

## Chapter 2

### Social Formation and Political Structure of Nepal

History of Nepal in the 20th Century, Economy of Nepal (1990-2002), Population and Caste Structure, Political and Administrative System.

#### 1. Nepal under the Ranas

Communist movement in present-day Nepal formally began when Pushpalal and his group formed Nepal Communist Party in 1949. However, to understand why they formed the Party, and how they sensed the society, the economy, and the politics within the nation one needs to understand its history. This history, in particular, is the history of Nepal in the first half of the 20<sup>th</sup> century. Nevertheless, this history was the result of political events of the 18<sup>th</sup> and the 19<sup>th</sup> centuries. Therefore, the account needs to take the history of the past two centuries as well.

In the ancient period, the word Nepal referred to Kathmandu Valley, which by 1482 disintegrated into three kingdoms: Kathmandu, Bhatgaon and Patan.<sup>1</sup>From the 10<sup>th</sup> to the 14<sup>th</sup> century, the areas lying to its West, the part in Karnali and in Gandak basins (See, p. 220) came under the Khasas.<sup>2</sup>In the 14<sup>th</sup> century, when Rajputs from Rajputana (India) migrated to this part, they carved out kingdoms for themselves. As a result, 22 kingdoms, the *Baisi* came into existence in the Karnali basin area, and likewise, 24 kingdoms; the *Chaubisi* was formed within the area falling under the Gandak basin (Regmi, D. R., Modern Vol. I 1) . After 1559 A.D, Gorkha was added among the *Chaubisi*<sup>3</sup> (Regmi, D. R., Medieval Vol. II 2). Similarly, the areas lying to

<sup>1</sup> See Regmi, D. R., Medieval Vol. II 34–375, for an account of their disintegration.

<sup>2</sup> See Regmi, D. R., Medieval Vol. I 733–4, where the author on the basis of the study of history by Sylvan Levi and on the basis of the historical evidences, points out that the Khasas were a tribe inhabiting the Himalayas with their spread as far as the river Bheri flowing through the present Dailekh district of Nepal.

<sup>3</sup> See, Pradhan 20 The author contests this view and points out that it did not belong either to the *Baisi* or the *Chaubisi* group.

the East of the Valley were also divided into multiple principalities (Pradhan 69–76). Among them the western principalities, were continually in conflict and so were the three Valley kingdoms, which fought over their “roughly” demarcated boundary lines (Regmi, D. R., Medieval Vol. II 381). So, Nepal then, as Regmi says, resembled a “theatre of war” (3). But even under such circumstances, the Valley kingdoms were prosperous because of their command over the trade routes which connected them to Tibet.

From 1737, the Valley attracted Gorkha invaders. However, the invasion, in earnest, began from 1743 under the leadership of Prithivinarayan Shah, who nursed a vision<sup>4</sup> to create a “state worth its name” (Regmi, D. R., Modern Vol. I 94). By 1769, he succeeded in conquering the Valley. From 1773, the eastern campaign began, and by 1774 the frontier of the Gorkha kingdom reached the border of Sikkim (238). After his death in 11 January 1775, his successors kept the flame of conquest ablaze. In 1788, the eastern border was then extended up to river Tista by conquering a “large part of Sikkim” (370). However, Gorkha ambition to push its western frontier beyond river Sutlej was cut short when, in 1809, Sikh King, Ranajit Singh defeated them in Kangra. Hence, by 1810 river Sutlej in the West and river Tista in the East constrained the Gorkhas and in the South, East India Company sealed its possibility of expansion (225).

<sup>4</sup> See, Pradhan 167–72 This vision according to the author was the economic and the political subjugation of the conquered territories and in no way aimed at the formation of a nation. Such, understanding of Pradhan, which saw in Gorkha exploits the aim of political subjugation of the conquered territories, I presume, was necessary to provide the groundwork for concluding that the conquest was not aimed at forming a nation—a conclusion, which in turn was necessary to critique the post-1962 situation of Nepal. However, in judging Gorkha conquest from such standpoint, I think he was being too harsh, because during the period of the conquest the idea of nation-state or even that of state was not prevalent in the Gorkha discourse. These ideas grew later, after a series of six episodes which ended in King Mahendra’s attempt to shape a nation-state out of the kingdom from 1962. For an explanation of these episodes, see, Burghart 113 Hence, it would be better to go by Regmi’s view, which perceived pure economic reason behind Prithivinarayan’s military exploits. For Regmi’s view, see, Regmi, M. C., Economic 9 .

Meantime, the Company began laying unreasonable claims all along Nepalese border to force Nepal into an engagement<sup>5</sup> to “deprive ... [Nepal] of [her] valuable Terai lands” (Regmi, D. R. 279). The Company succeeded in its tactics: Anglo-Nepalese war began in November 1814. It ended when “the Nepalese capitulated and signed a peace treaty, the Treaty of Seaguli, in March 1816” (Sever 32). The Treaty cost Nepal one-third of her territory: it was forced to cede the whole of her Terai land. However, in December 1816 “with a view to gratify the Rajah (King)” as M. C Regmi puts it, the Company returned a part of its capture (Regmi, M. C., Economic 167). Since then, her territorial boundary came to resemble closely with the present-day boundary of Nepal.

During this period of expansion and contraction of its borders, and especially after the death of Prithivinarayan Shah the Court politics of Nepal took an ugly turn. It turned into hub of plots and counterplots for power. Involved in these were four powerful families namely the Shahs,<sup>6</sup> the Thapas, the Pandeys and the Basnets. They competed for monopoly control over the administrative<sup>7</sup> and military posts of the kingdom. These competitions, which took place within the precincts of the Shah

<sup>5</sup> See, Regmi, D. R. 233–303 The author reaches such conclusion after analysing numerous letters exchanged among the then Nepalese Government, generals and the British Government. See, also, Burghart 114 From sociological point of view the author contends that the skirmishes along the borders were due to the difference in the understanding of the two parties regarding what constituted the border. For the Company it meant a fixed line. For the Gorkhas, it meant a shifting line which corresponded with the changing tenurial authority of the King.

<sup>6</sup> These were the brothers of Prithivinarayan Shah; the brother of the reigning kings, and their queens. They are sometimes referred to as *Chautarias*.

<sup>7</sup> See, Shrestha, T. N., Nepalese Administration ... Perspective 129–31 During the Shah period there were three high level institutions around the Shah King or the regent. These were the *Thargar*, the Assembly of Notables and the *Bhardari*. However, the *Bhardari*, composed of high level politicians, administrators, nobles and military officials, was the most important. It performed some executive functions and rendered advice to the King. The *Thargar* and the Assembly of Notables also advised the King, but through the *Bhardari*. Naturally, when conspiracies triggered changes in the administrative posts, the captors sought to staff the *Bhardari*.

court, were conspiratorial and violent and they often ended in massacres of the competitors. In one such plot of 15 September 1846, Jang Bahadur; a member of a minor noble family, the Kunwar family, acquired power by assassinating scores of nobles at the *Kot*.<sup>8</sup> Following the massacre, the *Kot* massacre, Jang Bahadur consolidated his position: in May 12, 1847 he deposed reigning Shah King; installed Prince Surendra, the heir apparent, to the throne and later forced him to issue a royal charter—the *Sanad* of 6 August 1856.<sup>9</sup> The charter made Prime Minister, Jang Bahadur Rana<sup>10</sup> the *de facto* ruler, and the Shah King, his political puppet. For some time; the Company wavered<sup>11</sup> in recognising the change, but finally it conceded to Jang Bahadur Rana’s request that the recognition would strengthen “closer and more friendly relations” between Nepal and the Company (67). The relation, did grow stronger when, in 1857, Jang Bahadur Rana responded to the Company’s call for military support to quell Indian mutineers mutinying against the Company rule. As a *quid pro quo* to Rana’s military support, the Company, in May 1858, returned a part of the southern Nepalese territory ceded by Nepal in the Anglo-Nepal war of 1814–16. Thereafter, a mutual relation developed between Nepal and British India: from 1885,

<sup>8</sup> See, Regmi, D. R., *Modern Vol. I* 290 footnote 2. The *Kot* was a house with a courtyard built as an adjunct to the palace where arms were kept and certain rooms were used as prison for political suspects.

<sup>9</sup> See, Sever 93 The charter perpetuated the control of the Ranas over Nepal. The order made the office of the Prime Minister hereditary. It passed first among the brothers of Jang Bahadur on the basis of seniority, and then among his sons and nephews. Besides, such unusual system of succession, the order also endowed wide political, judicial and diplomatic powers upon the Ranas.

<sup>10</sup> See, Sever 86 Jang Bahadur, in order to raise the status of his family crafted an apocryphal genealogy to show that his Kunwar family was a descendent of the House of Rana, the 14 century ruler of Chittor. Since then the title Rana was appended to his name.

<sup>11</sup> See, Sever 67 The Company wavered because of its policy of wait and see, its policy of neutrality, and because of its Governor-General, Lord Hardinge’s disapproval of the method used by Jang Bahadur to capture power. He viewed it as inhuman and reprehensible.

Nepal allowed the British to recruit Gorkha soldiers in their army, and the 1923 treaty<sup>12</sup> between the British and the Nepalese Government recognised the independence of Nepal. Such British support to the Ranas lent a characteristic air of power, which helped them to remain as rulers until 1950.

### 1.1. Economic, Administrative and Legal Structure

History apart, what distinguished the Rana period is their economic, administrative and legal structures. If the first two were built upon carry over of the past, the legal structure was the result of their ingenuity. Before 1814–16 Anglo-Nepal war (the period which marked the high point of Gorkha expansion), Nepal was a land-based economy, where rulers craved for revenue producing land. However, even after achieving its utmost expansion before 1814, Mahesh C. Regmi points out that its revenue did not increase in ratio of its expansion.<sup>13</sup> The reason behind such uneven relation between its expanse and its returns, as Regmi writes, was due to its land tenure and land tenancy practices. And since the economy was agricultural the land tenure laws and tenancy practices,<sup>14</sup> which prevailed before and after unification, characterised the economy of Nepal. Before unification, there were five major forms of land tenure. They were *Raikar*, *Birta*, *Guthi*, *Sera* and *Kipat*” (Regmi, M. C., Economic 26). During unification period and later, the *Jagir* form of tenure gained ground (72–3).

<sup>12</sup> This Treaty allowed Nepal to import arms without the permission of British India besides it treated Nepal not as the princely states of India but as a sovereign state.

<sup>13</sup> See, Regmi, M. C., Economic 57 The author presents two figures: the estimated annual revenue of Rs. 5,000, 000/-when the Gorkhas had gained control over eastern Terai and the actual annual revenue that was collected after its utmost expansion. The latter amount was Rs. 8000, 000/-.

<sup>14</sup> See, Regmi, M. C., Landownership 15 Land tenure system is the legal or customary laws under which land is owned or occupied. And land tenancy system is the arrangement under which land is cultivated by tenants and the product is divided between land owner and tenants. It also takes into account the burden imposed by the government on the landowner and tenant in the form of taxation.

Traditionally, the existing kingdoms or principalities of the land considered the occupied lands as their property. Such kingdom or principality owned lands were the *Raikar* lands. When peasants cultivated such lands, they, as “tenants,” “made payments directly to the state” (26). However, when the State granted *Raikar* lands to “individuals” and allowed the recipients of such lands “to appropriate” the cultivators’ produce, then it was called *Birta*. Similar grants made to “temples and monasteries” or in general for “charitable purposes” was termed *Guthis* (Regmi, M. C., Economic 26, 48–50). When the Crown set aside *Raikar* lands “for meeting the food grain and other requirements of the Royal Palace household” it formed the *Sera* (26). Finally, both in the eastern and the western part of Nepal, some ethnic groups “owned lands on a communal basis without any legal title” (27). These were *Kipat* lands. During unity drive and after, owing to the absence of money economy, the kingdom granted lands to the nobilities, soldiers and other functionaries. Such land grants, the *Jagirs*, were granted, instead of salaries to the employees to cope with the rising administrative and military expenses of the State.

The kingdom granted *Birta* holdings for various reasons. They were granted for winning political support, enriching nobilities, and for seeking the blessings of Brahmins. So, the beneficiaries were “Brahmans, Chhetris, and other classes of Indo-Aryan origin” (27). These grants were permanent in nature. The *Birta* holder enjoyed exclusive right over them. However, the kingdom forbade the sale and transfer of *Guthi* lands, because of their religious overtones. Compared with these, the *Jagir* grants were not permanent: the *Jagirdar*, the owner of the *Jagir* holding, could not transfer or sell his holding. He enjoyed the land until he served the kingdom (Regmi, M. C., Landownership 76). In contrast, the *Kipat* form of land tenure rejected the traditional belief that lands belonged to the kingdom. It recognised a tribe or its chief as the owner of the land, which the tribe occupied in “a particular geographical area” (87). However, this short description of the different land tenure forms does not reflect in full the nature of the then Nepalese economy. For fuller understanding one needs to pair it with tenancy practices of the period. During the period of unification

and until 1846, the kingdom brought vast areas under a taxable form by confiscating even “unregistered *Birta*, *Guthi* and *Kipat* lands” (Regmi, M. C., Economic 75). These lands were mostly converted into *Birta* and *Jagir* tenure. As a result, even a few owner-cultivated lands ceased to exist and tenant cultivators ruled the roost. Besides, the kingdom changed tenancy practices. The changes as Mahesh C. Regmi observes: “diminished the status and earnings of the cultivators and ...convert[ed] him into a virtual serf” (76). Later, the kingdom introduced *Kut* method of taxation, under which the cultivators paid a fixed rent irrespective of the amount produced. This fixed rent was generally more than 50% (86). Besides, when the *Birta* holders and the *Jagirdars* held huge plots, the tenant cultivators employed sub-tenants who paid even higher rents (94–8). In addition, “it was the common obligation of tenants cultivating *Jagir* lands to supply loans to their landlords” (98). As money was rare, to fulfil the bond, they borrowed money from the moneylenders. On such borrowings, the moneylenders charged interest rates ranging from 25% to 50% (98). When the peasants failed to return the money, the moneylenders used “the labour power of defaulting borrower through the institution of slavery” (117). Thus, until 1846, landlords consumed all rents leaving little for the kingdom and for the market. So, Government lacked wages to pay those, whom it employed as “porters and as laborers” (102). This led to the growth of exacting forced labour from the people<sup>15</sup> and the peasants. However, from 1813 the Government exempted “Brahmins” from such labour, but the burden continued for the peasants (Regmi, M. C., Economic 104).

After 1814–16 war, though Nepal realised that another war with the Company would be at the cost of her independence, yet she continued preparing for war. This trend went on until the rise of Jang Bahadur in 1846 (168). With Terai area gone, for the war effort the only choice left for the kingdom was to rely on its traditional

<sup>15</sup> See, Regmi, M. C., Economic 103 In its initial form the practice involved the use of entire adult male population irrespective of class and caste. For them it was compulsory to provide unpaid labour services.

resources for finance. Among these, the kingdom preferred increase in land taxes. Such measures, along with its attendant forces of moneylenders and slave owners, heightened the burden of the cultivators. Describing the essential nature of the Nepalese economy and its effect until 1846, Mahesh C. Regmi writes:

The post-war period, in fact, witnessed a large scale exodus of people from several parts of Nepal to Indian Territory. Among the important factors contributing to the exodus were excessive taxation ... and the pressure of moneylenders and slave owners ... (194)

From 1846 to 1951, the Ranas used the land tenure forms for three specific purposes. These were: to win support for their regime; to enrich Rana family including the Prime Minister himself, and to increase tax. To win support for their regime they granted “waste tracts” as *Birta* or *Guthi*, but for themselves they arrogated prime lands (Regmi, M. C., Landownership 31). However, a little later they eliminated *Jagir* lands for their own end while pocketing other taxes for personal needs. Depicting the exploitative nature<sup>16</sup> of the Rana rule and its policy towards the *Jagir* tenure Mahesh C. Regmi writes:

The Rana Government functioned as nothing more than an instrument to exploit the country’s resources in order to enhance the personal wealth of the Rana prime minister and his family. No distinction was made between the personal treasury of the Rana ruler and the Treasury of the Government; any Government revenue in excess of administrative expenses was pocketed by the Rana ruler as private income. The *Jagir* system did not serve these interests of the Rana Government, for *Jagir* assignments reduced revenue and thus prime minister’s profits (Regmi, M. C., Landownership 83)

So, by 1950 the *Jagir* form of land tenure nearly vanished, but other dated land tenure forms the *Zamindari*<sup>17</sup> and the *Jimidari*<sup>18</sup> continued.

<sup>16</sup> See, also, Pradhan 198 where the author describes the tax focused administration of the Gorkhas based on his findings about Gorkha rule in Kumaon.

<sup>17</sup> See, Regmi, M. C., Landownership 107 The *Zamindari* system in Nepal was different from that of India. The *Zamindar* did not enjoy ownership over the land given to him. He collected tax from land owned by others and transferred them to the Government.

<sup>18</sup> See, Regmi, M. C., Landownership 115–6 A *Jimidar* was directly appointed by the Government. His functions were two-fold: to collect taxes and to provide

## 1.2. Administrative and Legal Structure

Before Rana period, the kingdom's objective was to expand and consolidate the expansion. Therefore, her administration then was centralised and militarised. The King was the centre of all powers. Below him, in order of power, were the Crown Prince, the *Chautaria* (Prime Minister) and *Kazis* (ministers). These posts were staffed either by royal descendants or by military generals drawn from a pool of nobles—the *Thargars*.<sup>19</sup> Besides, two advisory institutions functioned under him: the *Bhardari* and the Assembly of Notables. Of these, the advice of the Assembly of Notables, as Tulsi Narayan writes, “never controlled” the opinion of the Court (131), but the advice of the *Bhardari* was given importance. Hence, it survived through the passage of time. The Shahs administered the kingdom by dividing her into districts and districts into villages (Shrestha, T. N., Nepalese Administration ... Perspective 151), where central authority was extended through centrally appointed officials except in the *Kirata* villages of eastern Nepal where power was given to “village headman” (162).

The Ranas inherited the centralised administration of the Shahs, and changed them to strengthen their control to serve their lust for wealth. During the Shah period, though by circumstances the Prime Minister enjoyed powers, yet legally they were concentrated in the King. But, after the proclamation of the 1856 *Sanad* the Prime

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agricultural credit. But, in course of time the land allotted to him turned into his property and as a credit provider he turned into an usurer.

<sup>19</sup> See Agarwal, Administrative System 5, where in the context of the *Thargar* he quotes Sylvain Levi as follows; “it is between them that the government must share the principal employments, but all have not equal rights; they form a hierarchy with three different stages, the highest group in dignity comprises six families who receive by reason of their number and name of Chattra. The Chattras have a kind of right of preference for the first employments of the kingdom.” See, also, Pradhan 22–3 The institution, *Thar-Ghar*, as Pradhan calls it, came into being under Dravya Shah who became the King of Gorkha in 1616. In the beginning it was a six-member Council composed of Brahman-Chettri and Magars, Chettri Magars.

Ministers turned into the legal and real rulers of Nepal. However, to satisfy the religious sentiments of the “people of Nepal, who were enmeshed in a traditional society” they kept alive the belief that deified the King and projected him as the legal ruler (Agarwal, *Administrative System* 31). Hence, from 1847 or more precisely from 1858 until 1950 the Ranas, as Prime Ministers, upheld an autocratic rule, where the government was “answerable” to them (Sever 127).

During the Shah period, the kings of Nepal ruled according to “a legal code of 40 articles” based upon the principles of “Hindu *Shastras*”. In 1851, “Jang Bahadur appointed a Law Council, the *Ain Kausal*, to reform and codify law”. Based on the Hindu *Shastras* and the “three sources of justice mentioned in the *Manu Smriti*”, the Council framed the *Mulki Ain*, which was proclaimed in 1854. Aimed at imposing “uniformity on the administration of justice”, it sought to regulate every side of human life (Sever 79). Commenting on the general principle of the *Mulki Ain* Severs writes, “It was a general principle of the *Mulki Ain* that loss of life was to be paid for by loss of life ... the only exception being that Brahmins and women were never put to death” (82). It prohibited social evils like gambling, but maintained silence regarding the practice of *Sati* and child marriage for fear of antagonising a highly orthodox Hindu society. The *Ain*, in its modified form, still lives in Nepal.

### 1.3. Beginning of the End

However, from the last decade of the 19<sup>th</sup> and from the beginning of the 20<sup>th</sup> century several external influences influenced Nepal. These were: the activities of Arya Samaj movement in India, the effects of the First World War and the activities of Indian National movement. From 1893, influenced by Swami Dayananda Saraswati’s teachings Madhav Raj Joshi started two centres in Nepal: first in Pokhara and the second in Kathmandu. Alarmed probably by “the egalitarian and anti-clerical [anticlerical] spirit of the movement” (Sever 277), the Ranas imprisoned Joshi in 1905 and forced him to leave the kingdom in 1907. To what extent his activities weakened the foundation of the Rana regime is a matter of anybody’s guess. However, based on

later activities<sup>20</sup> of the Arya Samaj there, Shiva Bahadur points out that they led to the rise of “a new social consciousness ... among the Nepalese youth” (83). Similarly, scholars, like Upreti, credit the First World War for liberalising the outlook of the Gorkha soldiers who were lent by the Ranas to the British to man their war fronts abroad. According to Upreti the War freed the soldiers from the grip of orthodox Hindu caste rules. So, Upreti writes, when they “returned home” they had turned into “spark[s] for the liberalisation of the social ethos and values” of the Nepalese society (92). Obviously, within Nepal the spark took time to flare up, but in Dehradun, in 1921, it inspired Army ex-servicemen to found the All India Gorkha League, whose members supported an anti-Rana, anti-British stand. Finally, despite Chandra Shamsher’s best effort<sup>21</sup> to seal Nepal from the influences of Communism and Gandhian activities (activities related with Indian National movement), which he considered as “subversive movements”, they penetrated Nepal (Upreti 97). So, in 1913, influenced by the “terrorist organisations” of India “Prachanda Gorkha”, a “secret” anti-Rana group grew in Kathmandu (Singh, S. B. 88). Then in the 30s, Kathmandu youths set up the Nepali Nagarik Adhikar Samity. Its members like Gangalal, brother of Pushpalal, “openly abused the Rana rulers” inviting Rana suppression, which resulted in its closure (89). In 1935, the Kathmandu intellectuals formed the Praja Panchayat. From 1935–1940, it exposed the nature of the Rana rule among the people. In 1940, it elected Tanka Prasad Acharya, Dasrathchand and Ramhari Sharma its President, Vice President and General Secretary respectively. In

<sup>20</sup> See, Singh, S. B. 83 Even after the expulsion of Madhav Raj Joshi; Amar Raj, the son of Madhav Raj Joshi attempted the revival of the movement. When the Ranas suppressed the attempt of Amar Raj; Satya Charan, a commoner of Kathmandu followed suit only to meet similar fate.

<sup>21</sup> See, Upreti 97–101 The government of Nepal banned English and vernacular papers coming from India into Nepal; employed a Bengali to spy on students studying in Calcutta to find if they had imbibed the tenets of Communism and Indian national movement, and established Tri-Chandra College in 1918 in Kathmandu to check the flow of Nepalese students to India.

August 1940, it issued anti-Rana tract in the name of Praja Parishad. However, Rana suppression shortened its active existence. By the close of 1940, four of its leaders namely, “Sukraraj Shastri, Dharmabhakta, Dasrathchand and Gangalal” were sentenced to death and Tanka Prasad was jailed (90). Similarly, in 1936, when educated youths had started the Mahabir school in Kathmandu and produced anti-Rana activists the Ranas forced its closure.

These incidents, it seems, dampened the spirit of the politically active minority, because after that until the end of forties one hardly comes across any individual or group effort towards founding of anti-Rana political parties within Nepal. However, such activities flourished in Darjeeling, Benares [Varanasi] and Calcutta, the Indian cities which from the beginning of thirties had turned into centres of political refuge for the anti-Rana activists from Nepal. Added to it, they were also encouraged by the changing political environment in India: In March 1946, the British Labour Government sent in India a Cabinet Mission to work for the smooth transfer of power. In the arrival of the Mission, the Indians and the Nepalese activists sensed British desire to leave India in near future—the pull out of one of the most powerful political props of the Rana regime. Hence, their activities increased. “In Darjeeling towards the close of 1941 ... a secret organisation called Akhil Nepal Barga Mahasabha” was formed (Upreti 243). Its “chief aim was to incite the Nepalese mass to revolt through two steps: creation and dissemination of revolutionary literature and the formation of a militant organisation called the *Raktapat Kommittee* (Bloodshed Committee)” (243–4). According to Upreti, the body was linked with the “Politburo of Bolsheviks and Kalong Samity of the Japanese”, and it stood for the establishment of a “Republic” (244). However, nothing remains to record the continuation of the movement and to check if it was in any way related with the yet to be born, Nepal Communist Party. From 1947 onwards, the focus of political activities shifted to Calcutta and Patna. “On 25 January 1947 a conference of the activists was held in Calcutta” (Pushpalal, *Itihas* 3), and this led to the birth of Nepali Rastriya Congress [Nepali National Congress]. The Party then elected Tanka Prasad Acharya, the jailed

Praja Parishad leader, its President and Bisheshwar Prasad Koirala (from now on B.P Koirala) its acting President. Functioning as a converging point for political activists of Nepal, it was home to individuals with different political commitments. According to Mohan Dhvaj Gurung [Pushpalal], they represented three different political ideologies namely, “liberal-feudal, constitutional-monarchist and communists” (Mohan Dhvaj Gurung 3). The liberal-feudal were “C”<sup>22</sup>class Ranas like Mahavir Shamsher and Suvarna Shamsher, who financially helped Nepali National Congress (from now on NNC) in its formative stage. B. P Koirala, Ganesh Man Singh, Matrika Prasad Koirala and their group represented the constitutional-monarchist. And, “Pushpalal, Tanka Vilas, Hikmat Singh, Sambhuram, Sahana Pradhan, Narayan Vilas and Narbahadur ...” were sympathisers of Communist ideology (Pushpalal, *Itihas* 40–1). Later, political events segregated these forces in between the years 1947 to 1949.

#### 1.4. End of Traditional Rana Rule

4 March 1947 marked an important date in the history of political movement in Nepal. On this day, Gupta writes, “the mill workers of Biratnagar struck work and began the first organized strike in Nepal” . According to him, it was “a small employer-employee conflict, [which changed] into a full-fledged political battle” (29). But, B. P Koirala describes it as a big strike with political overtones for he says:

It began when five to seven thousand labourers of the Biratnagar Jute Mills under the leadership of their co-workers Man Mohan Adhikari, then a Communist sympathiser, and Girija Prasad Koirala launched strike demanding potable water, good working condition ... and the right to organise trade unions ... the demands were mostly political ... (Sharma, G. 43)

On the 9<sup>th</sup> B. P Koirala joined them. But, the movement was suppressed by Rana

<sup>22</sup> Ranas classified their progeny into three classes: A, B and C. Class A Ranas were those born out of their relation with women of their social standing. Class B, were those born out of their relation with Kshatriya women and class C, were those born out of their relation with their concubines. Initially, higher offices of the kingdom were the preserve of Class A and Class B Ranas and later of only class A Ranas.

troops. On 24 March “its leaders<sup>23</sup>... were arrested and sent to Kathmandu” (Mohan Dhvaj Gurung 3). In response, the NNC held a meeting in Calcutta and “sent an ultimatum to put an end to its [the Ranas’] policy of coercion” (Gupta 29). When nothing transpired the NNC, on the 9<sup>th</sup> and the 10<sup>th</sup> of April held its conference in Jogbani<sup>24</sup>(a town in Bihar, India). The conference, according to Gurung [Pushpalal], “decided to launch a Satyagraha movement throughout Nepal ... [demanding] release of political prisoners, civil liberties, political rights and freedom and legalisation of the Nepali National Congress” (Mohan Dhvaj Gurung 3). When it started on 13 April, Gurung [Pushpalal] claims that it engulfed the kingdom under a deluge of political slogans like “‘Down with Ranashahi’, ‘Long Live democratic rights and liberties’, ‘Release all political prisoners’ etc.’” (4). So widespread was the movement that Gupta, while describing it, noted, “it appeared as if ... a mass movement was in the making in Nepal” (30). Meanwhile, Pushpalal observes:

In Kathmandu, as counter measure the Rana Government resorted to arresting the front leaders of the movement. It arrested 27 leaders, which included, among others, Tanka Vilas, Hikmat Singh, Sambhuram, Narayan Vilas, Narbahadur, Devendra, Tilak, Rajshahi, Pushpalal, Snehalata, Kanaklata, Sadhana and Sahana ... later many of these turned into members of Nepal Communist Party (Pushpalal, Itihas 14)

Despite such measures, when the movement did not cave in, Padma Shamsheer—who was considered more liberal than other Ranas (Sharma, G. 48)—the then Rana Prime Minister, to pacify the situation, announced on 16 May, his desire to introduce a list of reform measures if the NNC called off its movement. These measures, according to Joshi and Rose were as follows: (a) establishment of a Reform Committee to consider plans for political liberalization; (b) establishment of elected municipalities and district boards in various districts; (c) separation of judiciary from the executive

<sup>23</sup> See, Sharma, G. 44 These leaders were B. P Koirala, Tarini, Man Mohan Adhikari, Giriya Prasad Koirala, Viku and Yuvraj.

<sup>24</sup> See, Gupta 30, Footnote 29 Dr. Rammanohar Lohia was present in the conference.

branch of the Government and the establishment of an independent judiciary; (d) authorization of seven new schools in Kathmandu Valley, and (e) publication of annual budget of the country (62). After the announcement, Gupta writes, “On 2 June ... the Rastriya Congress decided to call off the movement” (30). But, according to Pushpalal the NNC withdrew the movement immediately declaring that “the demands were going to be fulfilled” and held a conference in Varanasi just “to justify the withdrawal” (Mohan Dhvaj Gurung 4). To explain the withdrawal scholars offered multiple answers. According to Gupta, the NNC called off the movement because of two reasons. “First, the offer seemed to give it [the Congress] a partial victory over the Ranas. Secondly ... [owing to] its [weak] organizational resources ... a settlement through compromise appeared to be the most expedient under the circumstance” (30). Besides, quoting K.P Upadhyaya, the then general secretary of the Congress, Gupta again points out to the prevalence of a view which considered “Nehru’s personal intervention” as the cause behind the pull out (Footnote 31, 30). But, Joshi and Rose state that the NNC called off the movement “in consideration of the liberal profession of the Rana Government” (62). However, for Mohan Dhvaj Gurung [Pushpalal] there was only one reason behind the pull out: NNC’s “secret deal with the Ranas” (4). And though another memoir of his explains the same event, yet the explanation does not transcend his earlier position. It simply clarifies as to what motivated the ‘secret deal’ for he writes: “The movement was withdrawn, because in the event of its continuity some sections of the Ranas, the leadership of the NNC and the Indian monopoly capitalists feared the transfer of the leadership of the movement into the hand of the exploited class” (Pushpalal, “Nepali ... Ek Samiksha” 184). Nonetheless, these varied explanations pose a challenge: though each explanation seems to have a grain of truth, yet each, for want of further evidence, fails to qualify as the final truth. The answer, therefore, remains inconclusive. Soon after the withdrawal of the movement, Padma Shamsher, in keeping with his promises, initiated the elections to local bodies and invited a team of legal experts from India to frame a constitution (Sanwal 156). In June, as first step towards reform, municipality elections were held in 21 wards of

Kathmandu Valley. After that he promulgated the Government of Nepal Act, VS 2004 (1948), the first Constitution of Nepal, on 26 January 1948. But, it did not see the light of the day for after his abdication and subsequent departure to India power passed on to Mohan Shamsheer, the anti-reformist, in February 1948. Meanwhile, the NNC in the middle of July 1947 held its third conference in Varanasi (Benares). According to Pushpalal, the conference which was attended even by Indian socialist leader, Dr Rammanohar Lohia took two decisions and one of them rationalised the withdrawal of the Satyagraha. The conference pointed out that the movement was withdrawn “to prevent the attrition of democratic power [owing to violence] when alternative peaceful methods of struggle were available” (Pushpalal, *Itihas* 17). Narrating the procedure followed in the conference and the outcome of the election held for the central leadership<sup>25</sup> of the Party, Pushpalal states:

In every decision Lohia used to function as the principal spokesman of the NNC. It hurt me and many of my colleagues. So I floated the idea, that the leader of Nepal should be a Nepali, and that the movement should take, besides Indian socialists, the help of even the Indian National Congress and the Communists ... The conference ended with the election of the Central leadership of the Party. In the election the scale tilted in favour of the Communists and the Neutral. It elected Dilli Raman Regmi [Communist sympathiser], Prembahadur Kamsakar [Neutral], and Pushpalal Shrestha [Communist sympathiser] the President, the General Secretary and the Secretary respectively (Pushpalal, *Itihas* 17).

A month after the conference, that is, in August 1947 B.P Koirala was released from jail. Joshi and Rose point out that the release was owing to “Gandhi’s intercession” and was probably timed “by the hope of creating a split in the Nepali National Congress” (63). But, Pushpalal alleges that the release was owing to “The pressure of Indian monopoly capitalists, the socialist leaders and the “C” class Ranas” (Pushpalal, *Itihas* 21). And like Joshi and Rose’s statements his statements were perhaps trying to point out that it was designed to create problems within the NNC, which in the absence of B. P Koirala was under the influence of Communist sympathisers. Koirala

<sup>25</sup> See, Joshi, et al. 63 It was held on the assumption that Koirala would not be released soon.

himself is silent regarding the reasons behind his release. After his release there began a bitter struggle between Regmi and Koirala for Party leadership. In the struggle, Koirala claims that “his Party colleagues requested him to take over the Party President-ship” (Sharma, G. 69). Whether he was so requested is not verifiable. But, considering what he says a little later it is clear that he did not approve of Regmi’s leadership for he alleges, “Regmi’s style of functioning was detrimental to the interest of the Party ... He was inert and hoped for political changes in Nepal through Indian intervention ...” (70). Thus, it seems that this dislike rather than the request of his colleagues explained his later actions in April.

In April 1948, in Patna, Pushpalal writes, “Koirala, without going through Party election, declared himself as Party President” (Pushpalal, *Itihas* 21). This led to the division of the Party into two groups: NNC (Koirala group) and NNC (Regmi group). These two parties functioned until April 1950 under same name and under identical flags (Joshi, et al. 63). Then Pushpalal notes, “I myself with Prembahadur Kamsakar supported Regmi group ... hoping the group would change in future into the Communist Party of Nepal ... But, [Pushpalal alleges] ... in course of time, Regmi secretly hobnobbed with the feudal elements ...” (Pushpalal, *Itihas* 25). So he says, he resigned and left for Calcutta (Kolkata). Meanwhile, in August 1948, under the leadership of Subarna Shamsheer and Mahabir Shamsheer<sup>26</sup> Nepal Prajatantrik Congress (Nepal Democratic Congress, henceforth NDC) came into existence in India (Singh, S. B. 95–6). Headquartered in Calcutta, this Party advocated the end of the Rana regime by any means even by violent insurrection. So, it organized a private army, which later evolved as the *Mukti Sena* of the 1950 revolution (Joshi, et al. 68). And around September–October, Kathmandu witnessed the birth of yet another Party, the Nepal Praja Panchayat, which unlike the NNC and the NDC, professed “to function within the framework of the 1948 Constitution” (Joshi, et al. 69). However,

<sup>26</sup> See, Joshi, et al. 67 These two Ranas had been exiled from Kathmandu since 1934.

despite its accommodative stance it failed to ward off the suppressive posture of Mohan Shamsher, and when it was convinced that the Prime Minister was not in mood to implement the reform measures initiated by Padma Shamsher it “launched a satyagraha movement in the three cities of Kathmandu” (Joshi, et al. 69). Then, Joshi and Rose write, that “B. P Koirala and some of his associates” reached there in “October 1948” (69) to contact leaders of the Praja Panchayat, a fact<sup>27</sup> attested by B.P Koirala (Sharma, G. 70). But then, they (Koirala, Krishnaprasad Bhattarai and Kedarman Byathit) were caught and jailed by the Ranas. When pressures from Indian political leaders in March failed to accomplish their release, the NNC threatened fresh wave of nonviolent struggle throughout Nepal. Then, in May, Koirala and his friends began their hunger strike in jail. The threat and the accompanying strike paid off: Mohan Shamsher released them promising implementation of the reforms. But, he never tried to respect his words. On the contrary, after British pull out from India, he busied himself in maintaining his hold over power by culturing diplomatic relations first with the outside world, mainly Britain and America, and then with India (Joshi, et al. 66–7; Gupta 40). It was during this period that he signed the July 1950 treaties of peace and friendship and of trade and commerce with India (Gupta 40).

With the dawn of 50s, signals of political changes flickered in Nepal. In April 1950 at a general conference in Calcutta, the Nepali National Congress and the Nepali Democratic Congress merged to form the Nepali Congress with Matrika Prasad Koirala as the President. According to Pushpalal, the merger was instigated by the then Indian Government to ... [install] a democratic Government in Nepal to check the tide of communism there.<sup>28</sup>If one takes scattered opinions of B. P Koirala from his

<sup>27</sup> See, Gupta 39 Koirala and his contingent were there to lay the foundation of an underground net-work.

<sup>28</sup> See, Pushpalal, *Itihas* 60 Pushpalal argues that after the establishment of the Republic of China on the 6th of October 1949, Indian Government felt that the continuity of the conservative Rana rule of Mohan Shamsher in Nepal would push the masses towards the Communists’ fold. So it felt the need for a progressive democratic

biography then they implicitly tend to support Pushpalal's observations for at one point Koirala says, "Immediately after the merger Subarna Shamsher broached the idea of an armed struggle against the Ranas" (Sharma, G. 112). Next he says, "They [Subarna Shamsher and his men] were in contact with the King, and it appeared that India also supported them" (113). And a little later he notes, "Nehru told me that India was interested in Nepalese politics, because of the entry of the Chinese in Tibet" (138). The fact that India was concerned about the possibility of Chinese incursion in Nepal, the growth of forces against freedom within Nepal, and that she favoured the advent of democracy there is supported by Nehru's 17 March 1950 statements to Indian Parliament where he is said to have stated:

Freedom interests us in the abstract as well as in the guise of a practical and, in the context of Asia, a necessary step. If it does not come, forces that will ultimately disrupt freedom itself will be created and discouraged. We have accordingly advised the Government of Nepal, in all earnestness, to bring themselves into line with democratic forces that are stirring in the world today. Not to do so is not only wrong but also unwise from the point of view of what is happening in the world today (Gupta 41).

But, whether Indian concern regarding the growth of forces against democracy included the growth of communism there is not supported by the statements. Then the question is why was Pushpalal making such statements? This can be explained only speculatively: Pushpalal in his visits to India might have come across writings of Soviet Indologists like E. Zhukov who by July 1947 had begun characterising the leadership of Indian National Congress as representative of the Indian big bourgeoisie and Nehru as a "rich man" (Windmiller and Overstreet 254). Or, more precisely he was perhaps influenced by Yugoslav Communist line.<sup>29</sup> From then on what Pushpalal

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government to check the tide of communism. Hence, the merger was instigated by the then Indian Government as a prelude towards its goal for a democratic government.

<sup>29</sup> For the influence of Yugoslav Communists in the strategy and tactics of Indian Communists in 1948, see Windmiller, et al. 270–75. According to the authors the influence led Ranadive, the CPI leader, in 1948 to observe that "the Indian

needed was just a stretch of his imagination to see Nehru as an opponent of communism. But, if one takes the merger in its face value, and if India was at all involved in the process then it appears that Indian tactics then was to control the political actors of Nepal by reducing them to two: the King and the Nepali Congress.

After its formation, Nepali Congress immediately set out to plan its struggle against the Rana regime. The plan consisted of the use of both violent and nonviolent methods of struggle. It was to begin with “the consented abduction of the King to Palpa”, a western Nepalese town, where they visualised “to form a new Government and to try for its recognition by India and other countries of the world” to internationalise the event (Sharma, G. 113). Obviously, the plan reflected that they had the consent of the King, a fact which finds its support in Joshi and Rose’s statements where they note, “There is little doubt that the plans of the Nepali Congress had the blessing of the King ...” (Joshi, et al. 72). After that, in September the Congress took its decision to launch its plan of struggle in its Bairganiya conference (Gupta 43). However, when the Congress wished to put its plan into action was not clear. As such, in November, the Party was just swayed by the turn of events. They were faced with utter confusion<sup>30</sup> when in the morning of 6 November 1950, on the pretext of a hunting trip, King Tribhuwan with his two sons took refuge in Indian embassy leaving behind his four-year-old grandson Prince Gyanendra (son of Mahendra). According to Joshi and Rose, he was probably left behind to “avoid suspicion” and for protecting the “royal line in the event of mishap to others” (73).

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bourgeoisie [which included Nehru] was lining up with the Anglo-American imperialist camp, which was in ‘irreconcilable conflict’ with the democratic camp led by the Soviet Union” (272).

<sup>30</sup> See, Sharma, G. 116–17 The leadership did not know the steps to be taken after King Tribhuwan’s refuge in the Indian Embassy.

On the 7<sup>th</sup> of November, the Rana response to the event was to call an emergent meeting of the Rana dominated Parliament.<sup>31</sup> The meeting took two mutually exclusive decisions (a) to persuade the King to return (b) to install Prince Gyanendra on the throne, if the King refused to return. In line with the first decision, the Ranas transmitted their request to the King through Indian Ambassador, but the King refused to oblige. So, the next decision was implemented. Prince Gyanendra Bikram Shah was crowned “at 2:45 P.M. of the same day” (Joshi, et al. 73).

Events moved fast, on the 10<sup>th</sup> of November 1950, the royal family was flown to Delhi. This assured the royal family’s safety to the Congress, which “had planned the revolt in the name of the King” (Sharma, G. 117). Freed from its preoccupation of the royalties’ safety, the Congress pressed forward with its planned revolt. On the night of November 11, the *Mukti Sena* captured Government offices in Birganj and within a week the revolt spread in the Eastern and Western part of the kingdom (Gupta 44). Describing further the trend of the revolt Gupta writes, “Meanwhile the rebellion spread from village to village in the form of loot, arson, and stray murder of Zamindars and money lenders. By January 1951 the rebel forces captured Dang, Deokhuri, Kailali, Kanchanpur and Palpa in the Western Terai...” (44). Why did the movement take such a trend? This is perhaps explained by Pushpalal’s account, which indicates that it was the Communists and the radical wing of the Congress’s making. They took on Dr. Lohia’s advice to the Congress’s leadership for he says, “Lohia had advised ... B. P Koirala to distribute the lands of the landlords to the peasants in the course of the armed struggle ... [and] to prepare the ground for the election of the constituent assembly”. But, then he rues, “The advice of Dr. Lohia went against the compromising policy of the leadership of the Nepali Congress. Hence, it was rejected. But, the Communists ... came out in support of Dr. Lohia’s advice” (Mohan Dhvaj

<sup>31</sup> See, Joshi, et al. 71; Gupta 42 Alarmed by the developments of September, Mohan Shamsheer established a Parliament in line with the 1948 Constitution. But, it was fully staffed with his men, hence both authors point out that the exercise was a mockery in the name of the 1948 Constitution.

Gurung 10). Then commenting on the role of the Communists and of the radical wing of the Congress in the revolt he says:

In a statement, Pushpalal, General Secretary of the CPN supported the armed struggle of the Nepalese people and called upon the people, particularly the peasants to arm themselves to confiscate the lands of the landlords and distribute them among the peasantry. He also appealed for strengthening the People's revolutionary army. All over the country, the peasants, the radical wings of the Nepali Congress and the Communists made common cause to distribute the lands to the peasants and punish the landlords and culprits through People's Courts. The landlords had no alternative but to run away from their areas where they had been ruling over the people for decades (10).

Meanwhile, Indian Government made its intent clear. On 6 December 1950 Nehru, the Prime Minister of India told the Indian Parliament that Government of India would continue recognizing Tribhuwan as the head of the Nepalese State. In the same context, he is said to have stated,

We have tried ... to advise Nepal to act in a manner so as to prevent any major upheaval. We have tried to find a way.., which will ensure the progress of Nepal and the introduction of or some advance in the ways of democracy in Nepal. We have reached for a way which would at the same time, avoid the total uprooting of the ancient order (Gupta 46).

When India maintained its stand for change, the Ranas began negotiating with Indian Government. According to Joshi and Rose, they sent two Rana representatives to Delhi. Their visit ended in talks with Indian officials where Nepali Congress and King Tribhuwan were ignored (76). Then on 8 December 1950, in line with Nehru's December statement to the Indian Parliament, Government of India submitted a memorandum to the Government of Nepal. The memorandum sought to effect constitutional reforms in Nepal. However, the Ranas paid no heed to the suggestions because they did not approve of one of India's proposals: restoration of Tribhuwan to the throne. In the meantime, 40 "C" class Ranas resigned from high offices. Their resignations were "...in protest against the oppressive policies of the A branch of the family and in support of the restoration of King Tribhuwan to the throne" (Joshi, et al. 76). It proved to be the breaking point: the Ranas agreed to accept Government of India's proposal. They agreed to recognize King Tribhuwan the King of Nepal; to form an Interim Cabinet of 14 members half of whom would be popular

representatives, to hold elections to the Constituent Assembly by 1952, and to give legal sanctions to political parties functioning within or outside Nepal. But, the Congress did not accept the settlement on grounds that it was not a participant in the negotiations, and because the outcome fell short of their goal to destroy feudalism and to transfer power to the people (Joshi, et al. 78). To assuage them, which was necessary because without their consent it was not possible to implement the terms of the settlement, a third round of talk was arranged on the first week of February, 1951. It was said to be a tripartite talk between the King, the Ranas and the Congress. Then on the 12<sup>th</sup> of February, with minor changes, a settlement, popularly known as the “Delhi Accord<sup>32</sup> was finally reached” (Gupta 49). The number of members in the Interim Cabinet was brought down to 10: a decision which was taken in a hurry considering the violent situation of western Nepal (Gupta 49; Singh, S. B. 190). On 18, a royal proclamation installed a new Government. However, even a week after the formation of the new Government the Terai area was disturbed and so was western Nepal, where rebel unit, under K. I Singh still continued their struggle. So, Gupta writes, “In order to curb his activities and bring under control the panic on the Indo-Nepal border, a combined military operation of Indian armed constabulary and Nepal State troops was carried out in the area” (54). K. I Singh was caught and jailed in Bhairawa. From there he escaped on 11 July 1951 only to be rearrested on the 10<sup>th</sup> of August.<sup>33</sup> Thereafter, he was lodged in Singha Durbar, Kathmandu as a State prisoner (Gupta 54). However, Pushpalal’s account of the situation is crafted in such a manner that it implies that the continuing disturbances in the kingdom were owing to the rebels’ rejection of the Accord and of Indian interference for he says:

<sup>32</sup> See, Sharma, G. 146 B.P Koirala states, “...the so called Delhi Accord is a figment of imagination... it was not a tripartite talk in the usual sense of the term because the entire talk was carried on through Jawaharlal Nehru, the parties never sat together, Nehru spoke to each one of us and arrived at a settlement [moreover there] was no written agreement, everything was orally decided.

<sup>33</sup> See, Joshi, et al. 130 he was rearrested with the help of Indian Army.

Some units of the liberation Army refused to lay down arms, Ram Prasad Rai in the East, Ek Dev Ale in the middle, K I Singh in the mid-Tarai region (sic), Chitra Bahadur Gurung in the far west were leaders of these units. They continued the struggle. The appeal made by the Nepali Congress leadership and the King went unheeded. The Nepali Army and the police were incapable of disarming the rebels. In violation of the international border, the Indian Army shamelessly marched inside Nepalese territory and with their superior force cordoned off the Nepalese rebels and started disarming them. Under various pretexts and covers, the Indian army units were stationed inside the country or just near the border.

The CPN strongly opposed the hated Delhi compromise and condemned the Indian intervention and appealed to the people to fight for their rights. All the national minded and radical Democrats rallied around the CPN banner. The CPN took a lead of the people's struggle for defence of national sovereignty and the extension of democratic rights and freedom (Mohan Dhvaj Gurung 11).

Besides, he viewed the Accord as a “compromise” (Mohan Dhvaj Gurung 8); a ‘deal’ struck among the involved parties, who were alarmed at the changing complexion of the movement for he says, “Alarmed at the rising tide of the anti-feudal movement, the ruling Ranas, the King and his family and the leaders of the NC made a hated deal at Delhi under the mediation of the Indian leaders. The deal is known in Nepal as the Delhi Compromise. It made the safe return of the King Tribhuwan possible” (10–1). As for its effects, Koirala observed that it provided Nehru an opportunity to increase Indian influence in Nepal, “when China had captured Tibet” (Sharma, G. 138). And though in the assessments of later document of the NCP the effects of the Accord or ‘compromise’ towed somewhat the line of B. P Koirala, yet they had something more to say. The assessments viewed the Accord as an instrument in Indian hand to extend her control and to serve her interests in Nepal using the Congress. These interests were: 1) to protect the interest of Indian monopoly capitalists; 2) to support anti-Chinese campaign in collusion with the Anglo-American imperialists to isolate Nepal from the socialist Camp, and 3) to check the progress of democracy in Nepal. For the NCP the Accord was a compromise against Nepalese nationalism, independence and democracy for it stated:

The compromise placed the representatives of the capitalist class, the Nepali Congress in a rewarding position. This changed the political environment of Nepal. In this changed environment ... The Indian Government could protect its monopoly capitalists; attract anti-Communist forces towards it using anti-Chinese slogans, and keep

Nepal under its political, economic and military influence. To support them are in the Anglo-American imperialists. By the compromise these three forces ... Have tried to keep Nepal away from the socialist camp; to contain the growth of its democracy, and to stymie People's movement in Nepal. Thus, through the Delhi compromise they have countered Nepalese nationalism, independence and democracy (NCP, Hamro Mul Bato 27–8).

Why was NCP calling the Accord a compromise against Nepali nationalism, independence and democracy? In doing so it was influenced by the experiences of the Communists in the 1950 revolt. According to Pushpalal, the Communists participated in the revolt to convert it into a long drawn armed peasant anti-feudal and anti-imperialist movement (See p. 270). So when the armed movement began the ruling Ranas, the King and the Nepali Congress viewed their activities as sign of rising tide of anti-feudal movement in Nepal. Therefore, “the feudal forces, organised under the King, decided to end the revolt in a compromise ... Hence Nepali Congress leaders, King Tribhuvan and Rana rulers entered into an agreement to stall the movement” (Pushpalal, Itihas 63). And since India was interested in checking the growth of communism in Nepal (See footnote 28) Indian Government, he says, in the course of the movement collaborated with Nepali Congress and jailed them and later “managed the Accord”. Then he says, “After the Accord the Communists raised their voices against it, but Indian police and army, suppressed their voices” (Pushpalal, Itihas 63). These incidents, according to Pushpalal, changed the perceptions of political activists in Nepal. It changed their views regarding the class character of the King and how they viewed the policies of Indian leaders towards Nepal. Besides, it revealed to Nepalese revolutionaries and Communists, in particular, that in the politics of Nepal the issues of Nepalese nationalism and democracy are closely linked for he stated:

The hated Delhi Accord introduced to the political activists of the nation the policy of compromise of the Nepali Congress leaders and the class character of the King. Besides, it also revealed that ... The policies of Indian leaders towards Nepal were in no way different from those of the imperialist Britain and were also in the interest of Indian bourgeoisie. If yesterday, the Nepalese revolutionaries considered Indian leaders as their own, today it dawned on them that for the liberation of Nepal they should depend only upon their own strength and a struggle ... From then onwards, there developed in Nepal the consciousness that the issues of Nepalese nationalism and democracy

are closely linked. In developing it, in the forefront, was the Communist Party of Nepal (Pushpalal, Itihas 64).

