

Surya Nath Upadhyay
Former Secretary, Government of Nepal



In light of ongoing discourses, at present, on water resources and hydropower development in Nepal, *HYDRO Nepal* felt this an appropriate moment to review some of the personalities who have played important roles in this sector over the past few decades. This time, *HYDRO Nepal* takes pleasure in presenting the personality profile of Mr. Surya Nath Upadhyay.

Background

Upadhyay was born to mother Uttara Kumari and father Pitamber Upadhyay Adhikari at Ghawa, Birgunj in 1947 AD. He is the sixth child in the family of five daughters and five sons. He has two daughters and one son.

Educational Background

Upadhyay was admitted to Maisthan Vidyapith and then to Trijuddha High School at Grade VIII and completed his SLC Examination. He was admitted to Thakur Ram College for further studies where he completed his Bachelors of Arts (BA) in 1964 AD. He moved to Kathmandu for further studies where he completed his Bachelor of Law (BL) and Master of Arts (MA) from Tribhuvan University, Nepal. He latter got a British scholarship for his academic studies at University of London where he completed his studies and obtained Master of Law (LLM) degree in 1984 AD.

Upadhyay completed his academic short courses at University of British Columbia, Canada; International Law Institute, Washington, USA and Hague Academy of International Law, the Netherlands.

Professional Background

Surya Nath Upadhyay has a distinguished career as a civil servant of the Government of Nepal. He entered the civil service in 1970 AD and served the government in various capacities for thirty four years during which he held important portfolios in the government. He joined the judicial service of the government and served as a legal officer in the International Law Division of the Ministry of Law and Justice for twelve years. In his capacity as Section Officer for the first five years and Under Secretary for seven years, he practiced international law as an advisor for the government.

After his promotion he moved to Water and Energy Commission Secretariat as the Executive Director in-charge of International matters. In this capacity he served as legal advisor on international water and other related issues. He was part of almost all the negotiating teams of the government in negotiations with India and other regional countries as well as other countries and international agencies on matters of water resources development. He served in this capacity for twelve years. During these years he was also nominated to act as the Secretary to the Constitution Recommendation Commission which drafted the democratic constitution for the country in 1990 AD and introduced multiparty system of government in the country. He prepared

the legal regime of water resources comprising Water Resources Act and Rules, Hydro-Power Act and Rules as well as other regulatory orders and instruments which were adopted by the parliament and the government.

He was promoted to the position of Secretary of the Ministry of Water Resources where he served in this capacity for three and half years. During this time sweeping changes in the governance of water resources and its management were introduced including the preparation of the framework of the famous Mahakali River Treaty between Nepal and India. He was moved to Ministry of Environment but was called in to negotiate the said treaty with India. He joined the negotiation and finally the treaty was concluded.

During his tenure as Secretary in the newly established Ministry of Environment he prepared the basic institutional structure of the Ministry as well as the policy on environment. It was during his tenure that the first ever law on environment was passed by the parliament and introduced in the country.

He served in the capacity of Secretary of the Government for five years and thus completing his tenure he retired from the civil service in 1998 AD.

After his retirement from the government he practiced international law briefly as a private attorney. He was again called in the service of the nation. He was appointed to head the Commission for the Investigation of Abuse of Authority (CIAA) - a Constitutional position of high regard, where he successfully completed his tenure of six years and retired. During his time in CIAA, he made a history in the control of corruption. Five ex-ministers and several ex-Inspectors General of Police as well as secretaries of the government were charged on the charges of amassing disproportionate property acquired through corrupt means. Stricture was passed against the sitting prime minister for not being alert against corruption in the government. In a sweep he rounded up several high-ranking officials of the revenue department and charged them for corruption. Major Institutional and legal improvements were made in the controlling corruption in the country at that time.

He briefly worked for FAO and An American Consultancy Company in Swaziland, Sri Lanka, and Kyrgyzstan on water resources law and policy.

Present Activities

Recently, he has been nominated as a member of Eminent Persons Group (EPG) formed jointly by Nepal and India to review all the treaties, agreements and arrangements between the two governments so far on all matters of their relationship and advise them to elevate their relationship to commensurate with the 21st centuries challenges.

Upadhyay occasionally advises the government on matters of control of corruption, governance and water resources development. He practices arbitration in commercial disputes and has been serving as arbitrator in various Arbitration Tribunals. In 2010, he was elected as Chairman of Nepal Arbitration Council and served the Council for three years. Presently, he also holds the position of the General Secretary of Jalshrot Vikas Sanstha (JVS) - a civil society organization devoted to the cause of water resources development.

Publication

He has authored a book on water resources entitled International Watercourses Law and A Perspective on Nepal - India cooperation. Ekta Books Publications, Kathmandu, Nepal.

He occasionally writes Articles in Hydro Nepal Journal and other journals and news papers.

Pastimes

In his pastime, Upadhyay is fond of reading books on varied subjects.

Vision

Upadhyay believes in the active role of the citizens in

Nation building. Presently, he is also a member of Group 25 +. This is a citizen's forum for Anti-Corruption, conservation of national ethos and opposition to all external pressures. He believes that the huge water resources that flow through Nepal have the potentiality to transform this nation and the adjoining country from impoverishment to prosperity. There is a need, however, to have a trust and meaningful cooperation among the countries of the region to unleash this vast natural resource.

Unforgettable moments

Upadhyay remembers vividly the time that he spent with late King Birendra for an hour in a one to one meeting at Nagarzun Palace, Kathmandu.

Medals and Awards

Upadhaya has been decorated with the Prabal Gorkha Dakshin Bahu, Suprabal Dakshin Bahu, Prashidha Prabal Dakshin Bahu and Subikhyat Trishakti Patta with citations for his dedicated contribution as a civil servant to the country. He also received Civil Service Award with Citation and Shawl in 2015.

Life definition

It is the best opportunity that is bestowed by the God to serve with all dedication and hard work to the cause of the Nation and humanity.

Affiliation and memberships

- Jalshrot Vikas Sanstha, a public NGO for the cause of water resources development.
- International Water Law Association (AIDA)
- Group 25 +
- Nepal Council of Arbitration.