



Ref. No. 1240

**COMMISSION FOR THE INVESTIGATION OF
ABUSE OF AUTHORITY**

Tangal, Kathmandu, Nepal

☎ : 4419688, 4432708

: 4440151 (Exchange)

Fax : 4440128, 4440104

E-mail : akhtiyar@ntc.net.np

**In connection with media reports issued on
the arrest of Mr. Kanak Mani Dixit**

Today the Commission for the Investigation of Abuse of Authority (CIAA) Nepal feels it worthwhile to remind and sensitize one and all that the Commission is mandated by the Constitution of Nepal, CIAA Act 1991 and Prevention of Corruption Act 1992 to investigate into corruption and amassing of wealth disproportionate to incomes by public servants and public office-bearers. However, the Commission enjoyed its jurisdiction also over the 'improper conducts of the public servants' in the past before it being eventually scrapped by the present constitution. Nevertheless, the Commission is still an independent and autonomous constitutional body vested with the authority to investigate the corruption cases in the country.

As far as the intense outcry heard in some media on the arrest of Mr. Kanak Mani Dixit is concerned, the Commission feels that it is important to clarify the illusions and misconceptions created by such news. To begin with, Kanak Mani Dixit is the chairman of *Sajha Yatayat* which is a state-run transportation company having more than 95 percent shareholding of the state. As the state possesses an overwhelming chunk in the ownership of this company, it testifies that Mr. Dixit is a public position-holder and thus, falls under the jurisdiction of this Commission.

The Commission has received several complaints against Mr. Dixit including having amassed wealth disproportionate to his legal source of income among others. As these serious accusations are raised against Mr. Dixit, the Commission approached him for co-operation in its investigations and accordingly, he appeared in the Commission, received the property-detail forms, filled them up and submitted to the Commission. By doing this,



COMMISSION FOR THE INVESTIGATION OF ABUSE OF AUTHORITY

Tangal, Kathmandu, Nepal

☎ : 4419688, 4432708

: 4440151 (Exchange)

Fax : 4440128, 4440104

E-mail : akhtiyar@ntc.net.np

Ref. No.

he himself accepted the fact that he was a public office-bearer and was quite cooperative in the works of the Commission until this point of time.

The Commission, then, started investigating in-depth on the allegations against Mr. Dixit. The subsequent investigations revealed significant discrepancies between the submitted property details and the details obtained by the Commission from various sources. The Commission, then, requested Mr. Dixit to be present in person in the Commission and explain about this difference in his wealth as well as other confusions therein. One must note that this was not the exceptional measure taken by the Commission against the accused-in-question; rather this has been the standard procedure of this Commission which is being practiced by it from its very inception.

However, from this point, Mr. Dixit started ignoring the request of the Commission. The concerned investigation officer sent summons to him twice but he did not listen. Similarly, he did not pay any heed to countless telephone calls and messages sent by the concerned officer. The effort of calling and sending him the summons by the Commission continued for over four months but neither he responded nor appeared in the Commission. The Commission, then, sent a final seven-day summon to him on which he responded on the seventh day through a letter saying he could not cooperate in the investigation as he did not fall under the jurisdiction of the Commission.

Devoid of any choice, the Commission finally requested the local police authority to bring him to the Commission for carrying out the investigation. Reflecting the stubbornness in his character on this occasion also, he did not accept the arrest warrant and therefore, the officials arrested him fulfilling the legal procedures. He was detained for one night after medical checkup and clearance. But as some health problems surfaced on the next day, he was immediately taken to the hospital and has been staying there under medical



☎ : 4419688, 4432708

: 4440151 (Exchange)

Fax : 4440128, 4440104

E-mail : akhtiyar@ntc.net.np

COMMISSION FOR THE INVESTIGATION OF ABUSE OF AUTHORITY Tangal, Kathmandu, Nepal

Ref. No.

observation. The right to medical care including the human rights of the accused has been strictly upheld.

In addition to his engagement in *Sajha Yatayat*, Mr. Dixit is said to have adopted multiple occupations such as involvement in business, press, I/NGOs, human rights advocacy and the media. The state naturally expects more from a high profile, responsible and intellectual person in contributing to the observance of rule of law in the country than an ordinary citizen. As claimed in the media that Mr. Dixit is a high profile personality, this means, he has greater responsibilities to respect the constitution and law of the country. He would have been widely appreciated had he cooperated in the investigation initiated by a constitutional body of the state. In today's democratic and civilized society, any suspect is constitutionally protected for his right to prove his innocence in the court of law and Mr. Dixit is not an exception. If he believes he is innocent, investigation and the proceedings of the court are actually the opportunities for him to prove his innocence and disprove the accusations made against him. However, it is unfortunate that he himself created the necessity to make his arrest by repeatedly defying the requests and notices of this Commission.

Even when the Commission has been carrying out the investigation maintaining the highest degree of legality, some quarter of people proximate with the accused have been shedding their crocodile tears accusing the Commission of working with an intent of taking revenge. This is very disappointing and condemnable in any democratic and civilized society. The Commission is free of biases and enmity of any kind towards anyone and these accusations are totally baseless. Are journalists and human rights activists above the constitution and law? Are the people in these sectors totally immune against the law of the land even when they go committing serious crimes? When media is recognized as the fourth estate of the state, does this mean that a constitutional body cannot initiate any legal



COMMISSION FOR THE INVESTIGATION OF ABUSE OF AUTHORITY

Tangal, Kathmandu, Nepal

☎ : 4419688, 4432708

: 4440151 (Exchange)

Fax : 4440128, 4440104

E-mail : akhtiyar@ntc.net.np

Ref. No.

proceeding against a tainted person simply because he has worn the cover of a journalist? Besides, the Commission has initiated investigations on him not because he is a journalist but due to the multiple complaints received by this Commission in course of his involvement as public office-bearer. Arrest of Mr. Dixit for investigation has been justified by the endorsement of the Special Court to continue with the investigation by keeping him in the judicial custody. It has further motivated us to fight corruption with even greater dedication in the coming days.

The Commission is shocked at the way a routine work of the Commission, i.e investigating into corruption by a public official, is being made a mountain out of a molehill. It has been blown up in the media to make it an issue as if this is the most serious crisis faced today by the nation. It is very disappointing the way facts are twisted and false is presented as the truth in the editorial of a daily newspaper. When the Commission has made the arrest of Mr. Dixit fulfilling the due process of law leaving no room for the critique, a big media house, supposed to be highly responsible towards the people and the state, is hell-bent manipulating this action of the Commission rather than analyzing this action from the legal and constitutional perspectives.

Similarly, some sections of elites have been reaping the benefits from the state showing them as the key actors of the political revolutions taken place in the past. Presenting themselves as the greatest freedom-fighters, they have been eating up at state's resources and exploiting the immense opportunities from the state perennially. As they are never tired of giving advices to others, an important question arises as to whether they have fulfilled their duty, such as paying taxes, to the government? The history would probably evaluate their roles.



**COMMISSION FOR THE INVESTIGATION OF
ABUSE OF AUTHORITY**

Tangal, Kathmandu, Nepal

☎ : 4419688, 4432708

: 4440151 (Exchange)

Fax : 4440128, 4440104

E-mail : akhtiyar@ntc.net.np

Ref. No.

While highlighting the unprofessional tendency of some media in the country, one must not be mistaken that the Commission always has a profound respect towards and great expectations from the responsible and accountable journalism that strives for the establishment of rule of law and civic norms in the society.

Date: 25 April 2016

Krishna Hari Pushkar

Spokesperson