However, these perceptions remain as perceptions unless a few questions are answered. These are: how did the incident bring to the perceptions of Nepal Communists the changed class character of the King? Why did Pushpalal say the event changed Communist's perception regarding the nature of Indian leaders? And how did they conceive of democracy and nationalism and the link between the two? If one goes through the content of their manifesto then it is clear that they had already conceived the Ranas as forces linked with Nehru and the Anglo-American imperialists (See p.266). Thus, when Pushpalal commented on the changed class character of the King it implied that in the beginning of the movement when the King was aligned with Nepali Congress which professed a complete overhaul of the system then the Communists had not viewed him as feudal force like Ranas. But, after the Accord they began viewing him in the same light i.e., as a feudal aligned to external exploiters. As regards his comment on changes in the Communist's perceptions towards Indian leaders it was not a change but a reinforcement of their views where they had seen an intimate relation between Nehru, the big bourgeoisie of India and the Anglo-American imperialists. In this relation the Anglo-American imperialists' design was to ward off capitalist crisis in their system by countering democratic and anti-colonial movements raging in different parts of the world while inciting Third World War against the Soviet Union and freedom loving socialist countries (See, p.264). Nehru and the Ranas supported them. Both helped them by keeping the recruitments centres open. Besides, Nehru's interest lay in exploiting Nepal both in his capacity as a leader of Indian bourgeoisie and of the Indian Government. In sum, their arguments created a political configuration where the feudal forces of Nepal were aligned with Nehru and with the Anglo-American imperialists. In this relation the feudal forces of Nepal received support from the external forces for their existence. In extending such support Nehru's intent was to exploit the Nepalese resources. And the aims of the imperialist were: a) to check the growth of democratic movement in Nepal; b) to

incite war against freedom loving socialist countries, and c) to recruit youths for their Army. So, Nehru's interest in checking the democratic movement in Nepal, by implication, was guided by two considerations: 1) to ensure the continuity of Indian exploitation by keeping intact the feudal allies, and 2) to serve the imperialists who were also interested in checking the rise of democratic movement in Nepal, which perhaps included their concern stemming from the rise of Communist China. Thus, after the Delhi Accord the Communists began perceiving Indian leaders not only as exploiters, but also as enemies in their struggle against democracy: their changed view regarding the nature of Indian policies towards Nepal. However, documents pertaining to the period do not bring out the meaning which they attached with concepts like democracy and nationalism. But, these ideas, as shall be seen later, inform Communist movement of Nepal throughout, therefore, they are of significance.

#### 1.5. Rana-Congress Ministry: Its Fall in November 1951

To give effect to the Accord, King Tribhuvan issued a proclamation on the 18<sup>th</sup> of February 1951. The proclamation announced a temporary political structure, which was to be replaced by another structure created according to provisions of a future Constitution framed by elected representatives of the people. However, even the temporary structure contained an ominous trend: in it political power tilted in favour of the King. The King was the real administrator, who administered the kingdom with the aid and advice of a Council of Ministers. These ministers, who were supposed to represent the people, were responsible for their actions to the King and they enjoyed their office during his pleasure (Gupta 51–2). In line with the proclamation the King constituted a Council of Ministers on 18 February 1951. It consisted of 5 Ranas and 5 Nepali Congress representatives, and was headed by Prime Minister Mohan Shamsher. From its inception, the Ministry suffered from an inherent defect: its members represented contradictory values. The Ranas were conservative but the Congress, progressive. Lack of trust among the members was, therefore, its hallmark. So, even on minor issues they clashed (Joshi, et al. 86–7; Gupta 53; Shaha 254). Taking advantage of this situation, Gupta writes:

... the King sought to strengthen his position by gaining access to the traditional instruments of power in the form of army ... At a meeting of army officers ... in March 1951, the King assured the army personnel that their rights and welfare would 'occupy the first place in his mind'... (53).

On 30 March 1951, the Council of Ministers adopted the Interim Government of Nepal Act, 2007. This was the Interim Constitution of Nepal, which lasted until 1959. Its provisions continued the trend visible in the temporary political structure created after the 18 February proclamation. It slashed Prime Minister office's powers, which in past was the preserve of the Ranas. Transferring them to the King, it turned him into the fountainhead of authority. It made him the Supreme Command of the Defence Forces of Nepal. All executive powers were vested in him (Article 21). He could call the Prime Minister for information on any matter decided upon by a minister (Article 25). He could pass ordinances on the advice of the Council of Ministers (Article 29: 1). He appointed the Chief Justice and other judges of the High Court—highest court of the kingdom— which the Constitution sought to establish (Article 30:1) (Agarwal, Constitutional Change 25). But, the provisions contained in Article 21 and 29:1, which sought to project a façade of constitutional monarchy, was diluted by the provision of Article 24 which made the Council of Ministers collectively responsible to the King. And Article 29: 2 (a) which tried to limit his ordinance making power by declaring that it would “expire after three months of the meeting of [a] validly constituted legislative body in accordance with the provisions of the constitution to be framed”, gave him all the reasons to defer the drafting of a Constitution (Agarwal, Constitutional Change 25). And by remaining silent on the method to be followed in creating the Council of Ministers,<sup>34</sup>the Constitution gave him all space to function according to his whims. However, it had some progressive features as well. It directed the State to function as an instrument of welfare and development; gave fundamental

<sup>34</sup> In practice it appeared that the King was expected to consider the strength of the competing parties in the formation of the Council of Minister, but in the absence of a Legislative body such vague understanding introduced a situation of confusion.

rights to the people (24), provided provisions for the creation of a Public Service Commission and an Election Commission to conduct election for a Constituent Assembly (26).

The transfer of power, which the Constitution achieved, seems to have touched the Ranas to the quick for immediately after the promulgation of the Constitution Shaha makes note of the rise of Gorkha Dal. He points out that it was a Party “started by one of the grand sons [Bharat Shamsher] of the Defence Minister, Babar Shamsher ... with tacit ... support of the Rana side ... in the Government” (254). It intended to overthrow the Interim Government by means of a sudden coup which included a preplan to incite the Army. On the 11<sup>th</sup> of April, informed of the Dal’s plans to incite the troops against the Government, Koirala, the then Home Minister, ordered the arrest of Bharat Shamsher along with other leaders of the Dal. Bharat Shamsher surrendered only to be jailed on April 12, 1951. Next day, a huge mob attacked the jail and freed Shamsher. Then they attacked Koirala’s residence, but were subdued by him when he shot dead one and wounded two of the demonstrators. Immediately after this incident, the King as per Article 21: b of the Interim Constitution, assumed the powers of the Supreme Commander of the armed forces and took charge of the armoury (Joshi, et al. 88; Gupta 62) and banned Gorkha Dal. Besides, the event allowed Nepali Congress the pretext to maintain its *Mukti Sena* “as an auxiliary police force under the name of the Rakshya Dal” (Joshi, et al. 88; Shaha 257). From May 2 the Cabinet was faced with a “deadlock” (Joshi, et al. 88). Nepali Congress, blaming Ranas’ complicity in the event asked for “removal of Mohan Shamsher ... and ... the formation of a homogeneous cabinet” (Gupta 61). In turn, the Ranas asked the matter to be referred to India, the original mediator and creator of the Interim Government (Gupta 62). The Ranas suggestion prevailed: talks began in second week of May in Delhi. The participants agreed to follow Indian advice which favoured “the coalition [to] continue in office with only minor changes in personnel and [the creation of an] Advisory Assembly ... to function as a ‘little parliament’, [to give] the Government a more representative character” (Joshi, et al. 89). In June 10, the King formed a new

Cabinet replacing Babar Shamsheer by Singha Shamsheer and a few others, but Mohan Shamsheer still occupied the post of the Prime Minister. However, the involvement of India in Nepalese affair had its toll: even Congress rank and file began protesting against Indian involvement interpreting them as over interference in the internal affairs of Nepal (Joshi, et al. 131; Gupta 63). And commenting on the nature of oppositional politics then Joshi and Rose point out that after the ban on the Gorkha Dal three political groups namely the Nepali National Congress [Regmi group], the Praja Parishad and the Communist Party, which were left in the field, began targeting B. P Koirala for introducing Indian influence in Nepal (130). In the midst of such environment when Nehru visited Nepal in 15 through 17 June 1951, Pushpalal writes, “We greeted him with black flags, because after the Delhi Accord ... it was clear that the policies of Indian leaders were only in the interests of the Indian capitalists and were in no way different from those of the British imperialists” (Pushpalal, *Itihas* 63–4). However, Joshi and Rose observe that it was a demonstration jointly carried out by the “Praja Parishad and the Communist Party” (Joshi, et al. 131). Then in July, in line with its tactics, the NCP in league with the Praja Parishad formed Jatiya Janatantrik Samyukta Morcha (See p.271) with Tanka Prasad Acharya as its President. Being critical of the then Government, it perceived Nepali Congress in league with outside forces in their bid to exploit Nepal for its manifesto read:

Today the condition of Nepal is critical, on the one hand the country is being exploited more intensely by the Anglo-American Imperialists and the Indian capitalists and on the other hand the reactionary Nepali Congress is hand in glove with the feudal forces of the nation to exploit all the classes of the country. These internal and external reactionary forces are responsible for robbing the country of its peace and progress (Jatiya Janatantrik Samyuktamorcha 61).

And in their usual tone the manifesto explained Anglo-American Imperialists’ interference in Nepal as design aimed at creating a military post against China in the event of a Third World War; an example of NCP’s often repeated campaign against imperialism which paired it with war. As for India the Front had a ready post: she was the exploiter of natural resources of Nepal for it stated:

The Anglo-American Imperialist forces are interested in converting Nepal into a military post against China in case of the Third World War, and they also intend to carry on the recruitment of the youths of Nepal to use them to suppress the independence struggle of the Asian countries. The Indian capitalists are not satisfied even after capturing 75% of the businesses of Nepal by opening mills in Biratnagar. They want to exploit all the natural resources, mines, and jungles of Nepal. Further, by their interference they intend to put a wedge in between the increasing democratic alliance among the people of Nepal, India and China (Jatiya Jananatrik Samyuktamorcha 63–4).

In similar tone, the document of the Party's First Conference (See p. 273) judged the Interim Government incapable of ensuring economic freedom of Nepal for it stated, "In spite of developing our national industries, the present Government is handing over our industries to the imperialists [Anglo-American]... and the remaining factories to the Indian bourgeoisie...." (NCP, "Naya Janabadko Nimti ... Bato" 4–5).

Amplifying the same theme it observed:

A Government which cannot work for the benefit of the workers-peasants; a Government which hands over the national industries to the imperialists, such Government cannot work for the welfare of the people. The country cannot industrialise until it is under the control of the capitalists and the imperialists. Feudalism must end; peasants should be the owner of the land, then production will increase and industries will grow ... But in the hand of the Tribhuvan-Rana-Koirala interim Government the present and the future is dark (6).

Should one strip the statements of their ideological trappings, then only one thing remains: the quest for economic freedom and for ways and means to develop the kingdom's economy. In fact, this quest, as will be seen later, finds its expression in many of the future documents of the Party and in the documents of the many factions which emerged out of the movement in the post-1960 political environment of the kingdom making it one of the undercurrents of the Communist movement of Nepal. This raises a question: what is important in the Communist movement of Nepal? Is it commitment to the ideology or the economic freedom of the kingdom? Besides, during this period, the Party leadership was plagued with tactical confusions (See p. 276). As such, it was simply engaged in venting out its opposition against the feudal forces and the imperialists whom it classified as exploiters of the kingdom. It was perhaps this which precluded it from playing an effective role in the politics of Nepal: it functioned only as an opposition.

On 2nd October, King Tribhuvan announced the formation of a 35 member Advisory Assembly or the Little Parliament. Since it included only Nepali Congress nominees and independents and was created without consulting the Cabinet, Mohan Shamsher publicly aired his disapproval of the exercise. Shaha observes the Nepali Congress interpreted Shamsher's view "as a challenge to the King's constitutional rights" (262). On this pretext they demanded his resignation. Amid these political turmoil, on 6 November, one of the constituents of the Jatiya Janatantrik Morcha, the Aakhil Nepal Vidyarthi Federation, organized a protest procession against Public Security Act<sup>35</sup>. To disperse the protestors "the Raksha Dal indiscriminately fired upon them killing 3 students" (K. C, Nepal Communist 93). Though B.P Koirala, the then Home Minister pleaded "his innocence and non-involvement in the firing incident", yet the Cabinet of 9 October found him culpable (Sharma, G. 177). On the 10<sup>th</sup> he resigned expressing lack of homogeneous Cabinet as the cause behind his inability to control the kingdom's legal problems. By 12 November, 1951 the Government collapsed.

#### 1.6. Matrika Government: Imposition of Ban on the NCP

In the formation of the new Government there were many influences at work. According to Shaha, "the Praja Parishad ... the Nepali Congress ... and the so called independents of Kathmandu ... were against the Congress being given the sole charge of the Government [because of] the Congress' nine month record of arbitrary administration" (263). "The British choice was for a broad based Cabinet", and the Indian preferred a Congress led Government (Shaha 264). As regards the choice for a leader, B.P Koirala states, that "he had fallen from the grace of both the King and the Indian Government that is, Nehru. The former disliked him; because of the wrong feedback given him by the Indian ambassador, and the latter, because of his support to Indian Socialists in the Indian General Election" (Sharma, G. 37-8). As a result, the

<sup>35</sup> See, footnote 13 Chapter III for an understanding about the nature of the Act.

Party Working Committee accepted M.P Koirala, B.P Koirala's elder half-brother as the new Prime Minister. So, on 16 November 1951, M. P Koirala took charge of the Government. It consisted of 8 Nepali Congress members and 6 independents, increasing the original number of 10 members assigned to the Council of Minister. In it the independents acted as "King's men in the cabinet" (Shaha 267).

From the beginning, the new Ministry faced a hurdle: the difference of opinion between M.P Koirala and the Party (Joshi, et al. 96; Gupta 67). According to Shaha, M.P Koirala thought that the function of the "... interim Government was just to carry on the day to day administration of the country smoothly ... [until the creation of] a Constituent Assembly ... [but the Party wanted] ... the immediate implementation of [its] economic and social welfare programmes" (267–8). This intra-Party conflict effected efficient administration of the kingdom. Hence, Gupta says that "Law and order in many districts sank to a state of complete anarchy" (68). In the meantime, Rakshadal members, created by the Nepali Congress, were in search for a strong leader who could ensure regularisation of their services. Their choice ended in Dr. K. I. Singh, who was then interned in Singha Darbar Complex. So, on the night of 20 January 1952 they stormed the complex; freed K. I. Singh, and next day captured important Government offices including the airport (Gupta 68–9). But, according to Pushpalal, their revolt was an expression of dissatisfaction of Mukti Sena turned Rakshadal members towards the misrule of Government established after 1951" (Pushpalal, *Itihas* 81). Whatever their motives were, on being "contacted", Gupta says, Singh "made six demands" of which one was for the formation of an all-Party Government (69). But next day, the Nepalese Army freed most of the establishments. Faced with the possibility of imminent capture, Dr. K.I Singh wriggled out of the scene with a band of trusted followers towards Tibet. From Tibet, Sanwal says, "[he] ... organized dispatch of Chinese Communist literature to Nepal. He left Nepali Congress and became an outstation member of [Jatiya Janatantrik Morcha] the Left United Front" (167). However, on the pretext of the incident, the Government banned Nepal Communist Party. Gupta, does not see links between K. I Singh's activities and

the NCP, but Shaha says the ban was in response to “their quick effort to exploit the mutiny by claiming that they had organized it” (Gupta 70; Shaha 275). The ban came in force on the 24<sup>th</sup> of January 1952. Besides, there was another fall out: Delhi Government sent an Indian Military Training Mission to Nepal on 27 February 1952 without any agreement. It stayed there for six years exceeding the one year time for which it was sent (Shaha 276).

From February onward, the differences between Prime Minister M.P Koirala and Nepali Congress turned into differences between Prime Minister and B.P Koirala, where the latter acted as the voice of the Party. The two indulged in recrimination and counter recrimination. Meanwhile, from May 16 to June 6, 1952, Communists’ Employee Front—the Nyuna Vaitanik Karmachari Sangha organised a successful movement. The Government responded to the demands of the strikers by raising their pay. However, two months later M.P Koirala was forced to resign owing to the continuous intra-Party conflict: The Party wanted him to reduce the Cabinet’s independents, the King’s men and include Ganesh Man Singh and two others hard core members of the Congress, but he did not want to abide by the Party’s decision which he interpreted as interference in the prerogative of the Prime Minister to choose his men. When the matter could not be sorted out he resigned. King accepted Matrika’s resignation on 10 August 1952 (Shaha 270–1). A Government headed by a commoner collapsed. Analysing the political trend of the period, Pushpalal points out that it was mainly focused on stalling the formation of a Constituent Assembly. And the parties representing the trend were the undemocratic elements; the King and the Indian capitalists. Besides, he credits democratic movement led by Ganesh Man, Dilli Raman Regmi and himself for the fall of the Matrika Government for he says:

After 1950–51 revolt the feudal forces converged against the democratic forces with the sole intention of stalling election for the formation of the Constituent Assembly: the call given to Mohan Shamsheer to head the first Government was a case in point (193).

After that the King sowed seeds of differences between democratic parties ... took help from International revisionist forces; especially Indian monopoly capitalists ... [and] pulled towards him pro-Indian elements of the Congress such as Matrika Prasad Koirala. However ... the Matrika Government formed with the consent of Indian

Government and Indian monopoly capitalists ... showed signs of cracks under the pressure of the democratic movement led by Pushpalal, Dilli Raman Regmi of Nepali National Congress and Ganesh Man Singh of Nepali Congress. Their demand was for the creation of a Constituent Assembly (Pushpalal, "Nepali ... Ek Samiksha" 194–5).

However, no document supports Pushpalal's claim that there was a democratic movement led by him, Dilli Raman Regmi and Ganesh Man. Perhaps the movement that he was referring to was the one launched by the Nyuna Vaitanik Karmachari Sangha, but whether the leaders named were in the movement is anybody's guess. So, in the absence of evidence nothing conclusive flows out of his claim. As for his other observations regarding the role of the King and India there is nothing concrete to prove that they were interested in deferring the formation of the Constituent Assembly. These claims can, therefore, qualify nothing more than representative opinions of the Communists.

#### 1.7. King in Politics, Communist Strength in the First Municipal Election

The ban on the Communist lasted until April 1956. During this period the nation underwent major political changes. After the fall of M.P Koirala Government the King became a direct participant in the political process of the kingdom. He established a committee of six Royal Councillors and "decided to act as his own Prime Minister" (Joshi, et al. 103). Since such arrangement was not provided by the Interim Constitution, the King, to legalise his action, promulgated Special Emergency Powers Act on September 9, 1952 (Joshi, et al. 104). Commenting on the nature of the Act Gupta notes:

This act suspended the entire provisions of the Interim Constitution ... It clearly stated that the executive authority was vested in the Monarch, which he could exercise either directly or through officers as appointed by him for that purpose. In place of the constitutional provision that the King should act on the advice of his ministers, it was now simply laid down that he could act in everything on his discretion" (76–7)

And since it made the existence of Little Parliament redundant it was dissolved. When the King announced the names of the six councillors, three represented the army and the rest were either Ranas or non-Rana noble families (Joshi, et al. 105). This

reflected his increasing reliance on the army, but there was nothing to explain his new found dependence on the Ranas.

Under the new set up; King Tribhuvan actively participated in the administration of the country, but after four months his health gave way. So, he began exploring ways to establish another broad based Government. During this period two noticeable developments took place. They were the rising influence of India,<sup>36</sup> and the fragmentation of the political parties. The fragmentation was encouraged by change in the Interim arrangement. Under the Interim arrangement; there was at least an understanding that the King should respect Party strength in making his Prime Ministerial choice, but after the Special Emergency Powers Act there was nothing to bind him. This seems to have given a message to the political actors that for forming a Government what mattered were King's nod<sup>37</sup> and a nomenclature to symbolize their independent existence. So, individuals on the pretext of "ideology", exploited even minor differences within their parent organizations to engineer splits and to enjoy a share in power (Shaha 287). Nepali Congress split into four groups<sup>38</sup> and so did the Jatiya Janatantrik Morcha. After the ban on the Communist, the Front's constituent, Praja Parishad seems to have realised the stigma of ban imposed on its partner a load too heavy to lug. To keep the Front intact then, was to keep itself away from the

<sup>36</sup> See, Shaha 286 In every meeting of the Councillors Indian Advisor, Govind Narayan took part and through him the Indian Ambassador saw to it that his wishes were followed.

<sup>37</sup> See, Joshi, et al. 106 B. P Koirala was critical of King's individual approach in the choice of the candidates which kept aside the candidates position in a Party.

<sup>38</sup> See, Gupta 76 By the end of 1952, Nepali Congress fragmented into four groups. M. P Koirala group, the Nepali Jana Congress of Bhadra Kali Mishra, Congress Socialist group [Leftist Nepali Congress] led by Balchandra Sharma and Kedarnath and Nepali Congress of B. P Koirala. See also Joshi, et al. 107 M. P Koirala group turned into National Democratic Party (Rashtriya Praja Parishad) in April 30, 1953. In June 28, 1953 the Nepali Jana Congress aligned with a group of dissident Nepali Congress and formed All Nepal Jana Congress, and with the passage of time the Leftist Nepali Congress faded into oblivion.

possibility of joining the rat race for power. So in “September 1952”, the Praja Parishad officially withdrew its participation from the Front (Shaha 286).

On 15 June 1953, King Tribhuvan terminated the existence of Councillor’s regime and passed on power to M.P Koirala and his Party, the Rastriya Praja Parishad (See footnote 38). He justified his choice as compulsion foisted upon him by circumstances where mechanism to assess relative strength of contending parties was missing (Joshi, et al. 108). But, Gupta points out to the “intimate contact” that he had with M. P Koirala as the criterion for his choice (79). From its start, the Government was faced with Bhim Datta Pant revolt, which had begun from April at Dhangadi, western Nepal. From June, it gathered momentum when peasants organised under Bhim Datta looted rich landlords and Government establishments, the protectors of the rich oppressors, in the region. In the July trip to Delhi, M. P Koirala requested Nehru for Indian support in tackling the revolt: India supplied her “Uttar Pradesh Provincial Armed Constabulary” and Bhim Datta was accidentally killed on 23 August, but the involvement of Indian troops in the event had its fall out (Joshi, et al. 111). Gupta says, “every political party ... condemned the move and the anti-India campaign was intensified” (81). During this period Government sometimes described the rebellion as a form of “pure, unmitigated brigandage” (Joshi, et al. 110). And, at times, “Radio Nepal blamed Communists for it”. However, Man Mohan Adhikari, the then General Secretary of the NCP contradicted the allegation by pointing out that “the Radio news was simply aired to disillusion the Nepalese masses against Communists” (K. C, Nepal Communist 96). Amid these turmoil, M. P Koirala’s plan to convert *Birta* land to *Raikar* and to ensure security to the tillers of land received little attention (Shaha 205).

Besides, the most important event during the period was the holding of the Municipal election in Kathmandu. It was an important event not only because the election was interpreted in many quarters as “a political barometer” (Joshi, et al. 112), but also because it was believed to have brought “into limelight the forces of the banned Communist Party” (K. C, Nepal Communist 97). According to

Government orders, the election was held on 2 September 1953. Out of the 18 wards of the valley 17 went to polls since candidate of ward 5 was elected unopposed. The results were published in 5 September. It recorded no win for the Rastriya Praja Party—the Party in the Government. The Nepal Communist Party won 6 seats; the Nepal Praja Parishad, 6; the Nepali Congress, 3; Gorkha Parishad, 2 and independent 1. Commenting on the outcome of the election both Vim Rawal (37) and Surendra K.C (99) state, that the election reflected the wide spread influence of the Communists in Kathmandu. And commenting on the causes behind the Communists win of 6 seats Surendra K.C writes, “Communist victory in 6 wards was owing to their superior organizational ability, infighting among the Congress, and peoples’ emotional reaction against Government’s decision that had banned the Party” (98). But, considering the intra-Party feud (See p. 278) among the Communists during this phase the role of people’s emotional reaction seems to explain their success. Later, two of the elected representatives from ward no 16 and 17 decided to support the Communist along with the 3 representatives of the Nepali Congress. As such in the Municipal Board, Janakman Shrestha (NCP) was elected the President and Prayagraj Sunwal (Nepali Congress), the Vice-President. However, the Government headed by M.P Koirala tried its level best to cripple the functioning of the Communist dominated Municipal Board. When it failed, it jailed, without any rhyme or reason, both Janakman and Prayagraj bringing an early end to the life of the Municipal Board. The event lost importance when the parties involved did not raise the issue further (K. C, Nepal Communist 100–1). Nonetheless, the success of the Communists in the election was not without political fallout. Their win of 6 seats and the subsequent election of President, Janakman Shrestha in the Municipal Board gave “All the democratic parties ... [the opportunity to point out the] increase in the popularity of the Communists in Kathmandu [and] a pretext ... for applying ... pressure on the King and M.P Koirala to reconstitute the Government ...” (Joshi, et al. 113; Shaha, An Introduction to Nepal 296). According to Gupta, they even claimed that it was “a vote of no-confidence in the Government” (81). Meanwhile, B. P Koirala was arrested “on

charges of having fomented disaffection among Government civil servants” (Joshi, et al. 152) and was served with an “internment order” on 21 September (Gupta 81). The very day, without responding to pressures for the release of Koirala the King left for Europe. He returned home in January 1954 and in February there was again a new Proclamation and the formation of a new Government.

#### 1.8. More Power to the King and Second M. P Koirala Government

B.P Koirala’s internment and events following it affected profoundly the power position of the Nepalese Judiciary and the Executive. In November 1953, B.P Koirala’s appeal against the internment order came up for hearing in the Nepalese High Court/Supreme Court. “After initial differences among the judges, the *Pradhan Nyayalaya* (the High Court) held that the order was ultra-virus under Article 18” of the Interim Constitution.<sup>39</sup> Accordingly, it ordered “the release of B.P Koirala” (Gupta 83). Though this Act of the High Court/Supreme Court was in conformity with the powers given it by the 1951 Interim Constitution, yet the exercise of its powers posited the Court against the executive powers of the King. The reason being, the same Constitution: it had made the “King’s decisions and actions ... above law” (Gupta 83). The decision of the High Court exposed the King to a new challenge: he could either accept the decision as judicial precedence, or, dismiss the judgment making Judiciary subservient to the Executive. The King chose the latter course. In January 1954, he issued a Proclamation which gave him supreme rights over legislative field; transferred all powers not given to the High Court/Supreme Court to him, and made all powers exercised by his Ministers in accordance with rules enforced by him immune to questioning (Joshi, et al. 153). So, by this act he turned himself into supreme legislative, executive and judicial authority of the kingdom. This was followed in February by the passing of Interim Government of Nepal Act 1954 which reinforced the content of the January Proclamation.

<sup>39</sup> See, Joshi, et al. 153 the Article forbade deprivation of personal liberty except according to established procedure of law.

Together with the proclamation the King also announced the formation of a new Government. The new Government was composed of a coalition of four parties under Prime Minister M. P Koirala. Its team of seven members consisted of two drawn from Rastriya Praja Party (M.P Koirala), one each from Nepali National Congress (Regmi), the Praja Parishad, the All Jana Congress (Bhadrakali Mishra) and two independents. Nepali Congress ridiculed the National character of the Cabinet and the 20<sup>th</sup> February resolution of the Politburo of the NCP declared: “it is clear that this Cabinet will only pave the path for the military dictatorship of the King and it will meet the demands of the people with brutal repression” (Gupta 86). Naturally, such a Cabinet representing a variety of political interests was doomed to function inefficiently: from the very beginning its members began quarrelling. The same situation prevailed in the expanded Advisory Assembly. Created after April 13, the body consisted of 113 members arbitrarily chosen by the King (Joshi, et al. 116–17). However, the Nepali Congress declined “to participate in [it] on the grounds that it was under represented, while the National Democratic Party over represented” (Joshi, et al. 117).

When it began functioning from 25 May, it offered to the parties a playground vaster than the Cabinet to denigrate each other. It turned into a forum, where, in “the fast growing power of the King”, “the rightists ... [saw India’s encroachment] ... on their country’s freedom, the Leftist group, [on the other hand] suspected, that India was behind the royalist scheme of throttling the gains of revolution” (Gupta 87). Thus, they opposed every political parley where they felt the involvement of India. The 26 April 1954 eighteen point agreement between India and Nepal on the Kosi River Project was “criticized [and opposed as] a surrender of [Nepalese] territorial rights to India” (Shaha 305). On September 25, King Tribhuvan left for Europe for medical treatment. Before leaving, he formed a Regency Council under the chairmanship of Crown Prince Mahendra. When 1955 came the Nepali Congress dissatisfaction against its non-inclusion in the so called National Cabinet took the form of a *Satyagraha* movement. The movement was led as a stir for

safeguarding the interest of democracy, and it aimed at securing a six-point demands. Of these, the most important ones were those which demanded “protection of civil rights and independence of judiciary; abolition of the farcical Advisory Assembly and the holding of early general elections and the protection of national independence and preservation of the prestige of the nation” (Shaha 316–17).

Though the pro-Communist *Jana Adhikar Suraksha Samity* alleged that the Nepali Congress movement was motivated simply by a desire “to strengthen its bargaining position with M.P Koirala ... [yet it took active part in the movement, when it was launched] ... from 10 January 1955” (Shaha 317). However, the movement was short lived, because the Crown Prince readily accepted the demands of the agitators and promised them the implementation of their demands. On such assurance, B.P Koirala, the President of the NC called off the movement, but the Communists, Shaha says, pointed out that by calling off the movement “the Congress had (again) betrayed the peoples’ movement” (317). So, they thought of continuing the movement only to invite the arrest of 26 persons on 17 January. With the arrest, the sequel of events came to an end. In February 1955, King Tribhuvan delegated full power to Crown Prince Mahendra. Using the position the Prince assumed personal charges over all the major departments like Anti-Corruption Department, Public Service Commission, Central Intelligence Bureau, and the Civil Servants’ Registration Office. The Government mutely watched the Prince’s activities and M.P Koirala resigned on the 2<sup>nd</sup> of March 1955 when he progressively failed to leash the activities of his Cabinet colleagues (Shaha 317–18). With it, the second M.P Koirala led Government came to an end. And on the 13<sup>th</sup> of March 1955 the death of King Tribhuvan in Zürich signalled the end of the Tribhuvan era: an era which, according to Communists was characterised by royal machination to concentrate power in the King. A representative view of this perception is contained in one of the Party documents written by Tulsilal Amatya, the third general Secretary of the NCP. In sum he argues:

In Nepal power flows from the Army and the armoury. After the 1950–51 revolt power was transferred from the Ranas to the Shah kings. Thereafter, King Tribhuvan slowly transferred the Army and armoury under him: in March 1951, he made himself the supreme commander of the armed forces and restored all arms in the Narayan Hiti palace under his control. When army and the armoury were not under his control, then he was ready even for a Republican State, but after assuming control over them, he amended the Interim Constitution and robbed it off of its spirit. By 1955, he established himself as an all powerful monarch. So, even if a Constituent Assembly is formed and the constitution is framed, they will be of no use because with power of the army behind, the King can destroy the Assembly at the wink of his eyes (Amatya 17–24).

However, Shaha blamed India for such situation. He contended that a more decisive India could have saved the country from lapsing into “royal absolutism” (319).

#### 1.9. Mahendra in Power: Announcement of General Election

The coming of the King Mahendra to power did not change the tenor of political process in Nepal, rather his avowed dislike towards democracy, added an element of insecurity among the leaders of political parties. The leaders perceived in his dislike a dash of enmity towards democracy. B. P. Koirala called him an “out and out enemy of democracy” (196). Their worst fears came true on April 14 when King Mahendra announced the formation of a Council of Royal Advisers which consisted of five members. Commenting on this formation, Joshi and Rose wrote, “... this use of royal advisers was a throwback to the days of the Rana autocracy ... The only conceivable reason for the selection of these persons was the King’s confidence in them as instruments through whom he could implement his own program” (182). The appointment was criticised by all and sundry involved in Nepalese politics. The subsequent moves of the King, it appears, were meant to douse the general disagreement that prevailed among the politicians against his initiative. On May 8, 1955, Gupta says, “he called a conference of about 129 clubs and associations of various categories, ranging from an undertakers’ society to purely political bodies, at Narayan Hiti Darbar” (98). The conference was called to get their views on administrative matters. But, three major political parties the Nepali Congress, the National Congress and the Rastriya Praja Party boycotted the conference. Explaining the reasons behind the boycott, B. P. Koirala states, “We did not participate in the

conference, because the agendas of the conference were derogatory, one of the agendas was for founding out ways to dispose off unidentified dead bodies” (196). However, despite the boycott, Gupta points out, the conference succeeded in making four suggestions. They were; (1) that direct rule should be terminated (2) that the democratic system should be followed (3) that the General Election should be held as early as possible (4) that the Advisory Assembly should be dissolved (99). Based on these suggestions, the King dissolved the Advisory Assembly on 10 June, 1955, and in August 1955 he announced the date of the General Election. It was to be held “on the full moon day of October, 1957” (Joshi, et al. 185). He spent the rest of the period in seeking political parties; namely, the Nepali Congress, the Praja Parishad and the National Congress’s suggestions, and on the 23<sup>rd</sup> October 1955 he brought them round to accept his formula. According to Gupta, the understanding reached was “to form a ministry consisting of 2 representatives from each of the parties and two to four Independents”. The ministries were not to be headed by “a Prime Minister”, but by the King himself (102). In accepting such proposal Gupta says, that the parties intended just “to enter the Government” (102). However, when the King tried to force upon the parties to accept his choice even in the selection of candidates for the Ministry he alienated them. Hence, from the beginning of 1956 the King began appointing Cabinets on his own.

From 1956 to 1958, King Mahendra, as per his whims and fancies, appointed and dissolved two Cabinets. The first was the Cabinet under Tanka Prasad Acharya, the man under whom the Communist Party became legal (See p. 283). It started functioning from January 27, 1956 and lasted until July 5, 1957. The other, under K. I. Singh<sup>40</sup> was formed in July 26, 1957 and it lasted up to November 14, 1958. In creating Governments under such personalities if Gupta viewed the desire of the King

<sup>40</sup> See, Joshi, et al. 258 After his violent activities of January 21, 1952 Singh had left for Tibet. He returned after three and half years and on reaching Nepal-Tibet border he requested King Mahendra that if he is pardoned for his past activities then he would be King’s loyal follower throughout his life time. The King pardoned him.

to concentrate power in himself (103), Joshi and Rose perceived a tendency to form amenable weak governments (187–203). As such, the characteristic feature of the period was that the Government and the political parties, who were opposed to such move of the King, were found at loggerheads on multiple issues. Chief among them were issues concerning election and Gandaki project.

A few months after the formation of Acharya Ministry, a pall of doubt descended over King Mahendra's announcement of June 1955 which had declared the date of the General Election. The reason behind the doubt was Tanka Prasad's June 1956 statement at a Praja Parishad Party Congress in Birganj. In the Congress, Gupta says, Tanka Prasad, probably to "please Mahendra" stated that "he would not tolerate any move which aimed at lowering the status of the monarchy" and that "his Government was not sure about the objectives of the general election" (105). Such views, coming from a Prime Minister, lent credence to the Communists' belief that the Palace was opposed to the idea of holding election, and more so to the idea of holding elections for the creation of a Constituent Assembly. By the end of 1956, Gupta says, his "controversial stand on the general election alienated a large section of his partymen [party men]" (110), which according to Joshi and Rose was projected as a controversy arising out of the presence of independents, the King's nominee, in the Cabinet, along with popular element (193). As such, he was torn between the demands of his party men and his desire to keep the King happy. Unable to tackle such situation, he, therefore, resigned on July 5, 1957 demanding a homogeneous Cabinet in future. It was accepted on the 13<sup>th</sup> of July. The July 15, 1957 Proclamation, then installed K. I. Singh as the new Prime Minister. He was a "controversial figure," (Gupta 113) a man, whom Koirala knew for his "mercurial behaviour" (202) with a past, which qualified him more as a rebel than as a political manager. Moreover, Gupta points out that his hostility towards Interim Constitution,<sup>41</sup> the insignificance of

<sup>41</sup> See, Gupta 113 He had made a vain remark that the Interim Constitution which had promised to give to the people an elected Constituent Assembly was fit to

his recently launched Party, and his unqualified support to the King were well known facts in the political circle (113). Hence, he says, the Communist Politburo viewed in his appointment a “reactionary conspiracy” (114). As such, when he was brought in, Surendra says, the parties began believing that King Mahendra was planning to postpone the General Election with the help of K. I. Singh (113). Thus, it was a Ministry formed under a miasmic condition. The condition, therefore, evoked negative responses. August 8, 1957 witnessed the rise of a Front—the Democratic Front. It brought together three forces: the Nepali Congress, the Nepali Praja Parishad and the Rastriya Congress (K. C, Nepalma Communist 113). Gupta says, its objectives were: (1) to strengthen democratic forces and to meet the impending threat to democracy, and (2) to safeguard the fundamental civic rights of the people (116). However, the Communists were not included in the Front. Explaining their exclusion, one of Front’s members was reported to have portrayed the Party’s “ultra revolutionary character” as the cause (K. C, Nepalma Communist 113). According to Surendra K. C., “The Communists vehemently objected the characterisation ... welcomed the Front as fruit of changing consciousness of political parties ... while pointing out that substantial change could not be expected from a Front, that excluded the Communist Party, and its many related organisations” (113). However, the Front just ignored the Communists’ views.

The other significant issue during the K. I. Singh Ministry was the Gandaki Project. The project envisaged the construction of a barrage near “Bhainsalotan in southwestern Nepal” (Joshi, et al. 203). Because of India’s involvement in it, Joshi and Rose write, that political parties “accused the Cabinet of an excessive generosity ... towards India” (203). And, a representative Communist view on the issue is available in an article titled “Bharat-Nepal” by Pushpalal where he writes, “Kosi and

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be thrown into a waste paper basket.

Gandaki agreements consists of many clauses, which are detrimental to the national interest of Nepal” (327). Later, in the same article he quotes Smt. Lakshmi Menon, the Deputy Minister of Indian External Affairs, who is said to have stated in February 1960 that “India is helping Nepal in many of its river projects for its own interest, that is, to save India from the frequent ravages of flood” meaning, thereby, that such projects were in the interest of India and not in the interest of Nepal (330).

In October 1957, the King, Gupta says, announced that “owing to ... practical difficulties it would not be possible for the Government to hold the general election in time” (118). Hikmat Singh interpreted the announcement as a “deliberate attempt of the King and his puppet Governments to confuse an already settled question—a question already settled by the Act of the Interim Constitution” (Singh, H. 3). This brought the Democratic Front into action, for Surendra says, that following the announcement the Democratic Front threatened the Government that it would “launch a civil disobedience movement from December 7, 1957” if election date was not announced within two months (113). On November 14, 1957 the King abruptly dismissed the K. I. Singh’s Government. And when nothing transpired, the Democratic Front launched its civil disobedience movement from the declared date. Though the Front did not allow the Communists to be a part of its movement, yet, according to Surendra K. C, “the Front and the Communist Party reached an understanding for the formation of a joint committee” (114). However, why was the joint committee formed is not clear. The Communists participated in the movement on its own (See p. 287). As a sequel to it, on 15 December the King announced February 18, 1959 as the date of the General Election. Joshi and Rose cite an article of B. P Koirala where he argued the proposal acceptable, because it provided a better deal compared to the then “intolerable” situation of Nepal (273). However, pointing at the postponement Communist leader and a close friend of Pushpalal like Hikmat Singh said, “these are royal ploys to do away with the need for election ... and to douse the idea of election for a Constituent Assembly” (Singh, H. 3). After that the Democratic Front melted away and when, in the horizon, there was no opposing force

like the Front the King on February 1, 1958 issued a Royal Proclamation. The Proclamation, according to Joshi and Rose, proposed three measures: Establishment of a Constitution Drafting Commission; a nominated Advisory Assembly for the interim period, and a Ministry without Prime Minister to implement development programmes to assist the drafting of the Constitution and to run the day to day administration (Joshi, et al. 212–13). However, what remained a mystery was the need for the Advisory Assembly when election was in the offing. Nothing explained the move. This was followed by the formation of a Constitution Drafting Commission, where at one point Sir Ivor Jennings was a consultant. Then in line with the Proclamation, a Council of Ministers was created on May 15. However, in none of these pre-election structures the Communists were a participant except in the Advisory Assembly which began functioning in October.

#### 1.10. First Elected Government under B. P Koirala

On 12 February 1959, the King declared the Constitution. Gupta says it had an ominous trend: it did not declare that it was for strengthening democracy rather it set before it the goal of uniting the nation (129). It created a bicameral legislature, where the Upper House was the *Maha Sabha* and the Lower House, the *Pratinidhi Sabha*. The Lower House provided a house of 109 representatives elected directly for a period of 5 years by the adult population, those above 21 years. The Upper House provided a house of 36 representatives. The King nominated half of them and the *Pratinidhi Sabha*, the other half on the basis of proportional representation. The members were elected for a period of 6 years and 1/3<sup>rd</sup> retired every two years; it was a continuous house. However, many of the constitutional provisions clipped its law-making powers. Article 40 barred the Parliament from introducing money bill without King's approval; Article 42 made it mandatory for the Parliament to seek King's assent for a bill to become law, and the King could withhold his assent perpetually; Article 56 gave King discretionary powers to suspend or dismiss the Parliament. And though the Cabinet was responsible to the *Pratinidhi Sabha* (Art. 12), yet the executive powers were vested in the King who could exercise them either directly or

through the Ministers (Agarwal, Constitutional Change 36–7). Similarly, the document impaired independence of Judiciary. Article 57 gave the King discretionary power to appoint and dismiss the Chief Justice and other Judges of the Supreme Court (Agarwal, Constitutional Change 42). And a long list of fundamental rights, which glossed the structure, as Gupta puts it, “remained totally dependent on the discretion of the Monarch” for their implementation (Gupta 131). Thus, in sum, the Constitution created a political arrangement where powers were concentrated in the King. Hence, Joshi and Rose aptly said: “The 1959 Constitution emphasised the inherent powers of the King ... to such an extent that it raised questions as to whether it was a genuinely democratic document” (291). And commenting on the reactions that the document evoked, they further wrote, “Several parties, and notably the Communist Party, criticized ... its feudal character, but, like the others, they continued to contest the election in a spirit of political resignation” (292).

In the fray there were 9 parties, whose manifestos, Gupta says, “appeared so similar<sup>42</sup>that ... they left little choice before the voters” (143). Hence, under the circumstances what counted most in the election outcome was the strength of their organizations. The election, as scheduled, began in phases on 18 February 1959 and the last results were out by 10 May. It placed Nepali Congress in the first place with 74 seats to its credit. The Communists won only 4. Later, on July 11, election for the Upper House—the *Maha Sabha*—was held. Out of the 18 representatives elected by the *Pratinidhi Sabha*, 14 went to the Nepali Congress; 2 to Gorkha Parishad and 1 each to the Communist Party and the United Democratic Party. On July 13, the King nominated 18 others completing the creation of the Upper House and of the Parliament. However, the overwhelming victory of Nepali Congress, Joshi and Rose

<sup>42</sup> See, Gupta 143 All of the parties supported the establishment of popular government under the King’s constitutional leadership; stood for abolition of Birtas and urgent land reforms, non-involvement with military camps and friendship with all powers. See also (Joshi, et al. 309–11). The Nepali Congress advocated socialist ideas.

say, “instilled a sense of fatalistic desperation in the ranks of its opponents” (317). In view of their inability to provide a credible opposition in the *Pratinidhi Sabha*, they point out, the opposing parties decided on a strategy “to resort to direct agitation” (318). The NCP’s survey of election results echoed similar views. The concluding remark of Communist’s election survey, as Surendra K. C puts it, said, “In the Parliament ... the Gorkha Parishad ... has no capacity to lead the revolutionary forces. So when the Party in power will implement anti-people policies ... the Communists should expose them by leading the revolutionary forces of the society” (128). The stage was, therefore, set for extra-parliamentary movements and its manifestation in June was the coming together of three parties namely, the Praja Parishad, the Samyukta Prajatantrik Party and the Prajatantrik Mahashabha. Together they formed the National Democratic Front. Their goal, Joshi and Rose say, was “to arouse public opposition to the Nepali Congress Government through extra-parliamentary methods” (Joshi, et al. 318) where, the Communists “decided to line up with the Front” (Gupta 151). Besides, Gupta makes note of yet another force: “the landowning groups”. He says, they “feared” Nepali Congress’s reform proposals, so they aligned with “frustrated politicians” in their bid “to attack the Government” (151). It was indeed a portrayal of a political configuration which conformed with NCP [Pushpalal]’s observation when its document stated, “Working under the King, the feudal and the so-called democratic forces were out there to overthrow the Legislative Assembly ... And because of the leadership ... the Communists were also a party to it” (NCP (Pushpalal), “Janabadi Karyakram” 249–50). The statements, were perhaps on the nail in revealing the parties’ intent for B. P Koirala also says, “The King attacked our Ministry in public; pacified us in private ... and whenever possible spread rumours of corruption against us” (229–30). Thus, taken as it is, these statements portray a situation where the Government was exposed to the broadside of the opposing forces. Even then it survived for 18 months that is, until December 1960 facing a series of political and economic problems.

On 9 August 1959, it placed its first annual budget in the Parliament. With a view to implement its “socialist” (Gupta 152) programme, it imposed “progressive taxes ... On Birta land, urban property, foreign investment, trade profits, water taps and radio receivers” (Joshi, et al. 342). Then it lifted the ban imposed on the import of *Dalda* (a type of vegetable oil) from India. In September, it amended the 1950 Trade and Transit Treaty; on 1 October 1959, the Parliament passed Birta Abolition Bill and with the coming of December it took yet another decision. On 4 December 1959, it signed the Gandaki agreement with India. However, Joshi and Rose point out that the Communist criticised its budget on grounds that it “had allowed disparities in the pay scales of Government employees, had proposed no concrete plans to promote cottage industries, had shown no real interest in solving the problems of unemployment, had not advanced a nationalistic trade and commerce policy, and had imposed inequitable import and export duties” (Joshi, et al. 330). In September, *Dalda* issue caught flame. Disregarding earlier Government’s stand that the product was harmful to public health when Koirala Ministry lifted the ban, the opposition opposed the decision. The Communists, in particular, as Surendra K. C puts it, opposed the decision on three grounds: “the ghee is harmful to public health, owing to its imports Nepal will lose foreign exchange, its entry into Nepal will undermine not only the production of national ghee, but also its price in the national market” (133). Joshi and Rose point out, in particular, to the nationalistic overtone that coloured the Communists’ criticisms of the Government decision. They say, that the Party argued that by the decision “the Nepali Congress was promoting the interest of foreign capitalist at the expense of Nepali Ghee Merchants” (331). Succumbing to pressure the Government reimposed the ban in June 1960.

On 11 September, 1960 the Government successfully revised the 1950 Trade and Transit Treaty. According to Joshi and Rose, the treaty in its earlier form barred “Nepali merchants” from exporting to or importing “from countries other than India without the later’s consent” (352). Besides, it did not allow Nepal to “establish a separate foreign exchange account of its own”. So, they say, “politicians had often

alleged ... [its provisions as] an affront to Nepal's ... sovereign status" (352). Hence, they point out that in 1960 "the ... Government ... gave clear indications that it intended to amend it in a way that would be consonant with Nepal's national honor" (352). In its revised form, they point out, that Nepal could "continue to levy import and export duties on goods imported from or exported to India, she could now permit imports from a third country by using her own exchange resources" (352). However, the amendments they say were not thorough because "some unpopular features", which were against the "commercial interests" of Nepal still remained intact in the Treaty. Surprisingly Communist reaction against the result of the amendment did not evoke opposition as ostensive as in case of the *Dalda* issue. But, Pushpalal writing as far back as in 1970 wrote that the amendments still maintained Indian control over Nepal's national and international trade, because the amended version "forced Nepal into levying taxes on imports and exports of Nepal at rates not lower than those leviable for the time being in India" (Pushpalal 3). Besides, he rebuts Joshi and Rose's claim that the amended version allowed Nepal to use her foreign exchange resources. He says, "Nepal's one crore eleven lakh sixty three thousand pounds, which the British provide her in lieu of the Gorkha soldiers are deposited in the Reserve Bank of India with foreign exchange earned from other sources. So to conduct trade outside, Nepal needs to get foreign exchange from India" (5). Moreover, he says, "The Trade and Transit Treaty was an acceptance of the principle of common market. The two countries agreed to carry on free trade between them. It allowed Nepalese Government to keep its own account [this seems to be what Joshi and Rose referring to] of foreign exchange earnings ... but in the name of preventing leaks in the transit process, it forced Nepal to deposit money in the customs office of India to control her trade practices" (5-6). As for the reason behind the amendments he points out that they were carried out in the interest of the feudal forces of Nepal and the Indian monopoly capitalists for he says:

On 2 September 1956 a Treaty was signed between Nepal and China. It sought to open traditional trade link between the two countries ... In such arrangements the feudal-capitalist ruler of Nepal and the

monopoly capitalist of India sensed a danger. They feared that the arrangement would undermine their trade interests. So they amended the Treaty. The September 1960 Trade and Transit Treaty was the result (Pushpalal 5).

Notwithstanding the nuts and bolts of trade practices involved in between the two countries, the importance of the above statements lies in revealing the usual Communist perception regarding the nature of Indo-Nepal relation: a perception running deep in every document of Nepal Communist factions save in the documents of NCP (Rayamajhi), NCP (Manandhar) and NCP (Verma). Similarly, the passing of the Birta Abolition Bill did not evoke demonstrations against its weaknesses except comments. The Bill, as Surendra K. C puts it, divided Birta land into two categories “*Ka* and *Kha*”. Of these, the *Ka* category was turned into “Raikar land and the *Kha*, was registered in the name of Birta holders” (133). Against it Pushpalal, as quoted by Surendra, is said to have stated, “Despite many of its good features the registration of *Kha* category Birta land in the name of the Birta holders has increased the possibility of peasants’ exploitation in those land ... and the registration reflects the motive of the Government to create lackeys of capitalists” (134). These examples, however, reflect a trend in Communists’ method of reaction: if turn of events or actions, even to a little extent, are in accordance with their views then they seem to avoid direct actions. However, in Navyug, the Party organ, as Surendra K. C quotes, viewed Gandak agreement of December 27, 1959 detrimental to the national interest of Nepal foreshadowing similar treaties, which would take care of India’s plan to integrate Nepal’s rivers in her development scheme. It asked for its amendment after a parliamentary debate for it maintained that the Government had signed it without the knowledge of the legislative body. Clarifying its views the Party said:

Without considering the bitter experience connected with Kosi agreement, the Government has signed the Gandak agreement ... it has failed to extract benefits: it has just settled for 1, 43,500 acre irrigation facility and 10, 000 KW electricity. This is against our nation’s interest. Today questions are confined not only with the Gandak agreement, but with all rivers originating and flowing to India, because India has integrated in its national plan the scheme to use our rivers. While entering into such treaties Nepal should look after her future plan interests. The present agreement fails to do so, hence it should be amended. Because of the presence of such provisions the agreement

was facing opposition from the beginning, but the Government did not take into cognisance the counter voices and passed the agreement secretly. The political committee of our Party demands parliamentary debate to amend the agreement (K. C, Nepal Communist 134–5).

However, if Koirala is to be believed, then the Government, considering the geographical location of the project, had extracted maximum benefits for he says, “Our main concern in the project was water and power so I asked my engineers to ask for more water for irrigating additional 1 lakh bigha but then they said, there is no land above the site of the project, there is hilly terrain” (232). But, the undercurrent of Communist reaction against the agreement was more in exposing the Government as a barterer of Nepal’s national interest. India was funding the project and Nepal had given its land, but the Communists could not see gains in it rather it focused in pointing out that it was an agreement against the territorial integrity of the kingdom.

