Rs. 1.5 million in the construction of Martyrs Memorial Park. In Dolakha, the provisions of the regulations have been found to have been violated while allocating budget of the constituency development program. In constituency no. 1, CA member Parbat Gurung is found to have given Rs. 550,000 for various tasks to an organization called Ecards and Rs. 600,000 to the Rural Development Concern Centre in Laduk.

In both constituencies, budget has not been found to have been allocated in any physical and social infrastructure development projects other than constructing temples and monasteries. In terms of budget and number of projects, though the regulation is followed in other constituencies, funds have been found to have been distributed without any priority in the constituencies. Or, the constituency development program does not seem to be targeted towards bringing any positive change in the day-to-day life of the ordinary citizens.

As the management and direction committee led by the FPTP CA member includes representatives of stakeholders, this program does not seem to run as per the conscience of the CA members as in the constituency development program. But, in constituencies with CA members from a single party, the impact of the stakeholders would be negligible and the funds for infrastructure development is likely to be misutilized in absence of the opposition.

The project selection is found trying to allocate more budget in the sectors like roads and education which is more wanted by the people, and thus it seems an effort has been made to address the development needs of the people. But shortcomings like the tendency to scatter the budget, not giving emphasis to sustainable development, fully neglecting basic needs like irrigation and health, not giving attention to the possibility of running big projects through collaboration by focusing only in the constituency by ignoring the development projects being implemented in the district, distributing budget in small projects against the rule and as per the conscience of the elected MPs and sharing equal amount to many projects do not prove the significance of this program that has come as a special program.

If the constituency infrastructure special program is to be continued then the program should be limited to not more than one or two projects of long-term interest and be based on a feasibility study. Otherwise, the tax payers' money is likely to be misused in the involvement of the lawmakers and it could eventually lead to condemnation of the

democratic system itself.

It would be appropriate to terminate the constituency development program immediately. Provided there is reliable policy and practical monitoring measures for budget allocation and implementation, it would be better to merge it into the constituency infrastructure special program.

It is not unnatural for the parliamentarians to wish to allocate budget from their own hands to the people that they have made pledges to. In the context of Nepal, as millions of budget go to a particular constituency of an influential leader, but people's representatives without any access and influence may not be in a situation to fulfill the promises they made before their voters. As a result, an additional Rs. 10 million going to every constituency can be taken as positive. ■

Ten-page of information free-of-cost

Nodanath Trilal

With the return of the cash paid for ten pages of information to an RTI applicant by the Ministry of Health and Population, a precedent has been set up, ensuring cost-free information for up to ten pages. The Ministry returned a sum of fifty rupees received from an information seeker, following a ruling issued by National Information Commission (NIC) in line with Section 4.2 of the Right to Information Regulations 2008.

The NIC had asked the Ministry to deduct fee for ten pages from the total amount charged in line with the RTI Regulation which states that information up to ten pages shall be provided free-of-cost.

The NIC ruled this in March 2015 in response to a petition filed against the Ministry by a group of applicants including Nodanath Trilal of Kurule Tenupa, Dhankuta, in February 2015.

With the pro-active National Information Commission (NIC), public agencies are being more committed towards adhering to the Right to Information Act. This has also encouraged citizen to acquire information by using the RTI Act.

The petitioners claimed that the Ministry charged them full fees even without considering the legally exempted 10-pages of information that had to be offered free-of-cost. After repeated visits, the Ministry finally acted upon the NIC ruling, returning a sum of Rs 50, although the action came after four months of the ruling.

The NIC ruling asked the Ministry to “return a sum of fifty rupees to the petitioners in discount as per RTI Regulations, and to apprise NIC thereof.”

Earlier in September 2014, the petitioners had filed an RTI application with the Ministry, seeking information through bills and vouchers relating to its expenditure on stationeries during the fiscal year 2013/14. As the Ministry declined from providing the information, they finally approached the NIC, which ruled that the information be provided “within a week.”

The Ministry agreed to provide information following the NIC ruling, but demanded a sum of Rs 2900 against the total of 580 pages of documents at the rate of five rupee per page. A letter from the then Information Officer of the Ministry, Joint Secretary Mr Kedar Bahadur Adhikari, asked the petitioners to first “pay the fee and submit the counterfoil of the voucher” to receive the documents. Request to deduct legally provided rebate for ten pages was outrightly rejected.

The petitioners then paid the full sum they asked for, thinking that the issue could be raised with the NIC for implementation of the RTI Regulation. The Ministry had provided the documents a week after the payment was made.

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It is effortful to help ensure all people's access to the results of democratic practices through the promotion of social accountability tools including right to information, and transparency in budget and foreign aid. Building better democratic society is its goal. Anyone living in different parts of the country and advocating freedom can be the members of this institution. It is our policy to move ahead by cooperating with civil society, mass media, professional sector and any community organization in the local level. A complete freedom is the eternal desire of human civilization. Freedom Forum regards that there is nothing more important than freedom.



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