Besides, the period put Nepalese diplomatic resources under strain. Traditional wisdom compares Nepal with a tuber growing between two boulders: India and China. It prescribes that for its existence Nepal must maintain its neutrality. But, the turn of events during 1959–60 increasingly put to test the Nepalese wisdom. During this period, border problems between China and India embittered their relations (Gupta 154). In such context, as Gupta puts it, Nehru declared, in Indian Parliament in November 1959, that “any aggression against Bhutan and Nepal would be regarded as aggression against India” (Gupta 155). Meanwhile, according to Gupta the oppositions, Praja Parishad and the Communist, were charging Koirala for tilting towards India. Therefore, Koirala was in a fix: had he remained silent, then it would have justified opposition’s claim. And had he joined them then it would have been against his understanding of Indian position which was not at all inimical to Nepalese interest (Gupta 155–6). So, Gupta says, to come out of the situation he “welcomed Nehru’s statements as ‘an expression of friendship’ and added ... that there ‘is no occasion for Nepal to seek anybody’s help and in the event of any aggression on Nepal, it is Nepal who will decide if there has been any aggression’” (Gupta 155). However, Gupta’s description of the situation fails to bring out another side of the

opposition's demand. According to Joshi and Rose, at that moment the Communist, in particular, were demanding "the Government [to] pursue a neutral policy on developments in Tibet and on deteriorating Sino-Indian relations" (352). Koirala's statements perhaps were for defending Nepal's commitment to neutrality. But, the fact was that the Communists were no respecter of the traditional wisdom of Nepal. Earlier as Gupta says, they had judged Nehru's statements as Indian indulgence "in cold war tactics" (156) and later events proved their tilt towards China. In April 1960, B. P Koirala made public the Chinese claim over the Mount Everest. As a result, the Nepali Congress and the Gorkha Parishad held anti-Chinese processions but the Communist reaction against Chinese claim was lukewarm. According to Joshi and Rose, they simply stated that "no Nepali territory should be surrendered to any foreign country, including China ... the dispute should be settled on the basis of sound historical research and not on emotional nationalism" (332). Further, they characterised Koirala's declaration as "'anti-Chinese' machination" (Joshi, et al. 332). The issue finally came to an end on April 29, 1960. On that day, the visiting Chinese Premier, Chou-En-Lai declared in Kathmandu that China accepted the map prepared by Nepal according to which the southern side of the mount belonged to Nepal and the northern side to China. Thus, by not respecting Nepal's traditional wisdom the Communists revealed their preference for China. The Mustang event on June 28, 1960 confirmed their predilection. On that day, Chinese soldier in the northern Nepal-China border of Mustang district opened fire on Nepali border guards. They killed one of them and took ten others as prisoners. At the Governmental level both the countries claimed that the incident occurred within their area, but the Communist interpretation of the event favoured China. The Party organ, *Navyug* stated, "When the Chinese prime minister has apologetically written a letter, then there is no need to discuss the issue, because the letter reflects Chinese desire to solve the issue peacefully" (K. C, Nepal Communist 137-38). The issue came to an end when China announced its intent to compensate the death of the Nepali guard and to pull out its soldiers 10 km within its territory. In the later half of 1960 the Government was engaged in grappling

with the problems of the home front. Among them the most important was the one which erupted in Gorkha towards the end of the year. There, Narhari Nath Yogi of Karmavir Mahamandal, a socio-religious organisation, spread false information regarding the Congress Government. He informed the people that the Government wished to tax all their goods even their cattle. As a result, the people, to express their anger, looted and destroyed public property. To quell these, the Government sent its troops. The revolt was quashed on December 3 and the Yogi was sent to Gorkha to face trial. But soon after, on 15 December 1960 the King struck against the Government. He ordered the arrest of the Prime Minister and his colleagues and dismissed the Government. The Royal proclamation of 15 December 1960 accused B. P Koirala Government of “1) misusing authority in a manner designed to fulfil the Party interest only, 2) paralysing the administrative machinery, 3) incapacity, 4) imperilling national unity 5) pursuing economic measures undertaken on the basis not of scientific and factual analysis by [in] pursuance of purely theoretical principles...” (Gupta 159). Thus, the 18 month-old experiment in parliamentary democracy in Nepal came to an end. Analysing why the King succeeded in carrying out the coup, Pushpalal blamed “the democratic forces, who failed in coming together to weaken the feudal bases and in stalling the gradual shift of democratic rights in the hand of the King”. He blamed the parties for “taking part in agitprops which sought to portray the monarchy as a benevolent institution”. The Communists, he said, “under the leadership of Rayamajhi were a party in the agitprops which weakened the Party’s anti-feudal stance, and helped people in supporting traditional beliefs ... the lack of new ideology eased the task of the King” (Pushpalal, “Nepali ... Ek Samiksha” 206). In similar vein, another Communist leader, Mohan Bikram Singh stated:

After the Second Congress, the majority group within the Party [Rayamajhi and others] not only diluted the revolutionary character of the Party, but also bowed before the increasing power of the King ... The Second Congress had decided to bring to the open the relationship that existed between the bourgeois parties and the palace, but contrary to the decision the group towed the line of the bourgeois parties ... As a result there was only one difference between us and the bourgeois parties: the latter openly supported the King and our Party stood as silent witness. The leadership of our Party disregarded the decision to

use organised peasants as sentinels of democracy ... Whenever, the Party led any movement its participation was confined to accepting bourgeois leadership ... Because of the majority group's left opportunistic, pro-King policies the King ... could strengthen his power and carry on the coup... (Singh, M. B. 94–5).

After the coup on 5 January 1961 the King banned all party activities within the kingdom. Under such context, the Communists held a meeting in Darbangha to assess the situation and to decide upon its tactical position in the days ahead (See p. 294)

#### 1.11. Birth of Panchayat System: 15 December 1960–December 1962

After the coup, the country functioned without a Constitution until December 16, 1962. During this period, the King busied himself in weeding out his opponents. Immediately after the coup, he banned political parties; arrested B.P Koirala and his colleagues and sanitised,<sup>43</sup> in phases, the administration of the country. Thereafter, he placed himself in the helm of administration by creating, in February 1961, the “Ministry of Supervision and Inspection ... to personally supervise the various branches of administration” (Agarwal, Constitutional Change 52). Thus placed, he launched the process for creating the future political system of the nation. In the system, the Panchayat system, the *Daudahas* (Tour Commissions),<sup>44</sup> the Ministry of National Guidance, the class organisations, the various Panchayat bodies and the Raj Sabha occupied integral positions. So, in February 1961 the King created 14 Tour Commissions. These mobile Commissions, according to Joshi and Rose, appeared to have been created as substitutes for the personal visit of the King. Composed of a Chairman, Army and judicial representatives and a Secretary, each of the Commission was vested with authority to function as an on-the-spot investigative, judicial and development fund channelising body (415–16). Then on the 18<sup>th</sup> of the same month

<sup>43</sup> See, Agarwal, Constitutional Change 47–52 The King after taking charge of the administration of the kingdom replaced many of the gazetted and non-gazetted officers with Army personnel. The process was carried out in phases affecting the Central, the District and the Valley administrations.

<sup>44</sup> See, Agarwal, Administrative System 19 The *daudahas* or tour Commissions were not novel institution they were the flashback of the Rana period.

the King formed the Ministry of National Guidance and entrusted it with the task of “organising different sections of the society on ‘non-political’ line” that is, as class organisations (Agarwal, Constitutional Change 53). The purpose behind the creation of class organisations as assumed by Joshi and Rose was to “channel political activists ... to deter their participation in other forms of politics” (408). However, their purpose, as expressed in the statements of Viswabandhu Thapa, the Minister who headed the Ministry from March 7, 1961 was to keep the classes away from the influences of the parties to unleash their potential<sup>45</sup> in the progress of the nation (Joshi, et al. 406). Thus, for the Government the class organisations were expected to fulfil a progressive role in the future political system of the nation. Hence, after March 7, the Ministry established six class organisations.<sup>46</sup> Finally, even “before the promulgation” of the Constitution the King enacted “legislations” for the establishment of the village, town and district Panchayats (Joshi, et al. 399). Thereafter in “April 1962” he formed a “Constitution Drafting Committee” with “Rishikesh Shah[a] as [its] Chairman”. This was followed by the holding of the “Conference of Intellectuals” in June 1962. According to Agarwal, it was a “forum” to woo “political leaders who were prepared to play politics within the confines of the existing political structure”. However, many of the 139 members of the Conference, he states, “expressed discontent with the panchayat system being introduced and doubted if this system was superior to the parliamentary system” (Agarwal, Constitutional Change 54). Amid these developments the King was manoeuvring his

<sup>45</sup> See, HMG, M. o. L. a. J., The Constitution of Nepal ... 1967 33 Article 67A:1 points out that the class organisations were formed not only to protect and promote the interest of the various classes, but also to integrate and utilise their strength for the development of the Nation.

<sup>46</sup> See, HMG, M. o. L. a. J., Constitution, 1963 63 In Schedule 5 of the document these class organisations were named as Nepal Peasants Organisation, The Nepal Youth Organisation, The Nepal Women’s Organisation, The Nepal Labour Organisation, The Nepal Ex-Servicemen’s Organisation. for peasants, labourers, women, students, young persons and children. Later, “association of former servicemen were also added to the list”(Joshi & Rose, 406-7).

Council of Ministers (See, footnote 53) to stall the cross-border rebellion launched by the Nepali Congress from October 1961(See p. 91). And when the raids were terminated in December 1962 King Mahendra was placed in an position where there were no political parties to contend with and no external pressures to handle. So, he set himself to legalise the remaining structures of the Panchayat system, the system which he felt was ‘Nepali’<sup>47</sup>in its nature and which, he thought, was necessary to keep the Nepalese away from the destructive activities of the political parties (Shaha, Three Decades 6). As such he promulgated the Constitution in December 16, 1962. On its promulgation, the Constitution legalised yet another structure of the Panchayat system—the *Raj Sabha*. As per the Constitution<sup>48</sup>,it was a permanent body composed of a number of high officials and persons of renown appointed by the King (Art.23:2). Its primary functions were: (1) “to proclaim the accession to the Throne of the heir-apparent to His Majesty” (Art.23:6: a) in the event of his “demise” or in the event of his “abdication” of the throne (Art.23:5: a), and (2) To proclaim a “Regent or a Council of Regency ... in case His Majesty [was] below the age of eighteen years” (Art.23:6: b). Moreover, considering the several occasions,<sup>49</sup>where the King on his

<sup>47</sup> See, Joshi, et al. 397 The authors quote an address delivered by the King on a ceremonial occasion on April 13, 1962. Here the King says: we have confidently moved towards panchayat democracy by beginning the New Year [Nepali calendar] with the initiation of the panchayat system. This Nepali plant ... is suited to the climate of our country. There is no Nepali who does not know what a pancha and a panchayat is. The development of culture and civilisation in our country... has taken place under the panchayat system. Parliamentary democracy has proved unsuitable because it lacks the Nepali qualities which are found in the panchayat system. The nationalistic feelings associated with the awakening are not as possible under any other system as they are under the panchayat system. See also HMG, M. o. L. a. J., Constitution, 1963 1. The Preamble to the Document points out that the Panchayat system is rooted in the life of the people; it is in keeping with the national genius, and it originates from the very base of the society.

<sup>48</sup> See, HMG, M. o. L. a. J., Constitution, 1963 11–13

<sup>49</sup> The King could take the advice of the Raj Sabha (or its Standing Committee consisting of 7 to 15 members of the Raj Sabha) before allowing introduction of Bill in the Rastriya Panchayat if the Bill dealt with matters laid down in Article 17

volition could take the advice of the Raj Sabha, it was a consultative body as well.

Besides, the 97 Articles and 6 Schedules of the Constitution provided the legal framework for such commonplace constitutional structures as the Judicial Service Commission, the Public Service Commission etc. However, the legal framework, on one count proved to be deficient: it did not explain as to how the different structures, especially the class organisations created after the coup welded with the core of the system—the Panchayat bodies. Therefore, to understand the 1962 structure of the Panchayat system, which governed the power play in the State until its dissolution in 1990, one needs to pair the readings on the Constitution with scholarly commentaries.

Structurally, the base of the Panchayat system was the *Gaun Sabha* (village Assembly). According to the notification of an Act, it could include either a village or a number of villages (Article 30:1). This *Sabha* elected the *Gaun Panchayat* (village Panchayat, the executive body). However, there was no provision for the creation of *Nagar Sabha* (town Assembly).<sup>50</sup> At the district level, the representatives elected and sent by the *Gaun* and *Nagar Panchayats* of the district (Article 32: 1) formed the *Zilla Sabha* (District Assembly), which in turn formed the *Zilla Panchayat* (District Panchayat). At the *Anchal* (Zonal) level, there was the Zonal Assembly (Article 33:1) which included all the members of the *Zilla Panchayats* of the Zone. The Zonal Assembly elected from among them the Zonal Panchayat (33:2). However, Article 33 was amended in 1967 and at the Zonal level, the Zonal Panchayats were replaced by a

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(Art.55:b). The other occasions where he could take its advice was while passing ordinances (Art.57: 1), while appointing Chief Justice of the Supreme Court (Art.69:1), while appointing members of the Public Service Commission (Art.7), while considering the revocation or alteration of the proclamation of Emergency (Art.81:2) and while extending pardon to suspend or commute any judicial sentence passed by a court (Art.84).

<sup>50</sup> See, HMG of Nepal Ministry of Law and Justice 24 The provision for Nagar Sabha, in the towns, was inserted only after the second amendment of the Constitution on 12 December 1975. However, there was Nagar Panchayat from the very beginning (Art. 31: 1).

nominated body— the *Anchal Samiti* (Zonal Committee) and only the Zonal *Sabha*, which included all the members of the District Panchayats,<sup>51</sup> was kept intact. At the top was the *Rastriya Panchayat* (National Panchayat), where the 14 *Anchal Sabhas* (Zonal Assemblies) sent 90 members (for the break-up of the members sent see p. 87) for a period of 6 years (Schedule 4) and the 5 class organisations mentioned in Schedule 5 sent 15 members. With 4 members coming from the Graduate constituency (Schedule 6), the elected members of the National Panchayat equalled 109. Finally, the King was empowered to nominate 15% of the 109 members (34: d) as his nominee to the body. As the representatives from the *Anchal Sabhas* were sent for a period of 6 years and as the representatives from the class organisations, the Graduate constituency and those nominated by the King were sent for a period of 4 years (37: b), the National Panchayat was a continuous unicameral body. The system, aptly described as “a system of tiers or layer of assemblies (*Sabhas*) and Executive Committees”, was hinged with a system of Class organisations and Councils (Shaha, Three Decades 5). According to Joshi and Rose, the “class organisations [had] a four-tier structure<sup>52</sup> directly paralleling the panchayat system” (407). When the Panchayat system, as provided by the constitution, was linked with the four tier class organisations as described by Joshi and Rose (See p.87) then there evolved a complex system. For implementing the system, the Government identified around 3700 villages/grams and towns. In the northern Himalayan belt an area with around 1000 population was demarcated as a village, and in the Terai regions, an area with 2000 population formed a gram (HMG Sanchar Mantralaya 16). And a town meant an area “with a population exceeding 10,000 (fourteen ... according to the 1961 census)” (Joshi, et al. 399–400).

<sup>51</sup> See, HMG, M. o. L. a. J., The Constitution of Nepal ... 1967 17

<sup>52</sup> See, The constitution of Nepal: (as amended by the first, second and third amendments of the constitution) It is silent about these structures.

Each village/villages forming the *Gaun Sabha* was divided into nine *Badas* (wards). The adult population aged 21 and above of each of these *Badas* elected four members and one chairman. As such, a village elected 45 such members. These 45 members sent the nine chairmen along with one Pradhan Pancha and one Up-Pradhan Pancha to the Gram Panchayat (HMG Sanchar Mantralaya 16–7). In the towns, according to their sizes, there were either 9 *Badas* or up to 33 *Badas*. Each of these *Badas* elected five members for the town *Sabha* and from these five members, one member representing their respective *Bada* was sent to the town Panchayat. From each of these villages and town Panchayats falling within a district, one member was sent to the District Assembly. This District Assembly then elected an 11-member District Panchayat. All the members of all the District Panchayats in a zone formed the Zonal Assembly. From the Zonal Assembly the members of the Zonal Panchayat were elected. Besides, the Zonal Assemblies also elected the members of the Rastriya Panchayat / National Assembly. While sending the 90 members to the National Assembly, the Zonal Assemblies of the respective zones elected one member from each of the district falling within a zone (34:3). Since there were 75 districts this meant that the Zonal Assembly elected 75 members to the Rastriya Panchayat. However, the Assembly elected one additional member from each of the 15 districts whose population exceeded one lakh mark. With these 15 representatives, the representatives elected from the Zonal Assembly to the Rastriya Panchayat formed a block of 90 members. The 15 members representing the class organisations were elected by the Zonal committees formed for channelising the classes. To this total of hundred and nine elected members, the King added 16 (15% of 109) nominees raising the number of Rastriya Panchayat membership to 125.

Running parallel to this system was the system for channelising the classes. In a village or town area, each of these classes elected their respective committees. In turn, each of these committees formed within a district, sent one delegate to the District Council. Each of these District Councils elected five-man District Committees from among its members. The total members of these District

Committees further elected the Zonal committee. The members of the Zonal committees and the District Committees further formed the National Congress, which elected the President and 14 members of the Central Committee. The Government appointed the Secretary and Treasurer of the Central Committee, and the President had the power to nominate two more members to the committee. This structure was linked with the Rastriya Panchayat through the Zonal Committee, which sent 15 representatives of the class organisations to the Rastriya Panchayat (Joshi, et al. 402).

To coordinate the activities of the class organisations *inter se* and that of the class organisations with the Panchayat bodies, there was the Ministry of National Guidance created in February 18, 1961. However, the Ministry was dissolved in 1963 and was replaced by the National Guidance Council. As already stated, the King rationalised the creation of these structures, especially the Panchayat system, by pointing out to its “Nepali” flavour. Further, in his many assertions, he pointed out that behind the implementation of the system lay his desire to encourage integration among the various divisions of the Nepalese society. But a closer look at the system reveals that he had something else in mind. Wrapped in all these creation, his intention was to create a National Assembly with feeble candidates: candidates without mass political support, because as Shaha observes, “the actual number of votes that could ... send a candidate to a seat in the Rastriya Panchayat was ludicrously small ...” (Shaha, Three Decades 5). Compounded to it, the system allowed the King to nominate members to the Rastriya Panchayat. The tiers of class organisations, which elected 15 members to the Rastriya Panchayat, were also officially recognised and controlled bodies. So, the King enjoyed enough space to manipulate his whims in creating the Council of Ministers, and even if he were forced to include the elected members of the National Panchayat in the Council, he had a ready store of enfeebled members. Moreover, the National Panchayat did not have any say in the creation of the Ministry because the “Chairman” (A post probably equivalent to that of a Prime Minister) and all the “Ministers” were “responsible” to the King (26:2), and if the King desired he could remove them (26:3:e). Thus

conceived it was a democratic system, in the sense that it provided for elective bodies, but it was so without being democratic, and the Communists perceived it as a “system ... which deprived the people of all political rights, and provided for a Rastriya Panchayat without any power.” In it, they observed “the power concentrated in the hands of the King, and a [system] tailored to keep intact the dictatorial rule of the King” (NCP, Rajnaitik Prastao 1963 8). For them it was a “four tiered structure where opportunists and feudal forces were organised from the ground to the centre“ (21), and its officially recognised class organisations reflected the regal tactics of “class conciliation” (NCP (Rayamajhi) 7). Commenting on the role of the National Guidance Committee vis-à-vis the National Panchayat the NCP found the latter less powerful, and considering its method of functioning it adjudged the institution as an advisory body for it stated:

The National Panchayat ... is supposed to be a legislative body of the country. But it is not free in all its deliberations. A National Guidance Committee of 21 persons is to be constituted to guide it in all its work. The members of the National Panchayat have to seek permission from the King, either through ministers or deputy ministers, prior to moving any important bill in the House. There is no system of Treasury and opposition benches in the House. In reality, it is no more than an advisory body. It is open neither to the press nor to the public. It is always within the reach of the Royal Palace (NCP, Report of Third Executive ... Committee 10)

And if the various Articles of the 1962 Constitution are considered then the above comment of the NCP, especially the one which denigrates the system as tailor made to concentrate power in the hands of the King, was not off the mark. According to the Constitution, the King was the fountain head of the executive, legislative and judicial (20:2) powers, which hung like a Damocles sword threatening both the Judges of the Supreme Court and the members of the National Assembly. If the King wished, he could remove the judges on the basis of a report from a commission formed at his behest (69:4). Similarly exposed were the members of the Rastriya Panchayat (38:2). In fact, in the Constitution there was no area which was free from the control of the King; therefore, the NCP was right in pointing out that it centred power in him.

### 1.12. First Amendment of Panchayat Constitution: Tightening of Feudal Control

The 15 December 1960 coup drastically changed the political environment. Before the coup, the environment was uncertain: the King, who shuttled between direct and indirect rule, changed off and on the rules governing power politics. Amid such confusion the political actors somehow believed that, in the end, the King would give way to Parliamentary democracy. But, after the coup the message was loud and clear: the direct rule of the King was there to stay. In a moment, his action dashed the hope of the parliamentarians of Nepal. Explaining the reasons behind the coup, the NCP document stated:

In the parliamentary system, the Communist Party was progressing rapidly ... It was becoming popular among the working classes. So, the Party could have turned the instruments of Capitalist democracy—the Parliament—into ... an instrument of revolutionary proletariats, peasants, revolutionary intellectuals, middle class town people and National Capitalists....

Because of such possibility in future, the imperialists, reactionary feudal forces and the King himself were jittery. The King was never for people's Government ... To end such possibility, the King destroyed the democratic system. He blamed the Congress, but attacked the democratic system, destroyed the rights of the people and banned the Communist Party... (Antar Zone Samanjasya Samiti 12–3).

However, the claim that the Communist Party was progressing rapidly should be taken with a pinch of salt, because earlier description has already shown dissension within the Party. How could such dissension-ridden organisation progress rapidly? Therefore, the claim holds no water, and by the same token, the other claims that follow stand unsubstantiated except for the bare fact, that the King did destroy democracy and ban political parties. Why could he take such action? He could take such action not only because of the poor organisational strength of the Communists, but also because of the prevailing attitude among the educated elites and the Congress' Party MPs. When the coup was executed, Whelpton observes, “there was no protests in the streets of Kathmandu and many of the educated elites swung behind Mahendra, including fifty-five of the Congress Party's own seventy-four MPs” (99). However, the NCP saw in it the culmination of the politics prevalent in the kingdom after 1950–51, which was characterised by the attrition of democratic forces for it stated:

After the 1950-51 revolution ... on the one hand, the King was engaged in snatching one by one the democratic rights of the people ... On the other hand, the democratic forces, which should have united on the basis of political programmes aimed at resolving the fundamental issues of the society and for preserving the gains of the 1950 revolt, were running after the palace driven by their greed for their inclusion in the Ministries. As a result, they distanced themselves from the people ... After the General Election, the Nepali Congress enacted certain laws [land reform laws] which hurt the feudal class, but did nothing to ease the life of the common people ... the people; therefore, carried out democratic movement against it and the King dissolved it within a span of 18 months (NCP, Rajnitik Prastao 1963 2-3).

After the 1960 coup, one of the Nepali Congress's ministers, Subarna Shamsher, who was in Calcutta (Kolkata), engaged himself in devising military solution to counter the King. Later, when he was joined by Bharat Shamsher, the leader of Gorkha Parishad, he put his plans into action. After mobilising a guerrilla force, he executed raids across the border from October 1961; the very month when the Sino-Nepalese agreement for the construction of a road between Kathmandu and Tibet border was signed. The raids lingered on, and the crisis peaked in September 1962 when India imposed an unofficial economic blockade on Nepal (Whelpton, History 99). The NCP did not approve of these raids, because it felt that they were not intended "to trigger a nationwide movement for the establishment of democracy" (NCP, Rajnitik Prastao 1963 5). They felt that the raids were tactically wrong, because it excluded the participation of the peasants, and they hinted at the failure of the Congress in gauging the implications of the activities of the King. The King by entering into an agreement with the Chinese for the construction of the Kathmandu-Kodar road had spread the delusion of his being a nationalist (See p.308 for understanding their views on nationalism). So, their statement implied that in the eyes of the people the Congress's action was anti-nationalist as it was against the nationalist King. Besides, the Party felt that the raids were being carried out just to embarrass the King financially and administratively to eke out concessions for it stated:

The Congress while following such a policy of armed struggle should have taken into cognizance the delusions that the people had regarding the institution of the King and their feeling concerning nationalism and sovereignty. But the Congress did not pay attention to such important issues and launched armed struggle, a struggle of the highest degree. In the context of our country, such struggle should have taken the

peasantry into its fold. But, in place of raising the level of the movement by the inclusion of the peasantry, the Congress took the path of armed struggle just to disturb the administration and to put the King under financial pressure with a view to end the struggle in a compromise (NCP, Rastriya Parisadko Baithakma ... Pratibedan 2).

Therefore, it was obvious that the Communists did not favour the activities of the Nepali Congress. But, this did not mean that the Congress did not have any support. The 9<sup>th</sup> September statement of Nehru to a journalist in London where he is said to have stated that “India [would] not prohibit Nepali refugees from expressing their views in India peacefully— i.e., the Indian Government would not impose further restrictions [on] their activities and movements—and that he had advised King Mahendra to improve the situation by conducting friendly negotiations with the rebels” implied that India supported the Congress rebels (Joshi, et al. 432). However, the raids did not last long. After the outbreak of the Sino-Indian border clash in 20 October 1962, the Nepali Congress suspended the raids in November and when Nehru requested Subarna Shamsher to call off the raid it was terminated in December (Whelpton, History 99) .

During this period, the country functioned under an interim arrangement, where the King created two Councils of Ministries<sup>53</sup>one on December 26, 1960 and the other in the first week of July 1962. After the promulgation of the Panchayat Constitution on December 16, 1962 “elections were held throughout Nepal in the first quarter of 1963 for district and Zonal panchayats and, finally, the National Panchayat” (Joshi, et al. 434). Following it, the *Raj Sabha* (Council of State) with its ex-officio

<sup>53</sup> See, Joshi, et al. 425–33 After the beginning of the Nepali Congress’s cross-border rebellion the foreign policy of Nepal vis-à-vis India was aimed at securing New Delhi’s agreement to keep the Nepali Congress leaders under strict supervision and if possible to arrange their repatriation to Nepal. To secure such agreement the first Council of Ministry under the chairmanship of Dr. Tulsi Giri, who favoured a pro-Chinese policy and who was used to giving anti-Indian statement, was favoured with the foreign policy portfolio. But when India did not yield to his tactics the foreign policy portfolio was given to Rishikesh Shaha in the July 1962 Council of Ministry. He believed not in strident postures but in quiet diplomatic approach in Nepal’s relation with India.

members and the appointee of the King came into existence. In the latter category, the King appointed a number of personalities representing different backgrounds. One of such personalities was Dr Keshar Jung Rayamajhi. The inclusion of Rayamajhi in the body was interpreted by the NCP as signals of his complete “walk over to the camp of the King against democracy in Nepal” (NCP, “More ... Raimajhi’s Anti-Party Activities” 19).

The National Panchayat which was inaugurated on 14 April elected Viswabandhu Thapa as its Speaker and Basudeva Dhungana, “a member from Kathmandu with past Communist affiliations” as the Deputy Speaker (Joshi, et al. 438). Further, they write that even in its opening phase the National Panchayat proved “to be... [a] docile body” with no role to play in the passing of important legislations: the “new land reform<sup>54</sup> legislation and the new social code, were promulgated just before the opening session” (438). Commenting on the land reform legislation the NCP stated that it contained “land ceiling of 650 ropanies [1 Ropani=.13acres]<sup>55</sup> of land in Terai, 50 ropanies in Kathmandu valley and 80 ropanies in the hills...[with] fixation of land rent at 50% of the produce” and its main objection to the promulgation lay in pointing out that it was couched in such a language that it allowed “each member of a family [to] possess land up to the ceiling limit” which the Party felt would help the “feudal families” to conceal “even thousands of ropanies of land” (NCP, “Land Hoax” 14). Further, it commented that as “nobody” knew as to when it would “be implemented” it had “alerted” the feudal forces and given “them enough time to conceal land among the members of their families” (15). In its judgement of the promulgation it noted, the promulgation has “not ... [been made] in

<sup>54</sup> See, Shaha, Three Decades 6 The legislation was never implemented.

<sup>55</sup> In passing these ceilings the Government perhaps had some other intentions, because in 1964 it passed another Act, the Land Act 1964 which fixed the ceiling at a much lower level. See, Table 7 in the Economy section of the present Chapter.

the interests<sup>56</sup>of the toiling peasantry” (14). Such measures which could not be explained except as moves to keep the feudal class happy were perhaps what influenced NCP (Pushpalal) to characterise the King as the feudal forces’ wily leader, who adjusted himself to the changing times; brought about minor changes, but acted only in the feudal interest for its document said:

The history of Nepal ... shows that the King has proved himself as a wily leader of the feudal class who adjusts himself with the changing times. Though, at times, his activities are aimed at bringing about minor changes in the feudal system, yet in totality his activities always favour the interest of the feudal class (NCP (Pushpalal), “Janabadi Karyakram” 255).

During this period, the other developments were the abolition of the National Guidance Ministry in April and the extensive tours abroad, from August to October, carried out both by the King and the Chairman of the 1963 Council of Minister, Dr Tulsi Giri. The tour of the latter was especially fruitful in eliciting “promises of additional economic assistance from the United States and the Soviet Union and expression of interest in investment from the West Germans” (Joshi, et al. 439). However, in such engagements the Communists perceived the increasing control of foreign capital in Nepal’s economy. It viewed them as understanding beneficial to the interest of foreigners and the feudal elites. And its comments were especially targeted against America<sup>57</sup> for it opposed an economic agreement,<sup>58</sup>which was signed, in the

<sup>56</sup> See also, NCP (Chautho Mahadhiwayshun (Fourth Congress)), “Krantī Ra Partyka ... Samasyaharu” 48 Most of the Communist factions felt that the Land Reform measures or Acts passed during the Panchayat regime were meant for obfuscating the masses. This was another faction which was making similar comments on the Reform measures of the Government in 1974.

<sup>57</sup> Similar expression targeting America is found in a document of one of the later factions of the movement. See, provided a chance especially to the American imperialists to play freely in Nepalese soil for it document said: another faction of the movement later observed: “the economy of this country is being captured by foreign capital ... under the dictatorial rule of the King the most virulent imperialist, the American imperialist, have the opportunity to play freely in our country” (NCP, Rastriya Prajatantrik Karyakram; 18).

<sup>58</sup> See, NCP, “Nepal-USA Agreement” 17–8 The party explains that the

second quarter of 1963 between Dr. Tulsi Giri and Mr. Steblin, the American ambassador to Nepal by stating, “The Agreement, under the cover of equality, will give freedom to American capital to enter Nepal and dominate Nepal’s economic and political life” (NCP, “Nepal-USA Agreement” 17–8). However, the Party did not express reaction against the interest shown by the USSR in such investments probably, because it perceived investments from Communist countries devoid of imperialist design even when it perceived the country under revisionist leadership (See, p. 98).

In January 1965, though Nepal was “opposed to any formal alliance” with India, yet the Indian concern for her security was reciprocated by Mahendra when he entered into a “secret agreement”, which prohibited Nepal from purchasing “military equipment” from third parties, if India could supply them. But in 1969, contrary to such bonhomie, the Nepalese Government asked India to remove its monitors stationed in northern Nepal; almost veered on rejecting the 1950 Treaty of Friendship and even the 1965 agreement. According to Whelpton, such seesaw movement in Indo-Nepal relation then was owing to the clash of interest between them: If India wanted Nepal to recognise that it was under the area of its influence, Mahendra wanted to boost his popularity within by standing “up to Indian pressure” (102). Communists’ comments specific to these events are hard to come by, perhaps because

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Agreement which was signed for a period of 20 years and which guaranteed the free inflow of private capital between the two nations was protected from the changes in the legal, political and economic sphere for it allowed recourse to legal procedures in disputes arising out of such changes. Further Nepal provided facilities such as tax holiday and arrangement of foreign exchange for a period of ten years to the American investment. In the view of the party, the agreement was based upon a false premise of equality between the investment capacities of the two countries. The party argues that the Nepalese who are unable to finance even their Plan can never invest in America, so the agreement will only help the ruling elites of Nepal to hoard their ill- gotten money in America in the name of private investment. In the assessment of the party such foreign investment was not helpful in the development of independent national economy of Nepal.

they never felt it necessary to comment upon them. For given their understanding of nationalism, even if they had commented then they would have, in all probability, described Mahendra's acts as tactics deployed to disillusion the masses of his being a nationalist and Indian action as that of an imperialist.

In January 27, 1967 the Constitution was amended. The amendments were not significant: there were minor changes except the fact that it inserted sub-clause 2:(a) under Article 11 to declare the continuation of the ban<sup>59</sup> on the political parties. However, the changes, in a few of the Constitutional provisions, tightened feudal control over the Rastriya Panchayat<sup>60</sup>. Thus, if this period in the history of Nepal marked the tightening of the feudal control; in the history of Nepal Communist movement, the period, beginning from 1965 was particularly stressing. The Jhapa Committee, (See, Ch. 3 footnote 63) the forerunner of NCP (ML), since 1965 was actively engaged in denouncing the entire Communist movement of Nepal; Pushpalal having parted with Tulsilal, launched the NCP under him in 15 May 1968, (See, p. and with the release of Man Mohan Adhikari in 1968 from jail, the movement was faced with enemies within. And when Mohan Bikram Singh (alias Dumdum) was released from jail in 1971, the movement was again pushed towards the throes of yet another fragmentation (See, p. 359 ).

<sup>59</sup> See, HMG, M. o. L. a. J., The Constitution of Nepal ... 1967 5

<sup>60</sup> Art.25:2 provided for the designation of Prime Minister and Deputy Prime Minister and the term of office for the Prime Minister was fixed for a period of 5 years (26:3) though he could be removed at any moment by the king; the Zonal Panchayats were removed and only the Zonal Assembly was kept (33:1); the king enjoyed greater freedom in the formation of the commission whose report could be used to remove the Rastriya Panchayat members (38:2:a) and the ban on the holding of open proceedings of the House continued (42:6); Part 10 A and Part 10 B were inserted making it compulsory for an aspirant of the office of the Panchayat to be a member of one of the class organisations and the office of the Zonal Commissioner was opened in every zone. He was to be advised by a Zonal Committee composed of Chairmen of District Panchayats within the zone, the chairmen of class organisations and 5 members nominated by the king (86A and 86B).

### 1.13. Second Constitutional Amendment and Struggle for Multi-Party System

With the dawn of 70s, events like signing of Indo-Soviet Peace and Friendship Treaty in August 1971, Indian attack on East Pakistan in December the same year, and absorption of Sikkim within the Indian union in 1973–75, were perceived by the NCP (ML)<sup>61</sup> as incidents of India turning into an expansionist with the help of the Socialist-imperialist Soviet Union for it stated:

After signing a military Treaty (the so-called 20 years ‘Peace and Friendship Treaty’ of August 1971) with the revisionist, Socialist-imperialist Soviet Union, the reactionary Indian Government is rapidly following a policy of expansionism. With the support of Brezhnev, the number one traitor of ... the world, India has attacked its neighbour Pakistan; maimed it, and by destroying the sovereignty of Sikkim, it has absorbed it within itself (NCP (ML), “Soviet Sansodhanbadi ... Taiyari Garnos” 49).

In the same vein, but clarifying the birth of exploitative Socialist-imperialist Soviet Union, the NCP (Kendriya Nucleus) observed:

Khrushchev, after opposing Stalin’s so-called policy of personality cult, sowed the seed of capitalism ... and thereafter Breznev-Kosigin group, after holding the 23rd and the 24 Congress, converted Soviet Union into a Capitalist nation ... After conquering Czechoslovakia it has turned into an imperialist State. In many of the East-European countries it is carrying on its colonial exploitation ... Presently, Soviet Union has entered into a military alliance with the expansionist Indian Government. By aligning with India it has successfully maimed Pakistan and is exploiting the people of India. It has plans to encircle socialist China with the help of India. Jointly, they are planning to establish their control over the whole of South Asia (NCP (Kendriya Nucleus) 14).

But, the NCP (Pushpalal) faction’s analysis of the Pakistan event and the creation of Bangladesh were somewhat different: it did not see in the event the expansionist character of India and the imperialist<sup>62</sup> nature of the Soviet Union. To it the creation of Bangladesh was a joyous moment for it had freed the people there from the military regime of Pakistan. However, it was critical of the policy of the Indian Government,

<sup>61</sup> The Party was formed in June 1978 evolving out of Jhapa Zilla Committee (See, p.352 ).

<sup>62</sup> There is no document which clarifies why the NCP (Pushpalal) did not categorise India as an expansionist and the Soviet Union as an imperialist.

which had interfered in the internal politics of Pakistan when the relation of the nation with its eastern part had weakened. Such policy of the Indian Government, in the assessment of the Party was responsible for creating an environment of fear and doubt among the member states of the sub-continent. However, in such Indian policy it did not fail in underlining the influence of Indo-Soviet Friendship Treaty for it stated:

In the Indo-Pakistan subcontinent, Bangladesh has come into being after snapping its relation with the military autocratic rule of Pakistan. Because of this event; on the one hand, the people of the world under the grist of military rule, Nepalese in particular, are overjoyed; on the other hand, the policy of the Indian ruling Government, which sought to extend its influence among its neighbouring states by taking advantage of the weaknesses in the Pakistan-Bangladesh internal relation has created an environment of fear and doubt among the member states of the region. With the help of the so called Indo-Soviet Treaty of friendship, the Indian Government is ... interfering, under different pretexts, in the affairs of Bangladesh (NCP (Pushpalal), Rajnaitik Report Sept/Oct 1972 8).

Thus, vindicating its position the Party in its other document viewed the Bangladesh movement as a “freedom movement” where the participants were: “the working class, peasants, intellectuals, students, petty bourgeoisie and the national bourgeoisie”. It viewed it as the triumph of the Bengali nationalities over the “autocratic rulers of West Pakistan” (11–12). And since it equated “the plight of the Nepalese under the autocratic rule of Mahendra with those of the people of Bangladesh”, it felt that their triumph was an “encouragement” for “the Communist revolutionaries” of Nepal (NCP (Pushpalal), “Swatantra ... Bangla Deshko ... Swagat” 13). This perhaps explained as to why the Party did not categorise the event as an expression of Indian expansionism: it must have viewed Indian help to the Bengalese of East Pakistan as an Indian support to the subjugated nationalities in their fight against the autocratic rulers of West Pakistan. However, while commenting on the nature of leadership within Sikkim, it did categorised the policies of “Kazi Dorjee, [sic] the leader of Sikkim State Congress, as subservient to the policies of Indian expansionist capitalism” (NCP (Pushpalal), “Sikkimma Prajatantrako ... Bhayeko Cha” 175). But, like others it did not categorise the Soviet Union as a Socialist-imperialist, but stuck to its position of categorising the USSR as a socialist country under revisionist leadership, perhaps

because it did not see in the Soviet activities and in the Soviet-Nepal relation, the kind of economic relation characteristic of an imperial State.

In January 31, 1972 when King Mahendra died in Chitwan, King Birendra Bikram Shah Dev ascended the throne. On his ascension to the throne Rishikesh Shaha points out that he “expressed his ... resolve to continue his father's foreign and domestic policies” and within the country, as Shaha concludes, he believed himself to be the “ultimate source of political authority in Nepal”, a person “above the Government and the Constitution”, indicating, thereby, that his regime was not expected to be different from that of his father’s dictatorial era (Shaha, Three Decades 9).

As he ascended the throne he was faced with a nation in trouble: there were unrest all around. The “Kampa” [Khampa] guerrilla “raids into Tibet;” which had begun in 1967 and which was rumoured to have been “supported by India and ... the CIA”, was continuing (Whelpton, History 103). Commenting on it, the NCP (ML) identified the Khampas as “anti-Chinese Dalai Lama force” working against China with the support of the Panchayat system, which was in league with “the Indians, the Russian and the American spies” (NCP (ML), “Sampurna Bhramharu Milkau ... Gara!” 27, 26).<sup>63</sup> From 1971, the eastern flank of the country, Jhapa, under the influence of the Jhapa *Zilla Committee*, was up in arms to capture the power centre. As a scion of the Communist movement it advocated the tactics of class annihilation and guerrilla action inviting remarks from Communists which at times were derogatory. Rawal quotes Pushpalal as having said that “the movement indicated a ‘rebellion’ against the feudal Panchayat system, a movement of ‘annihilation

<sup>63</sup> See, NCP (ML), “Sampurna Bhramharu Milkau ... Gara!” 26 According to the NCP (ML), India and its imperialist, expansionist friends were indulging in such actions against China because they did not want improvement in Nepal-China relation, which, according to the party, was responsible for opening the eye of the Nepalese people against the exploitation being carried out by the feudal class of Nepal in league with the imperialists and the expansionists.

incapable of destroying the Panchayat system” (82). In the later document of the Party, while characterising Man Mohan Adhikari, the NCP (ML) activities were likened to those of dacoits when the Party said, “[the] Jhapali ... group bearing the name of Ma. Lay. [Nepali term for NCP (ML)] under the protection of Man Mohan turned into an organisation for dacoity<sup>64</sup>, murder and oppression” (NCP (Pushpalal), Report on Current Situation in Nepal, 1984 14). And equally scathing was the comment of NCP (Chautho Mahadhiwayshun (Fourth Congress)), which categorised the NCP (ML) activities as instances of “ultra-left terrorism” (NCP (Chautho Mahadhiwayshun (Fourth Congress)), “Kranti Ra Partyka ... Samasyaharu” 56). Besides, from 1972, the kingdom was witnessing a number of “incidents of popular violence”<sup>65</sup>, which were “allegedly” carried out by the Nepali Congress activists (Shaha, Three Decades 10). In these incidents Whelpton does not implicate India, but B.P Koirala by saying, “B. P. Opted for military action,<sup>66</sup>[but] in contrast to both 1950 and 1961, the campaign [was] not [to] have the covert backing of India” (105). However, the NCP (ML) viewed these Congress’s activities as activities “supported by India” with a view to “strengthen the position of the imperialists and the expansionists” and it observed them “as incidents with the potentiality of creating another East Pakistan like situation in Nepal” (NCP (ML), “Sampurna Bhramharu

<sup>64</sup> No such comments are found in the party documents of the NCP when Pushpalal was at its helm.

<sup>65</sup> See, Shaha, Three Decades 10–1 The Nepali Congress led cross-border activities carried from the Indian side into Nepal southern border started from August 1972. These activities involved the hijacking of Royal Nepal Airlines Corporation plane on June 10, 1973; burning of Singh Darbar, the Secretariat building in Kathmandu on 9 July 1973, the explosion of a hand grenade a few yards away from king Birendra when he was inspecting local government offices in Biratnagar on March 16, 1974, and similar explosion in Kathmandu on 5 May 1974 before the car of P.R.S Sunwal, the then transport Minister.

<sup>66</sup> See, Whelpton, History 105 B.P Koirala opted for such military action when Birendra, in the initial phase of his ascension to power, preferred to retain his father’s old system unaltered.

Milkau ... Gara!" 22, 29 and 30). In somewhat different line the NCP (Chautho Mahadhiwayshun (Fourth Congress)), which "equated the interest of the Nepali Congress with that of the Indian Government", characterised their activities as "terrorist" activities (NCP (Chautho Mahadhiwayshun (Fourth Congress)), "Kranti Ra Partyka ... Samasyaharu" 55). However, in these activities the Chautho Mahadhiwayshun perceived "the Nepali Congress's intention to force the Government into compromises and to keep the masses away from people's movement" (55). Pointing out the reasons behind such tactics the Party stated, "They [the Nepali Congress] fear wider peoples' movement because of the possibility of such movement turning into a revolutionary surge ... hence they indulge in terrorist activities which involves limited individuals but keeps the masses away from the activities" (55–6). Meanwhile, King Birendra created a body—the National Development Council, on 9 June 1972 and amended the Back to the Village National Campaign Programme on 26 August 1973. According to Shaha, the National Development Council was "an extra-constitutional body" (16), which functioned under the King to ensure the development of the kingdom. However, the Back to the Village National Campaign Programme (BVNC), whose Central Committee was organised as an "eight-member" Committee on 26 August 1973, was basically a Committee tasked to identify and to certify candidates for the Panchayat bodies. Under the Programme, the King could seek the advice of the Central Committee of the BVNC even before appointing the Prime Minister and other ministers (Shaha, Three Decades 18). In short, it was his party to mobilise his henchmen.

Following these developments, the "autumn of 1974" witnessed RNA's "three-month long military operation" which was reported to have disarmed the Khampas (Shaha, Three Decades 11; Whelpton, History 103). Thereafter, Shaha reports that violence "peaked" in the middle of December 1974 and in the same month the King set up a Constitution Reform Commission (10). However, the reasons behind the formation of the Commission are documented neither in the work of Shaha, nor in the work of Whelpton.

On “24 February 1975”, an auspicious day as identified by the Royal astrologers, the King was crowned. A day after, Shaha reports that he expressed his wish that “Nepal be accepted as a Zone of Peace” by “all friendly powers, and the neighbouring states in particular” (Shaha, Three Decades 14). Then on 12 December 1975 the Constitution was amended. The amendments besides incorporating the BVNC in the main body of the Constitution created a Commission for the Prevention of the Abuse of Power. Commenting on the Commission Shaha states, “Superficially, it looked like the institution of the ombudsman” but “in essence” it “was expected to serve ... as the King’s watchdog committee to see whether the people in various elective and appointive positions ... [functioned] in a manner prejudicial to the accepted practice and traditions of the monarch’s rule by peremptory command” (Shaha, Three Decades 18). For, him it was just a structure over and above the “patrimonial elitist political structures”<sup>67</sup> of Nepal.

If these activities portrayed the creative function of the 1975 amendments, the abolition of the “ban on public reporting of Rastriya panchayat proceedings”, and the abolition of the “representation of the Graduate constituency in the Rastriya panchayat” reflected its reformatory aspects (Whelpton, History 109). But, there was a difference in the motive behind such abolition: the former abolition was perhaps carried out to sop the critics of the Panchayat system, who were campaigning for transparency in the functioning of the Rastriya Panchayat, but the latter abolition, according to Whelpton, was carried out to end “the regular embarrassment”, which the system suffered when the Graduates’ Constituency elected “anti-establishment

<sup>67</sup> For an understanding of Shaha’s view on patrimonial elitist political structure in feudal Nepal see, Shaha, Politics ... Triumph of People Power 1–13 According to his explanation the king in Nepal rules through peremptory command and considers himself as the master of the house. The Government runs through his will, which is theoretically unlimited. However it allows the use of rulers’ grace and in such system the beneficiaries of the grace uphold the position of the King. Thus, he was saying that the Commission for the Prevention of the Abuse of Power was just for threatening people to accept the King’s rule to win his grace.

candidates” (101). Thus, if one were to judge these amendments, they were, in sum, intended only for the upkeep of the King’s interest.

In December 1976, Ganesh Man Singh and B.P Koirala returned home. On arrival, as Whelpton observes, “B.P claimed publicly that he wished to contribute to national solidarity against a danger to Nepal’s independence, presumably a reference to India’s annexation of Sikkim two years previously” (105). Reacting to B. P’s statements, NCP (Pushpalal) categorised him as one who had “deserted the democratic movement ... in the name of national unity” (NCP [Pushpalal], Report on the current situation 15). But, his declaration was of no avail. Both Koirala and Ganesh Man were arrested, and later B. P was allowed to go abroad for treatment. Then in “October 1977 in his deathbed [he was alive even in 1979]” in Calcutta he transferred the Party leadership to Subarna Shamsher (Whelpton, History 105). However, in July 1978 Pushpalal breathed his last breath in Delhi and thereafter Balaram Upadhyaya emerged as the Party spokesman.

The second quarter of 1979 witnessed a challenge to the Panchayat regime. The challenge, according to Shaha, evolved out of a minor incident for he states:

Great happenings have at times humble beginnings. On 6 April 1979, some students took out a procession to protest against the execution of the former Prime Minister of Pakistan, Z. A. Bhutto. At the back of the students’ minds at the time were also the breath-taking events that had overtaken the Shah of Iran and the belated execution on 8 February 1979 of two Nepalis, Capt Y. B. Thapa and Bhim Narayan Shrestha, who were respectively charged with taking up arms against the state for making an unsuccessful attempt on King Birendra’s life as far back as 1974 (See footnote 65). When the processionists were stopped by the police on their way to the Pakistani Embassy in Kathmandu, there were clashes leading to a lathi charge (Shaha, Politics ... Triumph of People Power 48).

This apparently minor incident set off a series of developments<sup>68</sup> culminating in the

<sup>68</sup> See, Shaha, Politics ... Triumph of People Power 49–52 The author, while charting the course of events, describes that after the lathi charge students’ movement began. The movement was led by Nepal Vidyarthi Sangh, Aakhil Nepal Swatantra Vidyarthi Union and Nepal Rastriya Vidyarthi Federation—the front organisations of the banned Nepali Congress, the pro Chinese Communist Party of Nepal and the pro-Soviet Communist Party of Nepal respectively. In the movement they prepared a list

Royal Proclamation of 24 May 1979, which announced “a popular referendum ... to choose by secret ballot between the existing panchayat system with timely reforms and a multiparty system” (Shaha, Politics ... Triumph of People Power 51).

However Whelpton observes, that at that time the students “were already unhappy over recent changes to the education system, meaning, thereby, that it was also one of the factors behind the students’ procession (107). Explaining the same event the NCP (ML) observed the movement as the expression of peoples’ long held dissatisfaction against “the plots of the system hidden in its social, economic and political reforms”. It viewed the movement as a reaction against “the lies hidden in the land reform policies ... [a reaction against] the neo-colonial education system ... and an angry move against the Fascist BVNC programme” (NCP (ML), “Janmat Sangraha ... Mulyankan” 2–3).

In the proclamation, the NCP (ML) sensed the pressure of foreign hand and of the nationwide movement. It objected against its limited scope: either way it viewed its result to serve the existing system. It felt that it was occasioned by the King’s desire to douse the movement; to haul a system which was on the verge of collapse, and to lead the revolutionaries astray. Because of its limited scope and the other intentions wrapped in it, the Party perceived the proclamation as a King’s machination. Besides, it was against the referendum not only because its procedure was parliamentary—because of the voting involved—but also because its outcome, whether Party-less or multi-Party Panchayat system, was incapable of resolving the fundamental problems of the society. The problems, according to the Party, could be

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of 22 demands, mostly academic, which they wanted the authorities to fulfill immediately. But, even when their demands were met, militant groups from within the student organisations objected to the manner in which the movement was called off. This led to fresh movement, which snowballed into a 30,000 strong procession in the Kathmandu Valley. By then 37 out of 75 districts of Nepal had come within the influence of the movement. As such the King made his proclamation on 24 May 1979.

resolved only by the New Democratic political system, and to achieve it the singular path which the Party admitted of was the path of armed struggle. Hence, it observed:

The leader of the Party-less Fascist Panchayat system, King Birendra in Jestha 10 [24 May] announced a referendum kowtowing before foreign pressure and the nationwide movement. This referendum is not for choosing a political system ... In its scope it is limited to choosing a Party-less or a multi-Party system, which is meant for serving the reactionaries. By this proclamation the King wanted to douse the rising tide of the people's movement, and to mislead the revolutionaries. He wanted ... to lengthen the age of the monarchy, which was on the verge of collapse.

Understanding the limited scope and the objectives of the reactionaries, we pointed out the plot inherent in it. Besides we had pointed out that both the types of political systems whether Party-less or multi-Party are the same.<sup>69</sup> They can resolve none of the fundamental problems of the society. Only new democratic system can do so ... but to achieve it we should not take the Parliamentary path, but the path of armed struggle (NCP (ML), Fascist Nirdaliya ... Gara! 1).

If the above statements of the Party revealed its perceptions regarding the causes behind the proclamation and its objections to it, the statements following the above clarified the real reasons as to why it boycotted the referendum for it stated:

From the very beginning we have been saying that the 'referendum' is a plot and we have been urging the people to move forward, without being deluded by the ideas of Party-less and multi-Party Panchayat system, in the path of revolutionary struggle against the Fascist Panchayat rulers with a view to protect nationalism, to secure democratic rights and to ensure the guarantee of food, clothing and shelter. This was the essence of the policy which our Party followed to boycott the referendum (1-2).

However, the NCP (Chautho Mahadhiwayshun (Fourth Congress)) did not analyse the reason behind the movement but it did categorise the movement as "a nation-wide wave against the autocratic monarchy and the Panchayat system" (NCP (Chautho Mahadhiwayshun (Fourth Congress)), "Rajnaitik Singhawalokan" 91). And it followed a policy of boycotting the referendum while supporting the cause for multi-

<sup>69</sup> The NCP (Fourth Congress) was against the NCP (ML), which characterised the party-less and multi-party system as the same. In its document NCP (Chautho Mahadhiwayshun (Fourth Congress)), "Rajnaitik Singhawalokan" 97 and 100 it argued that the struggle for multi-party system even within the Panchayat system was a movement towards progress, because if multi-party system and independence for political parties were achieved then the achievements could be used for revolutionary purposes. In NCP (ML) tactics it identified the predominance of mechanical thinking.

Party system. It boycotted the referendum on the ground that it perceived in the King's proclamation "a plot" to block a movement which had "the power to immediately destroy the autocratic Panchayati system" (92). Further, it stated that "within the limits set by the proclamation, it was not possible to win even basic rights and freedom for the political parties" (95). Hence, the need was to keep the movement going. The boycott signified the continuity of its struggle for it stated:

To boycott referendum is not our ideology. It is a policy which needs to be followed after considering its impact on the course of the revolution. When we find that the policy of boycott sustains the movement and helps it to move forward then we use it ... at present we therefore consider the policy of boycott the right policy (NCP (Chautho Mahadhiwayshun (Fourth Congress)), "Rajnitik Singhawalokan" 95).

Further, the Party pointed out that its politics of boycott of the referendum and the politics of support for multi-Party system were not contradictory tactics rather they were independent from each other for it stated:

On the one hand there is the boycott of the referendum and on the other hand the support for the multi-Party system. Are these issues contradictory? Certainly not. The issue of referendum has recently come up after the Jeth 10[May 24] proclamation, but for removing the ban imposed on the parties, the Party had been campaigning since long ... in lieu of the autocratic Panchayat system the support for multi-Party system was independently campaigned even before the proclamation of the referendum. Hence, its struggle for political freedom of the parties and for multi-Party system is not at all influenced by its decision which may either be in favour of the referendum or for its boycott (98).

And since they were independent tactics the decisions taken to struggle for the multi-Party system along with the boycott of the referendum were both regarded as struggles—"peoples' struggles", which the Party perceived as a necessity for achieving the multi-Party system (99).

But, in the assessment of the NCP (Pushpalal) the movement was a reaction of the students, farmers and workers to solve their "problems of daily life". It claimed that the movement was led jointly by the "Party and the workers of the Nepali Congress [a fact denied by many]<sup>70</sup> (NCP (Pushpalal), Report on Current Situation in

<sup>70</sup> See, Shaha, Politics ... Triumph of People Power 50 The author

Nepal, 1984 4–5). For it, if the movement signalled the beginning of politics of mass movement in Nepal, the proclamation was the result of the fear that the movement had inculcated in the mind of the King for it stated:

The movement united all political and social forces struggling against the anti-people system and made them move in the same direction. The journalists ... along with teachers and low-paid employees joined the movement. The people became more active in the movement. In brief, the form of United People's agitation directed by our Party was truly reflected in this movement ... Mass movement had started in Nepal, and it had also taken its form. Afraid of this situation, King Birendra made a declaration for an opinion poll to make choices between the Party-less Panchayat system and the multi-Party system (5).

However, it also perceived the declaration as “a result” of the “people's struggle” a “gain”, which needed to be protected by more “peoples' movement” (6). Hence, it decided to take part in the process as well as in the referendum. After the proclamation events moved fast: Prime Minister, Kirtinidhi Bista resigned; the apparatus of the BVNC was dismantled; on 1st June Surya Bahadur Thapa was sworn in as the Prime Minister, and on the 30<sup>th</sup> of May a 15- members National Election Commission was formed but the chairman of the Commission on June 2 declared that the election was not possible even by the end of 1979 (Shaha, Politics ... Triumph of People Power 53–4). And from what Shaha observed in the unfolding pre-poll environment<sup>71</sup> one can conclude that in the situation the possibility of fair poll was

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categorically denies the involvement of political parties in the movement. See, also NCP (ML), “Janmat Sangraha ... Mulyankan” 5 and Whelpton, History 107–8 Both these works deny the involvement of political parties.

<sup>71</sup> See, Shaha, Politics ... Triumph of People Power 53–61 During the period the King was involved in contradictory activities. On the one hand he appeared to respect the mood of the movement by dismantling the BVNC and by asking the National Panchayat to suggest the name of the Prime Minister. But, on the other hand he encouraged the Panchayat government to make use of the state machinery to influence the people for party-less system. Besides, he dissolved the town Panchayats of Narayanghat and Tansen when the members of the Panchayat bodies unanimously decided to vote for multi-party system, and used philanthropic funds received from outside to influence voters. Though he allowed the advocates of multi-party system to carry on propaganda, yet he kept in force the ban on political parties. And surprisingly

remote. But from the claims of the NCP (Pushpalal) it appears that such misgivings were harboured by the Party even a day after the proclamation, because it claims that one day after the proclamation it called upon all the democratic forces to come together in a struggle aimed at achieving five basic demands for the impartial conduct of the election for it stated:

Making an objective analysis of the special situation prevailing in the country, our Party drew the attention of the people of Nepal towards the possibility of the Government reorganising itself and starting a counter-attack on the democratic movement in the comparatively peaceful material conditions following the declaration for opinion poll and it appealed to them to remain more united, more powerful and more cautious. The very next day of the declaration of the opinion poll, an emergency meeting of the Central Committee of the Party called upon all the progressive and democratic forces to join the struggle with five basic demands namely, Release of all political prisoners, Setting up of a Government of national consensus, Abolition of all Panchayat bodies, Guarantee of freedom of writing, speech and organising meetings against the Panchayat system and impartial conduct of all propaganda modis [sic] as preconditions for free and fair opinion poll (NCP (Pushpalal), Report on Current Situation in Nepal, 1984 6).

Thereafter, the Party wails over the responses of the parties involved in the process for it states:

But some leaders and groups supporting the multi-Party system believing in the graciousness of the King<sup>72</sup> remained indifferent to these basic preconditions for a free and fair opinion poll. On the other hand, the boycottists [sic] being indifferent to the opinion poll, naturally remained indifferent to these preconditions as well (6).

But the NCP (Fourth Congress (Nirmal Lama)),<sup>73</sup> contests the claims of the NCP (Pushpalal) that it was the author of the 5 preconditions for it states that the “5

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when the rules for casting votes were brought out, they barred youths aged 18-21—the very youth population who had triggered the movement.

<sup>72</sup> See, NCP (Pushpalal), Report on Current Situation in Nepal, 1984 5 The party was referring to both B. P. Koirala and the leader of NCP (Man Mohan) faction, Man Mohan Adhikari. When the proclamation was made they are said to have hailed the declaration as a great favour of the King. Besides both of them is reported to have started opposing all types of movement saying that a peaceful atmosphere was needed for the opinion poll.

<sup>73</sup> The faction came into being in 1984. See, p. 372

preconditions were actually the modified version [modified by other Communist parties] of the preconditions framed by the NCP (Fourth Congress)". Moreover, its statements point out that the objectives behind the demand for the implementation of the 5 preconditions were a bit different for it states that they were "framed to check the possibility of rigging in the referendum and to destroy the Panchayat system" (NCP, Hamra Mukhya Matbhedharu ... Lama Pakcha 33). As for the effect of the demands in the political environment the faction claims that it did unite a few of the Communist forces for it stated, "On the basis of these preconditions, Communist parties of Nepal the NCP (Pushpalal), the NCP (Rohit)<sup>74</sup> [and the Nirmal Lama group operating within the NCP (Fourth Congress) which ultimately formed NCP (Fourth Congress (Nirmal Lama)) ... were able to ... organise a nationwide procession in Bhadra 24, 2036 [9 Sept. 1979]" (34–5). Thus, the indifference of the 'boycottists' as described by the NCP (Pushpalal) does not reflect the totality of the political environment then, because a section of the 'boycottists' seems to have supported the preconditions and favoured the movement for ensuring free and fair referendum. However, the effort, it seems, was not enough, because neither the environment before the referendum (See footnote 71), nor the nature of the votes polled indicated a fair poll. Commenting on the latter fact Shaha stated:

The higher percentages of the votes cast and also the ratio of valid votes to invalid votes in most remote and inaccessible areas, which have widely scattered population and settlements and a definitely lower level of political consciousness, go to prove that panchayat officials must have got the boxes stuffed and ballots stamped in favour of the panchayat system wherever the multi-Party side was not represented or was poorly represented at the polling booths. The higher percentage of votes cast and a higher ratio of valid to invalid votes in the Karnali and Dhaulagiri zones can be explained only in these ways (Shaha, Politics ... Triumph of People Power 89).

For the above results, if the NCP (Pushpalal) blamed the attitude of the 'boycottists' the NCP (ML) blamed itself for following an inflexible tactics, which it described as "ultra-left deviation" (See, p. 354). The NCP (Fourth Congress (Nirmal Lama)),

<sup>74</sup> This is NCP (NWPP) a faction of NCP (Pushpalal). See, p. 340

however blamed the Central Committee of the NCP (Fourth Congress (Mohan Bikram faction)) for dampening the force of the movement and for destroying the chance of supporting the cause for multi-Party system by following a wrong policy for it stated:

When the Central Committee of the NCP (Fourth Congress) ... categorised the demand for the establishment of the Interim Government<sup>75</sup>[one of the preconditions] as an expression of right opportunism and when it did not categorise the participants of the Bhadra 24, 2036 [9 Sept. 1979] struggle as the representatives of the Communist forces ... the movement for ensuring free and fair referendum lost its steam and it fizzled out.

It boycotted<sup>76</sup>the referendum ... This policy isolated the Party ... [and when] the date for referendum was fixed our Party was forced to take part. Because of such wrong policy of the Central Committee, the Party lost the chance to support the cause for multi-Party system (NCP, Hamra Mukhya Matbhedharu ... Lama Pakcha 35–6).

Hence, it said, before VS 2037 Baisakh 14 [2 May 1980], the day when the referendum was held “the political forces opposed to the Panchayat system were tactically divided” and “the struggle was devoid of strength” (42). Compared to such situation, Shaha observes that the forces in favour of reformed Panchayat were “entrenched” in the Government machinery, and were in a position to “commandeer the manpower and other resources of the state” to force the people to support their cause (88). And since the referendum rejected the participation of students of age group 18–21, the verdict went in favour of a reformed Panchayat. However, the NCP (Pushpalal) dubbed the result as an outcome of “mass rigging unleashed by the feudal-authoritarian Panchayat system” and appealed for the formation of “National Democratic Front” to carry on a “decisive struggle against the system” (NCP (Pushpalal), Rajnitik Report 2043 [1987] 12). After the result, the King on 21 May formed an 11 member Constitutional Reforms Recommendation Commission. Then

<sup>75</sup> See, NCP (Pushpalal), Report on Current Situation in Nepal, 1984 39 The party uses the phrase “government of national consensus” to convey the same demand.

<sup>76</sup> See, NCP, Hamra Mukhya Matbhedharu ... Lama Pakcha 43 The faction points out that the boycott was passive as a result the tactics isolated the party and then it clarifies that it was in favour of active boycott which meant that the boycott was to result in the increase in the intensity of the movement.

on December 15, 1980 the 1962 Constitution was amended for the third time. The NCP (Pushpalal) perceived the amendments, as changes “forced upon the people” with the “so-called right to adult franchise” (NCP (Pushpalal), Rajnitik Report 2043 [1987] 13). NCP (Fourth Congress (Nirmal Lama)) perceived the changes as the hypocritical responses of the monarchy to preserve and strengthen itself in the changed circumstances. It viewed them not as qualitative, but as quantitative changes for its document stated:

... the introduction of election on the basis of adult franchise, the switch over to a system where the ministry is responsible to the legislative assembly ..., and the hypocrisy perpetrated in the name of reformed Panchayat in the third constitutional amendment for presenting a façade of multi-Party system made it clear that the reactionary monarchy was not in a position to rule in its old ways. In fact, those reforms and hypocrisies were mere plots for strengthening and preserving the monarchy.... The Rastriya Panchayat came into existence in somewhat different form. However those changes were only quantitative and not qualitative... (NCP, Hamra Mukhya Matbhedharu ... Lama Pakcha 42).

Thus, ended the struggle for the multi-Party system.

#### 1.14. Third Constitutional Amendment: More Power to the King

The amendments brought about a number of changes in the Constitution. The numerical strength of the Rastriya Panchayat was raised to 140. Out of these, 112 were directly elected by the adult population and one fourth of it i.e. 28 was nominated by the King (Article 34:2 (a), (b)). However, to become a member of the Rastriya Panchayat it was compulsory to be a member of one of the class organisations (35: e). The most strange was the method, which was provided by Article 26 regarding the election of the Prime Minister. The method<sup>77</sup> allowed the

<sup>77</sup> See, HMG of Nepal Ministry of Law and Justice 20 Any member seconded by 25% members of National Panchayat could stand as a candidate for Prime Minister. There was no problem if a candidate were elected uncontested, but in the event of a contest between two candidates the name of the one who pooled at least 60% of 140 or more votes was to be recommended for the post. In case of tie or in case both failed to cross the minimum 60% of 140, then the National Panchayat could recommend the names of both as well as of the third member. Out of these the king was free to choose one.

King to exercise his wish in the appointment of the Prime Minister. The insertion of Article 20 A gave power to the King to form a Coordination Council. He could use it to coordinate the executive, legislative and judicial functions of the country. Clause 2 of the Article gave him full power to frame laws governing the composition and functions of the body and the rules so framed could not be questioned in any court of the country. Thus by virtue of the Body, the King could function as a supra-executive, legislative and judicial institution of the State. Article 41B provided for the creation of a Panchayat Policy and Enquiry Committee. As in the case of the Coordination Council, the rules governing the composition and functions of the Panchayat Policy and Enquiry Committee were framed by the King and the courts were barred from questioning the rules so framed. The primary function of the committee was to promote Party-less Democratic Panchayat system (41 B: 2), and clause 3 of the Article empowered the body to supervise the National Panchayat while it implemented its policy decisions. Thus, the amendments instead of decentralising the system bolstered the centrality of the monarch in the Constitution. Besides, with the new institutional additions he still enjoyed the power to remove the members of the Rastriya Panchayat and the judges, and there was virtually no power to check him in the exercise of his volition. Hence, the NCP ([Pushpalal]) saw “no difference in the system that existed before and after the referendum” (NCP (Pushpalal), Rajnitik Report 2043 [1987] 13).

As for the NCP (Fourth Congress), the amendment represented “the King’s reactionary desire, presented as the people’s desire”, therefore, the Party decided “to fully boycott the amended Panchayati system and to carry out continuous peoples’ movement against the autocratic Party-less monarchy” (NCP (Chautho Mahadhiwayshun (Fourth Congress)), “Nirdaliya ... Bywasthalai” 109).

On 9 May 1981, the country then went to polls, where the Constitution still banned the functioning of political<sup>78</sup> parties. As such there were no competitions

<sup>78</sup> See, NCP (Chautho Mahadhiwayshun (Fourth Congress)), “Nirdaliya ... Bywasthalai” 113 NCP (Fourth Congress) clarifies that it was following a policy of

among “manifestoes or programmes” (Shaha, Politics ... Triumph of People Power 106). This had its effect: in the absence of ideological positions, the candidates resorted to currying favours with their “ethnic, tribal and linguistic” affiliations to mobilise votes. For the first time, the Nepalese polls, therefore, witnessed the election of candidates on the basis of their ethnic affiliations: in the election the “Tamangs”, “managed to win 5 seats” (Shaha, Politics ... Triumph of People Power 109). Besides, a few political factions fielded their candidates as “independents” (Whelpton, History 109). Out of these, “three communists” and “four” representing one of the factions of the “Nepali Congress” were successful (Shaha, Politics ... Triumph of People Power 111) .

In the fall of 1981, King Birendra went to Paris to attend the international conference of the least developed countries. There in a press conference he revived his desire to have Nepal recognised as a zone of peace. However, the NCP (Mashal) interpreted the move as “the King’s plot to create international support for his reactionary regime”, so the Party pointed out that it was “opposed to the proposal” (NCP (Masal[Mashal]) 206). The extent to which India supported the move is not known, but when President Sanjiva Reddy visited Kathmandu in December 1981, and when the host nation broached for his opinion on the issue he lightly brushed aside the query saying, “Nepal and India had lived in peace since the days of Buddha and would do so for ever” (Shaha, Politics ... Triumph of People Power 127).

In 1982, with the death of B. P Koirala the Nepali Congress leadership passed on to the group of three—Ganesh Man Singh, Krishna Prasad Bhattarai and Girija Prasad Koirala. In May 1985, the group decided to launch a satyagraha demanding full freedom for political parties to function. However, not every Party participated.

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actively boycotting all future elections held under the amended Constitution. By active boycott it meant that it should try to convert the boycott into a movement against the system.

According to NCP [Pushpalal]'s document, "the NCP (ML) kept itself aloof and dubbed the movement as a reformist-opportunist movement" (NCP (Pushpalal), Rajnitik Report 2043 [1987] 19). Finally, in June 19 and 20, when series of bombs exploded<sup>79</sup> in the valley, the Congress called off the movement. Five months later, signalling a change in the tactics, the parties held a meeting in "November 22, 1985" (NCP (Pushpalal), Rajnitik Report 2043 [1987] 27). In the meeting, the NCP (Pushpalal) document indicates the coming together of the many Communist parties and the Congress. There they decided to develop the 25 year old pro-democratic movement to destroy the Panchayat system for the document says:

... a meeting of the opposition leaders was held under the presidentship of former Prime Minister Tanka Prasad Acharya. In this meeting Sri Krishna Prasad Bhattarai, President Nepali Congress, its leader Ganesh Man Singh, the President of National Congress Dr Dilli Raman Regmi, Dr Rishikesh Shaha, Shri Man Mohan Adhikari... Manandhar, Verma group, ML group, Mashal group,<sup>80</sup> Rohit group, Tulsilal group, Com. Sahana Pradhan, Com. Balaram Upadhyaya ... were present. It was unanimously resolved that the Nepali people had been fighting for their democratic and civil rights and independence for the last 25 years. To develop this movement further, and to destroy the present Panchayati system, to restore democracy the meeting resolved that the unity shown during the struggle this year would have to be forged ahead. It was also resolved to struggle for the restoration of democracy and for the release of political prisoners by united struggle of all the political forces in Nepal (NCP (Pushpalal), A Report ... Political Situation, 1986 27).

In May 1986, Nepal conducted its second election to elect the 112 National Panchayat members. In nature, the 1986 election was no different from the 1981 election: contests on the basis of ethnic, linguistic and tribal affiliations prevailed over

<sup>79</sup> See, Shaha, Politics ... Triumph of People Power 149–50 The bombs were planted by the Samyukta Mukti Bahini, a little known group. The group advocated the end of monarchy as the only solution to the problem of Nepal.

<sup>80</sup> See, NCP (Pushpalal), A Report ... Political Situation, 1986 30–1 and NCP (Chautho Mahadhiwayshun (Fourth Congress)), "Nirdaliya ... Bywasthalai" 109–13 This was the beginning of the tendency of different Communist factions' coming together with the Congress against the Panchayat system. Even factions like NCP (Masal) was ready to join hand with the Congress and if the NCP (Pushpalal) document is taken at face value then it seems that NCP (Mashal) and NCP (Fourth Congress) were also ready to collaborate with the Congress.

ideological competitions. Highlighting the similarity of the trends of the two elections the NCP [Pushpalal] faction pointed out that “the elections were devoid of ideology as such [they were meant] for the selection of candidates on the basis of caste, creed, parochialism and communal considerations”. In their assessment, the election had “hit hard the basis of national unity” (NCP (Pushpalal), Rajnitik Report 2043 [1987] 16). As such the election results reflected the State’s ethnic variety.<sup>81</sup> However, the legislature of 1986 differed from the 1981 body in one respect. It consisted of 5 members affiliated to the NCP (ML); 1, to the NCP (NWPP); 1, to the NCP (Rayamajhi) and 2 Communists, elected as independent candidates. They were all in favour of multi-Party system (Whelpton, History 110; Shaha, Politics ... Triumph of People Power 135). NCP (Pushpalal) did not participate, because it felt that “participation in the election amounted to its surrender before the Party-less Panchayat system” (NCP (Pushpalal), Rajnitik Report 2043 [1987] 16), and it “denounced” (18) the participation of the NCP (Manandhar/Verma) factions and of NCP (ML), because their participation was contrary to the position that the Party held even in the 1982 satyagraha movement (19).

Following the election, Marich Man Singh Shrestha was appointed as the Prime Minister. On assuming office he took two decisions, which, according to Whelpton, soured the relation of Nepal with India. The first decision, taken in 1987, made it compulsory for Indian labourers to acquire “work permit” if they wanted to work in the three districts of Kathmandu. The second was the 1988 decision where the Government “unilaterally”<sup>82</sup> decided to “import ... weapons from China” (Whelpton,

<sup>81</sup> See, Shaha, Politics ... Triumph of People Power 134 Among the candidates elected for the National Panchayat 45 belonged to the Chhetri-Thakuri caste; 16, to the Brahmin; 3, to the Tamangs; 7, to the Magars; 4, to the Rais; 4, to the Gurungs and 3, to the Limbus. The result kept intact the traditional dominance of Chhetri-Thakuri, Brahmin and Newar candidates.

<sup>82</sup> See, Government of India 275 The decision on the need for work permit for Indians working in Nepal was against Article 7 of the Treaty of Peace and Friendship signed between India and Nepal in 1950. See also. Srivastava 151 The appendices

History 112). During this time, the two governments were also haggling over the issue of signing treaties. The issue was “whether one treaty or two separate treaties on trade and transit matters, security considerations, work permit, etc” should be signed (Jha 14) . Nepal was for two different treaties, but “India favoured signing one single treaty within the framework of special<sup>83</sup> relation” (Shrestha, B. 15). Commenting on Indian stand for a single treaty in the context of the Janata Dal’s rise to power in India, the Extended Central Organisation meeting of NCP (Masal) held in Paus 2046 VS [December/January, 1989/90] stated:

In India with the arrival of the Janata Dal Ministry, a representative of the reactionary class, there will be no change in her stand towards Nepal. They will also keep Nepal within India’s security ring to extend her control. Therefore, it will stick to its stand for a single treaty (NCP (Masal), “Rajnitik Prastao 2047 Asad [June 1990]” 370).

When the haggling was on, in March 1989, the decennial trade and transit treaty between the two lapsed. So, the trade relation between the countries came under “MFN” [Most Favoured Nation] regime. This meant, Nepal could use only “one or two” (Panday 343) of its transit points, “Jogbani-Biratnagar and Raxaul-Birganj” (Shrestha, B. 15). In the lapse of the treaty India pointed out administrative reasons. However, Whelpton feels that the “administrative reasons”, which Government of India provided for explaining the lapse of the treaty was in fact an innuendo to express its “real concern ... regarding the work permit and Chinese arms issue” (113). To explain the lapse of the treaty NCP (Masal) blamed both the Government of India and the Nepalese political arrangement, but on balance the blame tilted more against India for it stated:

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provide the text of the letters exchanged after the Treaty. Section 2, of the letter explicitly forbids Nepal from importing arms and ammunition without the assistance and agreement of the Government of India.

<sup>83</sup> See, Panday 310 Special relation meant relation within the framework of 1950 Treaty which tangled economic relations between the two countries with the security concern of India.

Indian expansionist is mainly responsible for the non-renewal of the trade and transit treaty ... It has created the crisis to extend its complete economic and political control over Nepal like Sikkim... (361).

The present Nepalese political system is also responsible for the crisis, because it has structured Nepalese economy in such a way that it is dependent upon India ... and because the King is linked with the Indian expansionist it is unable, even in this crisis, to combat effectively the Indian expansionist's design at the international level (NCP (Masal), "Rajnitik Prastao 2045 [May/June 1989]" 362).

On the same issue, the NCP (ML) saw the hand of the Indian expansionist and of Nepalese reactionary Government. But, there was difference: their explanation was aimed at rousing the masses to fight for democratic rights. And since their tactics (See p. 358) then was for forming a broad front to fight for democracy the Party was using anti-India vocabulary to draw forces towards it for it stated:

After 1947... the rulers of India ... considered the Himalayas as their line of security. In that context, they imposed upon our country all sorts of unequal treaties; they denied unhindered trade and transit points, and in different times they encroached upon our boundary... In this way, India went on extending its authority upon Nepal... (33).

... The present blockade of trade and transit points is also a reflection of their policy of extending their influence in the region... (34).

However, the present crisis due to the blockade, which has come over our national life ... is owing to the faulty policies of our reactionary leaders. Their anti-people anti-national economic policies had already created the preface to this crisis. Indian blockade has simply brought the crisis to the surface. And the Indians are using it to fulfil their aim of extending their influence... (34).

... To solve the present crisis, the people should be given Democratic rights, and all national forces should be united to oppose Indian authoritarianism... (NCP (ML), "Nepali Krantiko ... Karyakram" 36).

In explaining the lapse of the treaty to Indian action, the Communist parties were not alone. Even the Marich Man Singh Government did the same, but, according to Rishikesh Shaha, the aim was to whip up "anti-Indian feeling" "to divert" the attention of the people from its "own failure" (Shaha, Politics ... Triumph of People Power 157). Though Shaha does not explain what he meant by the failure, yet the context provides the answer: he was referring to the failure of the Government in renewing the treaty. The situation dragged on but towards the end of the year, Hoftun makes note of several changes. These were: reflection of "Government's concern about the situation" in the "official media"; "governing elites'" open criticism of the "Government in a manner never heard before" and the spread of a "high degree of

defeatism and internal dissent” among the ranks of the “old regime”. Then he writes, “As a final factor there came the revolutions in eastern Europe, fully displayed on TV screens in the homes of Kathmandu citizens” to explain how the exposure of the people to the eastern European revolt triggered the 1990 Nepalese movement (16).

From “September 9 through 15”, Shaha points out, that the Congress organised “the Political Awakening Week” (Shaha, Politics ... Triumph of People Power 178). On 15 September 1989, before the “Kathmandu district committee of the Nepali Congress” could submit its “planned memorandum” to the “Bagmati Zonal Commissioner ... complaining of shortages of essential goods ... and price rise” (171), “21” of the activists were arrested. But, on 18 September they were released on bail. After the release, the activists reached the “Congress office at Jamal”. There they were welcomed by the “top Congress leaders”. Then the leaders and activists pleaded for “democratic unity ... to [launch] an effective mass movement ... for the restoration of democracy and human rights” (179). According to Rishikesh Shaha, there was then a “national debate”. Where, he says, “a consensus seemed to emerge on the establishment of an interim national caretaker Government for the purpose of holding Party-based ... free and impartial election within a year, and also on the question that in a democracy sovereignty must reside in the people” (180).

Meanwhile, Shaha notes:

Ganesh Man Singh ... had asked me to hold talks with the leaders of various leftist factions to explore the possibility of their joining hands with the Congress in any movement it may decide to launch for the restoration of democracy and human rights in Nepal. The responses of almost all factions of Communist movement with the exception of those, who subsequently formed their own united national people’s movement was highly favourable... (Shaha, Politics ... Triumph of People Power 180).

One of the exceptions among the Communist parties to which Shaha was referring to was the NCP (Masal). The Party was not ready to respond the call, because of its understanding about immediate Nepalese political context and the nature of Nepali Congress. In 1989–90 Nepal, the Party identified “the main contradiction as between the King, Panchayat system, Indian expansionism and the people” (NCP (Masal),

“Rajnitik Prastao 2046 [December/January 1989]” 371). So, its document says, “In such context, it is important to carry on our movement in favour of democracy, nationalism, and for immediate needs of the people” (371–2). As regards the nature of the call given by the Nepali Congress, the Party perceived in it the voice of a reactionary element, and it sensed India as the instigator of the movement. So, in its assessment the movement was in the service of Indian expansionism. Hence, its response was ambiguous for it stated:

The call for the movement given by Nepali Congress is the product of its reactionary interest. They intend to carry it with the help of Indian Government. As such, in the end their movement will only serve Indian expansionism... But we will support any of their cause, which is pro-people... (NCP (Masal), “Rajnitik Prastao 2046 [December/January 1989]” 372).

Besides, its strategy and tactics (See, p. 393) stood in its way to respond to the Nepali Congress’s call for the movement.

#### 1.15. Jana Andolan and the Framing of the 1990 Constitution

By 15 January 1990, the United Left Front came into existence expressing its ‘moral support’ to the Congress’s call (See p. 403). But, by then, Nepali Congress, according to Rishikesh, had decided against forming “any formal United Front with the leftists who [were] ambiguous about their views on monarchy and tend[ed] towards violence, but it ... welcomed ... [their] cooperation” (Shaha, Politics ... Triumph of People Power 183) . However, Balchandra Mishra notes something else. He says, “The Nepali Congress was worried to go together with the Communists lest such cooperation would infuriate the Americans and the Indians” (196), but he fails to account for Nepali Congress’s stand creating doubts about his statements.

On 18 January, the “Nepali Congress held its 3-day national conference at the home [of] ... Ganesh Man Singh” (Shaha, Politics ... Triumph of People Power 183) . Attending the conference were, “Party delegates and activists, leftists and human rights activists ... and invited guests from various Indian political parties” (183) . According to Shaha, “the Indian delegation of political leaders was led by Chandrasekhar [Chandra Shekhar]” (183) . Further, quoting Girija Prasad Koirala he

explains that the conference was called to “identify the kind of step or mass movement to be launched in the context of ... hardships [faced by] the people” (183) .

The conference decided to launch *Jana Andolan* from 18 February. However, the representatives of ruling group raised objections against what Chandra Shekhar had stated during the conference. According to Shaha, he is said to have told the delegates that “fear was their greatest problem ... and that they [the people of Nepal] should take courage from the overthrow of tyrants like Ceausescu, Marcos and the Shah of Iran” (184) . As a sequel to the statement T. Louise Brown notes,

On 28 January a large Pancha rally took place in Kathmandu ... [they] marched around shouting slogans ... ‘Down with foreign agents’ and ‘Down with foreign alliances’. The implication was clear: no sincere patriot could support the forthcoming Movement because behind the seemingly innocent Congress and ULF was the sinister imperialist India (Brown 116).

Following this show of strength by the Panchas, came administrative repression. According to Balchandra Mishra, “On 13 February leftist leaders Bishnubahadur Manandhar and Badriprasad Khatiwada were arrested” (198). A day later, “Sahana Pradhan, the President of the ULF was arrested, and on 16 February Congress leaders Ganesh Man Singh, Krishnaprasad Bhattarai and Girija Prasad Koirala were put under house arrest” (Mishra 198). So, the planned movement was left without leaders. So, Jan Sharma points out that after the arrests “the parties undertook to pursue separate but complementary campaigns ... and the informal alliance operated as a loose coalition” (116). Nevertheless, the movement began on 18 February amid continuing Government’s repression. “As Government suppression increased”, Hoftun notes, “the population of the cities showed a more stubborn defiance ... There was a steady increase in the involvement of various professional associations such as the Medical Association, teachers’ associations etc.,” (17). On 19 February, movement began in Bhaktapur, one of the sister cities of Kathmandu. However, at that stage, Hoftun says, “one could not describe the political conflict ... as a mass movement” (17). It turned so after March 30. And the events responsible were unrest in the sister towns of Kathmandu and the following repression of the police for Hoftun writes:

On 30 March the situation changed dramatically when the unrest in Bhaktapur spread to Patan. Police opened fire against demonstrators and several were killed. This display of violence just a few miles from the centre of the capital was probably the main reason for the struggle turning into a mass uprising in the Kathmandu Valley ... In the following days the remaining professional associations, including civil servants and employees of Royal Nepal Airlines, organised strikes in support of the movement. The general strike in Kathmandu on 2 April was a considerable success (17).

In similar line, T. Louise Brown explains the role of the sister towns of Kathmandu in the movement while underlining the significance of Communist tradition and of police repression in turning them as centres of radical support to the movement for she writes:

... events in Patan and Bhaktapur ... were vital to the success of the *Jana Andolan*...

Bhaktapur, which was a Newar town and which was a long-time Communist stronghold and home of Workers and Peasant Party, emerged as a focus of radical support for the Movement ... (118).

A similar pattern was followed in Patan ... A strong Communist tradition amongst the Jyapu, the community of urbanised Newar peasant farmers. As in Bhaktapur, police brutally radicalised an already hostile population ... (Brown 119).

Besides, her work brings out the nature of roles played by the parties, the professional people and the students while explaining that it was mainly a middle class movement for she remarks:

Throughout the movement large crowds were absent. The parties rather organised ... a series of lightning demonstrations groups of activists would assemble, demonstrate, disperse and then regrouped in another location. Lightning demonstrations gave the impression that *Jana Andolan* activists were ubiquitous.

Most of the groups who spearheaded the *Jana Andolan* in the capital belonged to the middle class. Professional people were at the forefront of the movement and it was their protests which right up until the mass popular demonstrations of early April, dominated and maintained the momentum of Nepal's revolution...

Students drawn overwhelmingly from Nepal's middle-class, played a vital role in the movement ... students who supported the leftist and the Nepali Congress directly challenged the Government ... and ... through ... underground networks [spread] ... information... (Brown 121).

However, in NCP (ML)'s assessment the movement drew a wider section of the people for it noted:

The *Jana Andolan* was not a class struggle. It was democratic movement against despotism of the political system. It was movement of all sections. In it even the liberal sections of the Zamindar class and

the tout bureaucratic capitalists were aligned with the masses ... (NCP (ML), Bartaman Paristhiti: Oct/Nov 1990 8).

But, considering its later position that too on a vital issue (See p. 409) Brown's analysis appears to be the correct depiction of the movement's complexion. Later, on 1 April, Marich Man Singh Shrestha's Cabinet was reshuffled where Foreign Minister, Sailendra Kumar Upadhyaya's name was missing. In fact, he had reportedly resigned somewhere between March 31 and April 2 protesting "Government repression" (Hoftun 17; Shaha, Politics ... Triumph of People Power 202), and by pointing out the "mismanagement of ... Indo-Nepal trade crisis ... [which had made] his position untenable" (Brown 132). If Hoftun sensed the resignation as "the first signs of [Government's] wavering" (17), Louise viewed it as "signs of success" (132) of the movement.

Meanwhile, Whelpton says, "India ... submitted the draft<sup>84</sup> of a new treaty reaffirming the security relationship set up by the 1950 agreement" (115). In doing so, he assumes that India was trying to "tempt" the King to accept the proposal in the hope of getting "Indian support ... against domestic opposition" (115). After that he writes that Birendra did not accept the "politically ... impossible" course rather he chose "to give concessions at home" (Whelpton, History 115). And the concessions came on 6 April as King's proclamation.

The Proclamation charged Marich Man Singh's Council of Ministers for having failed in its duty "to maintain law and order ... resulting in the loss of life and property". It dissolved the Council in "Accordance with clause I of Article 81" of the

<sup>84</sup> See, Bhattarai, K. 77 This draft proposal was proposed in March 1990. It had 5 parts. Part I forbade the two countries from passing any law against the economic rights of the people crisscrossing the open border. Part II, Art. I.–Art. V dealt with the security concerns of India. Art.I enjoined Nepal to seek Indian advice to import materials that it needed for its security; Article II forbade both the signatories from entering into treaty relation with a third country, which harmed the interest of either parties. Part IV dealt with development issues, where Article 2 enjoined Nepal to seek Indian help for developing her natural resources unless help from other sources were profitable. Finally, it introduced the Common river concept which bound Nepal into agreeing joint harnessing of rivers which were of use to both the countries.

Nepalese Constitution, and “entrusted ... Mr Lokendra Bahadur Chand to form a Council of Ministers” (Rising Nepal, “Royal Proclamation” 1990 April 7) .

According to the Proclamation, the Council of Ministers had two tasks to perform. They were: 1) To consult people holding different political views for bringing about constitutional reforms. To do so it proclaimed to set up a Constitutional Reforms Commission in future. 2) To set up a commission to study incidents that resulted in loss of life and property during the movement. However, the media failed to report the result of the United National People’s Movement’ (See, p. 404 for its formation) call for action on 6 of April. According to Shaha, their “call for action on Friday, 6 April 1990 ... turned out to be the climactic day of the protest movement” (107). On that day people swelled in thousands at Tundhikhel. From there, shouting slogans pointed towards the royalties they marched throughout the valley. When the march reached Darbar Marg the police slaughtered them. Later, in the evening, the Government announced its decision to release political prisoners (Shaha, Politics ... Triumph of People Power 208–9). Next morning, amid “curfew imposed peace” Balchandra Mishra writes, “Chand visited Ganesh Man in the hospital” and later “released Sahana Pradhan and Man Mohan Adhikari” from jail. In the talks that followed between the Government and the released leaders he writes, “The leaders agreed to hold further talks if an Interim Government was formed and the ban on the functioning of political parties removed” (209). Describing the later events Whelpton writes,

On 8 April, Congress leaders Krishna Prasad Bhattarai and Girija Koirala, together with Sahana Pradhan and the CPN (Marxist-Leninist’s) Radha Krishna Mainali went to the palace for direct negotiations with the King. They agreed to accept, for the moment, a simple ending of the ban on political parties; this was announced over state media late that evening. Bhattarai told an interviewer that the movement was now over ... (Whelpton, History 115).

Same day, the press Secretariat of the King issued a communiqué. It removed the ban on political parties; repeated the promise to set up a Constitution Reforms Commission while deleting the term ‘partylessness’ from the Constitution of Nepal (Rising Nepal, “Ban Removed” 1990 Apr. 9). Later, in its document the NCP (ML)

viewed the communiqué as the King's final effort to save the Panchayat system—a conclusion which the Party seems to have arrived at considering King's offer of a Constitution Reform Commission. Besides; the communiqué, in its assessment, was important, because it removed the word 'Party-less' from the Constitution and gave political parties the freedom to engage in talks with the King. By allowing parties to struggle both in streets and in table, it made way for the peaceful destruction of the Panchayat system for the Party stated:

April understanding was the final try by the King to protect the Panchayat system. But, it was an important understanding. On one hand it removed word 'Party-less' from Constitution, on other, the ban imposed on the political parties. So, it transformed violent movements to table talks: it opened the door to dialogue with the King. By doing so it created settings, where peaceful struggle both in streets and in tables could be waged for destroying the Panchayat system... (NCP (ML), Bartaman Paristhiti: Oct/Nov 1990 9).

However, commenting on the agreement NCP (Masal) implied that it was a wrong tactics for it noted:

By entering into the Chaitra 26 agreement the Nepali Congress and the ULF have ditched the people. When the movement was at its peak they terminated it without transferring power into the hands of the people. By doing so they have only strengthened the hand of the King ... They should have intensified the movement for the creation of the Constituent Assembly rather than accepting Constitution Reform Commission ... (NCP (Masal), "Rajnitik Pratibedan Paus 2048 [1992]" 446).

On 9 April, in a joint Congress-Communists meeting at Tundikhel the parties demanded an Interim Government, which included members of both Nepali Congress and the Communist Party of Nepal as they enjoyed the support of the people (Rising Nepal, "Politicians Appeal" 1990 Apr. 10). However, Man Mohan Adhikari of the NCP (Marxist) pointed out that they would now demand dissolution of all Panchayat units, formation of Interim Government and the drafting of a Constitution that promoted the welfare of the people (Rising Nepal, "Politicians Appeal" 1990 Apr. 10). And the speech of Sahana Pradhan of the NCP (M) reflected what the leaders feared in the days to come. She warned that if the existing Ministry, in its expanded form, were turned into an Interim Government then it would not be accepted" (Rising Nepal, "Politicians Appeal" 1990 Apr. 10). In saying so she was not off the mark in

gauging the intent of Chand Ministry, because Whelpton says, “Lokendra Bahadur Chand still hoped to get the political parties simply to join his existing cabinet” (115). On the 10<sup>th</sup>, Tundikhel hosted an open meeting of the United National People’s Movement. There, Shaha points out, its leaders dubbed the 8<sup>th</sup> April understanding “a conspiracy against the people”, and the lifting of the ban on parties as “sheer deception”. They urged the people that “the struggle must go on” (Shaha, Politics ... Triumph of People Power 212). In the days ahead, the Palace versus the political forces’ tussle dominated the politics of the kingdom. On April 12 in a Congress-ULF sponsored joint condolence meeting held at Mangal Bazar the parties repeated their three demands. They demanded the forming of an Interim Government; dissolution of all Panchayat units including Rastriya Panchayat, and drafting of people oriented Constitution. In the meeting, Congress leader Krishna Prasad Bhattarai told the crowd that he had asked the King to dissolve the Chand Ministry and the Rastriya Panchayat as they were constituted before the deletion of the term ‘Party-less’ from the Constitution, and that people should make the Constitution (Rising Nepal, “Nepali Congress, United Left” 1990 Apr. 13). On April 13, Ganesh Man Singh and others after their talk with the King expressed the possibility of an Interim Government by the end of the coming week (Rising Nepal, “Leaders Appear” 1990 Apr. 14). However, King’s New Year message to the nation on April 14 turned out to be a damp squib. It simply told the nation that the process for setting up Constitutional Reforms Commission was on (Rising Nepal, “Proper Understanding” 1990 Apr. 15). Meanwhile, a three-member Investigation Commission under Supreme Court judge Prachanda Raj Anil began investigating loss of life and property during the *Jana Andolan* (Rising Nepal, “Investigation Commission” 1990 April 16). However, it could not last long. One month later, that is on 17 May, it was dissolved when fresh members, added on 3 May, declined to function in a Commission formed during the Panchayat period (Rising Nepal, “New Investigation Commission” 1990 May 18). Sometimes later, the Government established another Commission under Janardan Lal Mallik, Judge, Eastern Regional Court (Sharma, J. 45). Meanwhile, Balchandra

Mishra states, “Considering the Palace’s wavering attitude towards the implementation of the 8<sup>th</sup> April understanding, the parties threatened the authorities with fresh movement” (211). The threat worked for Rishikesh Shaha writes, “In the face of the resumption of popular agitation, the King on the morning of 16 April produced a new proclamation” (215). It “dissolved the national Panchayat, the Panchayat and Policy Evaluation Committee and all six class organisations associated with the panchayat system” (Shaha, Politics ... Triumph of People Power 215). Same day, King asked Ganesh Man Singh to head the Interim Government. But, on health grounds he declined the proposal while suggesting the name of Nepali Congress’s Acting President, Krishna Prasad Bhattarai’s name for the post. The King accepted his suggestion (Shaha, Politics ... Triumph of People Power 215). And when journalists asked Bhattarai about his priorities, he clarified that he would try to restore Indo-Nepal relation to the level that existed before 23 March 1989 (Rising Nepal, “Bhattarai Nominated” 1990 Apr. 17). On the 17<sup>th</sup>, expressing his views on 1950 Treaty he stated “the 1950 Treaty of Peace and Friendship with India is an old Treaty, as times have changed ... we can afford to change it here and there without losing interest of both the countries” (Rising Nepal, “Bhattarai to Submit” 1990 April 18). The message was clear the Congress was not for two separate Treaties: it was ready to recognise Indian concern for security while wangling transit concessions under the package of ‘special relation’. On 18 April, Bhattarai revealed the names of his Cabinet members. According to Shaha, it was a ten-member Cabinet. Of these, three represented the ULF; three, Nepali Congress;<sup>85</sup> two independents and two royal nominees. From the ULF side the well-known ones were Sahana Pradhan, chairman of ULF and Jhal Nath Khanal and the royal nominees, whose names were flashed later, were Kesar Jung Rayamajhi and Achyut Raj Regmi (217–18).

<sup>85</sup> Though the representation of the ULF and the Nepali Congress was equal in the Interim Government, yet for all the failures of the Interim Government the parties blamed the Congress probably because it was led by a Congress leader.

After assuming office the Government was engaged in controlling a series of violent activities. These activities, T. Louise says, were “the activities of the *mandales*, a group of ‘counter revolutionaries’ who were allegedly funded by the palace” (Brown 145). In NCP (Masal)’s view, they were “the main enemy of democracy ... undermining its foundation while strengthening the position of the King” (NCP (Masal), “Rajnitik Prastao 2047” 394). Eventually, when situation turned normal Government’s attention was drawn towards controlling price rise, dismantling of the remaining Panchayat units and in framing a Constitution under which election could be held within a year. In controlling the price rise the continuing Indo-Nepal treaty deadlock restricted its options. However, a Cabinet directive of April 27 was all that was necessary to dissolve “local level Panchayat units” (Rising Nepal, “Government Dissolves” 1990 Apr. 28). After dissolving them, the directive transferred their functions to office Secretaries, Chief administrative officers and Local Development officers at the village, town and district levels respectively. But, on the issue of framing the Constitution it was faced with a number of challenges. Standing on its way for the creation of a Constituent Assembly was its assessment of the Palace’s position. it was reflected, as Hutt reports, in Ganesh Man Singh’s statement, where he is said to have stated, “the King could not be pushed too far too fast, and that the notion of a Constitution which derived from the people and not from the King would provoke a reaction from the Palace” (33). So, it stood for a Constitution drafted by a Constitution Recommendations Commission. However, the UNPM and NCP (Masal) favoured election for a Constituent Assembly and then a Constitution (For reasoning see p. 410). Besides, it had to bear with the Palace’s intrusion in the Constitution framing process. And regarding the expected nature of the Constitution itself, there were divergent views expressed from different quarters which it had to manage.

On 11 May, Hutt writes, “without consulting the interim Government, King Birendra formed a seven-man Constitution Recommendation Commission” (33). It was to function under Supreme Court Justice Biswanath Upadhyaya (Rising Nepal,

“HM Forms” 1990 May 12). Such creation of the Commission, Hutt says, “was in direct contradiction to the ULF’s demand for a commission including representatives of both political parties within the interim Government” (33). Hence, the Nepali Congress press release of 12 May rejected the Commission (Rising Nepal, “NC Hopes for Early Solution of Crisis” 1990 May 13), and so did the ULF (Rising Nepal, “Communists Demand” 1990 May 13).

In the King’s initiative, the UNPM sensed “revivalist” attempt at “consolidating state power in his hand”; the “powerlessness” of Interim Government, and the meddling of the Palace in the affairs of the Government. It demanded transfer of sovereignty to the people (Rising Nepal, “UNPM Rejects” 1990 May 14) which, in their terms, meant an election for a Constituent Assembly. In sum, the mood favoured a body with powers to frame a new Constitution uninfluenced by the Palace. The barrage of attacks, finally led to the dissolution of the Commission. Describing the course of events Michael Hutt writes, “The commission’s chairman ... resigned and three of the six other members refused to join at all. The commission was dissolved after only four days” (34). Further, he noted:

On 22 May, the King vested the legislative and executive powers of the dissolved National Panchayat to the Interim Government [but until] ... 1 June ... the Government was still hindered by a lack of judicial power, which had not yet been granted to it. Critics of the Government said that it was still operating under the 1962 Constitution, minus the word ‘partyless’, and that it therefore still sought Palace approval for every move it made ... (35).

The transfer of the legislative and executive powers to the Interim Government was perhaps the King’s method of gratifying the UNPM, the force to be reckoned with. Then on 30 May 1990, the King, on the advice of the Interim Government, formed “a nine-member Constitution Recommendation Commission” (Election Commission, General Election in Nepal: 1991 7). Though Biswanath Upadhyaya still chaired the Commission, the members represented the Nepali Congress; the constituents of the ULF and the nominees of the King. Representing the Nepali Congress, were: Laxman Aryal, Mukund Regmi, Daman Nath Dhungana. Nirmal Lama, Bharat Mohan Adhikari and Madhav Kumar Nepal represented NCP (Chautho Mahadhiwayshun),

NCP (Marxist) and NCP (ML) respectively (Election Commission, General Election in Nepal: 1991 8). Despite these changes, NCP (Masal) commented that “there was still the possibility of the draft going to the King first and, therefore, of him being the source of the Constitution” (379). Furthermore, the Government during April-May was also faced with a spate of suggestions regarding the content of future Constitution. These suggestions came from ethnic, regional and religious organisations. On May 8; a new political Party, Nepal Rastriya Janamukti Morcha was formed. It demanded a federal Constitution and a secular State to free ethnics from exploitation (Rising Nepal, “New Political” 1990 May 9). In similar lines, the *Janajati Mahasangh*, which represented 14 ethnic groups<sup>86</sup>, asked Prime Minister Bhattarai to include their representatives in the Constitution Recommendation Commission (Rising Nepal, “Delegation Calls” 1990 May 24). Their demands, besides those of the Rastriya Janamukti Morcha, stressed on constitutional provision for the development of all languages, proportional representation of ethnic minorities in Government jobs and removal of Nepali language from preferential position in the future Constitution of Nepal. Besides, regional groups demanded inclusion of Terai residents in the army and police force of the kingdom (Rising Nepal, “Delegation” 1990 May 17). However, there were groups opposed to the demand for a secular State. These were religious organisations like Arya Samaj (Rising Nepal, “Arya Samaj” 1990 May 20) and Krishna Pranami Yuva Parishad, who feared forced conversion to Christianity under secular arrangement (Rising Nepal, “Religious” 1990 May 25). Later, when the Constitution Recommendation Commission sought advice from the people, these ethnic and regional issues formed a corpus of suggestions. But, as Hutt observes,

<sup>86</sup> This organisation was formed in May, 5, 1990. When formed it included eight ethnic organisations (Nepal Janajati Mahasangh, “Yatrako Ek Dasak” 16). Until 2000 its name was Nepal Janajati Mahasangh, however, these days it is called Nepal Janajati Adivasi Mahasangh or Nepal Federation of Indigenous Nationalities. See also, Gellner, “Ethnicity ... in Nepal” 1825 for the mistakes that he commits in providing these information.

“Rather than attempting to accommodate these differences, the commission and Interim Government simply perceived them as threats to national unity, and virtually dismissed them out of hand” (36).

Meanwhile, from May 1990 Bhattarai had initiated moves to restore Indo-Nepal relation. In a letter to Indian Prime Minister, Viswanath Pratap Singh, he underlined the need “to work together to build and promote mutual trust and confidence” (Sharma, J. 64). As a sequel to it, Bhattarai visited India from June 8–10. On 10 June, keeping in the abeyance the signing of a comprehensive arrangement on all bilateral issues until the installation of an elected Government in Nepal, the two leaders issued a joint communiqué. The full text of the communiqué published in *Rising Nepal*, June 11, 1990 had the following declarations:

Ÿ From July 1, 1990 the Indo-Nepal relation was going to be restored to the level that existed on April 1, 1987.

Ÿ Annexure I listed concessions given by Government of India. Entry 9 restored 22 border points between the two countries as custom stations, and entry 10 restored 15 transit points. Entry 12 enjoined Government of India to allow the movement of capital once an Indo-Nepal joint venture was approved. The other sections of the Annexure enjoined Nepal to remove the work permit provision meant for Indian nationals working in Nepal. Besides, Nepal was to treat Indians working in Nepalese schools at par with Nepalese in terms of conditions of employment.

Ÿ Annexure II enjoined Nepal to exempt Indian goods entering Nepal from customs duty. And tariffs on third country goods were not to be structured in a way which would hamper tariff regime for Indian exports. Finally, the preface to the communiqué expressed that both the countries would respect their security concerns.

Back home, Bhattarai described his visit “a complete success”, and pointed out “the restoration of the *status quo ante* as the main achievement of his visit”. On 11 June, “the Cabinet passed a resolution congratulating the Prime Minister on his successful visit to India” (Sharma, J. 70). However, commenting on the provisions of the

communiqué NCP (Masal) obliquely stated, “From the communiqué signed between Krishna Prasad Bhattarai and Indian Government the reactionary and revisionists intentions of the latter in giving support to the Nepali *Jana Andolan* becomes clear” (NCP (Masal), “Rajnitik Prastao 2047 Asad [June 1990]” 378).

From the middle of June, Nepali Congress was involved in rejecting the ULF’s demand for an Interim Act (See p. 412). Its leader Ganesh Man Singh repeatedly maintained that in view of the executive and legislative powers, which the King had transferred to the Government such Act was unnecessary (Rising Nepal, “Sahana Says” 1990 June 22). Endorsing his views, at the end of its three day meeting held in the first week of July, the Central Working Committee of Nepali Congress passed a resolution (Rising Nepal, “NC Sees” 1990 July 5). But, the Communist demand lingered on. On July 10, the King suspended a number of Articles of the Panchayat Constitution (Rising Nepal, “His Majesty Suspends” 1990 July 11). Commenting on the King’s act NCP (ML) press release said:

Those Articles which were already inactive following the abolition of the Panchayat System have been suspended and no other important Articles that give the King the sovereign power have been suspended. Our main demand is to transfer the power vested in the King to the people by promulgating an Interim Act (NCP (ML), Bigyapti 1990 July 10).

Meanwhile, according to Jan Sharma, the Government accepted a four-member Pay Commission’s recommendations, which it had constituted to recommend changes in Government corporation employees’ pay structure. The acceptance substantially increased their wages (43). However, it had its fallout for Mishra writes, “the hike left more than one lakh Low-Grade Civil Service employees working in Government establishments dissatisfied since their pay did not increase” (228). Hence its organisation, “Nepal Civil Servants’ Organisation began pressurising the Government” (Mishra 228). When nothing transpired, Mishra says, “The Organisation threatened the Government with protest movements from October 28, 1990 if its demands for pay hike and registration of the Organisation were not met with” (228). The Government, however, responded. “It promised the registration of the

Organisation and sympathetic consideration of its demands, but 15 days after the promulgation of the Constitution” (Mishra 228). The Organisation decided to be accommodative: it deferred its agitation. From August, the tussle between the King and the Constitution Drafting Commission resurfaced in Nirmal Lama’s threat: on August 6 he threatened the Government with his resignation from the Commission if the draft went to the King first (Rising Nepal, “Lama Insists” 1990 Aug. 7). However, by August 31 the draft of the Constitution was ready. Next day, when its “outline” became public in “Gorkhapatra” it indicated, that in the future Constitution of Nepal it would be possible to amend<sup>87</sup> the provisions related to “constitutional monarchy, multi-Party democracy and the vesting of sovereignty in the people” (Hutt 39) by  $\frac{3}{4}$  votes of the legislature followed by a national referendum. Since, the Congress had always stood by these feature, the inclusion of such amendment provision was considered by the Communists as their victory over the Congress (Hutt 39). Hence, from then on Hutt writes that they began asking for “immediate promulgation” of the Constitution “while the Congress continued to look for an opportunity to make [the] concepts inviolable” (39). Meanwhile, news regarding Bhutan People’s Party’s democratic struggle against Drukpa regime there began pouring in Nepal.<sup>88</sup> The Party’s plan to carry on movement in Phuntsholing from August 26, 1990 was flashed across the kingdom (Rising Nepal, “Demonstrations” 1990 August 22). However, by then the flow of Bhutanese refugees into Nepal had already begun and a support group, the Bhutan Sahayog Samuha was carrying on silent processions in Nepal in support of the movement (Rising Nepal, “Silent” 1990 August 26). From September onward, constitutional issues claimed much of the nation’s time. And majority of it

<sup>87</sup> See Whelpton, History 117,. The communists wanted the possibility of abolishing monarchy and replacing bourgeois democracy in future so such provisions were in support of their stand.

<sup>88</sup> See, Whelpton, History 190 The movement in Bhutan was launched to protest against Bhutanese government’s campaign of forced assimilation and restrictive legislation on citizenship.

was spent in the Palace-Government tussle. But, when the Election Commission described the end of the Constitution making process it observed:

The Commission submitted the draft of the Constitution to the Government. The Council of Ministers, further considered the draft and with some alternatives (sic) thereon, submitted the final draft to His Majesty and the Constitution was promulgated with the Royal proclamation on November 9, 1990 abrogating the earlier Constitution of Nepal, 1962 (Election Commission, General Election in Nepal: 1991 8).

The statements hid two facts. First, by saying that the draft went to the Government it hid the fact that it went to the King first. Second, it hid the events which went in between the period when the draft moved hands between the two institutions namely the King and the Council of Ministers. On these Michael Hutt had this to say:

Justice Upadhyaya presented the draft of the new Constitution to the King on 10 September. The King then handed it to Bhattarai as agreed, but sparked ... controversy by instructing him to consider suggestions put forward by constitutional organs and political parties which had not been represented in the Recommendation Commission... (39).

On 11 October, with inputs from the Council of Ministers, Bhattarai presented the draft of the Constitution to the King (Rising Nepal, "Bhattarai Presents" 1990 Oct. 12). According to Hutt, they "made over twenty changes to the draft" (40). But, on the 21<sup>st</sup> of October the Palace released "a new draft" which was "claimed ... [to have been] prepared jointly by the King and the prime minister" (40). The Palace draft did not express what the Communists wanted: its Preamble did not declare that it was the outcome of the movement. Besides, it gave the King the power to declare emergency without the advice of the Council of Ministers (Hutt 41). Further, it included the institution of *Raj Parishad*, which the Congress did not want and it failed to meet the aspirations of ethnic and regional groups. After that, revealing the issues compromised in a Palace-Nepali Congress's talks Hutt says, "Inside the Palace, on 24 October, the King spent four and a half hours in talks with Congress leaders and Justice Upadhyaya. By the end of the day, agreement had been reached on the issues of multi-Party democracy, constitutional monarchy, the vesting of sovereignty in the people, and human rights ..." (42). On 25 October, a Royal Palace communiqué informed the nation that the King would proclaim the Constitution on 9 November

1990 (Rising Nepal, “NC Welcomes” 1990 Oct. 26). But, when it was promulgated voices of dissent were heard from three quarters. NCP (Mashal) viewed it as a symbol of betrayal for having placed unlimited powers in the hands of the King (Rising Nepal, “Mashal Takes” 1990 Nov. 18). In similar tone NCP (Masal) stated:

The Constitution has placed the sovereign authority in the hands of the King ... and given him the power to declare emergency without the advice of the Council of Ministers. Besides, it has created Raj Parishad, an institution parallel to the Council of Ministers ... there are enough gaps in the Constitution which allow him to exercise his discretion. So it has failed to establish constitutional monarchy in Nepal (NCP (Masal), “Bahiskarko Ghoshnapatra” 411–12).

And Nepal Sadbhavana Party leader, Gajendra Narayan Singh described it as a document which “discriminated against the people of Terai”. He demanded citizenship to all Terai people whose names were in the voters list prepared before the referendum. He threatened to hit the streets if discriminatory provisions of the Constitution were not changed by 29 December. And by way of suggesting improvements in the document he pointed out that Nepal should adopt a “federal structure” and “ensure Terai representation in her administrative and political institutions” (Rising Nepal, “Problems of Terai” 1990 Nov. 30). Were Gajendra Narayan’s claims and demands unjustified? They were not, because NCP (Masal)’s document, in painting the plight of the Terai population, expressed similar views for it stated:

Today, the situation in Terai is grave. From the beginning the ruler class, corrupt officials from the hills, the police and the Zamindars have treated Terai population as second class citizens of the kingdom. They have discriminated against their language and culture and have not given them equal opportunity in Government services and in educational institutions. We have always raised our voices against these discriminations. Because of such situation communal and secessionist forces especially intruders from India and revivalist of Nepal are working there in planned manner. We should oppose all communal and secessionist forces while supporting their just claims for autonomy, for equal opportunity in developing their languages, culture, and their demands for equal representation in the administrative and defence establishments of our kingdom ... (NCP (Masal), “Rajnitik Prastao 2047 Asad [June 1990]” 381).

But, the NCP (UML) simply noted, “After a long struggle there is a new Constitution in Nepal. It has many weaknesses and defects. Even then, it has provided

constitutional basis for advancing democratic practices” (NCP (UML), Ghoshna-Patra, 2047 8). However, NCP (Prajatantrabadi [Democratic])<sup>89</sup>praised the Constitution when it stated:

The Constitution has bound the autocratic monarch. For the first time in the history of Nepal the people have fundamental rights. The 2047 [1990] Constitution has institutionalised democracy which people can use for the accelerated development of the nation. The fruit of the development can then be used for the uplift of the proletariat; in ensuring their participation, and in building up a just and equitable society... (NCP (Prajatantrabadi) 2).

And in similar vein, NCP (Verma) said, “It has established multi-Party democracy; transferred sovereignty to the people, created parliamentary system, accepted constitutional democracy and provided the path for peaceful transformation of the society” (NCP (Verma) 3). Thus, after the promulgation of the Constitution the Communists of Nepal were divided into three groups: One group was all in praise for the Constitution, and another, against it and still another had mixed opinion about it. In the days ahead, these perceptions were bound to affect the nature of their participation in the 1991 election.

#### 1.16. November 1990 Constitution: The Parliamentary Phase

After the proclamation of the Constitution, the NCP (ML) and NCP (Marxist) factions of the ULF were trying to convince the Congress for an electoral alliance, but the proposal was firmly rejected by Nepali Congress General Secretary, Girija Prasad Koirala. In a seminar held on 24 November he declared that Nepali Congress would go to polls alone (Rising Nepal, “Fight Alone: Girija” 1990 Nov. 25). Explaining such tactics of the strongest factions of the ULF, Whelpton rightly points out that they were, during the period, trying to apply Mao’s April 24, 1945 New Democratic<sup>90</sup>line in Nepal (Whelpton, “Election 1991” 55). In following such tactics,

<sup>89</sup> This was NCP (Manandhar) with its new name suggested to it by the Election Commission.

<sup>90</sup> See, Brandt, Schwartz and Fairbank 295 In April 24, 1945 Mao advocated that China during that phase required unity among all political parties and groups to

they contended that Communist-Congress understanding was important for checking the rise of revivalist in future.<sup>91</sup> However, the tactics was misplaced. In 1945 when Mao was calling for such an alliance between the Chinese Communist and the Kuomintang forces he was speaking from a position of power. Then the Chinese Communist forces were in control of a vast “liberated Area” and the area under the control of the KMT had shrunk to half its former size (Brandt, et al. 299). Compared to it, UML’s plea for alliances and electoral understanding was being made in a situation where no one knew whose strength was more. Thus, while pursuing such tactics the UML was neglecting the objective condition of Nepal. Hence, its tactics was bound to fail. From then onwards, if the Communists were engaged in unity

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form a provisional coalition government and in such coalition he even favoured the entry of the Kuomintang Party. However, see, Whelpton, “Election 1991” 55–6 to explain the changes in the tactical position of NCP (UML) in 1991, Whelpton draws attention to a few historical facts namely, a) the NCP (ML) abandoned its ‘Maoist’ label in 1989; b) NCP (ML) to practice tactical unity with the Congress declared that *Naulo Janabad* would guarantee full freedom for the ordinary people to establish parties ... on the basis of their political belief. To prove his statement (b) he refers to NCP (ML) document NCP (ML), “Nepali Krantiko ... Karyakram” 16. However, the facts are as follows: first NCP (M-L) never used the Maoist Label, but it practised Maoist tactics. It gave it up and chose a more flexible tactics after its failure in 1980 referendum. Second, the content of the document in page 16 cannot be linked to explain that the Party by doing so was trying to establish tactical alliance at the governmental level with the Congress. In fact the statement which he uses is linked with the Party’s acceptance of *Bahudaliya Janabad* or multi-party democracy under New Democracy in p-15 of the document and nothing more can be read in the statement. In 1989, NCP (M-L) was advocating alliance with Nepali Congress only to overthrow the Panchayat system, but for establishing New Democracy it said that the Nepali Congress must be destroyed. Hence, 1989 position of NCP (M-L) cannot be used to explain the 1990 tactical position of NCP (M-L), NCP (Marxist) and of their combined form NCP (UML) after January 1991. However, he was right in pointing out that these groups were talking about tactical alliance with the Congress at the governmental level in the 1990 to fight against revivalist forces. And this was in line with the Party line of the Chinese Communist in 1945.

<sup>91</sup> See, Rising Nepal, “NC, CPN Should Cooperate” 1991 Jan. 17 The tactics was invoked even after the formation of NCP (UML). With same logic Man Mohan Adhikari asked the Congress to enter into an electoral understanding but with no avail.

moves among themselves (See p. 415 ), the Government was faced with pressures from various sides. On 6 December, Civil Servants threatened her with protests if their demands for improving the morale of the employees were not implemented by December 12 (Rising Nepal, “Speedy” 1990 Dec. 7). Meanwhile, the newly formed (See p. 415 ) NCP (Unity Centre) began pressurising the Government. In a mass meeting organised in December 7, its leaders called upon the people to help it launch new democratic revolution. They expressed their concern over rising prices, rampant corruption and state of lawlessness that prevailed under the Interim arrangement. Eulogising use of force to capture power, they noted that it was a “day-dream to expect change through ballots” (Rising Nepal, “Concerned” 1990 Dec. 8). Amid these developments, Mishra notes, “when the Government failed to keep up to its words, Nepal Civil Servants Organisation began its movement from December 12. It launched pen down strike to press the Government for the fulfilment of its various demands” (Mishra 229). Faced with pressure from NCP (ML) to resolve the issue at the earliest (Rising Nepal, “Civil Servants” 1990 Dec. 19), on December 20, the Government entered into a five-point agreement with the Organisation. Out of these five points, which Mishra indicates, the most important ones were as follows:

• Within two weeks there shall be a High Level Commission consisting of experts and members of Nepal Civil Servants’ Association.

• The Commission shall prepare a report on the facilities to be extended to civil servants after studying the facilities extended to the corporation employees. The pay structure recommended by the Commission will be implemented from VS 2048 Baisakh 1 [14 May 1991] and rest of the recommendations from VS 2048 Srawan 1 [17 July 1991].

• The Commission framed as per point 1 above shall submit its report to the Government within two months (230).

On 21 December, Late News item reported that the Organisation has agreed to withdraw the movement following Government’s proposal for a high level administrative Committee to look into its grievances (Rising Nepal, “Late News” 1990 Dec. 21). After that, Mishra says, “The Commission was formed and it presented the Report on time” (230). However, he reports that “In the intervening

period the Government created Nepal Civil Servants' Association<sup>92</sup> and registered it on VS 2047/11/12 [26 March 1991]" (230). And from then onwards, "the then Prime Minister began issuing statements that only the elected Government would implement the recommendations of the Commission" (Mishra 230). The issue lingered on. On the 26<sup>th</sup>, possibly to silence a few Communist factions, who viewed the Parliament as an institution that symbolised bourgeois distortion, Nepal enacted Nepal Treaty Act, which brought into action Article 126 of the Constitution (See p. 231). The Government projected it as a measure necessary to enhance the sovereignty of the Parliament (Rising Nepal, "Pioneer Treaty" 1990 Dec. 28) . However, Jan Sharma observes that it was produced out of "The experiences of Nepal being cheated<sup>93</sup> in water negotiations with India ... since 1959 Koshi Agreement" (53). Then he says that the move angered India. But, considering the outcome, which Nepal would have faced by tampering with the spirit of camaraderie that she had recently cultivated with India,

<sup>92</sup> Mishra's statement here is not precise: Government then could mean either the Nepali Congress or the Communists. And his statement that the Government created Nepal Civil Servants' Association contradicts with Brown's statement where she says, "The long-standing Civil Servants Association became linked with Congress and a rival Civil Servants' Organisation was established in order to counterbalance Congress's influence ... to mobilise support for the communists" 150. Thus, in her understanding the Civil Servants' Organisation was the creation of the Communists. Besides, she further points out that the movement peaked in the summer of 1990. However, considering paper reports of the period both her facts were wrong because Nepal Civil Servants Organisation was the long-standing organisation and since they were demanding dissolution of the "so called Nepal Civil Servants' Association" (Rising Nepal, "Civil Servants' Memorandum" 1991 June 15) it implied that Nepal Civil Servants Organisation was already in existence and the rival group was created by the Congress (see, also p.276 for earlier Communist organisation) Second, the movement did not peak in the summer of 1990, but after May 1991, see, Rising Nepal, "Benefits" 1991 June 30 These minor facts are important in the context of Brown's writing, because by the mistakes she commits in keeping her facts straight her writing implicates the Communists for over-politicising the polity that too after the Jana Andolan.

<sup>93</sup> See, Sharma, J. 53 where the author provides details regarding India's failure in keeping its words. It had failed to supply water for irrigation from Done canal and power from Kataiya Plant.

it is difficult to accept his argument. Meanwhile, on 31 December Mallik Commission submitted its report to Prime Minister Bhattarai. According to the Report, the *Jana Andolan* had claimed 45 lives, injured 2,300 and damaged property worth Rs. 60 million (Sharma, J. 45) and as per Brown, the Commission suggested the Government to take actions “against police, administrators, and ministers ... responsible for suppressing the *Jana Andolan*” (148). Then, in 1 February 1991, Bhattarai referred the Report to the Attorney General to take necessary actions. However, the Attorney General did not take action pointing out that there were no existing laws which allowed him to take punitive actions against those identified in the Report (Brown 148; Sharma, J. 45). Commenting on the obstacles which stood in Bhattarai’s path in implementing the Commission’s suggestion, Brown lists three reasons. First, Congress wanted to protect the institution of monarchy, the symbol of nationhood. Had the Congress tried to punish functionaries responsible for excesses committed during the *Jana Andolan* then the process would have ultimately ended in charging the King so it was abandoned. Second, such action would have distanced the police force and their support in the running of the Interim Government. Third, it was the very nature of the 8<sup>th</sup> April compromise, which, she says, was “designed to bring about a mutual reduction in risk” (149). However, of these three reasons the former two are acceptable but not the last, because in reaching such conclusion she simply uses Huntington’s theory without providing supporting evidence. For the balance of the period, the kingdom faced yet another movement. From 12 January 1991, Nepal Sadbhavana Party (NSP) launched its nationwide demonstrations. It demanded federalism, citizenship to all Terai people settled there before promulgation of the Constitution, electoral constituencies on the basis of [the nature of] the population and inclusion of Terai population in the Army (Rising Nepal, “NSP Holds” 1991 Jan. 13). The Government responded to one of its demands. It promised to give citizenship to all Terai settlers whose names were included in the voters list prepared for the 1980 national referendum (Rising Nepal, “Granting Citizenship” 1991 Jan. 26). But, Man Mohan Adhikari, President of NCP (UML)(For UML’s formation see p. 421), besides

criticising Congress leadership for monopolising official media, flayed the decision as their ploy to influence election outcome (Rising Nepal, “Deceptive Ploy” 1990 Feb. 5). Then on 11 February, the Interim Government announced the date for the much-awaited General Election: it was slated on May 12, 1991. Within this period, Indian Prime Minister, Chandra Shekhar visited Nepal from 13 to 16 February. The visit was focused on improving trade ties with Nepal and in streamlining processes for the construction of Tanakpur barrage and in implementing major hydro-electric projects namely Pancheshwor and Karnali (Rising Nepal, “Nepal-India Talks” 1991 Feb. 15). From then onward, the kingdom entered into election mode. Describing the phase T. Louise Brown writes:

Once a multi-Party system was safely enshrined ... an enormous number of parties appeared on the political scene. Over forty bodies registered as parties with the Election Commission ... That there were so many parties was indicative of the low level of political development ... Judging by some of the interpretations, a Party did not need an ideology or a political platform. It could be formed simply by a man, his family and a handful of followers. Even the concept of democracy seemed confused ... Political awareness was at an elementary stage and was especially low in the more disadvantaged regions of the country (Brown 155).

Besides, She notes, “In many areas of the country it was possible to discern a distinct exodus from the panchayat camp into that of the Congress” (156). The *panchas*, according to her, were in a run for transferring “their allegiance to the prospective victors ... [and the] Congress accepted [them] with enthusiasm ... [to] fortify the Party in the rural areas” (156). This had it fallout for she writes that it transformed the “Congress from the Party of revolution into the Party of the *status quo*” (157). Commenting on this trend NCP (Masal) characterised the class character of Nepali Congress synonymous to that of the King, but more important was its reading on the changing character of Nepali Congress. It observed that it was sliding more and more towards the *mandales* meaning that it was becoming more and more ‘Panchayati’ in character for it stated:

The class base of the King and Nepali Congress is same. Since the main characteristic of Nepali Congress is reactionary one cannot expect it to play a positive role for the sake of democracy and nationalism. On account of its pro-India policies its stand on nationalism was always

anti-nationalist. And in case of democracy it has supported the struggle but only for coming to power. Today it has adopted a new technique of monopolising and perpetuating its autocratic rule. It is welcoming the entry of *mandales* into its organisation in large scale. As a result it is progressively attaining *mandales* character (NCP (Masal), “Rajnaitik Prastao 2047” 394).

And much before the kingdom’s entry into election phase parties had begun defiling her overall political environment: from February 9, 1991 onwards papers frequently reported alleged involvement of one Party or the other in disturbing mass meetings.<sup>94</sup> On May 10, just two days before election, Rastriya Prajatantra Party (RPP [NDP]) workers were reported buying votes for their candidates in one of the electoral constituencies (Rising Nepal, “Thapa Workers Caught” 1991 May 11). Amid such circumstances, when the May 12, 1991 General Election was held, based on parties’ fielding of their candidates, the election witnessed four major contenders. They were: Nepali Congress, NCP (UML), National Democratic Party (Thapa) and National Democratic Party (Chand). They fielded their candidates in  $\frac{3}{4}$  of the total 205 constituencies. Following them were two other Communist parties, United Peoples’ Front Nepal (UPFN) and NCP (Democratic). The others were, Nepal Rastriya Jana Mukti Morcha (NRJMM) and Nepal Sadbhavana Party. They fielded their candidates in 50–75 of the constituencies (Election Commission, General Election in Nepal: 1991 65). However, the Commission’s report did not mention the names of minor Communist factions like NCP (Verma), NCP (Nepal Majdoor-Kisan Party), NCP (Amatya) and Nepal Jana Rastriya Party which were also in the fray. Besides, it failed to point out that NCP (Masal) boycotted the election (For reasons see p. 424). Nevertheless, when the campaign began the parties tried to project themselves in different hues, but with little success because they all professed their commitment to democracy and economic development. According to Whelpton, “In the month before the May election, the Party [Nepali Congress] continued to present itself as the key

<sup>94</sup> See, Rising Nepal, “Meeting Attacked” 1991 Feb. 10 Rising Nepal, “Meet Disturbed” 1991 Mar. 11 and Rising Nepal, “Unity Centre Mass” 1991 Mar. 16.

actor in the struggle to bring democracy to Nepal and also as the sole guarantor of a democratic future” (52). But, its commitment to “political pluralism” he says, failed “to provide the Party with a distinct identity when virtually everyone ... [was] proclaiming the virtues of political pluralism” (52). And its economic programme<sup>95</sup>, which was projected as “social democracy along Scandinavian lines,” (52) promised mixed economy, 75% of National Income for the development of rural Nepal, increase in employment opportunities, distribution of land to the landless and the ending of dual ownership of land. And above all, like Communists, it also promised punishment to all those who had indulged in corrupt and criminal activities during the Panchayat period (Rising Nepal, “NC Manifesto” 1991 March 15). In similar vein, both Chand and Thapa factions of National Democratic parties “proclaimed their own liberal democratic credentials” and Thapa faction, in particular, advocated “a mixed economy and national unity and a promise of ‘fundamental change’ in agriculture and the land-reform programme” (Whelpton, “Election 1991” 62). The only contrasting position were those of the regional and ethnic parties, but even their promises were not different from those of a few Communists (see below). According to Whelpton, the Sadbhavana Party, stood against “alleged discrimination of the *madeshis*, the people of Indian origin or plains origin” (60). Its leader, Gajendra Narayan, opposed any move which sought “to end ... [Nepal’s] open border with India ... naturalisation and economic rights of non-citizens” (60). These positions, at least on one count, were not much different from those of NCP (UML) when its manifesto promised “equal opportunity to all to enter the Armed forces” or when it claimed that it was in favour of “ending discriminations based on regionalism” (NCP (UML), Chunao Ghosna Patra VS 2048 26). Similarly, the manifestos of Nepal Rastriya Janamukti Morcha (NRJMM) and Nepal Jana Rastriya Party (NJRP) which promised transformation of

<sup>95</sup> See, page 202 . It was, according to Planning Commission Report, an unorthodox variety of socialism.

the kingdom into a federal structure<sup>96</sup> was not different from what the UPFN was promising. Thus, the election of 1991 was fought along lines where promises given to the electorates by parties, which were expected to emerge as national parties, were similar. Naturally, the electorates had little choice to make. However, Whelpton makes note of two important features related to the election campaign. First, based on Political Science Association of Nepal after election survey, as reported by Borre, he says, “For the electorate as a whole it was ... ‘bread and butter’ issues which were of most concern” (63). Second, he observes, that for the electorate “foreign policy issues ... were not of great interest ... [but] the UML manifesto [despite having its rhetoric on the issue] toned down ... [played] the anti-Indian card ... strongly during the campaign” (64).

#### 1.17. 1991 Election and Its Outcome

On 23 May 1991, when the Election Commission declared the final results Nepali Congress secured 110 seats and NCP (UML), 69 seats. Among other Communist contenders, UPFN secured 9; NCP (NWPP), 2; NCP (Democratic), 2 while NCP (Amatya) and NCP (Verma) drew blank. Besides, Sadbhavana Party won 6; Rastriya Prajatantra Party (Chand), 3; RPP (Thapa), 1 while Nepal Rastriya Janamukti Morcha and Nepal Rastriya Jana Party failed to secure any seats. Region wise the Communist victories were as follows: (See, next page).

<sup>96</sup> See, Bhattachan 40 Both these parties demanded the division of the kingdom on ethnic lines. The Nepal Rastriya Janamukti Morcha demanded administrative federalism and Nepal Rastriya Jana Party, the division on the kingdom into 12 provinces namely, *Khasan, Jadan, Magarat, Tamu Dhi or Tamuwan, Tamba Saling, Nepal, Khambuwan, Limbuwan, Kochila, Maithil, Bhojpuri and Awadhi*

Table 1

Communist parties' Tally in Different Development Areas:

Development Areas	Total Constituencies	Communist Tally
Eastern	49	UML=31; UPFN=1
Central	64	UML=25; UPFN=4; Democratic=2; NWPP=1
Western	45	UML=8
Mid-Western	28	UML=5; UPFN=4; NWPP=1
Far-Western	19	None

Source: Election Commission, *General Election in Nepal: 1991*. Kathmandu: Election Commission, 1992. 132–41.

The results reflected a few perplexing trends. These were: a) Krishna Prasad Bhattarai lost against UML leader Madan Bhandari b) Communist victory tapered towards zero in the Far-Western development area, the most underdeveloped part of Nepal; c) Communist parties like the NCP (Democratic) and NCP (NWPP) failed to poll 3% of the total 72, 910, 84 votes cast. Their total votes reached a mere 2.43% and 1.25% respectively and d) Both Nepal Rastriya Janamukti Morcha and Nepal Rastriya Jana Party, which espoused ethnic issues ended up securing just .47% and .08% of the total votes (Election Commission, General Election in Nepal: 1991 270), but out of the 9 United Peoples Front Nepal's elected representatives 7 represented ethnic section of the society (Election Commission, General Election in Nepal: 1991 132–41). Researchers analysed these results, save Bhattarai's defeat, on the basis of ethnic groups' dispersal over the map of Nepal. A representative view of such an analysis in "an often-cited article" (Lawoti and Hangen 10) published in 1995 observed: "Clearly, the Indo-Aryan language speaking belts and the region-based NSP's areas were the NC's strongholds. Similarly, the Tibeto-Burman language speaking ethnic groups of the hills have supported the CPN-UML" (Bhattachan 41). And explaining why there was such a trend, the article's author, Bhattachan says:

The reasons why the Indo-Aryan language speaking people of the Tarai and the far western hills support the NC are: (a) the NC is a pro-Indian Party that reflects Madhesi sentiments; (b) the communist parties, mainly the CPN-UML, do not show sympathy to the problems of the Madhesis; (c) the Madhesis believe that the NC would be able to solve their problems; and (d) the NC stands for the status quo, but the communist parties stand for radical changes which might not be favorable to the Madhesis.

The reasons why the Tibeto-Burman language speaking people support the CPN-UML are: (a) the Party respects nationalism, and has sympathy with the problems of various ethnic groups; (b) it stands against Indian expansion and neo-colonialism; (c) it stands for change; (d) it is the Party that may solve their problems; and (e) the NC is not sympathetic to the problems of the ethnic groups (Bhattachan 41).

And the basis, he says, on which he was drawing the above conclusion were, “The most recent events [which he does not explain] like the dialogue between the ruling NC and the Tarai region-based political Party, the NSP, on the one hand, and a committee report on ethnic issues at the central committee of the CPN-UML ...” (Bhattachan 41). This leaves no room to assess the soundness of his logic, but his statements broadly imply that the support base of the NC is the Indo-Aryan (Indo-European) language speaking masses and the support base of NCP-UML the Tibeto-Burman language speaking masses. In the context of Nepal, the former language group refers to the caste group with vertical hierarchy, and the latter to the ethnic group. But, empirical facts do not support such broad generalisation. In Taplejung and Terhathum constituencies of the Eastern Development Region the percentages of caste group out of the total voters of the Districts were 40.66 and 37.81. Even then all 6 constituencies of Taplejung and two of Terhathum had gone in favour of NCP (UML). Similarly, cases of Sindhuli and Ramechhap Districts had the predominance of ethnics, each district with 37.65 and 33.66 percentages. Even then, UML won in 1 and NC in 2 of Sindhuli constituencies and NC and UPFN won one each in Ramechhap constituencies. Similar examples are interspersed throughout the Western Development Region and a few in Mid-Western Region’s results. In the Far-Western Region, Humla presented an exception. Despite caste group being in dominance that is 61.80% the winner was UPFN. Thus, Bhattachan’s conclusion violated the principle of generalisation. It was not an unbiased study of a complex phenomenon.

Hence, based upon wider empirical sources, when Harka Gurung studied the electoral results after 1994 election he wrote:

Electoral success seems to be based on the broader appeal to voters rather than the ethnic/caste basis. This is indicated by the divergence in pattern of districts by their ethnic/caste dominance and those elected. In other words, successful candidates were able to transcend the ethnic/caste boundary. In this, the Bahun [the Brahmins] emerge as very prominent (Gurung, Social Demography 141).

So, Whelpton was probably right in imputing the UML's successes in 1991 to the preferences of "the population [which was] better educated and more politically conscious than the mass of voters in the relatively less-developed west" (72). Besides, on the basis of empirical findings he wrote that the UML was more popular among the "younger voters" and "UML's reputation as a new radical force appealed to an electorate increasingly eager for change" (72). Hence, the 1991 election results were a vote for change rather than an expression of ethnic/caste biases. Moreover, if Whelpton's statements<sup>97</sup> in his other work, are taken then it appears that even the idea of 'haves' and 'have-nots' are constructs related with the level of consciousness, which in turn seems to be related with the level of development or more precisely the level of education for he writes, "In particular, over much of the country there was a perception of Congress as the Party of the 'haves' and of the various Communist groups as representing the 'have-nots'. This was especially so in the developed regions of the country" (Whelpton, History 119). This seems to answer the puzzle why the Communists fared well in the developed regions. However, one must remember that these empirical findings and conclusion are still tentative, because they all neglect the historical biases: the traditional areas where the parties flourished and their organisational readiness to face elections. The failure of ethnic parties despite the rise of ethnic issues is a pointer towards the importance of analysing the organisational readiness of a party before election.

<sup>97</sup> These are also based on opinion survey before polling day.

After the results, on 23 May, Nepali Congress's Central Working Committee unanimously elected Girija Prasad Koirala to head the Government. On 30 May, he assumed his responsibilities. Speaking shortly after, he indicated the priorities of his Government: it was to fight against poverty, the cause behind all socio-economic problems of Nepal. However, he appealed the people for their patience, and drawing attention to the status of economy, which he said was "in shambles", he asked all organisations to desist from raising demands (Rising Nepal, "Close Ties with India, China" 1991 May 31). Meanwhile, NCP (UML)'s Parliamentary Board elected its Chairman, Man Mohan Adhikari, the leader of the opposition in the House (Rising Nepal, "Long Innings" 1991 May 25). Thus, from May 1991 onwards the kingdom was all set to witness a political phase where people expected fast change. However, in such environment of heightened expectations the two main political forces namely the Nepali Congress and the UML including other Communist parties did not see eye to eye on several issues. On the one hand, the Nepali Congress because of its leaders' reading of the situation, particularly its views regarding the position of the Monarchy, and the change that had come in its organisation owing to the entry of *mandales* was constrained to function within the bounds of Panchayat values. On the other, the UML and its kindred was all set to practice their revolutionary tactics (See p. 436 ). For the UML it meant preservation and strengthening of democratic values, but for others like NCP (Masal) it meant preservation and destruction at the same time for it said, "In short we should support present multi-Party system to check the rise of Panchayat autocracy, but at the same time we should struggle against it to bring about New Democratic system" (NCP (Masal), "Rajnitik Prastao 2047" 393). Practised together, which they often did, their tactics meant simultaneous preservation, destruction and construction of the system. The following years were, therefore, marked with political activities where the Communists viewed Nepali Congress as the flag bearer of Panchayat autocracy and themselves as practitioners of revolutionary ideals.

### 1.18. June 1991–1994: Nepali Congress in Power

Immediately after election, Koirala Government was exposed to the criticism of Nepal Journalist Association when it passed Press and Publication Act, 1991. The UML objected against the process adopted in passing the Bill and the content of the Bill itself (See p. 437). This was followed by clamours of leaders and organisations to fulfil a series of demands. Of these, the demands of civil servants turned into a month and a half long agitation. In dealing with the agitation, Koirala used harsh legal means (See p. 440). While applying them, Jan Sharma writes he “selectively hired and fired [the] civil servants” (157). This brought the Government at loggerheads with the Communists because the Communists viewed in the Government’s approach an authoritative tendency which their tactics of the period sought to fight. Explaining Koirala’s approach of suspending and firing agitating employees, Narayan Man Bijukche pointed towards “Government’s partiality and high-handedness” (NCP (Nepal Majdoor Kisan Party), Dwitiya Adhiwayshun 3–4). And explaining such behaviour of the Government, NCP (UML) pointed towards the trend that had set in the Congress’s organisation from the Interim period. In its view the trend progressed when, for the sake of gaining power, it hobnobbed with Panchayat activists meaning that it was the result of the changes in the class basis of the Party for it stated:

On many issues such as in encouraging investments in productive sectors, reducing administrative costs ... the Interim Government took relatively positive stands. In some way it had democratically behaved with the agitating civil servants ... but many of its decisions on the issue were damaging. From then onwards it had begun taking decisions against civil servants’ sense of self-respect. The trend progressed especially when to fulfil its over-ambition it either encouraged the entry of erstwhile Panchayat members within its fold or befriended those remaining outside ... Thus, from the Interim period its activities raised doubts regarding the future of the nation. These negative trends such as price rise, status of civil servants are the result of the administration which remained in the Congress’s hand since the days of the Interim period... (NCP (UML), Rajnitik Pratibedan: 1993 13–14).

Besides, it observed that the suspensions were used by “the Government to fill vacant posts by its minions and to implement its policy of ‘congressisation’, which “deprived the nation of a democratic and an impartial administration” (NCP (UML),

Rajnitik Pratibedan: 1993 43). These were not acceptable to UML's tactical position. In the process of 'congressisation' it perceived Government's authoritarianism and in the destruction of administrative neutrality, the destruction of democracy. In addition, the result of the movement, where "four hundred twenty" (Mishra 236–48) employees lost their jobs, whittled UML's "support base". Hence, from then onwards Whelpton points out that the relation between the Congress and the UML became "a running sore" (189).

On the 8<sup>th</sup> July 1991, Girija presented Mallik Commission's Report to the House of Representatives (Rising Nepal, "Mallik Report" 1991 July 9). However, after its presentation in the House, Girija, like his predecessor, shelved it. Later in August 1992, sheltered in the reasoning, which the Attorney General had offered and by pointing out that the Commission had failed in providing concrete evidence against the criminals, Girija declined to implement the directives of the Report.<sup>98</sup> Mallik himself asked the Government to study the report deeply and one of Commissions' members, Indra Raj Pandey, frankly stated that the Government did not have the guts to implement the Report (Rising Nepal, "Study Report" 1992 Sept. 2; Rising Nepal, "Member Issues Denial" 1992 Sept. 3). The issue died a natural death when the Communists failed to raise any voice against Government's inaction. Communists' reaction on this issue was indeed surprising (For reasons see p. 445). From then onwards, Whelpton points out that two issues, namely price rise and Tanakpur became important. According to him, price rise was due to Congress's abdication of its "socialist orientation" in support of a "a neo-liberal economic policies favoured by the aid donors" (Whelpton, History 189). And Tanakpur issue emerged out of the perceptions of "many" who "felt" that "Koirala ... [had] secured an insufficient share of electric power and water for Nepal in an agreement legalising India's construction of a dam on Nepalese territory at Tanakpur on the Mahakali river" (Whelpton,

<sup>98</sup> See, Rising Nepal, "Action Impossible" 1992 Aug. 22; Rising Nepal, "Implement Mallik Report" 1992 Aug. 25

History 189). However, in the eyes of NCP (NWPP) representative price rise was due to the unequal relation that the Congress had cultivated in between Nepal and her two neighbours.<sup>99</sup>Speaking in the Parliament on 21 February 1992, Narayan Man said, “Had we maintained similar level of relation with both our neighbours, had we allowed unrestricted imports of commodities from both the countries then we would not have faced price rise to this extent” (NCP (Nepal Majdoor Kisan Party), Dwitiya Adhiwayshun 3). Similar views of NCP (UML) MPs are found in their Parliamentary deliberations of 1991. Thus, Whelpton’s statements on the causes behind price rise, despite being reasonable, fails to bring out the perceptions of the Communists on the issue. In similar vein, his statements on Tanakpur does not reflect the Communists’ views and the politics attached with such views. The following section is, therefore, directed towards exposing Communist perceptions on the Tanakpur issue.

#### 1.19. Tanakpur Issue and Communist Perception

In a week long visit to India that started from December 4, Koirala signed two different treaties on Trade and Transit<sup>100</sup> on December 6, 1991. Included in the treaties was the issue concerning the joint management of water resource of Nepal. It touched upon the development of a number of hydro-electric projects both minor and multipurpose in Nepalese rivers which included Indian proposal to build Left Afflux Bund near Tanakpur barrage (Rising Nepal, “India and Nepal Sign” 1992 December

<sup>99</sup> See, NCP (Nepal Majdoor Kisan Party), Pratinidhi Sabhama Com. Rohit: Pahilo Adhiwayshun 5 Speaking on the nature of Nepal’s foreign policy, Narayan Man questioned: What is the reason behind our partial relation between two of our neighbours. Commodities coming from India are not taxed even if they are taxed the amount is low. If a commodity coming from China is taxed to the tune of Rs 5, commodities coming from India are not taxed at all.

<sup>100</sup> Separation of one single Trade-Transit Treaty into two separate treaties had been the demand of even the UNPM in the past. However, none of their documents explain why such separation was necessary except by the document of NCP (Marxist) which came into being in 1992. See. NCP (Marxbadi (Marxist)), Rajnaitik Pratibedan: 2049 75 According to them transit issue is of permanent nature and trade issues change with the change in time hence two separate treaties are required.

7). Regarding Indian proposal to build Left Afflux Bund near Tanakpur Barrage the Treaty text read:

¶ The site at Mahendra Nagar Municipal area in the Jimuwa village will be made available for tying up of the Left Afflux Bund, about 577 meters in length (with an area of about 2.9 hectares) to the high ground in the Nepalese side EL 250. The availability of land for construction of Bund will be affected in such a way by HMG/N that the work could start by 15th of December 1991.

¶ India will construct a head regulator of 1,000 cusecs capacity near the left under sluice of the Tanakpur Barrage, as also the portion of canal up to Nepal-India border for supply of up to 150 cusecs of water to irrigate between 4000–5,000 hectares of land on Nepalese side. The releases from head regulator will be increased as and when substantial upstream storage at Pancheswor, or similar, is developed on the Mahakali River; and

¶ In response to a request from Nepalese side, as a goodwill gesture, the Indian side agreed to provide initially 10 MW of energy annually free of cost to Nepal in spite of the fact that this will add to a further loss in the availability of power to India from Tanakpur power station (Nepal Gazette 1991 Dec. 23)

The Communists attacked the provisions from various angles. NCP (Masal) viewed in it “the increasing control of India in the natural resources of Nepal” owing to “Congress’s pro-India policies of converting Nepal into India’s sole market by handing over Nepalese economy and natural resources through unequal treaties, which was costing Nepal her nationalism” (NCP (Masal), “Rajnitik Pratibedan Aswin 2049” 480). In it, the Party noted Congress’s role as of an organisation “bent upon turning Nepal into a neo-colonial State” (480). Further, it observed: “Tanakpur question is not a question related only with Tanakpur. In it are issues related with Nepal’s entire water and natural resources, which from now on are under the danger of Indian hegemony” (480). In its document of the fifth Congress NCP (UML) noted:

The Nepali Congress has reflected its anti-Nationalist characteristics by entering into trade and transit treaties. By these treaties, especially by the treaty on water resources, it has disregarded our Constitution, diluted our sovereignty, and worked against our nation’s interest. By its act it has dwarfed our sovereignty and exposed itself. It has shown that for its own interest it can disregard the interest of the country, people and democracy (NCP (UML), Rajnitik Pratibedan: 1993 18).

Speaking in the Parliament on the same issue, in March 1, 1992, NCP (NWPP) leader Narayan Man Bijukche observed:

As far as I am concerned, today I shall not broach the issue whether our land has been sold or not. However, I am concerned regarding the amount of water that we will receive from the Tanakpur Barrage. According to my information we will receive 51 thousand cusec water in dry season and two lakh cusec in rainy season. Then what does it mean when the treaty says that we will receive 150 cusecs water? [He was probably saying that the treaty reduced Nepal's usual share] Where is justice in it? Hence, rivers and barrages are not only rivers and barrages, but also irrigation and development. As indicated by other colleagues they are also the means of national development and prosperity. Therefore, in here we are not talking only about sovereignty, nationalism and patriotism. Those are different issues. But, our Government which talks about prosperity and about development has sold them to the foreigners ... We were cheated in the Koshi and Gandak Agreement. Let us not be cheated again ... This treaty has taken our water: our means of irrigation. Western Nepal will be impoverished. Hence, the treaty is wrong ... Our Prime Minister has kowtowed before India (NCP (Nepal Majdoor Kisan Party), Dwitiya Adhiwayshun 9–10).

Thus, the objections against the treaty rotated around three questions: Whether, norms of democracy, that is, Nepalese Constitution had been violated? Whether Nepalese sovereignty disregarded? And whether Nepal was cheated? NCP (UML) document observed that the treaty violated Article 126 of the 1990 Constitution which enjoined Government of the day to seek Parliamentary ratification of treaties related to the use of natural resources of the country if the party involved was another nation (NCP (UML), Rajnitik Pratibedan: 1993 45). Besides, it was piqued by India's unilateral construction of Tanakpur Power Project despite the fact that the project site fell mostly within the territorial jurisdiction of India by virtue of 1920 Treaty. The reaction was perhaps due to its perception that projects using water of common rivers, here the Mahakali River/Sarda River, should have been carried out after securing Nepal's nod. India did not do it and Koirala's act facilitated India's unilateral actions by agreeing to the use of Nepal's 577 metres stretch of land. Moreover, its statements implied that the 150 cusecs water, which India was giving along with the 10 million units of electricity were not just. Hence, its document argued that Koirala's act had hit upon sovereignty of Nepal and allowed India to cheat Nepal for it stated:

The Mahakali river bordering India and Nepal is common to both. In it both have equal rights. Any project which uses the water of Mahakali should be carried out under the understanding and in the equal interest of both the nations. But India began its Tanakpur project unilaterally from 1983/84 and when Indo-Nepal relation dipped in 1989-90, it

completed the project. The Panchayati rulers raised mild voices against India without taking any concrete steps in the direction of protecting our interest.

Though the main part of Tanakpur project was built in the land which India had secured from Nepal as per 1920 Treaty, yet for the completion of the project it was necessary to connect the Left Afflux Bund to E.L 250 of Nepal. For doing so India needed Nepal's land. Hence, it started constructing the Bund without Nepal's approval. However, because of the arrival of multi-Party democracy our cadres of Kanchanpur District Committee, raising issues of sovereignty, stopped the construction. The Prime Minister of Interim period was forced to give orders to stop the construction.

But, after the 1991 General Election, Prime Minister, Girija in his visit to India in Mangshir 2048 [December 1991] signed the Tanakpur Treaty along with other treaties. The Treaty related to Tanakpur project was couched in such a manner as if India had full control over Mahakali river ... as if under Nepal's request India was building the Bund in the 577 meter stretch of our land and it was providing 150 cusec water and 1 crore [10 million] unit electricity free of cost. This treaty, therefore, hit upon our national pride and sovereignty besides whittling away our national interest. We were cheated. To top it all Girija violated the constitutional provision ... (NCP (UML), Rajnitik Pratibedan: 1993 46).

Finally, added to it, there were two other factors. First, the Communists' propaganda: they were perhaps claiming that the Government had ceded the 577 metres stretch of land to India (See p. 153). Second, NCP (UML)'s tactics of the period. According to their document, it aimed at "leading peaceful movements to strengthen its organisation and to evolve as a force in competitive democracy" (NCP (UML), Rajnitik Pratibedan: 1993 59). This, in action, insisted Koirala to table the treaty texts in the Parliament. However, Koirala, since December 1991, kept on delaying the presentation of the treaty texts in the Parliament (Rising Nepal, "Information on Treaties" 1991 Dec. 14). This fuelled opposition's perceptions—barring, of course, NCP (United), which, in line with its tactics (See, Ch. 4 footnote 27), viewed the treaties as progressive steps (Rising Nepal, "NCP (United) Suspends" 1992 Jan. 19)—that something was at a miss in the treaties. Acting on these perceptions the Communists protested throughout 1992 both within and outside the Parliament (See, p.447). On February 29, to put to rest the opposition's demand to inform the House about the agreements, Lakshman Prasad Ghimire, Minister of State for Water Resources declared that Nepal had not ceded even an inch of land in the treaty, besides he pointed out that they were all understandings, which after study were to be

signed as treaties (Rising Nepal, “Nepal Hasn’t Ceded” 1992 Mar 1). Outside, Koirala repeated the same version (Brown 168) and as Jan Sharma writes, he argued that as understanding, which involved no sharing of resources with India, the texts were beyond the purview of Article 126 (188–9). However, their protest continued even after UML’s 30 April understanding with the Government for the smooth conduct of the election for the creation of local bodies (See p. 453).

#### 1.20. Local Elections

On 11 June 1990, the Interim Government had already changed the name of earlier Panchayat bodies into Village Development Committee, District Development Committee and Municipalities (See, footnote 165). Then in March and April the Government made these bodies elective. On 4 March 1992, it passed District Development Committee Bill. It kept intact its institutional arrangements as provided by the 1990 Act, but its Committees were restructured to represent members elected and sent from the Village Development Committees falling within the District. This indirect method of electing the members of the DDC, the Government said, was to keep the body away from the influences of vote politics. It allowed the DDC to use 50% of the land revenue collected from the district to carry out its developmental activities (Rising Nepal, “District Development Bill” 1992 March 5). However, on 11 March, in course of parliamentary discussions while passing the Municipality and the Village Development Committee Acts, Narayan Man Bijukche objected against the continuation of the provision, which since their passing in 1990 allowed the DDC with supervisory powers over the Municipalities. He said “such provisions were not there even during the Panchayat period” (22) meaning, it was an undemocratic provision. Besides, even in its changed form the Government kept intact its power to dissolve the bodies (See p.239). Then, by April, “The Local Bodies (Election Procedures) Act came into force” (Sharma, J. 162). After reaching an agreement with the UML for the smooth conduct of election for the creation of these bodies (See, p. 453), the Government on May 13, revised the pay scales of the lowest civil servants up to the Secretary. Rationalising its decision as means to provide relief to the lower

employees it even announced an extra Rs. 100/- per month increase over and above their changed scale (Rising Nepal, “Pay Scales” 1992 May 14). It cost her exchequer an extra burden of Rs. 6,410 million (Sharma, J. 158), the very burden citing which the Party had repeatedly presented its harsh posture against the 1991 June–August movement of the civil servants. This was followed by its announcement of Nepal Citizenship Regulations-1992<sup>101</sup>. In the face of impending local elections the purpose behind these measures were obvious. And this was perhaps what the UML’s Fifth Congress document hinted at when it observed, “We failed to assess their misuse of national resources and their plots before the local election” (NCP (UML), Rajnitik Pratibedan: 1993 44–5). The election for the formation of 3, 995 Village Development Committees and 37 Municipalities were held in two phases: first in May 28 and the other in May 30 (K. C, Nepal Communist Bhag 2 296) and when the final results were out the positions of the different parties were as follows: (See, next page)

<sup>101</sup> See, Kanun Tatha Nyaya Mantralaya, “Nepal Nagarikta” 15–7 The politics involved in the changes become apparent, because till April 20, 1992 when the government amended the 1964 Citizenship Act for the fifth time it brought no change in the Act. Hence, commenting on the nature of the fifth amendment Narayan Man Bijukche of NCP (NWPP) was pointing out that even after the amendment the process of getting citizenship was mired in corruption and the process was difficult for the villagers. See, NCP (Nepal Majdoor Kisan Party), Dwitiya Adhiwayshun 19–20 The change was brought only after the understanding between the two political parties in April 30. See, Rising Nepal, “New Citizenship Regulations” 1992 May 27 Thus it was done with an eye on the election. According to the paper report two changes were introduced in the citizenship acquiring process. First, the voters list prepared for the referendum in 1980 and the list prepared in 1975/76 could be used for issuing citizenship. These were the persistent demands of Nepal Sadhavana Party, which was localised in the Terai belt. Second, earlier an applicant for citizenship certificate needed the recommendation of the Chairman/Vice-Chairman of District Development Committee, or Mayor/Deputy Mayor of Municipalities or from a gazetted employee of the Government. According to the changes introduced even the Chairman and Vice-Chairman of Village Development could give such recommendations.

Table 2

## Seats Won In Local Election

Sr.n.	Political Parties	Seats Won	Percentage
1	Nepali Congress	22, 306	50.4
2	UML	11, 561	26.1
3	RPP	4, 325	9.75
4	UPFN	2, 251	5.08
5	NSP	1, 309	2.95
6	Independents	2, 595	5.85

Source: Surendra K. C Nepalma Communist Andolanko Itihas (Bhag 2). Kathmandu: Vidyarthi Pustak Bhandar, 296.

Similarly, Jan Sharma writes, in the elections for 1, 081 positions in 75 District Development Committees, which were over by June 1992, the Nepali Congress won 64% of the positions (162). He further notes, “The UML suffered a debilitating set back. The capture of ... Kathmandu Municipality ... the spectacular showing in eastern Nepal ... enhanced the confidence of the Nepali Congress” (162)

#### 1.21. Fall of Koirala Government

The In July, Jan Sharma says, “Sailaja Acharya, the Minister for Agriculture, resigned ... alleging that her ministerial were ‘strangled by corruption and graft’ ... Koirala refused to institute an inquiry. In protest, the entire opposition walked out of [the] Parliament” (Sharma, J. 166). In the same month, Koirala in consultation with opposition parties decided to initiate direct talks with Bhutan to resolve the problem of refugees. Further, he pointed out that if direct talks failed then Nepal would seek Indian mediation (Rising Nepal, “All Party on Refugees” 1992 July 8). However, the issue dragged on owing to Indian attitude for Whelpton writes:

A new difficulty was presented by the flight from southern Bhutan of many ethnic Nepalese, about 90,000 of whom had, by the end of 1992, ended up as refugees in camps in south-eastern Nepal. The Bhutanese Government claimed that many of them were either not actually from Bhutan or had emigrated voluntarily ... Although India had a treaty right to exercise ‘guidance’ over Bhutanese foreign policy, India put no pressure on Bhutan to take the refugees back ... The Congress Government was widely criticised within Nepal for failing to take a

stronger line, though, given India's attitude, there was little any Government could have done (Whelpton, History 191–2).

In the prevailing situation, the issue offered yet another point for the Communists to denigrate the Government within and outside the Parliament. On 21<sup>st</sup> July Lilamani Pokhrel of UPFN blamed the Congress for its failure in initiating talks with India and Bhutan (Rising Nepal, “MPs on Bhutanese Refugees” 1992 July 22). Later, the Communists launched more protests, but there was a subtle change in their tones, which reflected their objective (See, p. 456 ). Meanwhile, Supreme Court special bench composed of five judges was in session hearing a writ petition filed by a lawyer in December 1991. The writ demanded the treaties to be tabled in the Parliament for ratification (Rising Nepal, “Tanakpur Continues” 1992 Sept. 24). Within this period, P. V Narasimha Rao, Prime Minister of India, visited Nepal in October. Paragraph 4 of the joint communiqué announced at the time of his departure on October 21 eased conditions for the export of commodities manufactured in Nepal. And Paragraph 10 acknowledged Nepal's sovereignty over land given by her to India for the construction of the Left Afflux Bund. Besides, it removed the link between future development of upstream Pancheswar project and the treaty promising Nepal perennial supply of 150 cusecs water and an annual supply of 20 million units of free electricity (Bhattarai, K. 91, 93–4). The changes, however, were construed by the UML as Koirala's attempt “to gloss over the mistakes that he had committed while entering into the agreement” and it observed, “even after that he dillydallied in placing the texts in the Parliament, functioning thereby, against the national interest and sovereignty of Nepal” (NCP (UML), Rajnitik Pratibedan: 1993 47). Thus, implying that Nepal's sovereignty and national interest could only be served if the treaty texts were ratified by the Parliament. Amid these developments, in November first week, the Government amended 1965 Civil Service Regulations. According to Jan Sharma, the new regulations “lowered automatic retiring age from 69 to 58 and empowered the Government to retire any civil servant with 30 years of service” (159). The change, which came in the wake of Administrative Reform Commission's Report seemed to

be in line with its recommendation for reducing the number of Government posts (See, p. 236), but in its application Jan Sharma writes “loyalty counted more than anything else” and the changed rules were used as “a pretext to get rid of officials known for their political neutrality” (159). Then in December 16, the Supreme Court verdict on the writ petition concerning Tanakpur directed the Government to get the treaties approved by the Parliament under Article 126 (2), but it did not say whether the same had to be ratified by a two-third majority of the members present in the joint session of Parliament or through a simple majority of the members present and voting in the House of Representatives. Further, it pointed out that in assessing the importance of the treaties the Parliament, besides considering their legal and constitutional side should devise means to judge them from their economic, technical, political and diplomatic angles (Rising Nepal, “Tanakpur to Parliament” 1992 Dec. 16). Considering the Constitutional provision, which the decision invoked the implications were clear: The signing of the texts in 1991 involved the exchange of Nepalese resources and that Koirala had entered into an agreement and not an understanding which he had so far been claiming. Echoing similar views, NCP (UML) document stated:

The decision has proved that the written text on Tanakpur issue was not simply an understanding, but a treaty, where the national resources of our country had been bartered ... It has proved that in forging such understanding the Government had transgressed the limit set by the Constitution, trampled over the rights of the Parliament, lied to the people and the nation and slyly functioned against national interest and the sovereignty of Nepal. Since Koirala had destroyed national image in the world and lied to the nation and the people of Nepal we wanted him to resign immediately from the post of Prime Minister (NCP (UML), Rajnitik Pratibedan: 1993 47).

The decision gave the Communists the chance to launch more protests, but this time it was for the removal of Koirala<sup>102</sup>(See p. 456 ). In February, the Government responded to the Supreme Court verdict by constituting Lok Raj Baral Committee

<sup>102</sup> See, Brown 168–69 She confuses the nature of protest by pointing out that from September the Communist protest were for removing Koirala, whereas such trend in Communist protest was visible only after the Supreme Court verdict.

(Rising Nepal, "Evaluation Team" 1993 Feb. 6). According to Gyawali and Dixit, it was given the task to assess whether the treaty had "pervasive, serious and long term"<sup>103</sup> implications (Gyawali, et al. 246). Its findings were to decide the ratification of the treaty either by simple majority, or by two-third majority of the Parliament. On 6<sup>th</sup> February, the General Council meeting of the Nepali Congress passed a resolution. It dubbed opposition's call for the resignation of the Prime Minister contrary to the spirit of the Constitution and the intent of the Court (Rising Nepal, "Resignation" 1993 Feb. 7). On February 14, Baral Committee submitted its report to Koirala. It "concluded that the Tanakpur Agreement was of a simple nature" meaning it could be ratified by a simple majority of the House of Representatives (Gyawali, et al. 247). Half of the Parliament's winter session, which began the very day, was drowned in opposition's demand for Koirala's resignation or in questioning the validity of the Baral Committee (See p. 460 ). Needless to say that the Committee's report was of no avail in resolving the problem. Some modicum in parliamentary debates was restored when the opposition agreed to an all-Party meeting to iron out the differences (Rising Nepal, "Meet on Tanakpur" 1993 Mar. 12). For the first time development issues were discussed (Rising Nepal, "Zero Hour" 1993 Mar. 12). On 12, consensus was reached on activating Parliamentary means for evaluating Tanakpur issue, but differences still existed. The question debated was whether the process should begin in the House of Representatives and end in an all-Party Parliamentary Committee or vice versa (Rising Nepal, "Consensus on Tanakpur" 1993 Mar. 13). However, the effort was lost amid renewed opposition

<sup>103</sup> See, Gyawali and Dixit 246 A treaty which fulfilled five conditions were to be considered as treaties having serious implications. These conditions were: (a) If a single treaty covered the use of several river basins; (b) if a treaty covered the entire basin of a river; (c) if it involved the construction of reservoirs necessary for producing power beyond 1000 MW capacity; (d) if a project's cost was larger than the GDP, or if it was built with foreign loans, whose burden fell even on the posterity, and (e) if projects required resettlement issues which Nepalese financial capacity could not handle. It excluded all run-of-river hydroelectric projects.

protests after May 16 (for causes see p. 461). Meanwhile, Koirala was in Germany wooing investors to invest in Nepal (Rising Nepal, “Investors Can Benefit” 1993 May 16). After his return, the Fifth session of the Parliament began on June 27 with the Speaker’s appeal to resolve problems through consensus, but with no avail (Rising Nepal, “Parliament Sufficient” 1993 June 28). The Communists continued with their protests. However, momentary respite from their cycle of protests was observed when they decided to suspend their activities from 21 July to 30 July to help the kingdom tide over the ravages of monsoon floods (NCP (UML), “7 Partyko Samyukta Press Bigyapti” 29 July 1993), which had killed “around 2000 people in the Terai” and left “thousands” homeless (Brown 169). In July, in line with the recommendation of the Administrative Reform Commission the Government reduced the number of divisions within several Ministries (Sharma, J. 160). Then, it was again besieged under fresh cycle of Communist protests. To end the disturbance, the Government entered into a 9 point agreement with the UML, but other Communist factions, because of their dissatisfaction with the points of the agreement (See p. 465), kept the cycle of protests alive. Even then Whelpton writes, “the Government was in a relatively secure position in the country as a whole” because of its success in the “local elections”. However, he notes of a gap that had existed since the end of 1991 between Koirala and the duo that is Party President, Krishna Prasad Bhattarai and Ganesh Man Singh. According to him, the difference between them came “mainly from disputes over patronage” and “over the relationship between the Party machine and the Party in parliament”. Disputes over patronage emerged when Koirala, in 1991, “dismissed six members of his cabinet [Cabinet] without the approval of Party president Krishna Prasad Bhattarai and its senior leader Ganesh Man Singh”. As a result, he says, there emerged “a clear division between pro- and anti-Koirala factions” in “the parliamentary Party” (191). The aftermath of the 17<sup>th</sup> agreement—claims of UML that the Congress intended to remove Girija in future—generated a “rumour” (Brown 170). Considered in the light of the personalities present in the process of signing the agreement (See, Ch. IV, footnote 46), the rumour, moving among the Congress cadres, further increased the

gap between the Congress Party and the Government and sharpened the cleavage within the Parliamentary group. So, when the Congress fielded its candidate, Krishna Prasad Bhattarai, in the Kathmandu constituency No. 1 in the February 7, 1994 parliamentary by-election (the constituency which was vacant because of the death of Madan Bhandari), Whelpton says, "Koirala responded by dissociating himself from Bhattarai's candidature and ... contributed to his defeat by the UML candidate, Bhandari's widow" (191). Meanwhile, according to Sharma, Bhattarai and Ganesh Man began pressurising Koirala to resign claiming that "he had failed on all fronts" (Sharma, J. 217). So, to get "rid of his opponents in the Party" and to secure "two-thirds majority" in the future House "to resolve ... Tanakpur" controversy he recommended the King "on 14 February" for a "mid-term poll" (Sharma, J. 217). Outside, Bhattarai's supporters protested against Koirala's leadership when the Party Central Working Committee meet was trying to patch up the differences between Koirala and the duo Bhattarai and Ganesh Man Singh (Rising Nepal, "No Definite Conclusion" 1994 Feb. 19). Under such circumstances, the UML-UPFN combine registered no-confidence motion in the House on 20 February. In the face of Communist offensive, the Congress, without resolving the differences, came together (Rising Nepal, "NC Meet Put Off" 1994 Feb 22) and faced the no-confidence motion to come out unscathed (See p. 469). Following the no-confidence motion the Government was embroiled in yet another row with the opposition. According to Home Minister Sher Bahadur Deuba's report to the House of Representatives, on 22 March, Indian policemen entered Nepal in two vehicles. Valley Superintendent of Police deputed a Sub-Inspector to accompany them. They were in search for a person, an alleged criminal, who had fled from Delhi. On 27 March, after staying for five days in Kathmandu, they raided the house of retired Director General of Commerce Department at Baneshwor. When they did not find their catch they raided another house of the same locality and left for India the same day (Rising Nepal, "Nepal Protests" 1994 March 30). On March 28, when Home Minister failed to provide full information about the incident, UPFN MPs and Narayan Man walked out of the

House (Rising Nepal, “House Raid” 1994 Mar 29). Indian Ambassador, Bimal Prasad regretted the incident and informed Nepalese Government that India would take strong disciplinary actions against the policemen from Delhi (Rising Nepal, “India Regrets” 1994 March 30). However, Communist factions reacted in full bitterness. In sum, their reactions were all pointed towards Indian insensitivity. Speaking in the House, Narayan Man said, “The incident ... has touched to the quick the sentiments of the Nepali people. Now, anti-India feeling will insidiously spread every nook and corner of Nepal. What shape it will take in future is not known” (NCP (Nepal Majdoor Kisan Party), “Chaitau Adhiwayshun” 47). In UML’s version the incident raised issues about nationalism, Congress’s character and questions regarding the very nature of 1950 Treaty for its document said:

India should have respected our sovereignty and territorial integrity ... The incident raises doubt regarding the capacity of Congress Government in ensuring the security of its citizens. It also reflects their insensitivity towards Nepalese nationalism and their tendency to bow before India ... By not listening to our demand for the creation of an all-Party Parliamentary Commission to probe into the incident it has proved that it is tilted towards India. This incident proves that for maintaining security within Nepal the Indo-Nepal border must be managed properly and this calls for a review of the 1950 Treaty to make it mutually beneficial and in the interest of the territorial integrity and sovereignty of each other (NCP (UML), Bartaman Paristhiti: 1994 17–8).

The issue lingered on stoking Communist protests. Meanwhile, NCP (UML)’s document claims that it threatened the Government with an “ultimatum” to implement “the terms of 17 August agreement”(See, p.463). So, it says, “In the process in 2051 Asad 14 [28 June 1994] the Government appointed a three-member Commission under serving Supreme Court Justice, Trilok Pratap Rana with one member each from our Party and from the Congress to investigate the death of Comrade Madan Bhandari and Jivraj Ashrit” (NCP (UML), Rajnitik Pratibedan 2052 [October 1996] 3). With the approach of July, the differences that existed among the Congress MPs ultimately resulted in the fall of Koirala Government. On 10 July (Whelpton dates it to May), when King’s July 1 speech to the Joint House was put to vote 35 Congress MPs failed to turn up. So, the policy speech was defeated when 86 votes went against it.

Koirala resigned recommending fresh elections. The King accepted his resignation and asked his Council of Ministers to continue until its replacement by a fresh Council of Ministers (Rising Nepal, “Koirala Quits” 1994 July 11). Mid-term election was slated on 13 November 1994 (Rising Nepal, “Elections on November 13” 1994 July 12). The Communists opposed the recommendation of Koirala and the decisions of the King with fresh cycles of protests (for their logic see p. 473). Confusion persisted until September 12 owing to a writ, which was filed in the Supreme Court since July 26 challenging Koirala’s recommendation for the dissolution of the House. On 12 September, the Court finally quashed the writ validating Koirala’s recommendation on the ground, that it was necessary to dissolve the House as no alternative for the formation of a new Government was available (Rising Nepal, “Court Verdict” 1994 Sept. 13). True to its tactics of exposure NCP (Masal)’s comment on the decision read:

The Supreme Court has by its verdict upheld the decision of a Parliament which drew its sustenance from fascist Girija, Girija-King and foreign reactionaries’ machination. The verdict has proved that in a reactionary system even Judiciary cannot be free from the influences of reactionaries ....

First of all our Party wishes to make it clear that even if the Parliament had not been dissolved, even if a Parliament was created after the verdict of the Supreme Court or even if the Court had held the dissolution of the Parliament unconstitutional there would be no change in our line of struggle. The pressing need of present day politics is to struggle against national and foreign reactionaries for democracy, nationalism and immediate needs of the people to ready the base for New Democratic revolution. So, the verdict of the Supreme Court is not going to change the nature of our politics ... (NCP (Masal), “Madhyawadi ... Prastao” 595).

With the legal battle over the parties began preparing for the mid-term poll. Meanwhile, in September 27, the Government again relaxed the process for acquiring Nepal citizenship. This time it was intended to override the Supreme Court July 1994 verdict, which had rejected the 1980 cut-off year as fixed by earlier amendments of Citizenship Act. According to Jan Sharma, this was because “the 1990 Constitution [had] established the cut-off year ... the day when the 1959 Constitution was promulgated” (164). However, the political implication of the Government’s act was clear.

## 1.22. 1994 Mid-Term Election: NCP (UML) in Power

In the November 13, 1994 General Election, the major participants were Nepali Congress, NDP (RPP), NCP (UML), NSP, Niranjan Govind Baidhya led UPFN (for reasons see p. 471), NCP (United), NCP (NWPP), and even NCP (Masal)<sup>104</sup> claims to have participated the election as A.N.R.J.M (See, Ch. IV, footnote 54). They fielded their candidates in 205, 202, 196, 86, 49, 34, 27 seats—there is no mention of A.N.R.J.M—respectively for the House of Representatives (Nirvachan Ayog (Election Commission) 190). The Congress slogan in the election was “stability, peace and development” (For Communist positions see p. 474). In the economic front, it proposed growth with social and economic justice in participation with private sector. For economic growth of the rural sector it proposed the establishment of cottage industries, long term agricultural policy, laws to end dual land ownership etc. In the national scale, it proposed the development of infrastructures, development of small hydro-electric units to lessen the crunch in electric supply while remaining silent on the issue of mega-projects. On foreign policy, it proposed good relationship with both India and China. Its long list of promises included uplift of deprived people, eradication of poverty, unemployment, illiteracy, discrimination based on

<sup>104</sup> See, Karki and Seddon 16–17 The authors point out that NCP (Masal) participated in the election with NCP (Unity Centre), which was under Nirmal Lama, but the documents of NCP (Masal) points out that it participated the election alone through its front organisation A.N.R.J.M that is Akhil Nepal Rastriya Jana Morcha [All Nepal National Peoples Front] See, NCP (Masal), “Madhyawadi ... Prastao” 595 So, they were wrong, besides their work is full of errors. To point one of such errors, the authors contend that the Unity Centre in its formative stage was aligned with NCP (Marxist) under Sahana Pradhan. This is a gross mistake. Considering the numerous mistakes in the work one should approach this work with caution. However, if one goes through the Election Commission’s list of participating parties one will not find the name of A.N.R.J.M because it was categorised as independent since it had not participated the last election and had not established itself as a National Party securing 3% of the total votes cast. See, Nirvachan Ayog (Election Commission) 190 and, Rising Nepal, “Parties Hit Campaign” 1994 Sept. 24 but according to UML’s document, see, NCP (UML), Rajnitik Pratibedan 2052 [October 1996] 7 NCP (Masal) was able to send two candidates to the House of Representatives. Thus, UML’s 88, NWPP’s 4 and NCP (Masal)’s 2 totalled 94.

caste, creed, languages and sex, safe drinking water to 80% of the people by the end of five years and implementation of the Administrative Reform Commission's report (Rising Nepal, "NC Party Manifesto" 1994 Oct. 6). However, when the Election Commission declared the final results NCP (UML) won 88 seats; Nepali Congress, 83; NDP (RPP), 20; NCP (NWPP), 4; NSP, 3 and independents, 7 (Nirvachan Ayog (Election Commission) 191). It was a hung Parliament where the total Communist strength was 94 (See footnote 104). Explaining the sudden rise of the RPP/NDP in the elections, NCP (Masal) said: "The corrupt, anti-people policies of Nepali Congress disillusioned people regarding the nature of multi-Party democracy and it helped the RPP to gain strength" (NCP (Masal), "Tatkalik Rajnaitik Marg 13" 603). Under such condition, Koirala publicly announced that the Congress would prefer to remain in the opposition. However, the later activities of the Party was in favour of forming a stable Government as per Art. 42:1,<sup>105</sup> and the UML preferred the formation of the Government as per Article 42: 2. When the Congress failed to get a firm reply from the NDP (RPP),<sup>106</sup> it cleared its way for the UML to form the Government under Article 42:2 (Rising Nepal, "NC Clears Way" 1994 Nov. 29). The UML made capital out of Nepali Congress's effort by characterising their activities as reflection of their lust for power while describing its own activities as democratic. However, the ultimate line of its statements revealed that it too was waiting for an opportunity to

<sup>105</sup> See, HMG Ministry of Law and Justice 31 According to the 1990 Constitution Article 42: 1 enjoins the King to call the majority party in the House to form a Government with the help of other parties. Article 42: 2 enjoins him to appoint as Prime Minister the leader of the Parliamentary party that has the highest number of members in the House if a Prime Minister cannot be appointed as per Art. 42: 1. Clause 3 of the Article further enjoins the Prime Minister so appointed under 42 Clause 1 or 2 to obtain a vote of confidence within thirty days failing which the King, as per Clause 4 of the Article, is empowered to dissolve the House and to order fresh elections within six months.

<sup>106</sup> See, Rising Nepal, "NC Trying" 1994 Nov. 27 Till 26 November, Krishna Prasad Bhattarai was complaining that a stable all-party Government would not be possible because the NDP (RPP) was indulging in double talk meaning they were not clear on their stand in extending their support to the Congress proposal.

form a Government for its document said:

The results of the mid-term election indicated that the people expected NCP (UML) to take lead in the formation of the Government, and the Congress was chosen to be in the opposition. In the beginning Koirala publicly announced that he preferred to remain in the opposition, but because of Congress's lust for power ... they soon began searching for options including the possibility of combining with the Rastriya Prajatantra Party [NDP] ... Considering the Parliamentary profile we also deterred from forming our own Government. We patiently waited for the operation of Article 42: 1. And when it became clear that Government could not be formed as per Art. 42: 1, then we came forward to form Government as per Art. 42: 2. *Our patience paid off* [italics added] our democratic character became public and the Congress was exposed for its lust for power (NCP (UML), Rajnitik Pratibedan 2052 [October 1996] 3).

Besides, the statements implied two things: 1. A change in what the Party characterised as democratic character and 2. As in the past, use of tactics which did not match with its power position. In the past, when the Congress was far more comfortably placed the Party had tried in the name of democracy to enter into some form of understanding, if not alliance, with the Congress to run the Government. And when the Congress had spurned its proposals of consensus it had blamed Congress for being authoritarian and thus undemocratic. Presently, the Congress was weaker, but not as weak as the UML in the past. Even then when the Congress was trying to form a coalition Government it was calling Congress's action undemocratic. As regards its past tactics, it was pointed out that it was faulty, because in advocating its the then tactics it had failed in considering its power position. Similar was the nature of its tactics in 1994. It did not have enough representatives to form Government on its own and to ensure its continuity. Even then it was doggedly following the tactics framed by its Fifth Congress in 1993 (See p. 459 ), whereas the right tactics in 1994 would have been its earlier tactics. Such anachronism in the application of its tactics can either be interpreted as its failure in framing the right tactics or as a reflection of its lust for power. Possibly, it was both. Thus, in November 29, when the King invited UML Chairman, Man Mohan Adhikari to form his minority Government the Party temporarily seemed to succeed in the implementation of its anachronistic

tactics.<sup>107</sup>Next day, his Council of Ministers composed of 9 Cabinet Ministers and 6 State Ministers were sworn in. Included in the 9 member compact Cabinet was the post of a Deputy Prime Minister, Madhav Kumar Nepal (Rising Nepal, “Man Mohan Ministry” 1994 Dec. 1). Commenting on what was expected out of such arrangement, NCP (Masal) said: “Now the Congress and the RPP will try to prove the inefficiency of the UML and with it they will discredit the entire Communist movement” (NCP (Masal), “Tatkalik Rajnaitik Marg 13” 603). However, what the comment failed to indicate was that even Communist factions in the Parliament were not in favour of the UML. This became clear when a few days later political configuration began changing. Nepali Congress, with Sher Bahadur Deuba as its Parliamentary leader, aligned with NDP to elect the Speaker and the Deputy Speaker of the House. The post of Speaker, despite UML pitting for it, went to Ramachandra Poudel of Nepali Congress and that of the Deputy Speaker to NDP candidate.<sup>108</sup>Similarly, Narayan Man Bijukche, the leader of NCP (NWPP) began urging people to ready themselves to oppose UML rule for democracy and socialism (Rising Nepal, “Fight UML” 1994 Dec. 12)—a position which was a little different from what the Party said in one of its later documents. It said: “After the second General Election, considering the UML as a progressive force ... the NCP (NWPP) decided to critically support the minority Government” (NCP (Nepal Majdoor Kisan Party), Rajnaitik Naitikta 11). Moreover, considering NCP (Masal)’s perception towards the UML (See p. 478), the Government was perhaps not in a position to count on its unconditional support. Besides, if one takes UML’s statements, (See, p. 166), where it had stated that it was conversant with the Parliamentary profile, it would be just naïve to conclude that the

<sup>107</sup> See, NCP (UML), Rajnaitik Pratibedan, 2052 [February 1996] 2 The Party hailed its success that is its success in forming the Government to the tactical position fixed by the Fifth Congress.

<sup>108</sup> See, Rising Nepal, “NC, RPP Agree” 1994 Dec. 17; Rising Nepal, “Poudel Elected” 1994 Dec. 18

Party was not aware of such possibilities. Hence, the UML initiative in forming its Government raises a question: besides its tactics, what was the other factor which had gone in its decision making process? It was probably the vacillating position of the NDP (RPP) on the issue of extending its support to the all-Party Government proposal of the Congress. In their vacillation the UML must have read the possibility of getting NDP's support in future. If the UML had formed the Government without such calculations then only one thing explained its forming of the Government—its hurry in applying its tactics, which one could interpret as its abandoning of itself to power.

On the 23rd of December, the King addressed the Party's policy statement to the Joint House of the Parliament. Then, in January, it successfully faced the confidence motion, but its explanation behind its success in the motion gave vent to its own understanding<sup>109</sup> of the Constitutional provisions while revealing the very nature of Nepalese election procedure for it said:

After election the NC and RPP [NDP] had no other choice but to give us their support. Because had confidence been denied to us then there would have been a fresh election and that election would have been held under our Government. So the NC and the RPP [NDP] were compelled to repose confidence upon us (NCP (UML), Rajnitik Pratibedan 2052 [October 1996] 5).

Such understanding of the Constitutional provisions, as will be seen later, was going to cost dearly to the Party. After facing the confidence motion it set to work (See p. 169). But, its stint to power was short lived. By April 1995, opposition forces began raising their voices. In an interview to *Rising Nepal*, NDP (RPP) leader Lokendra Bahadur Chand claimed that the UML had failed to achieve any concrete result and assured the interviewer that his Party would wait for an opportune moment if ever it

<sup>109</sup> It maintained that once a government was formed under Art. 42:1, then Art 42: 2 could never be activated, because the application of Art. 42:1 was itself the result of the failure to apply Art. 42: 2. See, NCP (UML), Press Statement by ... Deputy General Secretary 1995 June 11 Bamdev Gautam says, that there can be no alternative for the formation of another government when a government is operating under Article 42: 2 after the failure of a government established after the operation of Article 42: 1

felt the need for dislodging the UML (Rising Nepal, “Interview” 1995 April 21). Meanwhile, Girija was out there condemning the UML Government for encouraging State terrorism and for misusing<sup>110</sup> national treasury (Rising Nepal, “Koirala ... Terrorism” 1995 April 30). In June 1 the Central Working Committee of NDP (RPP) decided that it would go for the formation of the Government (Rising Nepal, “RPP ... for Govt” 1995 June 2). With such decision of the NDP the fall of UML Government became imminent, because Sharma says, that “the RPP [NDP] was not interested to join the UML, because it felt that the UML would leave it once its interests were fulfilled” (275). Its obvious choice was, therefore, the Nepali Congress. Then suddenly, the Prime Minister, in June 9, recommended the King to dissolve the House and to fix a date for fresh election (Rising Nepal, “UML Decides ... Election” 1995 June 10). Explaining the sudden move of the Prime Minister, the UML document said:

On Jestha 25, 2052 [8 June 1995], seventy MPs of Nepali Congress met the King and requested him for a special session of the Parliament despite the fact that the King had already fixed the regular session of the Parliament on Asad 11, 2052 [25th June 19]... the purpose behind the request for a special session was to bring a no-confidence motion against us and to stop us from presenting a novel budget and programmes of our own ... This was not tolerable to the Nepali Congress ....

In such circumstances we had two options either to face the no-confidence motion, or to dissolve the Parliament and face mid-term election ... Considering the complexion of the Parliament ... we chose fresh election for ensuring stability... (NCP (UML), Rajnitik Pratibedan 2052 [October 1996] 17–8).

As advised King Birendra scheduled fresh election on November 23, but a writ from the Congress side was filed in the Supreme Court challenging the Prime Minister’s power to dissolve the Parliament. In August, the Court upheld the writ and restored the Parliament on the ground that there were possibilities for forming a Government—

<sup>110</sup> The accusations were especially targeted against two of the Government’s programmes namely the Let’s Build Our Villages Ourselves and *Nau Sa* programmes. Koirala and other speakers pointed out that the Government had emptied state treasury in funding the programmes and in doing so it had by-passed the existing DDC and VDCs.

UML's understanding about the Constitutional provisions 42: 1 and 42: 2 was not validated by the Court's verdict. In the September 10 special session of the Parliament, Adhikari Government went down under a vote of no-confidence, which was brought by Sher Bahadur Deuba. The UML led Government received 88 votes as against 107 of the opposition. The 107 opposition votes represented MPs from the Congress, the NDP and a few from the Sadbhavana Party (Rising Nepal, "Govt Loses ... Vote" 1995 Sept. 11). Explaining why the three parties came together, NCP (Unity Centre) leader said, "The programmes of the UML were populist. Had the Party been allowed to implement their ... reforms then they would have endangered the existence of the reactionaries ... So they removed the UML from power" (Prakash 47). Following Deuba's accession to power, his Ministry came into existence on the 12<sup>th</sup> of September and it received its vote of confidence on the 18<sup>th</sup>. Initially, it was a small Cabinet of five members, where NDP and Sadbhavana had one minister each (Rising Nepal, "House Gives Deuba" 1995 Sept. 19). NCP (United) perceived in the Government the rise of "those elements ... in power who had exploited people for the last twenty years" (NCP (Samyukta (United)), Rajnitik Report: 2052 [1995] 2). And CPN (Maoist) categorised it as "a coalition Government of Panchas (i.e. royalists) and Nepali Congress, defamed in the Nepalese history for their anti-national and genocidal deeds" (Communist Party of Nepal (Maoist), "Appeal" 12). Explaining the causes behind their rise, NCP (Masal) pointed out first towards "the treachery of the Nepali Congress and the 'Left Front' in the 1989 *Jana Andolan*, and the framing of the Constitution, where the possibility of monarchical autocracy was built-in". The Party was referring to "the special powers of the King in the Constitution" (NCP (Masal), "Nirankush Rajtantrako ... Khatra" 746). Second, it blamed the Congress's policy for the rise of the RPP (NDP). It said,

The policies followed by the Girija Government were directly or indirectly responsible for the rise of the RPP. On the one hand it threw the Mallik Commission's report<sup>111</sup> in the dustbin; encouraged those

<sup>111</sup> This is important. Majority of the works argue that the issues raised by the

reported against in the report, and indirectly its anti-national, anti-people policy spread frustration among the masses. The masses lost their faith in multi-Party democracy (746–47).

The Party considered such rise of the revivalist favourable for “the increase of the influences of the expansionist and the imperialists” (746). After coming to power, Deuba was “concentrated” only in the “survival” of his Government (Whelpton, History 195). To keep his coalition intact he increased the strength of his Council of Ministers. By 13 December, its size reached a record 44 (Sharma, J. 293). Besides, he kept intact the much maligned UML’s Let’s Build Our Village Ourselves programme, but with a difference. He changed its name to Village Development and Self Reliance Programme and channelled funds through the local committees (Rising Nepal, “VDSP ... Rural People” 1995 Dec. 9). Meanwhile, in response to queries regarding UPFN (Baburam faction)’s protest against police action in Rolpa district (See p. 485), Home Minister, Khum Bahadur Khadka informed the House that the actions were against those who possessed illegal weapons. He promised that his Government would soon send a Parliamentary team on a fact finding mission (Rising Nepal, “Team ... to Rolpa” 1995 Dec. 12). These were the early signs of the Maoist movement which was to begin from February 1996 (for details see chapter V)

### 1.23. January 1996 to May 1999: Period of Instability

After the formation of Deuba Ministry, until 1999 General Election the characteristic feature of Nepalese politics was instability. Several ministries were formed and dissolved without achieving any concrete results: none of the issues facing the kingdom was resolved. Contributing to this state of instability were two factors. First, the UML’s repeated use of its tactics to gain supremacy in the Parliament. Translated into action this resulted in its repeated use of no-confidence motion against

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Mallik Commission’s report were issues concerned with human rights, but reading of the Communist documents reveal that they were taking it as a means to punish and pulverise the Panchayat leaders (cross ref this with the election manifestos of 1991 election)

an installed Government. The second factor was the attitude of RPP (NDP) 20 MPs. They repeatedly changed their loyalties between two of their leaders: Surya Bahadur Thapa and Lokendra Bahadur Chand. With such changing loyalties of their MPs the two leaders virtually took the two major parties, the UML and the Congress, to ransom in their bid to form ministries. Under such condition, two important events took place. One was the signing of Indo-Nepal Treaty for the integrated development of Mahakali River and the other was the holding of elections to the local bodies in 1997. The former had its political consequence: it led to the fragmentation of NCP (UML) and the latter strengthened UML's hold over the local bodies.

As a sequel to the UML's Mahakali package proposal Pranab Mukherjee, Indian Minister for External Affairs, reached Kathmandu on the 26<sup>th</sup> of January 1996. He was on an official visit to give shape to the UML's proposal. Same day, bypassing the Parliament, the Speaker of the House, Ram Chandra Poudel convened a meeting of the leaders of three major parties in the Singh Darbar Parliament building. Attending the meeting were all former Prime Ministers including Ex-Deputy Prime Minister, Madhav Kumar Nepal. They agreed on reaching a consensus (Rising Nepal, "Nepal-India ... Discussed" 1996 Jan 27). Dixit and Gyawali list twelve points on which the leaders reached a consensus. In brief, the consensus focused on securing "additional water" from Tanakpur Barrage, 50% of electricity "generated per year" from the Barrage on the condition that Nepal contributed to the completion of the Barrage (251), water for Nepal "If the Sarda canal became non-operational", water from "Sarda canal to irrigate Dodhara-Chandni" area, and with regard to Pancheswar project the consensus was on securing "the national interest of both countries in terms of utilising the border river water". For achieving such end there were five conditions. These were: establishment of "equal capacity power houses in both countries", "equal utilisation of water ... by both countries to operate" the power houses, "arrangement for bearing "the cost in proportion to the benefit acquired from the project", application of "the principle of maximum net benefit while implementing" the Pancheswar project and all "future" projects based on "the border river" and assurance

“that both countries [would] seek consensus on using the water of the Mahakali River”. Lastly, there were two other issues. One of them demanded that the projects were supposed to “Accord priority to Nepal’s needs in the utilisation of the water” (252). Three days later, the two countries reached an agreement—the Treaty concerning the integrated development of the Mahakali river including Sarda Barrage, Tanakpur Barrage and Pancheswar Project was signed by the Foreign Ministers of the two countries (Rising Nepal, “Nepal, India Agree ... River Development” 1996 Jan. 30). Same day, extolling the virtues of the Treaty NCP (UML) press release said, “This Treaty for the first time has admitted the Mahakali River as a border river. It has acknowledged Nepalese contribution in the construction of the project and as such established Nepalese right over the benefits, both water and electricity, accruing out of the project” (NCP (UML), Press Bigyapti 1996 Jan 26). Two days later press release of the Party was much more elaborate. It listed fourteen benefits out of the Treaty. In the main; the thrust was on extolling the additional water and electricity, which the Treaty had brought for Nepal besides pointing out that Nepal was getting those benefits as of right and not as alms from India. Considering later developments, its thirteenth claim was interesting. It said, “Pancheswar project will also be implemented only after a treaty” (NCP (UML), “Mahakali Nadiko ... Press Bigyapti” 30). However, when the Treaty provisions became public, Gyawali and Dixit point out that Clause 3 of the Treaty said, “... and hence both the parties agree that they have equal entitlement in the utilisation of the waters of Mahakali river without prejudice to their respective consumptive uses [capacity] ....” This was followed by Clause 3 of the letters exchanged with the Treaty. This precluded claims of “either Party on the unutilised portion of the ... waters of the Mahakali River”. And finally, they say, “The treaty wrest [ed] from Nepal [its power to give its] consent to build the Pancheswar High Dam, which would generate nine billion units of electricity that would be consumed mostly by India” (253). Pancheswar was, therefore, lost for ever and the Treaty in essence did not reflect the spirit of the consensus reached among the Nepalese leaders, because the Treaty by precluding either country from utilising the

unutilised water blocked the possibility of reaching consensus between the two countries on the utilisation of the unutilised water. In February 12, in a week long official visit to India, Deuba and Indian Prime Minister, P. V. Narasimha Rao finally put their initials on the Treaty. Like the UML, NCP (United) hailed the Treaty for establishing Nepal's right (Rising Nepal, "NCP (United) Hails Accord" 1996 Feb. 16), whereas the CPN (Maoist), which had condemned the Treaty in its forty-point demands<sup>112</sup> submitted to the Government in the first week of February, came heavily upon the ratification. It viewed in it the manifestation of Indian expansionism at its best where Nepal itself was a party for it said:

The blatant manifestation of domination of Indian expansionism at one hand and the total surrender to the Indian big brother at the other, is no where clearly seen than in the sell-out of Nepal's natural resources ... the ruling classes of India have been systematically harnessing Nepal's water resource at the cost of Nepal's interest and Priority ... While Kosi Agreement [1954], Gandaki Agreement [1959] and Tanakpur Treaty reflect semi-colonial mode of usurpation done almost unilaterally ... the recently concluded Mahakali Treaty represents a more subtle and more dangerous form of neo-colonial domination. While Mahakali ... does not fall under Nepal's priority but is essential for the Indian monopoly bourgeoisie, a foreign debt of Rs 250 billion ... is thrust upon Nepal as the cost of the project. And Nepal is forced to sell electricity at through (sic)-away price ... However the MIDP project was not only supported by the ruling Congress lead coalition ... but even the ... UML. This only proves that the Indian ruling classes have a better grip over the Nepalese politics than other imperialist powers. No wonder that imperialist countries like the USA ... joined hands with the ruling class to get the Mahakali Treaty ratified ... (Communist Party of Nepal (Maoist), "Mahakali ... Sell-Out" 31).

On the 13<sup>th</sup> of February the Maoist initiated People's War (for the nature of the initiation see chapter V). Added to it, on the 21<sup>st</sup> of February the UML submitted a memorandum to the Government. As a sequel to its second National Council meeting of 8–9 February (See p. 486 ), the memorandum condemned the Government for

<sup>112</sup> See, Pravatkalin Janasatta 1996 March 5 In its forty-point demands number two demand read: The so-called Integrated Mahakali Treaty signed in 2052 Magh 15 [29 January 1996] between Nepal and Indian Government is intended to cover up the anti-national Tanakpur Treaty and to give to the Indian expansionists the monopoly right over Nepalese water resources. Since it is much more anti-national and against the long term interest of the nation it must be revoked immediately.

having “failed in containing price rise, fulfilling demands of various classes and professional groups and in running an efficient administration”. It placed before the Government a “thirty-point demands” and “threatened to launch a movement if the demands were not met with” (NCP (UML), Gyapanpatra 1996 Feb. 21). The purpose was obvious: it was to dislodge the Government. However, it did not launch its movement; but in 11 March, 86 of its MPs requested King Birendra to convene a Special Session of the Parliament. As requested, the session was held on the 20<sup>th</sup> of March. NCP (Marxist) criticized the move, which the UML had initiated after its behind the curtain negotiation with anti-democratic leader Lokendra Bahadur Chand (Rising Nepal, “UML Move Draws Flak” 1996 Mar. 20). Nevertheless, Man Mohan Adhikari, the leader of the opposition tabled the no-confidence motion in the House. While tabling the motion, he blamed Deuba Government for having “chartered the country towards a direction-less, aimless and static situation” (NCP (UML), Pradhanmantri ... Deuba Upar ... Biswas Chaina ... Prastao 1). On 24 March 1996, when voting began three of NCP (NWPP) MPs just left the Parliament expressing their lack of interest in a game, which was being played for pelf and power and even Chand was not there. UML failed to muster the required votes. It received 90 votes against 106. The Government survived (Rising Nepal, “No-Trust ... Defeated” 1996 Mar. 25). Meanwhile, on the 9<sup>th</sup> of May, Nepali Congress elected Koirala as its new President adding a new entrant into the power game (Rising Nepal, “Koirala Elected ... President” 1996 May 10). Following the no-confidence motion, the MPs spent their time wrangling over the Mahakali Treaty. Man Mohan clarified that his Party would not ratify the Treaty without an extensive study of its clauses (Rising Nepal, “More Scrutiny” 1996 Aug. 3). With the passage of time more detractors of the Treaty came to the open. NCP (NWPP) condemned it for sacrificing national interest. In a mass meeting, its leader Narayan Man Bijukche blamed UML for being a Party in the sell out of the country’s national resources (Rising Nepal, “UML Too Responsible ... Rohit” 1996 Aug. 4). However, the Treaty, with UML’s additional conditions, was finally ratified on the 20<sup>th</sup> of September, but it brought into the open the differences

that existed within the Party (See p. 486). And though the Party was able to maintain its unity for the present, signs of its fragmentation in future was there to see. Meanwhile, on the 3<sup>rd</sup> of December while renewing the Indo-Nepal Trade agreement the clause which required 50% of Nepalese labour and material manufactured in Nepal for their preferential entry into India was removed—Indian gift for the passage of the Mahakali Treaty. On the 8<sup>th</sup> of December, UML again asked the King to call a Special Session of the Parliament expressing no-confidence in the Government. In tendering such request to the King its press release claimed the support of 11 MPs of NDP under Lokendra Bahadur Chand, two MPs of NCP (Masal) and other two of the Nepal Sadbhavana Party. With them the Party claimed the support of 102 MPs (NCP (UML), Press Bigyapti 8 Dec. 1996). However, when the motion was voted in the Parliament 101 votes went in favour of the motion and 84 against the motion. Even then, because of Constitutional provision that is Art. 59 (3) which required a majority of 103 to win the motion the Government survived, but it turned into a minority Government. Hence, from then on UML began asking for the resignation of Deuba Government on the ground that it had “lost its moral basis to remain in power” (NCP (UML), Press Bigyapti 5 Jan. 1997). By-elections in five of the Parliamentary constituencies on 24 January and its results, where the UML was victorious in three of the constituencies namely Kathmandu, Sunsari and Rupendehi added further impetus to the UML’s claim (Rising Nepal, “CPN-UML Takes ... Seats” 1997 Jan 26). So, Deuba sought the confidence of the House in March, but he lost the vote and resigned. The UML claimed that it would be able to muster the required support to form the next Government (Rising Nepal, “Deuba Loses Trust” 1997 Mar. 7). On the 10<sup>th</sup> of March, the King formed Lokendra Bahadur Chand led Government. He claimed the support of the UML, the NCP (NWPP), the Sadbhavana Party and his own ten MPs (Rising Nepal, “New Government ... Cabinet ... Tomorrow” 1997 Mar. 11). In the new Government, Bamdev Gautam was given the post of Deputy Prime Minister, probably to assuage his group, which had been raising voices against the Mahakali agreement and its subsequent ratification (See, p. 487). However, the UML document

of the Sixth Congress claimed that it had formed the Government to ensure “positive balance in the political power and that it was in response to its tactics of the period”. And a few lines later it said, “Being in the Government NeKaPa (EMalay) had decided to stop the tilt of power in the negative direction<sup>113</sup> and to hold the local election in a free and fair manner” (NCP (UML), Rajnitik Pratibedan, 1998 29). It seemed that its eye was more in the local election than in anything else. Hence, after coming to power its press release claimed that it had been requesting the Government to hold local elections, which the Deuba Government had deferred until June. And it added, “Within a month the coalition Government has created the base for strengthening the local units and it has expressed its firmness in holding the election” (NCP (UML), Press Baktabya 9 April 1997). The base that the press release was talking about was the passing of an ordinance to hold the elections early (Rising Nepal, “Govt Ordinance ... Local Polls” 1997 Apr. 7). Accordingly, the elections for the Village Development Committees were held in two phases on 17 and 26 May. However, in many<sup>114</sup> areas elections could not be held because of the boycott policy of the Maoists (for their views see chapter V). When the results were out in 10 June

<sup>113</sup> See, NCP (UML), Rajnitik Pratibedan, 1998 85 The Party claims that it planned the fall of a rightist coalition to form Government under Lokendra Bahadur Chand. And by doing so it says that it achieved the goal set by its thirty second Central Committee decision, which was to stop the rightist Government from deferring local elections.

<sup>114</sup> There are conflicting claims regarding the number of VDCs and DDCs which were affected by the Maoists boycott call. Amid Maoist violent reactions against activists of other political parties, paper reports indicated that in 22 villages no nominations were filed. See, Rising Nepal, “Rukum’s 22 VDCs with No Poll Nominees” 1997 May 8 and Rising Nepal, “Maoist Warned Over Attack on Masal Men” 1997 June 17 However, the Maoists claim that more than 100 villages went without polls. See, Communist Party of Nepal (Maoist), “Develop Guerrilla Warfare” 2 But an article See, Sharma, S. 49 points out that the number of villages effected in Rolpa, Rukum, Salyan and Jajarkot were 83. And see, Thapa and Sijapati 89 which, based on INSEC Human Rights Yearbook, quotes the number to 87. So it would just be sufficient to understand that local polls were disturbed in Maoist areas and the number of villages effected were perhaps anywhere between 80–90. The Maoists’ claim, it seems, was an exaggeration.

UML captured 52 per cent of the total seats while the Nepali Congress won 30% followed by NDP, 13% and NSP 1%. Rest went to the independents (Rising Nepal, “UML ... Winner” 1997 June 11). Similarly, the UML captured majority of the DDCs (Rising Nepal, “UML Sweeps ... DDCs” 1997 July 21). Whelpton claims that UML’s victory was “master-minded” by Bamdev Gautam (196). Considering how the Party valued its being in power while conducting elections (See p.168 ), Whelpton was perhaps right in making such claim. After election, Bamdev Gautam tried to introduce Terrorist and Disruptive Activities Bill: 2054 (1997) in the Parliament to empower the police to tackle the Maoists<sup>115</sup>. Such initiative coming from a UML leader, whose Party had all along championed for a political solution to the problem was something quizzical. It was more so, because the same Government had in April formed a Commission under a UML MP to suggest means to resolve the problem (See chapter V). These anomalous behaviours, therefore, lend credence to Thapa and Sijapati’s claim that in the beginning the UML and the Maoist had an understanding, but it was spoiled only after the Maoists boycotted the local elections (89). However, Bamdev’s initiative was opposed. Communist factions like NCP (United), NCP (NWPP), NCP (Masal) and Rastriya Janatantrik Morcha came together in 9 August to protest against the move (Rising Nepal, “Communists Protests” 1997 Aug. 10). NCP (Marxist) followed suit. In its Nepalgunj Plenum, which was held in VS 2054 Bhadra 27–30 [12–15 September 1997], it called upon Communist factions to come together to oppose the Bill. Explaining why the Bill was being proposed, it said:

The present political culture of the country does not believe in serving the nation and the people, but in enjoying and dining. As a result there is pervasive discontent among the people against the present RPP [NDP] and NCP (UML) coalition Government. They fear that the people’s discontent may turn against them into a revolutionary upsurge. Hence, in the name of controlling the Maoist they have been trying to bring ‘the Fascist Black Bill’ in the Parliament (NCP (Marxbadi (Marxist)), Circular No: 1/8 3).

<sup>115</sup> See, Maharjan 177 The author claims that the police had expressed their inability in arresting and then in punishing the Maoists in the absence of adequate national laws. In introducing the Bill in the Parliament the Government was therefore arguing its case that the Bill was needed to empower the police.

In view of such opposition the Government backtracked. Then on 4 October (Whelpton 196, says September) it was defeated in a no-confidence motion, when the Congress in league with Surya Bahadur Thapa and his 17 MPs s voted against it (Rising Nepal, “Chand Loses Trust” 1997 Oct. 5). Supporting the no-confidence votes were 86 MPs of Nepali Congress, 17 MPs of NDP, and MPs of NCP (NWPP) [!] and Nepal Sadbhavana Party. The UML press release of the day blamed in the fall of the Government “the role of a few undemocratic MPs of the NDP”. It said, “A few of the MPs of the NDP who were in ministerial posts<sup>116</sup>went to the opposite side to vote against the existing Government” (NCP (UML), Nepal Communist ... Bigyapti 1997 Oct 4). On the 6<sup>th</sup> of October, King Birendra appointed Surya Bahadur Thapa, who claimed the support of 107 MPs, the next Prime Minister. On 13 October, he won the vote of confidence with the support of 86 Nepali Congress, 3 Nepal Sadbhavana Party, 17 RPP, and 2 NCP (NWPP) MPs. In the voting the UML members did not participate (Rising Nepal, “Surya Bahadur Thapa Wins” 1997 Oct. 14). However, on the 8<sup>th</sup> of January 1998, Thapa suddenly recommended the dissolution of the House. Whelpton claims that he did so when he realised that a few of the MPs of the NDP were switching their loyalty towards Chand (196). Same day, 96 members petitioned the King to call a special session of the House. The King sought the advice of the Supreme Court. The Court gave the advice on the 4th of February and summoned the House on the 11<sup>th</sup>. On the 6<sup>th</sup> of February 1998, 90 MPs registered a no-confidence motion in the Parliament Secretariat. The MPs represented the UML and Chand faction of the NDP (Rising Nepal, “No-Trust ... Registered” 1998 Feb. 7). Thapa survived with the help of Nepali Congress, NDP, NCP (NWPP) and NSP’s support. Meanwhile, UML MPs who had presented a united face in the no-confidence motion split in March. On the 5<sup>th</sup> of March NCP (ML) came into existence (for reasons see p.

<sup>116</sup> See, Sharma, J. 329 . 14 of the 19 MPs of the NDP (RPP) had changed their side.

488). Similarly, owing to mutual animosity split had also surfaced in the NDP and now there were two factions of the Party in the Parliament: NDP (Chand faction) and NDP (Thapa faction). Commenting on the split of the UML, the Maoist propaganda was at its best while saying: “The so called United-Marxist-Leninist (UML) Party, the renegade clique that was practising the worst variety of Millerandism and Bernsteinism in Nepal, has finally split into several splinter groups on March 5, 1998” (Communist Party of Nepal (Maoist), “The Renegade ... Splits” 49). The Party viewed in its split “the process of decay” which had set in the UML following “the rapid rate of development of revolutionary districts of Gorkha, Rukum, Kavre ... and the Tarai districts of Bardia, Kapilvastu, Janakpur, Sirha etc”—they were singing their own song of success (Communist Party of Nepal (Maoist), “The Renegade ... Splits” 49, 52). Following the splits, the fractured Parliament was further fragmented. Thapa ultimately resigned in April 10, 1998 saying that his resignation was in tune with the agreement reached with the constituents of his coalition. He handed power to Nepali Congress (Rising Nepal, “Premier Thapa Resigns” 1998 Apr. 11). On April 12, King Birendra appointed Girija Prasad Koirala the next Prime Minister. However, much to Thapa’s chagrin, he decided to lead a minority Government (Rising Nepal, “His Majesty Appoints Girija” 1998 Apr. 13). Support came from an unexpected quarter: in a bid to check NCP (ML) from joining the Government the UML decided to support Koirala Government from the outside (Rising Nepal, “CPN-UML to Support Koirala” 1998 Apr. 13). However, its actual intent behind the support was revealed in one of its later document, where it said, “To check the Nepali Congress from holding election under its leadership and to force it to implement our 36 point demands concerning nationalism, democracy and the day to day problems of the people we extended our confidence in the Girija Government” (NCP (UML), Pratibedan: 20–27 Asad ‘055 [4–11 January 1999] 2). However, from the 8<sup>th</sup> of May it began threatening Girija. It announced that it would take back its support if the Government failed to fulfil its commitments (Rising Nepal, “UML Threatens” 1998 May 9), meaning the fulfilment of its 36 point demands. During this time, Girija was proposing an

ordinance to amend Offence Against the State and Punishment Act 2046 presumably to deal with the Maoist movement. Besides, there was the Kalapani issue. In the Western frontier of Nepal, Kalapani was an area in Darchula where India had stationed her army post since 1962, and the entire Communist factions were asking for the removal of the post since they viewed in it an Indian affront to Nepalese sovereignty. The kingdom was to witness another series of protests. This time it was led by NCP (Unity Centre) and eight other Communist faction (for details see p. 490 ). Meanwhile, Indian President K. R Narayanan came to Nepal on the 28<sup>th</sup> of May<sup>117</sup>. After his departure, NCP (Unity Centre) leader, Prakash claims that Koirala initiated a police operation code named “Kilo Sera two” against the Maoists and Indian ambassador to Nepal K. V Rajan gave the statement that “Kalapani belonged to India since the 19<sup>th</sup> century” (NCP (Unity Centre) 6, 8). Further, he says, “This clearly proves that within Nepal there are Indian touts hobnobbing with Indian expansionists” (NCP (Unity Centre) 7). The statement of the Indian Ambassador further vitiated the atmosphere. Nepalese Foreign Secretary handed a protest note to the Indian Ambassador against his statements (Rising Nepal, “Foreign Secretary Hands Protest” 1998 June 17). Following the incident, the movement of the Nine Left parties dragged on until August (for reasons see p. 491). In the 14<sup>th</sup> session of the Parliament the law makers discussed only two issues: Koirala initiated police action and Kalapani. In its very first session the opposition MPs of the UML, CPN (ML), and even Chand pointed out that the Government in the name of controlling Maoists was killing innocent public and activists of other parties (Rising Nepal, “14th Session ... Aberrations” 1998 June 29). The situation changed dramatically when NCP (ML), which had joined the Government in August, decided to quit on 10 December pointing at Koirala’s insincerity in implementing the agreement, which they had reached with the Government in August (Rising Nepal, “ML ... to Quit Govt” 1998

<sup>117</sup> See, Rising Nepal, “Bajpayee Invites PM” 1998 May 25 The programme of his visit was announced along with Bajpayees invitation to Koirala.

Dec. 11). Next day, Koirala recommended the dissolution of the House, but soon reached an agreement with the UML to form a new Government to oversee elections. Again, Koirala Government was installed in January 14 and the Third General Election was finally slated on the 3<sup>rd</sup> of May 1999. When the results were declared, NC won 111; UML, 71; Rastriya Janamorcha, 5; UPFN, 1; NCP (NWPP), 1; NSP, 5 and NDP (Thapa)<sup>118</sup>, 11 seats. NCP (ML) won none, but its share of votes was 6.38% of the total (Election Commission, “Election Results-2056 (1999)” 14). Considering this, Whelpton observes “Had this gone instead to the UML ... the Party would have won ... a comfortable overall majority” (199). However, this time Krishna Prasad Bhattarai won from the Parsa Constituency and was sworn in as the new Prime Minister and both posts of Speaker and Deputy Speaker of the House went to the Congress.<sup>119</sup> Commenting on the new Government, NCP (NWPP) categorised it as the “managing committee of the bourgeois class of big contractors, zamindars, feudal forces, commission agent and black marketeers”. It said it was in the Parliament to “expose their crimes against the people and to lead the movement for the people” (Nepal Majdoor Kisan Party (NCP (NWPP)) 3). Further, it said, “These two parties are in favour of bourgeois two-Party domination. Jointly they now have 2/3 majority. Since they both command 88% of the seats, in the days to come they will find easy to serve India: any treaty will be easily ratified” (NCP (NWPP) 6). And the NCP (Masal) obviously saw in it the installation of a “Fascist regime” which would “misuse power, police and its lumpen elements to subjugate activists of other political parties” (NCP (Masal), “Aam Nirvachan ... Baktabya [1999]” 647). As the new Government began functioning the UML posed a challenge. Until November, it did not allow the

<sup>118</sup> The Election Commission Results do not provide this information that the winning NDP was from the Thapa faction. The information is drawn from comment of NCP (Masal). See, NCP (Masal), “Nirvachanko ... Prastao” 650

<sup>119</sup> See, Rising Nepal, “Landslide ... Bhattarai” 1999 May 20; Rising Nepal, “Bhattarai Sworn” 1999 June 1 and. Rising Nepal, “Taranath ... Elected ... Speaker” 1999 June 23

Government to function well both within and outside the Parliament (For reasons see p. 496 ). Even under such circumstances, the Bhattarai Government managed to pass the Local Self Governance Act (See, p.239). Besides, in November 30, he formed a six-member high level committee under Sher Bahadur Deuba to explore ways and means to solve the Maoist problem (Rising Nepal, “Panel Formed” 1999 Dec. 1). The activities of the UML came to a halt only by the second week of December when it had to face Parliamentary by-elections in constituencies vacated by winners in the May election. However, it lost in all three constituencies. This reduced its effective presence in the Parliament to 69 raising that of the Congress to 113 (Rising Nepal, “NC Bags All ... Seats” 1999 Dec. 13). For its loss in the elections, the UML alleged that the Congress had “masterminded the elections by using its lumpen elements ... raising grave questions against the nature of election process” (NCP (UML), Press Bigyapti 1999 Dec. 12).

#### 1.24. National Politics: 2000–2002

From the beginning of 2000, in the midst of the Maoist problem, outstanding issues related to *Kamaiyas* (bonded labourers), property rights for women and Self-Governance Act 2055 came to the forefront. If Human Rights bodies like INSEC and Anti-Slavery International were demanding laws to end the *Kamaiya* system, women were clamouring for Property Rights Bill. Similarly, the demand for Self-Governance Regulations in line with the spirit of Self-Governance Act-2055 was being raised by VDC and DDC functionaries. They were claiming that without new regulations power decentralisation as envisaged by the 2055 Act (1999) could not be implemented.<sup>120</sup>To some extent the influence of these issues were, therefore, visible in the UML’s proposed “package solution” to the Maoist problem. In their first visit to

<sup>120</sup> See, Rising Nepal, “Separate Laws Needed to End Bonded Labour” 2000 Jan. 6; Rising Nepal, “National Federation for VDCs Demand Self-Governance Regulations” 2000 Jan. 8; Rising Nepal, “Property Rights Bill to Be Passed” 2000 Jan. 11

tender their views about the causes and solutions to the problem their suggestions were:

[1].Maoist movement is the result of Government's faulty policy.

[2].It is a political problem. Its activities are based on its ultra-left perceptions and terrorist tactics.

[3].The solution to the problem can be evolved through constitutional and peaceful struggle....

[4].One has to search a package solution to the problem. It cannot be solved superficially and by going alone.

[5].The Government should stop masterminding election processes. It should guarantee free and fair elections. It should raise people's faith in election processes, stop corruption ... stop imprisoning political activists of other parties, stop 'congressisation' in educational and other institutions ... implement decentralisation and make local bodies effective and be honest in working in the interest of the nation and the people (NCP (UML), Press Baktabya 2000 Jan. 13).

They were in a way rejecting *ad hoc* solutions in preference for a holistic approach to the problem. However, given the circumstances where they themselves were in the forefront of disrupting the Parliament and where installed Ministries were frequently under threats such reasoned approach was not on the cards. Power struggle within the Congress was so intense that in February 16 a group of 58 MPs registered a no-confidence motion against their own Government. Meanwhile, through a press release in February 23, Deuba declared Maoist leaders' readiness to participate in talks (Rising Nepal, "Maoists Ready for Talks" 2000 Feb. 24). However, the creator of Deuba Committee, Bhattarai, was not to be there, because rebellion within Nepali Congress ultimately claimed his resignation in March 16 bringing in Koirala as the new Prime Minister of the kingdom (Rising Nepal, "Bhattarai Resigns" 2000 Mar. 17). Running parallel to these events, on 28 February, the UML declared its intent to launch a phased wise protest movements from the beginning of March (For reasons see p. 496 ). In April, a Task Force, which had been formed in February to suggest

means to combat terrorist activities, recommended the Government to form an Armed Security Force. Koirala preferred its use to Army, which he considered as the last option (Rising Nepal, “‘No’ to Army Mobilisation” 2000 May 13). In resolving the Maoist problem, the basic difference in the views of Koirala led Congress and the Communist factions was that Koirala was for using security measures such as the deployment of Armed Security Force along with economic sops,<sup>121</sup> whereas the Communist factions were against the use of force. Their main argument was that the problem could be resolved politically—the components of which they did not fully explain—and by freeing the nation from the scourge of poverty, unemployment, corruption etcetera. These differences came in the way of the Government in taking decisive step. As a result, Maoist violence continued in the remote districts of Kalikot, Rolpa, Rukum, Salyan and Jajarkot. The indecisiveness, which plagued the Government came to light in August when Deuba declared that the Maoist leadership had retracted from their offer for talks when his Committee was not fully authorised by Koirala Government with a “go ahead signal” until August second week. He blamed the Government for the continuing Maoist violence (Rising Nepal, “Government .. for Talks ... Deuba” 2000 Aug. 14). On 18<sup>th</sup> September,<sup>122</sup> the Maoists temporarily seized “Dunai, headquarters of the remote ... district of Dolpa ... killed fourteen policemen and made off with 50 million rupees from the bank” (Whelpton,

<sup>121</sup> See, Rising Nepal, “Govt. Plans Basket Fund” 2000 Aug. 26 Using this approach the Government announce Basket Fund Approach to combat Maoist problems in Kalikot, Rolpa, Rukum, Salyan and Jajarkot. The fund was named Integrated Development Fund and it was to be used in ameliorating social and economic conditions of the areas. But, along with it the Government was also using police force to contain Maoist actions. However Communist factions did not approve of the approach. The UML, the largest of them all said, “Maoist problem is fundamentally a political problem and its root lies in the socio-economic structure of the kingdom. Till those causes are not uprooted the problem cannot be solved” NCP (UML), Press Baktabya 2000 Oct. 15

<sup>122</sup> See, Rising Nepal, “Govt. Very Sensitive Over Dunai Incident: Joshi” 2000 Sept. 21 for the exact date of the incident.

History 211). Then describing the Government's response to the Maoist violence Whelpton writes, "In parallel with continuing attempts at negotiations, army companies were deployed in all district headquarters, and Girija went ahead with plans to set up the Armed Police Force" (210). From November, Parliamentary Public Accounts Committee began investigating issues related with a Cabinet decision which had allowed Royal Nepal Airlines Corporation to acquire a jet on lease from Lauda Air, an Austrian Company. The Public Accounts Committee sensed irregularities in the deal and in the decision of the Cabinet (Rising Nepal, "Lauda" 2000 Nov. 25). The year came to the close when on December 28, Sher Bahadur Deuba led 56 Nepali Congress MPs registered a no-confidence motion against Koirala. While registering the motion, Deuba alleged that Koirala had failed in controlling corruption, maintaining law and order and in providing good governance (Rising Nepal, "No-Trust ... Registered" 2000 Dec. 29). However, the Party somehow averted the crisis, but "taking cue from the Public Accounts Committee's perception in the Lauda Air deal," the UML document claims that it launched "a series of protest movements demanding the resignation of corrupt Prime Minister, Koirala" (NCP (UML), "Pratibedan: VS 2058 [Aug. 2001]" 5). Amid such UML sponsored movements, which continued even in the beginning of 2001, Whelpton says, Maoists attacked "on two regular police posts at the beginning of April". In response, "the Government ... announced an Integrated Security and Development Programme". Under it, the Army was given the "responsibility" of maintaining "law and order" as well as of implementing "development projects in selected districts" (210). In the districts<sup>123</sup> where the programme was implemented, the UML document indicates that it

<sup>123</sup> See, NCP (UML), "Ekakrit Antarik Suraksha ... Partyko Dristikon" 43 The extent to which the kingdom had come under the Maoist violence is reflected in the districts chosen under the programme. There were two sets of districts: (A) Rolpa, Rukum, Salyan, Kalikot and Jajarkot and (B) Pyuthan, Gorkha, Kavre, Ramechap, Lamjung, Dhading, Dolpa, Jumla, Sindhupalchok, Sindhuli, Nuwakot, Dailekh, Baglung, Myagdi, Dolakha, Tanahu, and Achham. The first set was the most effected.

“destroyed the authority of local bodies” by “transferring power into the hands of civil and Army officials” (NCP (UML), “Ekakrit Antarik Suraksha ... Partyko Dristikon” 43). It objected against the programme for having “gone against the spirit of decentralisation and autonomy of local bodies” (44). The Party issued six directives to its district cadres. The essence of the directives was reflected in the fourth entry which said: “The Integrated Security and Development Programme is not meant for development, but for destroying the spirit of 1990 Constitution, which through decentralisation seeks to include people’s participation in the use of people’s sovereign power”. The other five directives asked the cadres to oppose every aspect of the programme (44). By its objections, the Party was exposing its usual tendency to object against any initiative taken by the Government. Then in the evening of June 1, when the royalties were together in one of the rooms of the Narayanhiti Palace, Crown Prince, Dipendra in his drunken and doped state killed his entire family. In the incident, Komal Shah, the wife of Gyanendra, who was in Pokhara then, was “also hit, though not fatally” and her son, Paras, “escaped unhurt” (Whelpton, History 211). Dipendra, who had reportedly shot himself, died on the 4<sup>th</sup> of June. Following his death, “a few hours” later Gyanendra was crowned as the new King (Whelpton, History 213). However, Whelpton points out that after the incident “a majority of Nepalese ... believed ... that ... the whole affair had been arranged by Gyanendra and/or his son Paras”. According to him, such belief was due to “Nepal’s long history of court intrigue” and by the fact that it had brought “Gyanendra to the throne” who along with his son were unpopular among the people (215). After the Maoists stand on the issue (See, below), the belief fuelled wide spread protests in the “streets of Kathmandu” in which the participants either represented “genuine royalists” or “probably Maoist sympathisers” (Whelpton, History 216). On acceding the throne, Gyanendra immediately set up a three member Inquiry Commission under the then Chief Justice, Keshav Prasad Upadhyaya with one member each from the Nepali Congress and the UML, that is, Taranath Ranabhat and Madhav Kumar Nepal respectively (NCP (UML), Press Bigyapti 2001 June 16). However, Nepal declined to

be in the Commission. Explaining such rejection, the document of the Party said, “Our Party declined to be in the Commission because the manner in which the body was formed would have raised Constitutional questions” (NCP (UML), “Pratibedan: VS 2058 [Aug. 2001]” 4). The Party’s objection was probably directed towards the fact that the Parliament and not the King should have constituted the Commission. However, when the report of the Commission, which was formed only to find facts<sup>124</sup> related to the incident, became public on 14 June, the UML was not satisfied, because it said that it did not provide “concrete analysis of the incident” and blamed the Government for “accepting a passive position” (NCP (UML), Press Bigyapti 2001 June 16). The Maoist on the other hand viewed in the incident the handiwork of American imperialism and Indian expansionism for it said:

Today, even while one is entering the 21<sup>st</sup> century, a medieval-styled massacre involving the entire royal family of King Birendra, has occurred in the Himalayan kingdom ... In an era of imperialism and expansionism where medieval monarchy can only exist with the blessing of these forces, some streak of liberalism and patriotism on the part of the late King Birendra in dealing against the class-conscious Maoist People’s War proved to be suicidal for him and his whole family. To sharpen the instrument of suppression the feudal hard-liner forces represented by Gyanendra, the younger brother of the late King ... and the comprador bourgeois class represented by Girija ... under the backing of American imperialism and Indian expansionism, conspired to murder the whole family so as to pave way for Gyanendra, who was in favour of suppressing the People’s War (Communist Party of Nepal (Maoist), “Royal Massacre” 11).

Besides, they said that the incident “had made monarchy redundant”, and asked people “to protest against the massacre” while demanding “the resignation of Girija<sup>125</sup> ... as one of [their] immediate demands” (Communist Party of Nepal (Maoist), “Royal Massacre” 11). Explaining why they considered Birendra a liberal and patriotic King, they indicated towards his “reluctance to deploy the royal army under

<sup>124</sup> See, Rising Nepal, “His Majesty Specifies Terms of Reference of the Probe Committee” 2001 June 7 The terms of reference for the Commission was that it should submit a Report to His Majesty along with true facts about the incident.

<sup>125</sup> See, Communist Party of Nepal (Maoist), “Editorial” 2 They called Girija, “the much-hated Koirala”. This maybe because he was tough towards them.

his supreme command against the PW” (Communist Party of Nepal (Maoist), “Editorial” 1). Then they called Nepal Bandh on 12 July and in the same night they struck at different places like “Lamjung, Nuwakot and Gulmi districts.” Of these, their strike at Holeri area police post of Rolpa was the most daring. They “kidnapped 69 policemen” (Communist Party of Nepal (Maoist), “Royal Massacre” 11; Whelpton, History 216). And when the Government mobilised the Royal Nepal Army, to cordon Rolpa area to free the abducted policemen and to recover the looted weapons<sup>126</sup> they claimed that it showed “Girija in connivance with Gyanendra” (Communist Party of Nepal (Maoist), “Royal Massacre” 11). In their words, the purpose behind all their actions was “to expose the conspirators”, the “foreign lackeys and murderer Gyanendra-Girija clique” to institutionalise “the republic born by default” (Communist Party of Nepal (Maoist), “Editorial” 1). The Nepal bandh and the attack in Holeri, they claimed, were a part of their “‘shock’ programme” to destabilise the old reactionary State (Communist Party of Nepal (Maoist), “Editorial” 1–2). In the light of their so-called creativity advocated in the Prachandapath (See, p. 538), which preached the tactics of mixing general insurgency with People’s war, the destabilisation of the State was aimed at creating a situation of general uprising by blaming the expansionist/imperialist and Girija/Gyanendra collusion for the killing of a King with a ‘liberal streak’. However, the NCP (Masal) blamed “the campaign of the pro-monarchist and revivalist to bring monarchy back, and the competition within the palace for power as the primary cause behind the June 1 incident”. The statements implied the hand of pro-monarchist, Gyanendra in it (NCP (Masal), “Tatkalik ... Prastao 2058 [2001/2]” 676). Its document, which was focused on analysing the after

<sup>126</sup> See, Rising Nepal, “Efforts to End Rolpa Stand-Off Continue” 2001 July 16

effects of the incident perceived in the monarchy a “weakened institution”<sup>127</sup>. In such a situation, though it also wanted to “intensify its demand for a Republican State”, yet it was not in favour of going with the CPN (Maoist), because the Maoists’ comments had evoked just the opposite reactions (NCP (Masal), “Tatkalik ... Prastao 2058 [2001/2]” 678). Commenting on their statements NCP (Masal) viewed them as pro-monarchic force, which was being used by the pro-monarchists to bring back the autocratic rule of the King for their document said:

The Maoists comment on the June 1 incident has cleared their pro-monarchic line ... according to their interpretations the incident was a plot of national and foreign reactionaries against a ‘patriotic’ and a ‘liberal’ King. Their statement proves that there was an ‘undeclared tactical unity’ between the late King and the Maoists and the pro-monarchists. The pro-monarchists were using the Maoists as an instrument to destroy the existing multi-Party system. The Maoists by their political immaturity and anarchic tendency were helping the strategy of the pro-monarchists (NCP (Masal), “Tatkalik ... Prastao 2058 [2001/2]” 679).

The statements implied that NCP (Masal) was not convinced by the CPN (Maoist)’s tactics of denigrating Gyanendra rather it viewed them in his service. In somewhat different tone, but reflecting similar perceptions the NCP (United) observed:

Considering the Maoist leadership’s statements after the Palace incident and despite their focused attack on Girija and the present King one cannot rule out the possibility ... that the Palace will use the Maoist as its instrument. The Palace will follow such policy until it will not go against its own interests and until such policy will not evoke international pressure, which it will not be in a position to handle (NCP (Samyukta (United)), Darbar Hatya Kanda: Rajnitik Pratibedan 4).

However, there was one Communist faction which analysed the Palace incident in line with that of the Maoist. It was NCP (Unity Centre), but its demand was limited only for the creation a Constituent Assembly and not for creating a situation of general uprising against the rulers, for Prakash, its leader, in an article published in Jeth 2059 (May/June 2002) said:

<sup>127</sup> See, NCP (Masal), “Tatkalik ... Prastao 2058 [2001/2]” 676 The Party was pointing out towards the widespread protests against Gyanendra and Paras to reach to such conclusion.

In fact, the Palace incident was plotted by national and foreign reactionaries to resolve the crisis of reactionary power through reactionary means. Because of the many positive, liberal attitude of King Birendra—his rejection to use Army to solve ‘Maoist’ problem, his opposition against the citizenship ordinance etcetera. But, we did not analyse him as a patriot and as a democrat against the reactionaries. In comparison to others in the Palace, it is true that his views were positive. Such views of King Birendra were not acceptable to the national and foreign reactionaries—He was not a suitable candidate in the game plan of the reactionary and Fascist forces to bring in Fascism. The Palace plot was their planned plot to end the crisis of reactionary rulers through Fascist method ... Against the killing and against the rulers brought forward after the incident there was widespread protests ... the reactionary rule had become more weak. Hence, immediately after the incident we had argued that time had come for the Nepalese to decide as to how they wanted themselves to be ruled. That argument was in fact our appeal to the people to ask for the Constituent Assembly (Prakash 343–44).

In the face of such conflicting perceptions, the Maoist tactics of arousing general insurrection failed. And according to Whelpton, the cordoning of the Rolpa area by the Army led to a “stand-off” when the Army Commander on the spot, fearing heavy casualties, did not take action. Later, the Maoists released the policemen in batches (Whelpton, *History* 218). Meanwhile,<sup>128</sup> Koirala had come up with a 14 point proposal<sup>129</sup> where he sought the support of the opposition to end violence in the kingdom. Responding to it, UML document says that it “entered into an agreement

<sup>128</sup> See, Rising Nepal, “Congress ... Pledges ... to ... 14-Point Agenda” 2001 June 30

<sup>129</sup> See, NCP (UML), “Pradhanmantri Girija ... Koiralalay ... Patra” 47–9 The letter sent to UML General Secretary Madhav Kumar Nepal by Girija describes the 14 point proposal to end violence in the kingdom. Since, these proposal were intended to solve the issues facing the nation they are briefly placed here. As per the letter, the proposals were: 1. To clarify the power of the Prime Minister in accordance with the spirit of the Constitution. 2. To make transparent the relation between the party in power and the party in opposition. 3. To ensure free and fair elections. 4. Build consensus among parties in support of laws promulgated to contain violence. 5. Ban strikes at least for 10 years. 6. Contain corruption. 7. Make political parties responsible. 8. End intrusion of politics in educational institutions. 9. Solve problems related to citizenship through consensus. 10. Resolve problems related to land reform within a stipulated time frame. 11. Ensure women’s right in paternal property. 12. Take concrete policy decision to end untouchability and other social exploitation. 13. To end political influence on employees associations. 14. Build consensus among all political parties to ensure efficiency in the functioning of government organisations.

with the representatives of Koirala and refined the proposal into a 17 point agreement<sup>130</sup> on Asad 18, 2058 [2 July 2001]” (NCP (UML), “Rastriya Samasyako” 28). The Maoists misinterpreted the effort to prove collusion between Girija and Gyanendra by saying “It is worth noting that ... on the very day of the coronation [of Gyanendra] ... Bolstered by new King’s hardened attitude, Girija came out with a 14-point agenda of common understanding; an attempt to rope in all political forces to isolate CPN (Maoist) and to suppress it” (Communist Party of Nepal (Maoist), “Royal Massacre” 11). However, nothing transpired out of the proposals, because Koirala resigned when the opposition continuously obstructed the Parliament demanding his resignation (Rising Nepal, “Oppn ... Demand PM Should Quit” 2001 July 19). After his resignation on 19 July Deuba came in. UML viewed in his resignation “an important achievement” of its “long drawn struggle against Fascist Koirala” and pointed out that it would place before the new Government its demand for “Constitutional amendments ... to ameliorate the deteriorating condition of the nation” (NCP (UML), Press Bigyapti 2001 July 20). However, the Maoists claimed that his resignation was owing to his exposure before the public of his “white lies” regarding his claims that “the ... military force” had encircled and killed “People’s Army” in the Holeri incident (Communist Party of Nepal (Maoist), “Royal Massacre” 12). In making such false claims, the Maoists were perhaps trying to portray the invincibility of their force for lies and falsification of facts (as will be seen in Chapter V) were a part of their tactics to mobilise the masses.

<sup>130</sup> See, NCP (UML), “17 Bunday Sahamati” 50–3 The 17 point agreement added three more on Girija’s proposals. The added proposals were: 15 through 17. Proposal 15 was for ensuring the impartial functioning of media. Proposal 16. reiterated UML’s often publicised solution to the Maoist problem. It raised the demand that the Maoist problem is a political problem which needs to be resolved through package programme and through dialogues. Proposal 17. proposed that for solving issues of national interest and for protecting nationalism there should be consensus.

In Deuba's coming to power, the Maoist perceived a "change" in the tactics of "the reactionary ruling class", which was trying to manage the instability that had set in following the royal massacre, which had led to the "collapse of traditional monarchy". According to them, Sher Bahadur Deuba represented a "liberal face" who was out there to enact "a drama of negotiation ... with the revolutionary forces" (Communist Party of Nepal (Maoist), "Editorial" 2). On assuming office, Deuba immediately declared cease-fire and freed 15 Maoist activists. On the same day, that is on July 28, Maoist leader Prachanda reciprocated. He expressed his opinion to respect the cease-fire and to go ahead with talks to resolve the problems of the nation. However, he demanded the Government to create a favourable environment for talks (Rising Nepal, "Govt ... to Free 15 Maoist" 2001 July 29). This meant the release of more jailed Maoist activists and public announcement about the whereabouts of a few of them. However, the UML went a step further. One of its MPs in the House proposed the Government to reject the Armed Police Force Ordinance, 2057 [2000], but the proposal was rejected (Rising Nepal, "House ... Ordinance" 2001 Aug. 7). Then its 9<sup>th</sup> August proposal to the Government warned "not to make talks an issue of propaganda, but to use it to solve the Maoist problem on the basis of consensus reached among all political parties" (NCP (UML), Prastaharu 2001 Aug. 9). However, in the face of the Maoists perceptions about the use of such talks UML's warning simply exposed its naiveté, because the Maoists were using the idea of dialogue for mobilising the masses for their document said:

The question of negotiation has always been viewed differently by different classes. The ruling reactionary class uses it as a weapon to lull the revolutionaries into inaction and surrender, or to mislead the masses against the revolutionary masses ... alleging that they are ... not for peaceful solution. For the proletarian revolutionary forces, the question of negotiation becomes relevant only when it helps in consolidating revolutionary forces ... When they decide to go for negotiation, they use it as an opportunity to put forward their ideology ... before the masses and to mobilise them for the revolution (Communist Party of Nepal (Maoist), "Negotiation ... the Reactionary State" 12).

Hence, on August 28, while asking the Government to make public the whereabouts of their activists, when the Maoists confirmed their intent to enter into dialogues from

August 30, they were only implementing their tactics of mobilising the masses. Besides, their declaration audaciously announced the subsequent dates, which were to follow the first round of talk. It was to be held on September 10—eventually held on 14 September—and on September 25 (Rising Nepal, “Maoist Confirm ... Aug 30 Talks” 2001 Aug. 29). When the Government fulfilled their demands, they participated both 30 August and 14 September talks while announcing to hold, despite Government’s protest, public rallies in September 17 and 21.<sup>131</sup> Until the second round of talks, their representative Mahara was insisting on the formation of Constituent Assembly and a republican system. By now, even other Communist factions, like UPFN and NCP (ML) were demanding radical change in the Constitution if it were required to resolve the problem (Rising Nepal, “Mahara ... for More Talks” 2001 Sept. 16). Under such circumstances, the third round of talks, according to the Maoists’ document took place on November 13, but it ended in failure and then they pulled out from more talks. Explaining the reasons behind the failure of the talks, the Maoist document blames the intransigence of the Gyanendra clique for it says,

The first round of negotiation ... was an introductory meeting ... The second round of ... negotiation was centred on drawing the agenda and the three immediate political demands put forward by our side, namely (1) formation of an interim Government (2) drawing a new constitution (3) institutionalisation of the republic. Among these demands the reactionary side understandably stuck to the question of monarchy, apparently under pressure from the Gyanendra clique, and the talks seemed to make no political headway (Communist Party of Nepal (Maoist), “Negotiation ... the Reactionary State” 12).

As regards the third round talks it says,

The third round of negotiation took place on November 13. As there was apparent pressure from the feudal-militarist clique not to concede to the demand of a republican form of state, our side made an alternate proposal for an elected constituent assembly<sup>132</sup> under an interim

<sup>131</sup> Because of Government’s pressure that such rallies would destroy the environment necessary for the talks the Maoists were ultimately forced to give up the plan of holding them.

<sup>132</sup> See, Communist Party of Nepal (Maoist), “Interview with Chairman

Government ... But the meek Deuba Government once again surrendered to the ... Gyanendra clique and did not dare to support the new proposal (Communist Party of Nepal (Maoist), "Negotiation ... the Reactionary State" 13).

There are no evidences to verify the Maoists' one sided claim, but going by the statements of NCP (ML)'s leadership in September, it seems the Maoists' claim was correct, because Bam Dev Gautam expressed the view that his Party was against Maoists' demand for a total change in the 1990 Constitution (Rising Nepal, "ML Does not Subscribe to Maoists' Concepts" 2001 Sept. 30). But, on the same day UML leader, Madhav Kumar Nepal was objecting against the Maoists' demand by saying that his Party was opposed to any move which was intended to ensure one-Party rule (Rising Nepal, "One-Party Rule ... Unacceptable" 2001 Sept. 30). However, there was nothing in the Maoists' demands which could be construed along such line. Hence, Nepal's statement was not portraying the actual demand of the Maoist. Thus, it seems that he was also objecting against the Maoist demand for a Constituent Assembly, but the question is why were they indulging in circumlocutions to oppose the Maoists' demand? There are no documentary evidences to understand their position on the issue, but considering their statements it seems that in the Maoists' proposal of a Constituent Assembly they feared the loss of their influence<sup>133</sup> and consequently the

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Prachanda" 4 In an interview given to the Times of India, published in the Maoist organ, Prachanda points out that the Party gave up its other demands but stuck to the demand for the Constituent Assembly, because it was the demand of the Communists ever since the Delhi Accord of 1951 and it was meant for transferring power to the people.

<sup>133</sup> The Party in the 1990 Janandolan period had failed to stand for the demand of the Constituent Assembly. Had the Maoists' demand succeeded then it would have meant the end of their influence. See, also Communist Party of Nepal (Maoist), "We Are Fighting ... in Our Own State" 19 In a telecast interview with the CNN, the transcript of which was published in the Maoist organ, Krishna Bahadur Mahara, the participant in the talk claims that the demand for the Constituent Assembly was not accepted because the ruling class felt that they would lose. However, what the ruling class would have lost in accepting the demand is not clarified by him.

loss of their importance in the future politics of Nepal. Then according to Whelpton, “on 23 November, the Maoist broke the cease-fire” and “for the first time targeted the Army as well as the police” (Whelpton, *History* 218). On that day, the Maoists claim that they struck in Dang and “attacked a well-fortified barrack and arms depot ... of the royal Nepal army” besides capturing “Ghorai ... the district headquarter of Dang” which was of “strategic importance” since it controlled “Rolpa, Rukum, Salyan, Pyuthan and Dang districts, the epicentre of ... PW in Western Nepal” (Communist Party of Nepal (Maoist), “Earth Shaking ... by PLA” 6). Deuba Government then imposed emergency in November 26 and deployed Army throughout the Maoist affected areas of Rolpa, Baglung, Sindhupalchowk, Makwanpur and Sindhuli districts.<sup>134</sup> Reacting to the Government’s initiative, the press statement of the Maoist said that the “imposition of ... emergency” and the “deployment of the royal army” was “the last desperate act of the tottering monarchical regime”. They claimed that the measures were taken against the “heroic military actions of the People’s Liberation Army” and against their announcement in “the last week of November 2001” the formation of an “embryonic Central People’s Government” in the form of “United Revolutionary People’s Council, Nepal [URPC]” (Communist Party of Nepal (Maoist), “Press Statement of CCOMPOSA” 17). The Maoist’s claim implied that ruling class perceived threat to the Nepalese State in the formation of the URPC hence it reacted with Army deployment. However, the Body was also meant for implementing its latest tactics, which sought to mix the tactics of general insurgency with that of People’s War (Communist Party of Nepal (Maoist), “National Convention of ... URPC” 9) as declared in the Prachandapath (for details regarding the Path and the URPC programme see Chapter 5). The Government was perhaps concerned about more violence which their mixed tactics would have brought. The emergency continued: the Parliament extended it for another three months in February 21, 2002

<sup>134</sup> See, Rising Nepal, “Army-men Foil Terrorists’ Attacks” 2001 Dec. 2 and Rising Nepal, “Operation on Against Terrorists” 2001 Dec. 4

with the dissenting notes of NCP (Masal), UPFN (Niranjan faction) and NCP (NWPP)<sup>135</sup>. Meanwhile, Koirala started airing conciliatory position against the Maoists: he began advising Government to hold talks with them (Rising Nepal, “Govt ... Talks” 2002 Apr. 29). However, the Government side maintained its position. Home Minister, Khadka was ready to hold talks only if the Maoists laid their arms (Rising Nepal, “Khadka Rules Out Talks” 2002 May 7). With the approach of May, Prime Minister Deuba made it clear that he was for extending emergency for three more months to allow the Army to deal with the terrorists. But, the Congress under the Presidentship of Koirala was against such extension (Rising Nepal, “Emergency ... to Curb Terror” 2002 May 23). This change in the Congress’s stand needs to be understood in light of two facts: First, Koirala had met Prachanda in Delhi in March 2002 (Whelpton, *History* 219). Second, during that time, as Krämer says, Giriya Prasad Koirala had been saying that “he wanted to become prime minister again at any price” (210). These two observations placed together suggests that Koirala was perhaps in league with Prachanda to lessen the pressure of armed actions against the Maoists. By stopping the extension of emergency he perhaps wanted to ingratiate the Maoist to gain the seat of power. However, Deuba did not tow the Party line. On the contrary, on 22 May, he recommended the King to dissolve the Ministry and on the 27<sup>th</sup>, to re-impose emergency.<sup>136</sup> Both his recommendations were accepted and emergency was extended until August 27. But, it had its fallout: Nepali Congress expelled Deuba. However, among the Congress MPs there were quite a few, thirty-three legislators, who supported his actions.<sup>137</sup> The incident ultimately led to the split

<sup>135</sup> There were 7 votes against 194. These were the combined strength of the parties.

<sup>136</sup> See, Rising Nepal, “His Majesty Dissolves the House” 2002 May 23 and Rising Nepal, “His Majesty Orders ... Emergency” 2002 May 28

<sup>137</sup> See, Rising Nepal, “Deuba Gets ... Support of ... Ministers” 2002 May 24 and Rising Nepal, “NC Expels Deuba ... for Three Years” 2002 May 27

of the Party and to the creation of Deuba led Nepali Congress (Democratic) in September 23, 2002 (Rising Nepal, “EC ... Recognises Deuba Faction” 2002 Sept. 24). During this period, the Government was upbeat. It claimed improvement in security environment and the parties began pressurising it not to extend emergency any further. On 25 August, Madhav Kumar Nepal, the UML leader, led a delegation of seven Communist factions to Deuba’s residence at Baluwatar to ask him to lift emergency. Their<sup>138</sup> contention was that free and fair elections could not be held under emergency (NCP (UML), Gyapanpatra 2002 Aug. 25). The Government did not extend emergency, but they were in for a rude shock when on 7 September night and on the 8<sup>th</sup> the Maoist struck two targets. The former was launched in Sindhuli, 170 Km east of Kathmandu, and the latter in Sandhikharka, the headquarter of Arghakhachi in mid-western Nepal. In those attacks the Army lost 49 and 59 personnel respectively.<sup>139</sup> Both the Government and the political parties lost their confidence. On 29 September, Political parties advised the Prime Minister to postpone elections (Rising Nepal, “PM Advised to Postpone Polls” 2002 Sept. 30). To consider Deuba’s recommendation to postpone elections until 19 November 2003 King Gyanendra began consulting leaders from 3 October (Rising Nepal, “His Majesty Starts Consultation” 2002 Oct. 4). But, on the 4<sup>th</sup> evening broadcast to the nation he relieved Deuba from his post. In the transcript of the broadcast published a day later, Gyanendra pointed out, that Deuba’s inability to hold elections as per Article 53 (4) of the Constitution had complicated situation. So, he said, “by virtue of the State Authority as exercised by us [the royalties] and in the spirit of the Constitution ... as

<sup>138</sup> See, also Rising Nepal, “Political Parties ... to Lift Emergency” 2002 Aug. 29 In a press statement ten political parties, represented by their leaders like Girija, Bharat Mohan Adhikari (UML), Surya Bahadur Thapa, Amik Sherchan of NCP (Masal), Bishnu Bahadur Manandhar of NCP (United) etcetera, urged the Government that it should not extend emergency for it went against the spirit of 1990 democratic movement.

<sup>139</sup> See, Rising Nepal, “Maoists Attack Sindhuli” 2002 Sept. 9 and Rising Nepal, “Maoist Killed 59 ... in Sandhikarka” 2002 Sept. 10

well as taking ... Article 27 (3) ... Deuba should be relieved of his office, owing to his incompetency to conduct the general elections”. Then he postponed November election, took to himself the responsibility of governing the kingdom and asked political parties to send their advice regarding clean persons to form a Council of Ministers to hold elections under a safe and secure environment (Rising Nepal, “Deuba Relieved of Office” 2002 Oct. 5). Reacting to the takeover, Maoist leader Prachanda pointed out that “the feudal palace” by its act “[had ] unveiled [its] autocratic, fascist character by attacking the fundamental rights of the people, wielding a sword of ‘royal authority’ that it did not possess”. He perceived it as “the logical consequence of ... the royal carnage” and called upon all to develop “a storm of united struggle ... to overthrow and dissolve the feudal palace ... by rejecting its illegitimate decisions” (Communist Party of Nepal (Maoist), “Press Statement on Royal Take-Over” 45). It was obviously a call for bringing about general insurrection. On the other hand, the UML’s reaction to the declaration was meek. It appealed “all political parties to come together” and to form “a Government on the basis of national consensus to clear ways for holding free and fair elections” (NCP (UML), Press Baktabya 2002 Oct. 5). On the 8<sup>th</sup>, six mainstream parties appealed Gyanendra to form a Government with the consensus of all political parties (Rising Nepal, “Political Parties ... Appeal ... Majesty” 2002 Oct. 9), but to no avail. On 11 October, Gyanendra appointed Lokendra Bahadur Chand the Prime Minister of the kingdom to head a nine-member Council of Ministers (Rising Nepal, “Chand Appointed” 2002 Oct. 12). Reacting to all these events Baburam Bhattarai characterised Gyanendra’s action as the action of a “self-proclaimed King”, a “*coup d’ é tat*” which had deprived the people of “the limited democratic gains of the 1990 ... movement”. He perceived in it a “permanent threat to the multiparty parliamentary democracy in the country” (Bhattarai, B. 21). Explaining why he considered it a *coup d’ é tat*, he said it was against the “letter and spirit of 1990 Constitution”. He placed three arguments. First, he said that “constitutional monarchy nowhere exercises ‘executive powers’ and assumes ‘responsibility of governance’”. Second, he pointed how Gyanendra

castigated Deuba as incompetent, and third the manner in which he appointed Chand disregarding “the joint petition of all the six parliamentary parties” (22). To explain why it happened he first described the nature of post-1990 political development of Nepal and then pointed out that the take over was owing to the monarch’s control over the Army, but more importantly his analysis revealed what was expected out of the People’s War for he wrote:

The history of last 12 years is the history of continued contention between the semi-feudal and semi-colonial social formation principally patronized by the monarchy and a progressive bourgeois democratic transformation which had a qualitative leap with the initiation of revolutionary PW in 1996 ... And this royal coup d’ é tat has unmistakably validated the principled stand of the revolutionary Left that the 1990 political change had not consummated the bourgeois democratic revolution in the country and the feudal-bureaucratic monarchy with its continued control over the traditional Royal Army still constituted the main danger even to the incipient parliamentary democracy. In that sense the recent developments are not at all ‘unnatural’ and ‘unexpected’ as some people have claimed to be (23).

It was not a novel analysis: it echoed Tulsilal Amatya’s half a century old analysis, where he had similarly analysed the cause behind the 1960 Royal coup in the monarch’s control over the Army (See, p. 67). Rest of his work reiterated Maoist’s usual argument that the 1990 Constitution was not made by the people, but it originated from a “King-nominated committee”, which had invested in him “inherent constitutional and state authority” to make the coup possible (23). It ended with a call to “all patriotic and democratic forces” to participate in URPC’s “roundtable conference” to form “an interim Government” to carry out elections for a “Constituent Assembly to complete the bourgeois democratic revolution” (26) raising doubts regarding Maoist’s sincerity in pursuing the URPC’s programmes, which were meant for bringing about communism in Nepal. Thus, ended the Parliamentary phase in Nepal.

#### 1.25. Economy of Nepal: 1990–2002

Political activities, movements and pattern of mobilisation are not independent of the economic and social arrangement of a State. The arrangements create demands on the political system to influence the path of political activities.

Hence, to understand their impact on Nepal's political developments, the following sections first surveys her economy.

To profile the economic health of a State one cannot ignore concepts like growth and development. If growth refers to the positive quantitative changes which are primarily reflected in the GDP, development refers to the changes in the economic structures towards a growth friendly direction. A visible but sustained growth over a period of time indicates propitious change in the economic structures and, therefore, in development. This means that one can trace fluctuations in GDP and economic variables, which affect the GDP to judge whether development has taken place in a State. But, such judgement regarding the status of economic development of states based on positive/negative fluctuations in GDP has drawn criticisms on the ground that it is cold towards the human facet of development. Hence, after 1990, the trend is to measure human capability and income reflected in Human Development Index (HDI) with the assumption that positive change in the indices reflects development. But, whether one takes the GDP or the HDI one must understand that these indicators of development fail in indicating the structural malaise of an economy. In the context of Nepal, they both fail in answering two significant questions: one related to the issue of land reform and the other, the issue of external environment. With a periodic record of GDP and HDI, one can judge neither the state of land reform that has taken place in Nepal, nor can one understand the external environment with which Nepal, in its struggle for development is pitched against. Hence, an economic profile of Nepal demands emphasis not only upon the GDP (for measuring growth, pure and simple), but also upon the HDI (for understanding the human facet), and upon the description of both the issues of land reform and external environment. Besides, considering the nature of the work the profile needs to focus on another aspect: the status of Nepalese industrial sector while dealing with its spatial dispersal and the numerical strength of its workers. However, for the sake of logical consistency the following paragraphs would survey the Nepalese economy first through the lens of the GDP and the HDI followed by the description of its agricultural and spatial distribution of the industrial

sector. And finally it will deal with the perceived environmental constraints in Nepalese struggle for growth.

From 1962 to 1990 the economy of Nepal lulled under an undemocratic Panchayat regime. Under it, periodic development efforts were afflicted with distortions in “policy matters, strategies ... programs ... as well as weaknesses in implementation” (Nepal National Planning Commission, The Eighth Plan 1). As such by 1998, it spawned a number of economic obstacles towards development: a low savings rate, increased share of loan and foreign assistance, low level of industrialisation, imbalances between resource mobilisation and expenditure, between savings and investment, and between import and export and these left behind an environment of economic depravity. The annual average GDP growth rate (at 1974/75 constant price) in 1989/90 was a mere 3.4% (agriculture 3% and non-Agriculture 3.8%). This coupled with annual population growth rate, which stood at “2.1% in 1990” produced a grim situation (Central Bureau of Statistics, Statistical ... Nepal: 1994 261). The per capita income growth was only 0.8% and 40–60% of the population lived under “poverty line.”<sup>140</sup> Presiding over it, the Interim Government, formed immediately after the conclusion of the 1990 pro-democratic movement, was preoccupied with the task of framing a new constitution, the 1990s Constitution and of holding a general election under the Constitution. So it deferred the launching of Eighth Five-Year plan to 1992 and concentrated more on marshalling the country’s internal resources, and in improving its fiscal and administrative structures. A marginal change was recorded. GDP growth rate changed to 4.3% without registering change in population growth rate.

The May 1991 General Election and the installation of the Nepali Congress in power galvanised the National Planning Commission to frame the Eighth Plan. The plan objectives were tailored to suit Nepali Congress’s ideological inclination, an

<sup>140</sup> As per 1989/90 prices it referred to those living below Rs 6 subsistence expenditure per day.

unorthodox variety of Democratic Socialism, which espoused an enabling role to the State. To achieve the principal goal of raising the standard of living of the deprived section, the State was expected to play a supportive role in increasing production, creating employment and in ensuring socio-economic justice. However, to facilitate the participation of all sections of the people in their effort towards the achievement of the goal, the plan envisioned a gradual sloughing off of the states' role in favour of a market driven development paradigm. In future *laissez-faire-ism* and democratic processes were visualised as the *primum mobile* of economic growth.

Linked with the principal goal, the plan identified three objectives namely sustainable economic growth, poverty alleviation and removal of regional imbalances. The thrust area was clearly visible in the decision to allocate 75% of the investment in the rural sector, and the strategy prioritised agricultural diversification, power development focused on agricultural needs, development of rural infrastructure, generation of rural employment etcetera. With a sector-wise outlay, which indicated a greater role for the private sector, and with the proper implementation of plan policies in the area prioritised, the economy was expected to witness a “5.1% per annum growth” (Nepal National Planning Commission, The Eighth Plan 101). The effort was to cost an investment of Rs. 170, 332 (102) million and for it, the plan banked on national savings (56.3%), foreign grants (11.65%) and external loans (32.05%)<sup>141</sup>. Since the central focus of the plan was to alleviate poverty, i.e., to raise the standard of living of an estimated 9 million people, (49% of Nepal's population) who lived in absolute poverty the success and failure of the Plan hinged around its performance in the agricultural sector (it supported 90% of the country's population) in generating

<sup>141</sup> See, Nepal National Planning Commission, The Eighth Plan 109 for the calculation of the foreign grants and the foreign loan percentage components of the Eighth Plan.

employment,<sup>142</sup> and in removing the regional imbalances together with its performance in checking the population growth rate. However, performance of the plan showed average “agricultural growth rate as 3%”, “non-agricultural growth rate 6.3 %” and annual growth rate as 4.74% or 5%. Though this annual growth rate in the GDP was not much below the expected growth rate (5.1%), yet the failure of the plan to reach the expected growth rate, especially in the “agricultural sector (i.e. 3.7%)” did not augur well both for accelerating the overall growth rate and also for alleviating poverty (Nepal National Planning Commission, The Ninth Plan 3). When the Planning Commission reviewed the Eighth Plan performance it imputed the failure to the fickleness of weather, and as for the occasional dip in the non-agricultural sector, the reasons proffered were internal political changes (Maoist movement, which started in 1996) and the failure of Arun Third Project to take off (Nepal National Planning Commission, The Ninth Plan 3).

With regard to the generation of employment opportunities, the plan document states, “it was expected that there would be high economic growth, which would in turn, lead to income, increased saving and investment expansion in demand and supply. This change in effect would, it was hoped, generate massive employment opportunities. But that did not happen” (Nepal National Planning Commission, The Ninth Plan 211). As such, in 1997, the rate of unemployment in Nepal was 4.9% and the percentage of under-employed was 47% . Similar story of failure in bringing about a balance in regional development in the Eighth Five-Year plan period is indicated in the Ninth Plan document (95), indicating, as usual, the Central Development region as the most developed in terms of the number of industries established, and in terms of

<sup>142</sup> See, Nepal National Planning Commission, The Eighth Plan 631–2 In 1991 the number of unemployed were 6,50, 000 and in the Plan period i.e., in the Eighth Plan period it was expected to grow annually by 2.9% i.e. 1,83, 000. The 1992 estimates pegged the annual growth rate figure of unemployment to 2, 00,000 per annum i.e. 2.3%. To meet this challenge the Planning Commission expected the Agricultural sector to create 8, 61,000 jobs out of a total of 1,449,000 jobs in the Eighth Plan period.

infrastructure and availability of services, followed by the Eastern development region, Western, Mid-Western and the Far-Western development regions. The net result of all these failures was that the plan had somewhat failed in alleviating poverty: from the available data it is difficult to say that there was an appreciable change in the number of people living under the poverty line. In 1991 the figure was 40–60%. In 1992, it was “49%” and in 1996 it was “42 %” (202–3). Considering the different yardsticks<sup>143</sup> which were chosen it would be safer to understand that the number of people living under the poverty line never dipped below the 40% mark. Of these the condition of some was so deplorable that in 1996 Nepal invented a new term—“Ultra Poor” (for explanation see foot note 146). Of the 42% below poverty line population, 24.9% were estimated as poor and 17.1% as Ultra-Poor (Nepal National Planning Commission, The Ninth Plan 203). The Table below reflects the spatial spread of poverty in 1996 indicating the concentration of poverty in the mountain and rural areas: (See, next page).

<sup>143</sup> See, Nepal National Planning Commission, The Ninth Plan 202 In Nepal different yardsticks were taken at different period of time to measure the poverty line. In 1991 poverty line was measured in terms of per day expenditure of Rs 6 at 1989–90 prices. In 1992, a study just before the beginning of the Eighth Plan computed poverty line on the basis of income. This study indicated 49% of Nepal’s population living below poverty line. The Living Standard Survey of Nepal conducted by the Central Bureau of Statistics in 1996 based its findings on per capita consumption expenditure, which computed expenses on consumable goods. Considering 2, 124 calorie intake as per capita per day necessity, the per capita annual expenses to purchase that calorie equivalent was fixed to be Rs 2637/-. If expenses on non-food item were added the figure rose to Rs 4, 404/-. Thus, those who could not earn Rs 4, 404 a year were considered living below the poverty line. Based on this yardstick, the size of the population living below the poverty line was found to be 42%.

Table 3

Spread of Poverty in 1996 Nepal:

Region wise Description	Population Below Poverty Line (%)		
	Total	Poor	Ultra-Poor
A. According to Geographic Region			
Mountain	56	29.3	26.7
Hills	41.0	21.3	19.7
Terai	42.0	28.7	13.3
B. Urban and Rural Areas			
Urban	23.0	13.2	9.8
Rural	44.0	26.4	17.6
C. National Average	42.0	24.9	17.1

Source: National Planning Commission. *The Ninth Plan: 1997–2002*. Kathmandu: NPC. July 1998. 203

Considering these facts the Ninth Plan had no option, but to fix again “poverty alleviation” as its central goal (Nepal National Planning Commission, The Ninth Plan 105). However, from 1997 a difference is visible. The Plan document stresses on a 20 year perspective plan in every sector, which is planned with an eye upon the need for alleviating poverty. But, one must not, after going through these features of the perspective plan, ignore the fact that the planners still leaned over the agricultural sector as they did in the past, to give shape to their vision (Nepal National Planning Commission, The Ninth Plan 108). The intent was, therefore, to bring development in the rural areas. The Ninth Plan which was expected to roll the ball towards the goal fixed by the Perspective Plan fixed for itself an overall investment of “Rs 3,727,11 million” of which “70.1%” was expected from National savings and “29.9%” (113) from foreign assistance. When the Ninth Plan came to the close the performances recorded were as follows:(See, next page)

Table 4

GDP Growth (factor cost) Per Year:

	1997–98	1998–99	1999–00	2000–01	2001–02
GDP Growth	3.3	4.49	6.14	4.71	0.82
Agriculture	3.3	2.87	4.86	4.33	1.72
Non - Agriculture	3.3	5.63	7.08	5.10	0.24

Source: Central Bureau of Statistics. *Statistical Pocket Book: 2000*. Kathmandu: NPC, 247 for figures of 97–98 and for the rest, *Statistical Pocket Book: 2002*. Kathmandu: NPC, 267.

The above figures belied the expectations of the planners. The plan, which had overtly hinged a rise in employment opportunity with accelerated growth rates failed. Consequently neither rural poverty, whose “incidence was higher among the ethnic minorities like Limbus, Tamang, Magars, Tharus, Mushars”, nor regional imbalances could be lessened (UNDP 18–9). By 2001, the country was still wrestling with its traditional economic and structural malaise, poverty and regional imbalance: the Mid and Far-Western development region witnessed a high level of “human poverty”<sup>144</sup> and “income poverty”<sup>145</sup> and even then, throughout the country “9 million” people were crawling below the poverty line.<sup>146</sup> At this point it would be refreshing to gaze the kingdom through the prism of Human Development Reports, because human

<sup>144</sup> See, UNDP 20 Human Poverty Index which measures Human poverty that is lack of capabilities, lack of political freedom, inability to participate in decision making, lack of personal security, and inability to participate in the life of a community, was the worst for Nepal in 2001 for it scored 44.2.

<sup>145</sup> It is the traditional method of calculating poverty according to income which indicates the level of consumption.

<sup>146</sup> See, UNDP 2 These 9 million were all from the rural areas of Nepal. Out of these, all of those residing in the mid-western and far-western regions were poor and had been so for generations. Of these, a section constituted “hard core” poor, because they could not scratch a bare living out of the fragile ecosystem.

development paradigm assumes the development in human capabilities and their power to make choices as a means towards the alleviation of poverty. In 1997 and 2002, two organisations<sup>147</sup> calculated the district-wise HDI of Nepal. Based upon their findings they ranked the districts as Best (B), Intermediate (I), and Worst (W) as expressive of their level of development. Out of the many areas dealt, their findings in a few of the indices were as follows;

1. Poverty and deprivation index; 2) Socio-Economic infrastructure development index; 3) educationally disadvantaged population; 4) Percentages of landless and marginal farm household; 5) per capita food production; 6) Overall literacy rate; 7) Percentages of irrigated area; 8) per capital development budget allocation; 9) Gross rural population density; 10) Infrastructure development index; 11) Overall index of development. When charted the performance of the 75 districts of Nepal were as follows: (See, next page)

<sup>147</sup> See, National Development Institute 28–1031 and International Centre for Integrated Mountain Development 22–118

Table 5  
HDI of Different Districts

Districts	1	2	3	4	5	6	7	8	9	10	11
Achham	W	W	I	W	W	W	B	I	I	I	W
Bajhang	W	W	B	W	W	W	B	B	B	W	W
Kalikot	W	W	I	W	W	W	I	I	B	I	W
Humla	W	W	I	W	W	W	W	B	B	W	W
Mugu	W	W	I	W	W	W	I	B	B	I	W
Doti	W	W	I	W	W	W	B	B	B	B	W
Jumla	W	W	I	W	W	W	I	I	I	B	W
Bajura	W	W	I	W	W	W	I	I	B	I	W
Rukum	W	W	I	W	B	W	W	I	B	W	W
Dailekh	W	W	I	W	W	I	I	W	I	I	W
Jajarkot	W	W	I	W	I	W	W	I	B	W	W
Rolpa	W	W	I	W	W	W	W	W	I	W	W
Baitadi	W	W	B	W	W	I	B	B	I	B	W
Rautahat	W	W	W	I	I	W	B	W	W	I	W
Dadeldhura	I	I	B	W	I	I	B	B	B	B	W
Salyan	I	W	B	I	B	W	W	I	I	W	W
Siraha	W	W	W	I	I	W	W	I	W	B	W
Ramechap	I	W	I	B	W	W	W	I	I	B	W
Dolpa	I	W	B	I	I	W	W	B	B	I	W
Sindhupalchok	W	W	W	W	W	W	I	W	I	I	W
Sindhuli	I	W	W	I	I	I	B	W	B	W	W
Rasuwa	W	W	W	I	B	W	W	B	B	B	W
Dolakaha	W	W	I	W	W	I	I	I	B	I	W
Pyuthan	I	W	I		W	I	I	I	I	I	W
Mahotari	W	I	W	I	I	W	B	W	W	I	W
Darchula	I	I	B	W	W	I	B	B	B	I	W
Dhanusa	W	I	W	I	I	W	B	W	W	I	I
Sarlahi	W	I	W	I	I	W	B	B	W	B	I
Bara	I	I	W	B	B	W	B	W	W	I	I
Saptari	W	I	W	B	I	I	I	W	W	B	I
Kapilbastu	I	W	W	B	B	W	I	W	W	W	I
Kailali	W	I	W	B	B	I	B	I	I	W	I
Kabre	I	I	W	I	B	I	I	I	W	B	I
Parsa	W	W	W	I	B	I	B	W	W	W	I

Makwanpur	I	I	W	I	B	I	I	W	I	W	I
Udaypur	I	I	I	I	W	I	B	W	I	I	I
Nuwakot	I	I	W	I	B	I	B	I	W	B	I
Bardia	W	I	W	B	I	W	W	B	I	W	I
Dhading	I	W	W	I	W	I	I	W	I	W	I
Arghakhachi	I	I	I	I	W	B	I	W	I	B	I
Okhaldhunga	I	I	I	B	W	I	W	B	I	B	I
Solukhumbu	I	I	B	I	W	I	W	B	B	W	I
Surkhet	I	B	I	I	I	B	I	B	B	I	I
Banke	I	B	W	B	B	I	W	B	I	W	I
Dangdeukhuri	I	I	W	B	B	I	I	I	I	W	I
Khotang	I	I	B	I	I	I	W	W	I	B	I
Nawalparasi	I	B	W	I	I	I	B	W	W	W	I
Bhojpur	B	I	I	B	I	I	W	W	I	B	I
Gulmi	B	B	I	B	W	B	W	W	W	I	I
Rupandehi	I	B	W	B	I	I	B	B	W	W	I
Baglung	I	I	I	W	W	I	W	W	I	I	B
Panchthar	B	I	B	B	I	B	I	B	I	B	B
Gorkha	B	I	B	W	I	B	W	W	B	W	B
Palpa	B	B	B	B	I	B	I	I	W	B	B
Taplejung	B	I	B	B	I	B	W	I	B	W	B
Kanchanpur	B	B	W	B	B	I	B	I	I	W	B
Tanahu	B	B	B	I	I	B	I	W	W	I	B
Mygdi	I	B	I	I	W	I	W	I	B	B	B
Sankhuwa	B	I	B	I	B	B	W	I	B	I	B
Lamjung	B	I	I	W	B	B	I	I	B	I	B
Sunsari	B	B	W	B	I	B	I	W	W	W	B
Ilam	B	B	B	B	I	B	I	I	I	I	B
Parbat	B	B	I	W	B	B	B	I	W	B	B
Syangja	B	B	B	W	B	B	I	W	W	B	B
Morang	B	B	W	B	B	B	B	B	W	W	B
Chitwan	B	B	I	I	B	B	B	I	I	W	B
Bhaktapur	B	B	B	W	I	B	B	B	W	B	B
Terhathum	B	B	B	B	B	B	W	I	W	B	B
Mustang	B	B	B	W	B	B	W	B	B	I	B
Dhankuta	B	B	B	B	B	B	I	B	I	B	B
Kaski	B	B	B	W	B	B	W	B	B	B	B

Lalitpur	B	B	B	I	I	B	B	B	W	B	B
Jhapa	B	B	B	B	B	B	I	W	W	W	B
Manang	B	B	B	B	B	B	W	B	B	B	B
Kathmandu	B	B	B	B	W	B	B	B	W	B	B

From the chart generated it is difficult to find a consistent relation between the various indices save to state that there exists a strong relation between the poverty index (1) and the overall index (11), and some relation can be drawn between percentages of landless and marginal farm household index (4) with poverty index (1). This in itself contributes not much to the level of analysis except to highlight those areas, which have traditionally been considered as important contributor to development viz., poverty and the land. But what the chart reflects in (2) is important: it reflects the nature of the State, its commitment towards its rationale for existence. In areas where overall development index is worse, the index (2) is worse, but mark its (11) relation with (8) per capita development budget allocation. The relation between the indices in many cases are either inverse or near inverse. Then the question is what has the budget done? This speaks volume about the development effort—perhaps the answer lies in the process of spending the budget or else what could explain the situation where the overall development is worse in spite of the best allocation of budget? As such even in 2001 “large areas of the country” lacked “even the most elementary infrastructure” and throughout the country “developments efforts” had failed “to make significant changes in the lives of the ... disadvantaged group” (UNDP 2). Besides, the other fact to be noted in the development pattern of Nepal, in the period under consideration, is its failure in erasing the regional disparity among the different development regions. Though a comparison of the HDI in 1996 and in 2000, in a scale between .30–.50 (see table below) shows an improvement in the development achievement, yet there exists a glaring disparity in the HDI of the mid-Western and far-Western development regions with that of the other development regions.

Table 6

Comparative HDI Between Development Regions: 1996–2000

Development Regions	1996	2000
Eastern	.42	.48
Central	.41	.49
Western	.43	.47
Mid-Western	.35	.40
Far-Western	.37	.39

Source: UNDP. *Nepal Human Development Report 2001*. Kathmandu: UNDP. 2002. 2

But, even at the improved level the overall index of the country was 0.480. Though slightly above that of Bhutan (0.477) and Bangladesh (0.470), yet it was lower than the “South Asian” standard (UNDP 13) . Thus, if human development index measures the level of human productivity by measuring their development in health, education and skill, and if it measures the capability in reducing population by measuring the improvement in literacy and family health, then what one had here was a country, whose level of development was so poor that with such level it could neither aspire to root out poverty, nor check the rising tide of population. For reaching such a state, the UNDP Report blamed poor governance which was characterised by lack of devolution of tasks to local governments, decentralisation of power to ensure participation of the people in poverty reduction programmes and transparency and accountability in the process of using public fund. In its view these resulted in a “crisis in governance” which was reflected in “the continuing exclusion of women and disadvantaged groups from governance and mainstream development” (UNDP 11). Thus, for removing poverty, the lacuna, which needed to be addressed was the inefficiency in governance. Besides, improvements could be made in the relation between percentage of landless and marginal farm household to combat poverty. This leads the present survey to focus on the existing landforms and the tenurial practices of the then Nepal.

### 1.25.1. Existing Land-forms and Reforms

While going through the Eighth and the Ninth plan document, one is struck by the scant attention the planners give on issues related to land reform: they set no goals to be achieved. This stands in stark contradiction with the demands of Nepal Communist parties, whose documents repeatedly focus on the need for revolutionary land reform, their prescription for rooting out poverty from Nepal. If one were to consider the agricultural sectors' performance and the seeming co-relation between indices (1) and (4) of the HDI prepared, one can, without being conclusive, side with the Communist parties. But for decisiveness, one must deal with land tenure, land tenancy, holding patterns and the existing institutional setup or for that matter the possibility of agrarian reform, whose unsatisfactory implementation in the South Asian region is considered to be the bane of the agricultural sector.

Until 1950, there were a variety of landownership pattern in Nepal and the characteristic features of them all were that they encouraged the existence of feudalistic, uneconomic holdings which were at variance with the political and economic needs of modern states (For their nature see, p.32). Hence, after 1951, under guided democracy, Nepal took a number of steps such as the passing of Tenancy Rights Security Act, 1951; Land Reforms Act, 1957; Birta Abolition Act, 1959 and Land Reorganisation Act, 1962. These Acts, sought to abolish earlier anachronistic landforms except the *Guthi* system, which was continued to appease the religious sentiments of the people (Rambahadur 3). Finally, the Land Act of 1964 abolished the *Jimidari or Jimindari* system (See, Ch. II footnote 18). And since 1964, except for occasional amendments, there was no significant changes in the rules governing the land tenure and land tenancy practices in Nepal. Hence, a brief understanding of the 1964 Land Act is necessary to understand the landownership patterns that existed in Nepal until 2002.

The Land Act of 1964 made certain important provisions. It provided for (a) imposition of a ceiling on land ownership, to acquire land in excess to be allotted to the landless; (b) the abolition of *Jimidari/Jimindari* system; (c) the regulation of rents

payable by tenant farmer and it sought to secure their position; (d) the creation of a system of compulsory savings (Ministry of Land Reforms 12). These provisions were expected to divert capital and surplus labour from land to other sectors, improve the living standard of actual tillers and increase agricultural production. Based on regional variations, the Act fixed land ceiling per person/per family. It was not applicable to Guthi lands. The ceilings fixed were:

Table 7

Ceiling Imposed by Land Act, 1964

	Agriculture Land	Homestead
1. Terai/Inner Terai	16.4 Ha.	2.0 Ha
2. Kathmandu Valley	2.7 Ha	0.4 Ha
3. Hill Regions other than 2	4.1 Ha	0.8 Ha

Source: Ministry of Land Reforms. *Evaluation of Land Reforms in Nepal*.

Kathmandu: HMG. 1973. 12

Land in excess of the above ceilings was to be distributed as follows:

Table 8

Allotment of Land Acquired: Regional Ceiling

1. Terai/Inner Terai	2.7 Ha
2. Kathmandu Valley	0.5 Ha
3. Hill Regions other than 2	1.0 Ha

Source: Ministry of Land Reforms. *Evaluation of Land Reforms in Nepal*.

Kathmandu: HMG. 1973. 13.

After abolishing the *Jimidari/Jimindari* system, the Act converted the land to Raikar holdings; made the *Jimidars/Jimindars* the owners of the holdings and established a direct link between the Government and the *Jimidars/Jimindars* and reverted the tax collection function to the Government. However, the Act did not abolish the system of tenant farming—the *Mohi* system/Dual ownership system. What it tried to check were the evils associated with the system. The Act defined a tenant as one who had obtained land from land owner for cultivation with his or his family's personal labour.

After the passing of the Act, if a cultivator were to cultivate land for one crop, he was to be considered a protected tenant (owner-tenant). Such tenants were certified and could be evicted only under the court orders. He could inherit tenancy rights without subdivision and without transferring the land; ask for receipts against rent paid, and refuse to render any unpaid labour service. Lastly, the Act incorporated provisions to scale down tenant loan; settle them, and introduced a system for compulsory savings,<sup>148</sup> which was expected to meet the credit needs of the farmers. A year after, the Act was implemented, but even after 8 years of its implementation the evaluators found the following (see next page)

Table 9

Effects of Ceiling in all Nepal:

	Area in Hectares/Rupees in Millions.
1. Number of household having land in excess of ceiling	9, 136
2. Area of Land above ceiling	50, 580
3. Total area acquired	34, 705
4. Area allotted	21, 050
5. Number of allottees	10, 522
6. Total compensation payable	22.4
7. Compensation paid	0.5
8. Price paid by allottees	0.8

Source: Ministry of Land Reforms. *Evaluation of Land Reforms in Nepal*. Kathmandu: HMG. 1973. 27.

The figures indicated that “15, 875 Hectares [2-3] of excess land” were still not distributed and they were still in the hands of the declarer. Besides, if one were to add

<sup>148</sup> See, Ministry of Land Reforms 17 Under the system the tenants, landowners and the owner-cultivators deposited a given amount of their produce both cereal and cash crops to ward committees. This formed the loanable fund for credit operation by government sponsored agencies. However, the system was given up a year before the publication of this report.

to it the un-allotted area, that is, 13, 655 Hectares of the acquired land then it meant that “60 percent of the excess land” were still in “effective possession of the land owners and landlords” (Ministry of Land Reforms 27). And when the evaluators carried their studies in the sample area the picture that emerged was as follows:

Table 10

Effect of ceiling in the Sample Area:

	Area in Ha. Before Land Reform	Area in Ha. After Land Reform
1. Number of household having land in excess	10.0	10.0
2. Total area owned by them	996.8	342.3
3. Area in percent of total area owned in sample area	19.6	6.7
4. Average size of the holding affected by ceiling	99.7	33.3
5. Total area acquired by imposing ceiling		653.3
6. Acquired area in percent of total land owned in the sample area		12.5
7. Total acquired area allotted		52.0
8. Percentage of acquired land allotted		8.0
9. Number of allottees		26.0
10. Average area allotted		2.0

Source: Ministry of Land Reforms. *Evaluation of Land Reforms in Nepal*. Kathmandu: HMG. 1973. 28.

The findings indicated administrative apathy towards the implementation of the reform policy. The figures of Table 9, the delay in the launching of the programme by one year and the strategy<sup>149</sup> adopted were judged by the evaluating team as a means to

<sup>149</sup> See, Ministry of Land Reforms 29–30 The programme was launched in

buy time. The one long year delay in implementing the programme, they guessed, was perhaps intended to allow bureaucrats and the politicians to safeguard their property. Besides, the findings in the sample area indicated that there was no reduction in the number of households possessing land in excess of the ceiling. And if so then why was there a reduction in the total area owned by them after the implementation of the ceiling? According to the evaluators this anomaly was owing to the ability of the landlords to “arrange for ‘paper dispersal’ of [their] excess land [to] keep their records straight” (Ministry of Land Reforms 31). Thus, the Act had failed in achieving one of its important objective of transferring land to the landless. And since it had no objective of ending dual land ownership, the system continued. In 1972, the evaluators guessed the existence of as many as 4, 60, 000 tenants and owner-tenants in existence. By 1991/92, there were 4, 00, 600 holdings in Nepal which were partly owned and partly tenanted and 47, 000 holdings were under the condition of full tenancy (Central Bureau of Statistics, National Sample ... Agriculture 3). And Nepal’s 2.60 million Hectares of agricultural land supported 2.7 million agricultural families. Among them the distribution of land was lopsided. If 30% of the families had holdings less than 1 Ha. there were a few, 1.5% agricultural families, who had holdings greater than 5 Ha. enjoying control over 14% of the total land. In the latter’s share went 9.34 Ha. of land per agricultural family. Besides, in between the year 1961/62 to 1991/92, because of the fragmentation of holdings the average size of holdings had declined. If the average size of a holding in 1961/62 was 1.1 Ha, then in 1991/92 it was .96 Ha. Considering these facts the Government under the UML set up a Commission—High Level Land Reform (Badal) Commission on the 10th of January 1995. According to its terms of reference it was expected to investigate the existing landforms, suggest methods for ending dual control over land, and find ways to ensure the optimum utilisation of

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those areas where concentration of landlords were minimum i.e., in areas in and around the district of Kathmandu and not in the twenty districts of the Terai.

agricultural land. In its final report it identified the existence of 5, 60, 000 Mohi/tenant farmer (20% of the agricultural families) thriving upon 12% of the available agricultural land. Considering the existence of such tenant farmers uneconomic as higher yield was found associated with land under the cultivation of the owner, the Commission suggested the eradication of the system. And for doing away with the concentration of land (26% of land above 3 Ha was in the hand of 5% agricultural family) it suggested the implementation of a new ceiling which was as follows:

Table 11

Suggested Ceiling:

By Area	Ag. Land	Homestead
Terai and Inner Terai	3 Ha	4.5 Bigha
Mid Hill Region	2 Ha	40 Ropani
Mountain	4 Ha	80 Ropani
Kathmandu Valley	1 Ha	20 Ropani
Town area Kathmandu, Lalitpur and Bhaktapur	0.5 Ha	10 Ropani
Municipal area		
In towns outside Kathmandu	1 Ha	20 Ropani o r 1 . 5 Bigha

Source: HMG, *High Level Land Reform (Badal) Commission Report 2051*.

Kathmandu: P. B Publisher 2057 [2000]. 84.

With the implementation of the ceiling the Government expected 3, 006, 000 Ha land in hand to distribute among the Kamaiyas (bonded labourers), Sukumbasis (landless) and among agricultural families with land less than 0.1 Ha. Probably influenced by the Commission's Report, the Government on 7 February 2002 amended the 1964 Land Act and passed a new ceiling law which was as follows:(See, next page)

Table 12

## Ceiling Law of 2002

	Agricultural Land	Homestead
Terai and Inner Terai	10 Bigha	1 Bigha
Kathmandu Valley	25 Ropani	5 Ropani
Entire Hill except Kathmandu	70 Ropani	5 Ropani

Source: HMG, Ministry of Law, Justice and Parliamentary Affairs. *Bhumi Sambandhi (Pachau Sansodhan) Ain, 2058*. Nepal Rajpatra. Kathamandu: HMG, VS 2058 Magh 25. 2-3.

To what extent the new ceiling law, after its implementation, expected extra land for distribution is not clear. But, all these laws remained just in paper as such neither concentration of land nor the problem of dual land ownership was resolved in the parliamentary phase of Nepal. Besides, according to Badal Commission's calculation even in 1996, Nepal had a million landless agricultural workers. These labourers, then, were of four types (a) those working on daily wages, (b) those bound by an agreement to work for a definite period of time, say a year, (c) the Kamaiyas and (d) those working for a few months. Thus, a lot remained to be done to improve the agricultural sector of Nepal—the determinant of its internal environment.

#### 1.25.1.1. Geographical Distribution, and Workers' Strength

In the 90s the geographical distribution, ownership and strength of industrial workers presented a skewed picture. In terms of industrial establishments the highest were in the Central Development Region commanding a share of 1, 31,374 employees out of the kingdom's 1, 87, 316 employees. Besides, out of a total of 3, 557 industrial establishments 97.55% were privately owned and the Government owned only 1.01% of the establishments. And considered in terms of labourers involved in these industries the areas of importance were: Morang and Sunsari in Eastern Nepal;

Kathmandu, Lalitpur, Bhaktapur, Bara and Parsa in Central region; Nawalparasi, Rupandehi and Banke in the Western region (HMG, N. P. C. S., CBS 99–189).

Lastly, for all these economic problems of Nepal Communist factions invariably cite 1950 Indo-Nepal Treaty with its subsequent decennial ratification, as a stumbling block in the development of Nepal.

#### 1.26. Population and Caste Structure

The two factors which have determined the nature of Nepalese population is its geographical location and geographical make up. These factors have triggered emigration, immigration and migration within the kingdom affecting the characteristic features of Nepalese population which, at present, is divided along several lines viz., religious, linguistic, ethnic and caste. Hence, this section calls for a little understanding of the geography of Nepal.

Since 1858 (the year when its present shape came into being) Nepal has occupied a space in between two of its neighbours: Tibet (later, China) in the North and India in the South. Since then, its western side was hemmed by India and eastern side by Sikkim. But, after 1975 the eastern side also bordered the territory of India. It is, therefore, a landlocked State. From the standpoint of its geographical make up, its northern border has the Central Himalayan range of 900 Km length. Running parallel, and in order to its south are the Mahabharat and the Siwalik or Churia ranges. Further south is the Terai which is a continuation of the Indo-Gangetic plain. Flowing from the Himalayas through weak spots in the Mahabharat range are the three rivers the Karnali, the Gandak and the Kosi. These rivers; the Karnali in the west, the Gandak in the centre and the Kosi in the east, form “systems” of rivers in their respective areas (Sharma, C. K. 10). In the west the Mahakali River; which starts from Indian glacier and from Nepal’s lake, Lipulekh, marks the western boundary of Nepal. The eastern boundary is similarly marked by the Mechi River. All of these rivers ultimately flow towards the Indo-Gangetic plain.

Starting from the south, one comes across the Terai or more specifically the Outer Terai, which is a narrow strip of fertile land running all along the southern side

of Nepal. From west to east it is 500 miles long with widest north-south span of 33 miles narrowing at places to 2 miles. Intervening the northern side of Terai and the Siwalik range, there used to be a dense malaria infested forest belt called the *Jhadi* or *Bhaber*. The area in between the Siwalik and the Mahabharat ranges is referred in Nepal as the Inner Terai. It also consists of malarial forest areas and “lower hills ... and ... elevated ridges”. The lower hills or the lower Himalayan ranges gently slope towards north leading to valleys like Kathmandu and Pokhara. And the elevated ridges, “the first intimation of the high snow peaks” lead towards the Himalayan highlands with snow peaks and glacial valleys (Milleville and Majupuria 10).

Traditionally, Dor Bahadur Bista says, the regions of the land “were identified by the names of various ... communities” inhabiting the regions (Bista, Fatalism 12). According to him to the east of Kathmandu Valley and beyond the river Sun Kosi was the Kirat Pradesh, the land of the Kirats. To the west of the Valley up to the river Kali Gandaki was the Gandaki Pradesh. Further west, the region between rivers Kali Gandaki and Karnali was called Mangrant (Land of Magars). And still towards the west of river Karnali upto the western border of Nepal was the Khasan or the land of the Khas. In the north was Bhot, and Terai was called Tharuwan, the land of the Tharus. Drawing on mythical references and *Vamsavalis* (genealogical records), Bista credits the Khas, the Kirats and people with Dravidian strain as the earliest settlers of the land. According to him, the Khas were migrants from Central Asia. They arrived in first millennium B. C to occupy the western side of the land pushing the Kirats to the east. They were “pastoralists” speaking Indo-Aryan language (Bista, Fatalism 15). However, regarding the origin of the Kirats or Kirantis Bista says there are many theories. Of these, a few claim that they were always in the hills of the land and a few claim they were Mongoloid immigrants from Tibet speaking Tibeto-Burman dialect (Bista, People 32). Besides, confusion persists on the question as to which group of people are included under this generic title (Bista, People 38). In one of his works, Bista includes within the Kirats all such groups like Rai, Limbu, Yakha, Sunwar, Jirel, Hayu etcetera (Bista, Fatalism 3), but in his other work he identifies only the Rais and

the Limbus as “the two main subdivisions of the Kiratis” (Bista, People 34). The earliest Newar of Kathmandu, Bista says, are also “thought to belong to this general group” (Bista, Fatalism 3), a view which is completely different from that of Regmi who says that the Newars are a mixed race (Regmi, D. R., Ancient 14). Finally, the Dhangads represent people with Dravidian strain. With the passage of time these communities were exposed to the influences flowing from the south of the land. However, scholars have taken different stands<sup>150</sup> in describing and explaining the time and the personages to whom the communities were exposed to, but what is clear is that they were exposed to the influences of Hinduism and Buddhism, not in that order of course, by the end of the 7<sup>th</sup> century A. D. Before the flow of southern influences, Bista observes, that there existed a culture of “religious syncretism” there (Bista, Fatalism 21). But, in the 11<sup>th</sup>, 14<sup>th</sup> and the 16<sup>th</sup> centuries; when high caste Hindus dodging the onslaught of Islamic invasion of Northern India penetrated, in progressive waves, the western side of the land and Kathmandu Valley, then the situation changed. The intruders, Bista says, “aggressively” (Bista, Fatalism 21) supported Hinduism at the cost of Buddhism and this perhaps included even support to Hindu caste structure.<sup>151</sup> But, the influence of caste structure was not equally visible throughout the land. According to Bista, Gorkha was not “hierarchized as much by the caste system as the areas west of it and the Kathmandu Valley” (Bista, Fatalism 26).

<sup>150</sup> See, Bista, Fatalism 19–20 Fatalism 19-20 According to him Buddhism influenced the communities first when the Licchavis held their sway in the land mass. However, See, Regmi, D. R., Ancient 275–6 Ancient Nepal, p-275-76, on the basis of historical evidences Regmi suggests that Hinduism had already penetrated the land mass first with the Lichhavis and that they came under the influence of Buddhism only later. See also, Stanley Maron et al, A Survey of Nepal Society, p-7 where the authors believe on the basis of the presence of stupas in the vicinity of Kathmandu that it was probably Buddhism which penetrated the land mass first.

<sup>151</sup> See, Bista, Fatalism 20 The author claims that caste structure was introduced by the Guptas ruling the land mass after the Lichhavis, but Regmi, on the basis of historical evidences, contends the prevalence of caste even before. See,.. Regmi, D. R., Ancient 272

However, after the creation of Nepal when effective power went into the hands of the Ranas the full force of Hinduism came to play in the kingdom changing its social structure. But, for changes in the demographic character the role was played by emigration, immigration and intra-migration. Nepal, Harka Gurung says, "... has been a population-exporting country since the beginning of the nineteenth century" (Gurung, Regional ... Migration 15). According to him these emigré were mostly from the central and eastern hills, seeking services in the army or meeting labour needs for pioneer farming in India. In the 20<sup>th</sup> century, their number progressively increased, especially after 1952/53, until 1981 (15–6). And in the same period, particularly from her southern neighbour, Nepal also witnessed immigration in her Terai region. In the two decades 1961–81, calculation of census data, he says, reveals an excess of four times immigrants over emigrants (36–8). Data of 1988, according to him, still show an increasing influx. If it was 16 immigrants per 1,000 in 1981, it was 28 per thousand in 1988 (38). As regards inter-migration, he says, "Population migration in the past was primarily directed eastwards along the hill corridor [middle hills]. Since 1950, with malaria control in the lowlands [Terai and Inner Terai] migration ... has been ... towards the south" (Gurung, Social Demography 17). The net result of all these was change in Nepal's demographic pattern, particularly in the dispersal of its people identified in line with their caste, ethnic, religious and language affiliations. This division became apparent when, for the first time, 1991 census data were collected on the basis of such markers. However, the 1991 Census data was confusing because it did not clearly distinguish between the caste and the ethnic groups. It presented the entire population under "caste/ethnic" nomenclature. In it caste groups, though not defined, meant those with a hierarchical social structure practising Hindu religion (Gurung, Social Demography 40). But, what characterised the non-caste group was not clear.<sup>152</sup> Hence, the Government of the day appointed a Task Force in

<sup>152</sup> See, Nepal Janajati Mahasangh, "Nepal Janajati Mahasanghko Bidhan-2047" 1 Although it says it represents the nationalities it does not characterise them.

December/January 1995 to identify and define the Nationalities of Nepal. It presented its report in April/May 1996 (Sarwagin Vikas Adhyayan Kendra (I. I. D. S) 3). Subsequently, in June 1997 the then Government formed a National Committee for Development of Nationalities, which accepted the report of the Task Force. Since, then the non-caste group came to be regarded as the nationalities of Nepal. According to the Task Force, Nepal had 61 Nationalities<sup>153</sup>. It defined them as groups having “their own mother languages and traditional culture” and as those who did not fall “under the traditional four-fold Varna classification of Hindu Varna system”. Besides, they were expected to have the following characteristics:

- [1]. Those who have their distinct cultural identities.
- [2]. Who have their traditional languages, religions, customs and cultures.
- [3]. Whose traditional social fabrics are based on equality.
- [4]. Those who have their own geographical and demographical areas in the country.
- [5]. Those who have written and/or oral histories of their own.
- [6]. Those communities who have the notion of We/Us.
- [7]. Those ethnic groups who have no pivotal or decisive roles to play and exercise in the polity and administration of modern Nepal.
- [8]. Those who are the indigenous or native people of Nepal.
- [9]. Those who call themselves ethnic peoples (Ukyab and Adhikari 4).

Such group composed 35.6% of the total population of 1991. On the basis of ecological regions they were spread as 0.7% in the Himalayan region, 25.1% in the Hilly region, 1.1% in the Inner Terai and 7.9% in the Terai. Of these the Magars constituted 7.2%; Tharus, 6.5%; Newars, 5.6%; Tamangs, 5.5%; Rais, 2.8%;

<sup>153</sup> See, Gellner, “Ethnicity ... in Nepal” 1825 Later, in February 10, 2002 the Ministry of Law, Justice and Parliamentary Affairs published an official list of 59 Janajatis reserving seats in the political, administrative and educational institutions of Nepal. These days, they are all represented by the umbrella organisation of the Janajatis, the NEFIN (See, footnote, 86).

Gurungs, 2.5%; Limbus, 1.6% and the rest of the nationalities were below 1%. Viewed in relation with the caste group, the nationalities, as per 1991 census, exceeded in the Mountain and in the Inner Terai, but were less than the caste group in the hills and in the Terai. And in the 26 districts of Nepal their population was equal to or more than 30% (Gurung, Social Demography 57–8). Emanating mainly from this caste/ethnic dichotomy there existed in Nepal two other divisive binaries, namely, those who were Hindus/non-Hindus; and those speaking and not speaking traditional languages—the language of the nationalities.<sup>154</sup> By religion the 1991 census revealed the existence of 1,59,96,953 (86%) Hindus; 14,39,142 (7.78%) Boudha; 6,53,218 (3.53%) Islam; 7,561 (.04%) Jain; 31,280 (.17%) Christians; 3,18,389 (1.72%) Kiranti and 44,554 (.24%) others/not stated categories of people (Central Bureau of Statistics, Statistical Pocket Book: Nepal: 1998 20–1). And out of a population of 1,84,91,097 the number of those speaking non-traditional languages such as Nepali constituted 50.31%, followed by those speaking Maithili, 11.85%; Bhojpuri, 7.46%; Avadhi, 2.03%; Urdu, 1.09%, Bengali, .15%; Marwari, .09% and English and others 2.74%. The rest 24.24% spoke the traditional languages (Central Bureau of Statistics, Statistical Pocket Book: Nepal: 1998 23–4). Before, 1985 these differences saw either in the Newar, or Bahun-Chettri/Thakuri (Hindu/Nepali language speakers) the exploiters<sup>155</sup> of other groups. But, from 1985 new dimensions were added. One

<sup>154</sup> See, Gurung, Gurung and Chidi 3 The authors contend that language is the most significant attribute that distinguishes social groups, particularly the non-ethnics from the ethnic or the nationalities of Nepal

<sup>155</sup> See, Sarwangin Vikas Adhyayan Kendra (I. I. D. S) Summary and 128–36 The Report claims that exploitation against Janajatis began since 1603 after the entry of Brahmins and the Chettri in the 12–14 centuries into Nepal. Thereafter, when Prithivinarayan Shah began consolidating his kingdom from 1769, the nationalities were forced to accept the Hindu way of life to get government jobs, besides their land was taken away and distributed to the Brahmins and Chettri/Thakuris as birtas and jagirs. The exploitation continued even in the Rana period. It imposed one culture, Nepali culture; one language, Nepali language; and one religion, Hindu religion upon them. Socially, the Mulki Ain of 1854 differentiated between the higher Hindu caste and the Janajatis. For, anti-monarchic activities they were given death penalty, but the

posited the Hill people (Pahadi) exploiting the Terai people (the Madeshis) and the other, the Hindus<sup>156</sup> as exploiters of the Mongoloid, the Buddhist and the Muslim combine (Bista, *Ethnicity ... Prospects* 6–8). With the advent of the 90s the nationalities began pointing at the higher caste Hindus, Brahmin-Chettri/Thakuri combine, the Khas, as their exploiters (Akhil Nepal Janajati Sammelan, “Janajati Awaz: Anka 4” 20). These perceptions took on political colours producing demands for linguistic and religious recognition and for regional autonomy (See p. 142).

### 1.27. Political-Administrative System

If a State’s Constitution provides the institutional and political arrangement where it seeks to achieve the ideals for which it stands, its administrative arrangement realises the goals set by those ideals. Therefore, the present section surveys the November 9, 1990 Constitution of Nepal and her administrative arrangements to find if they were at tandem. But, such survey must begin with the acknowledgement that

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caste Hindus were just banished from the kingdom. In the Varna order a few Janajatis were considered impure and were enslaved. The Kamaiyas represented such groups in Dang, Banke, Bardia, Kailali and Kanchanpur region. The report indicates that they are a marginalised group in the government services, political parties and in the parliament (For a counter argument, see, Gellner, “Ethnicity and Nationalism” 26 The author, as if he were in support, quotes another author to present the view that in 1991 Parliament Brahmins were over represented by 194.5%; Limbus, 162.5%; Gurungs, 41.6%; Newars, 33.8% and Thakalis, 214. 2% to point out that the ethnic minorities’ representation were not as worse as they were usually projected. ) . For such state the report blames the prevalent political culture. Besides, they are alienated from their land forming the bulk of the landless or the Sukumbasis and 85% of their population falls below the poverty line. See also, Akhil Nepal Janajati Sammelan, “Janajati Awaz: Anka 5” 3–11 The Janajatis argue that even under the Parliamentary system the State of Nepal discriminates them linguistically and religiously by ensuring the dominance of Nepali language over their languages and by not declaring Nepal a secular state. In their version the solution lies in creating autonomous regions within Nepal, where they can freely and equally enjoy economic, political, linguistic and cultural rights and where the state is so organised as to provide them a say in the decision making process.

<sup>156</sup> For graphic details of Hindu exploitation, political, economic and social see, Pradhan 172–226

Nepal's 1990 Constitution was a compromised document (See, p. 133). It compromised people and King's desire to be recognised as its source. So, its Preamble failed to suggest clearly the Constitutional source when it declared:

WHEREAS, we are convinced that the source of sovereign authority of the independent and sovereign Nepal is inherent in the people, and therefore, We have, from time to time, made known our desire to conduct the Government of the country in consonance with the popular will;  
 AND WHEREAS, in keeping with the desire of the Nepalese people ... to bring about constitutional changes, we are further inspired by the objective of securing to the Nepalese people social, political and economic justice long into the future... (HMG Ministry of Law and Justice 1).

However, the Preamble did suggest that the Constitution was meant for setting up a "Parliamentary System of Government, Constitutional Monarchy and the System of Multi-Party Democracy by promoting ... the spirit of fraternity ... liberty and equality" (1). Towards this end it provided for a bicameral legislative body. Its Upper House was named National Assembly and, Lower House, the House of Representatives. With His Majesty, it formed the Parliament [Art. 44]. The House of Representatives was composed of "two hundred and five members" [Art. 45] elected from "administrative districts ... treated as election districts" [Art. 45: 2], which returned seats from districts assigned to them based on their population ratio to that of the nation. The National Assembly consisted of "sixty member" [Art. 46]. Of these, the King chose ten persons of repute. The House of Representative, based on proportional representation by single transferable vote, elected rest of the thirty-five members of whom three had to be women. Finally, fifteen more were elected by an Electoral College. The electoral college was composed of "Chief, Deputy Chief of the village and Town level Local Authorities; Chief and Deputy Chief, and members of the District level Local Authorities" [Art. 46: c]. While electing the fifteen members the College sent three members from each Development Region. The members of the Lower House were elected for five years, and the members of the Upper House, for six years. The latter was a continuous House with one-thirds of its members retiring after every two years [Art. 46:2]. To complete the Parliamentary system the

Constitution vested executive powers of the kingdom in “His Majesty and the Council of Ministers” [Art. 35: 1]. Under it, the King exercised powers “upon the recommendations and advice and with the consent of the Council of Ministers” [Art. 35: 2]. The Council was composed of members of majority Party in the House of Representatives and their leader whom the King appointed “as the Prime Minister” [Art 36: 1] of the kingdom.

It recognised multi-Party democracy when its Article 12:2 (a), (b), (c) by way of giving rights like “freedom of opinion and expressions; freedom to assemble ... (and) freedom to form unions and associations” implicitly recognised the right the people to form political organisations. Article 112:1 reinforced the recognition by declaring: “Persons who are committed to common political objectives and programmes ... [are] entitled to form and operate political organisations or parties of their choice ... Any law ... which restricts any of such activities shall be inconsistent with this Constitution and shall be void”. However, there were a few conditions, which the Constitution imposed upon parties or organisations competing for positions in the Parliament. It empowered the “Election Commission to withhold recognition of any political organisation or ... of a Party ... if it [had] been formed ... on the basis of religion, community, caste, tribe or region” [Art. 112: 3]. Besides, it enjoined upon them to field at least five percent women candidates out of their total contestants for the House of Representatives [Art. 114]. Finally, the Constitution made it compulsory for the parties to secure a minimum of three percent of the total votes cast in the election for the Lower House [Art. 113:2 (d)]. Failure to secure the three percent criterion barred the parties from being recognised. And if ever members of such Party were elected to the Lower House, then the Election Commission could classify them as independent candidates.

The spirit of fraternity, liberty and equality which the Preamble declared as ideals to be pursued were enshrined in its Articles 11 through 23. These Articles declared all citizens equal before the eye of law under a non-discriminatory State. However, this did not bar the State from framing laws for the protection of the

interests of weaker sections of the society including those who were economically, socially and educationally deprived [Art. 11:2-3]. As already indicated Article 12: 2 Sub-clauses a through e provided a list of fundamental rights. However, to enjoy them one was not supposed to “undermine the sovereignty, integrity or law and order situation of the kingdom” [Art. 12:2]. In similar vein it provided Press and Publication right, right regarding criminal justice, right against preventive detention, right to information, right to property, right against exploitation, right to Constitutional remedy, cultural and educational right and right to religion. The cultural and educational right allowed each community to preserve and promote its language, script and culture. Under this right each community was allowed to operate its own school up to primary level in its mother tongue [Art. 18: 1–2]. Finally, the right to religion allowed every person the freedom to profess and practice his religion, but it rejected forced conversion [Art. 19: 1–2]. The directive principles and policies of the State contained in Part 4 of the Constitution, though non-justiciable, was also meant for promoting fraternal relation among the citizens for it directed the State to improve its economy while ensuring social justice. To protect the fundamental rights and to judge the legality of the laws made by the legislators, the Constitution provided a “three tier” [Art. 85] judicial structure. It consisted of the Supreme Court, Appellate Court and the District Court. The Supreme Court, the highest Court, was provided with a Chief Justice and thirteen judges. The Chief Justice and the judges were appointed by His Majesty. He appointed the Chief Justice “on the recommendation of the Constitutional Council” [Art. 117],<sup>157</sup> but the thirteen judges “on the recommendation of the Judicial Council” [Art. 93].<sup>158</sup> However; either by inclusion, or

<sup>157</sup> This Council was composed of the Prime Minister, the Chief Justice, the Speaker of the House of Representative, the Chairman of the National Assembly and the leader of the opposition in the House of Representative.

<sup>158</sup> This Council was composed of the Chief Justice, the Minister of Justice, two senior most judges of the Supreme Court and one distinguished jurist nominated by His Majesty.

by exclusion, the document left issues unacceptable, to the kingdom's existing social and political forces. Falling under such category were issues about language, secularism, the Raj Parishad, the Royal Army, and citizenship. About languages the document maintained the unique position of Nepali language. It declared it as "the language of the nation ... the official language" [Art. 6: 1] of the kingdom, while categorising others as "national languages of Nepal" [Art. 6: 2]. Similarly, disregarding the demand of the *janajatis* (nationalities) for a secular State it declared Nepal a "Hindu" [Art. 4: 1] State. And rejecting Nepali Congress's demand for discontinuing the institution of Raj Parishad, which reminded of erstwhile Bhardari, it allowed its existence as an advisory body. It was to be staffed with 22 high officials to advise the King on issues related to regency [Art. 34]. Likewise, though it brought the Royal Nepal Army under the control of National Defence Council consisting of the Prime Minister, the Defence Minister and the Commander-in-Chief [Art. 118: 1], yet it failed to free the establishment from the influence of the King. He was still the Supreme Command of the Royal Nepal Army [Art. 119] which he could operate with the recommendation of the National Defence Council [Art. 118: 2]. About citizenship, Article 9:4: (a) still required 15 years residential proof from aliens to acquire Nepal citizenship—a condition which perhaps was what the Terai immigrants considered an unjust stipulation.<sup>159</sup> Besides, three provisions of the Constitution were worth noting. Of them the first was Article 97. It empowered the King to appoint a Commission for the Investigation of Abuse of Authority on the recommendation of the Constitutional Council (Art.97: 1–2). The second was Article 115. It gave King the power to declare emergency if he considered threat looming over the kingdom's sovereignty and integrity. He could declare emergency on his own, but the Constitution enjoined the House of Representatives to approve the declaration within three months (Art 115:2).

<sup>159</sup> See, Gaige 93 Such stipulation for getting citizenship was what Gaige guessed as the cause behind Terai movement for citizenship when the 1962 Constitution asked for 12 years residential proof for getting citizenship from foreigners.

If approved by 2/3 majority of representatives present then the emergency could continue for 6 months. In the absence of the House of Representatives the Constitution gave these powers to the National Assembly (Art. 115: 6). The last was Article 126. This Article enjoined “a majority of two-thirds of member present at a joint sitting of both Houses of Parliament” to ratify treaties and agreements of His Majesty’s Government with another State. And such condition was applicable when the treaties dealt with issues about peace and friendship; defence; boundaries of the kingdom, and its natural resources (Art. 126: 2). But, for ordinary agreements the concurrence of simple majority was all that was needed.

#### 1.27.1. Administrative System

Despite its deficiencies the 1990 Constitution tried to establish a democratic Government wedded to social justice. But, for ensuring social justice at the material level the country needed fast economic development. However, the administrative arrangement of the kingdom was not ready for such an end.

Until 1990, the kingdom had experienced two different phases of political developments. From 1950 to 1960 it experimented with guided/limited democracy, where it sought to remove the influences of century old Rana regime: the kingdom tried to restructure and reform its administration.<sup>160</sup> After 1960, there was a complete break in the kingdom’s political orientation: it sought to concentrate power in the King. Therefore, the administrative arrangement also reflected similar orientation.<sup>161</sup>

<sup>160</sup> See, Poudyal 35 Administrative Reforms began in Nepal only after the end of the Rana regime in 1951. Earlier administration was aimed at maintaining law and order and for the collection of revenue. In the changed context efforts were made to fulfill the material, intellectual and physical needs of the people. Towards this direction the first effort was made in 1956 by establishing Administrative Reorganisation and Planning Commission under the Chairmanship of Tanka Prasad Acharya. Besides, many Indian and foreign experts were called for studying and suggesting means to improve the nature of Nepalese administration.

<sup>161</sup> After the Royal take-over, the King filled top civil service posts with Army personnels disregarding earlier practice of filling them with candidates recommended by the Public Service Commission.

Structurally, Local Administration Ordinance of 1965, which turned into an Act in 1966, divided the kingdom's field<sup>162</sup> administrative units into district and Zonal levels where districts were the most important unit of area administration. It was the unit for generating revenue; for implementing planned development and for maintaining law and order. In all, the Ordinance created 75 districts and 14 Zones, where each Zone consisted of a number of districts. They functioned above districts as their links with the Centre. Then in 1972, the kingdom was segmented into 4 Regions,<sup>163</sup> which became five by June 1981 (Poudyal 156). Under the arrangement, since 1965, each of the 14 Zones was placed under an *Anchaladhis* [Zonal Commissioner] who was a politically appointed functionary (135). He was the chief administrator of a Zone, and his main task was to maintain law and order in the Zone. Besides, in line with the same Act, each of the 75 districts was placed under a civil servant, the Chief District Officer. From 1975, the New District Administration Plan, which sought to implement the spirit of integrated district administration, gave him two tasks. These were: to maintain law and order and to carry out developmental activities in the district (Shrestha, T. N., "Nepal's District ... Performance" 22). However, in carrying out his law and order maintenance function he depended upon authority delegated to him by the Zonal Commissioner. And for all such actions he had to keep the Zonal Commissioner informed (24). For developmental works the Plan brought all HMG development offices of the district under a District Office, which was placed under the

<sup>162</sup> The Government's administrative structures which were in the Zones, Districts and beyond were its field units.

<sup>163</sup> See, Shrestha, T. N., Nepalese Administration 167 In the beginning the kingdom was vertically segmented into four development regions namely, the Eastern, the Central, the Western and the Far-Western Development Regions. Later, the Mid-Western Development region was added to the list. These segments included within them groups of Zones, which topographically represented areas extending from the heights of the Himalayas to the Terai. In creating the segments the intentions were to decentralise power for effective implementation of development planning which were expected to reduce regional disparity and ensure socio-economic unification of the kingdom.

supervision of the Chief District Officer. In identifying developmental works, the Chief District Officer (henceforth C. D. O) functioned as a link between Regional Development Centre and the District Panchayat. There were two types of developmental works. One depended upon funds received from the Government and the other on funds generated by the Panchayat body. In the former, the District Panchayat played minimum role: its Assembly endorsed what the Regional Development Centre identified as priorities. In the latter, the decisions of the District Assembly determined the priorities and the manner in which the works were to be carried on. In all these processes the C. D. O functioned as a communication link between the Regional Development Centre and the District Panchayat. After finalisation of the works, the responsibility of implementing the works fell upon his office (22–4). In the villages the Plan introduced Multipurpose Development Workers. Their functions were to act as link between the Government and the villages and to coordinate village development activities (34). For coordinating village development activities, the Plan visualised him as leader of village development agencies. To reduce the number of such agencies, the Plan suggested a set of agencies for 3 to 5 village Panchayats in the hills and 7 to 10 village Panchayats in the Terai regions. However, even after a decade or so the District administrative arrangement did not evolve satisfactorily. The C.D.O could not coordinate development activities, because the ministries generally failed to delegate him the power to control the district development officers. Besides, the introduction of Local Development Officers at the District level in 1981 lowered the prestige of the Chief District Officer, because the Local Development Officer enjoyed similar status. And when he was given the responsibility of handling development officials the spirit of integrated development in the districts was diluted. Similarly, in the villages, the Multi-Purpose Workers had failed in coordinating development activities owing to the lack of “guidance from ... district level development offices”, as visualised under the Plan (34). Moreover, even in the 80s there was not a single example of a set of development agency controlling developmental activities of village Panchayats (37). Thus, HMG development offices

sprawled throughout the districts and villages and since most of the district and village level development works were funded by the Centre, the Centre exercised maximum grip over their activities. Therefore, when the Nepali Congress came to power it formed a *Prashasan Sudhar Ayog* (Administrative Reform Commission), which began working in VS 2048 Aswin 17 [3 October 1991] under the President-ship of the then Prime Minister, Girija Prasad Koirala. It finished its task on the 5<sup>th</sup> of April 1992. Its goal was to suggest changes in the arrangement to make it “democratic and development friendly” (HMG 5). With such goal in mind its terms of reference were fixed to suggest changes which would make the arrangement simple, economic, accountable and efficient in serving the masses. Hence, its suggestions were focused on curtailing expenses, improving the morale of the employees, devolving powers, rooting out corruption and in making the National Planning Commission responsible for framing developmental policies by freeing its energy from administrative preoccupations (5–9). The descriptions of these suggestions clarify the state of Nepalese administration at that point of time. The following paragraphs, which describe the Commission’s suggestions, will, therefore, profile the administrative arrangement of the kingdom in the 90s, because except a few majority of its suggestions were not implemented.

Commenting on the state of the then administrative set up of the kingdom, the Commission characterised it as “overextended”<sup>164</sup> (3), “unwieldy” and “highly centralised” (4). Its Ministries at the Centre were plagued with “multiple layers of functionaries” (5). The set-up was, therefore, sluggish: issues before turning into decisions had to pass through several bureaucratic layers. And the entire administrative arrangement staffed with “unenthusiastic employees with low morale” was bereft of sense of economy and “accountability” (3, 5). At the Centre there were

<sup>164</sup> See, Poudyal 176 Studies in the 80s showed that Nepalese bureaucracy had grown by more than 50% either to provide employment opportunity, or to gratify the wishes of the influential forces of the kingdom.

22 Ministries, 48 Departments and 49 Departmental level offices. In the Regions there were 108 offices, in Zones, 64 and in the districts and below there were 9, 203 offices. They had been opened in different areas just for ensuring the presence of the Departments without considering their needs. Hence, for cutting down administrative expenses the Commission suggested the removal of superfluous establishments. Its first suggestion was for reducing the Ministries from 21 to 18 by closing down Ministries which duplicated the functions of existing ones. In case of Departments it suggested amalgamation wherever possible for example; it suggested the creation of a single Department out of two existing Departments like Cottage and Small Scale Industries Development Department and Cottage and Village Industry Development Department. For implementing development works, it preferred the creation of cells within respective Ministries to maintaining Regional Supervisory Offices. Finally, for reducing offices of the District level it suggested one district to look after the needs of contiguous districts, which were properly linked with the supervising district by transport and communication facilities.

Structurally the Civil Service was divided into two broad groups: Administrative and Technical where the posts were gazetted or non-gazetted. Besides, both the gazetted and non-gazetted officials were divided into four classes. In the gazetted level there were: Special class, Class I, Class II and Class III officials. Similarly, the non-gazetted level was classified into Class I, Class II, Class III, and Class IV positions. At the gazetted level the Administrative group consisted of four services namely, Judicial, Administrative, Auditing and Rastriya Panchayat Services. Similarly, the Technical service was organised into six groups namely, Agriculture, Education, Engineering, Forest, Health and Miscellaneous Services. In the gazetted Administrative services there were two more sub-groups the Accounts and Foreign Service group, but there were multiple sub-groups within each of the gazetted Technical groups. The non-gazetted level was also divided into technical and non-technical groups without sub-groups. The Commission suggested the creation of more sub-groups within the gazetted Administrative services on the basis of the employee's

skill and training. It noted that in the absence of such sub-groups an employee, on the event of promotion, was often placed in services where his training and skill became useless. In the Technical Services promotional avenues in some groups were many whereas in others there were few. As a result, in some even juniors were promoted to higher grades whereas in others even seniors remained in lower posts. Hence, the Commission favoured creation of posts where promotional avenues were absent. Besides, the division of services in the gazetted and non-gazetted groups had developed a sense of inferiority among those in the non-gazetted groups. So the Commission suggested unified service to foster a spirit of team work among the employees. Its suggestions for improving the efficiency of the service were: to create methods to judge employees' yearly performance and to create means to communicate the job responsibilities of employees. For improving their morale it suggested the creation of an organisation where they could represent their grievances and the removal of the 1965/66 Civil Service Rule 7.1 (3) which gave the Government discretionary powers to retire employees who had served for 20 years. To tackle the problem of overstaffing the Commission suggested outright reduction of permanent posts by 25% within 1994–95, reduction of bureaucratic layers within the ministries within June 1992, removal of superfluous offices in the Regions, Zones and Districts within June 1992, stalling of fresh recruitments in the services in the year 1991–92, and removal of employees who were employed in the past disregarding the service rules. For simplifying the decision making procedure it suggested removal of bureaucratic layers in accordance with the nature of issues. In all cases the Ministries and Departments were asked not to utilise more than 3 layers for reaching decision. To give effect to the Constitutional provision of Article 46: 1 (b) which envisaged the inclusion of the people in the developmental activities of the kingdom the Commission sought to devolve powers to the elected bodies of the villages, towns and districts. And for such devolution the Commission considered the districts as centres since planned developments in Nepal were implemented with districts in focus. However, taking experience into consideration where districts had failed to support

towns included within their area, the Commission suggested town administration under elected Municipalities and Corporations. But, in implementing programmes where the involvement of both the district and the town administration were required it suggested the establishment of temporary coordination committee consisting of elected representatives of the areas.

The Commission suggested transfer of powers to the elected bodies of the districts, towns, and villages for implementing a variety of works. These included works which demanded coordination among governmental, quasi-governmental and non-governmental agencies functioning in the areas, works which could be accomplished by using local skill and resources, works which were necessary in the area, works which had been promised by the elected bodies to the subjects of the area, and works which could be accomplished only with the help of the local population. It expected creation of legal framework for transferring such powers. And to increase their financial capabilities it suggested the Government to transfer them the rights to collect taxes from areas untouched by Central Government. Besides, it suggested the Government to provide districts and towns with three types of grants: grants for institutional development, commendation grants to districts or towns which succeeded in raising more taxes and grants for carrying on programmes of national importance. However, for funds the villages were made to depend on the districts, but if the elected representatives of the villages could furnish viable projects then they were to be given loan out of a village fund of Rs 20 crores created for such purposes.

For removing corruption from the system the Commission suggested both preventive and corrective measures. Out of its many suggestions the important ones were: to ensure transparency in the administrative functions, to link employees pay packets with inflationary trend of the economy and to strictly implement the norm which required the employees to declare their properties. And if any employee's property was found disproportionate to his income then for necessary action it was to be reported to the Commission for the Investigation of Abuse of Authority.

Finally, commenting on the past functioning of the National Planning Commission and the Government, the Reform Commission stated,

In the present system there is no link between the decisions making processes of the Government and the working of the Planning Commission ... As a result in the past there used to be contradictions in the decisions taken by the Government and the policies framed by the Planning Commission. This situation needs to be avoided (HMG 46).

Therefore, it drew attention towards the necessity for framing sound development policies. To enable Planning Commission to frame such policies the Reform Commission suggested the staffing of Planning Commission's Secretariat with experts hired on contracts; creation of policy framing cell in each Ministry consisting of concerned Planning Commission's member, the Ministry's Secretary and necessary experts, and freeing the Planning Commission from all administrative functions. Besides, the Planning Commission was expected to provide suggestions to the Ministries in implementing the policies while carrying on the evaluation of their implementation. Thus, existing administrative arrangement of Nepal needed much to be achieved, but it was not achieved because successive governments cold-shouldered the Reform Commission's advice. They could not maintain the momentum of reform which was visible in the aftermath of *Jana Andolan*.<sup>165</sup> In June 11 1990, the Government passed the Municipality Act, the District Development Committee Act and the Village Development Committee Act. According to these Acts a Municipality was to be constituted in towns with "more or less 9,000 population". It consisted of "a President and a vice President heading a committee of 33 members" to look after the development of the Town (Kanun Tatha Nyaya Mantralaya, "Nagarpalika Ain" 3).

<sup>165</sup> See, Rising Nepal, Dist. Committees, Municipalities Constituted 1990 June 14 After the dissolutions of the Panchayat bodies, the District Panchayats, Town Panchayats, and Village Panchayats the Interim Government established District Development Committees and Municipalities and Village Development Committees throughout the kingdom. See also, Rising Nepal, Zonal Commissioner's ... Close Down 1990 July 12 The King was forced to order the close down of all Zonal Commissioners Offices. The Commissioners had already tendered their resignations on May 9, 1990

Financially, it was dependent upon “taxes raised within the town” and “cash transferred by the Government” (9). However, it could be dissolved by the Government if the Committee failed to function according to the provisions of the Act (15). Similarly the District Development Act provided for an 11 member committee headed by a President and a Vice-President to carry development activities in the 75 districts of Nepal (Kanun Tatha Nyaya Mantralaya, “Zilla Bikas ... Ain” 24). It was empowered to supervise even the activities of Village Development Committees and Municipalities falling within its area (27) . Financially it was dependent on the taxes raised from the districts and cash transferred by the Government (29). However, there were a few provisions which were not in tune with the principles of power decentralisation. Its Committee was expected to take decisions under the supervision of the D.D.O of the respective district (28). Besides, like the Municipality the Government could dissolve the DDC if it failed to dispose its duties in the judgement of the Government (32). Finally, the Village Development Committee was composed of 11 members identified by the DDC under a President and a Vice-President to carry out development activities of the village (Kanun Tatha Nyaya Mantralaya, “Gaun Bikas ... Ain” 36). Financially, it depended upon tax accruing from the village and upon cash given to it by the Government and the DDC (42). However, like the Municipality and the DDC it could be dissolved by the Government on similar conditions (50). Later, in April/May 1992 the Koirala Government made these bodies elective (See, p. 154). So, throughout the 90s the nation witnessed political bickering on issues related to the autonomy of the local bodies since they could be dissolved by the Government of the day. However, the Krishna Prasad Bhattarai Government passed an Act removing the deficiencies of the earlier Act in 1999. It removed the control of the Government and of the higher bodies over the lower, but because of the Maoist movement the provisions of the Act could not be implemented (Kanun Tatha Nyaya Mantralaya, “Sthaniya Swayatta Shasan [1999]” 10, 76, 155).

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