CHAPTER V

THE JANAANDOLAN OF 2006

THE MAOIST INSURGENCY

The Maoist insurgency started by the communist party of Nepal – Maoist (CPN – Maoist) in 1996 as a small armed struggle in six remote districts of Rolpa, Rukum, Jagarkot, Salyan and Gorkha (in mid-western and western Nepal) and Sindhuali (in the centre East Nepal) gradually spread to all of the 75 districts of the country. The engineers of this insurgency, i.e., the Maoists were initially a small communist faction among a number of extremist communist parties before 1996. Their origin can be traced to the establishment of the CPN-Fourth Congress in 1974 under Nirmal Lama and Mohan Bikram Singh. However the CPN – Fourth Congress split in 1983 owing to the internal conflicts between the two groups – the Mohan Bikram Singh group and the Nirmal Lamba group. The Lama group retained the old name, while the Bikram Singh group re-christened itself as the communist party of Nepal (Mashal). In 1989, the then politburo member Pushpa Kamal Dahal 'Prachanda', was selected as the general secretary of the party. He remains the topmost leader since then. The party adopted Marxism Leninism – Maoism as its guiding ideology.

In 1990, the first mass movement for democracy took place. Both the communist and democratic forces joined their hands to topple the Panchayat regime. The communist factions were organised into two different fronts: United National People's Movement and the Left Front. The former comprised of CPN (Mashal), CPN (Masal), Sarbahara Sramik Sangathan, Nepal Marxist – Leninist Party, Sambhuram Shreshtha group. Whereas, the latter included CPN (marxist), CPN (Amatya), CPN (ML), CPN (Burma), CPN (Manandhar), CPN (Fourth Congress) and Nepali Workers and Peasants' Organisation (Rohit). When the King decided to give in the popular pressure, the Nepali Congress and the left front leaders rushed to sign an agreement with the King. But UNPM defied the agreement and urged the people to continue with the struggle. In December 1990, the three parties, CPN (Mashal), CPN (Fourth Congress) and Sarbahara Sramik Sangathan merged to form Communist Party of Nepal (Unity Centre). In the 1991, parliamentary elections, the Party won nine seats
in the House of Representatives and two in the National Assembly, and even participated in the 1992 elections to the local bodies.

But the party had clearly said that the existing problems in the country could not be solved by the parliamentary election and contested in the elections in order to gain a platform to expose the inadequacy of the parliamentary system. CPN (Unity Centre) was quite successful in its goal. The leadership of CPN (Unity Centre) started to prepare for the armed struggle. It didn't take much time to prove that parliamentary system was not suitable for Nepal.¹ The party decided to boycott the parliamentary elections of 1994 and simultaneously started a series of agitations against the government. In 1995, Prachanda-led CPN-UC held its third plenum during which the party renamed itself as the CPN-Maoist and decided to begin an armed insurgency. On 4ᵗʰ February 1996, the UPFN led by Baburam Bhattarai submitted a list of 40 demands on nationalism, people's democracy and livelihood with an ultimatum to initiate insurgency if they were not met.²

**Maoists 40 Point Demands**

These demands were submitted by the political front of CPN (Maoist) United Peoples Front led by Dr. Baburam Bhattarai to the coalition government headed by the Nepali Congress:-

1. Regarding the 1950 Treaty between India and Nepal, all unequal stipulations and agreements should be removed.

2. HMGN should admit that the anti-nationalist Tanakpur agreement was wrong, and that it; together with the Mahakali Treaty, which incooperates the former should be multified.

3. The entire Nepal – Indian border should be systematically controlled. Vehicles with Indian number plates, which are today freely plying the roads of Nepal, should not be allowed free entry.

4. Gorkha recruiting centres should be closed and decent jobs should be arranged for the would-be recruits.
5. In several areas of Nepal, where foreign technicians are given precedence over Nepali technician for certain local jobs, a system of work permits should be instituted for foreigners.

6. The monopoly of foreign capital over Nepal's industry, trade and economy sector should be stopped.

7. Sufficient income should be generated from custom duties for the country's economic development.

8. The cultural pollution of imperialists and expansionists should be stopped. Hindi video, cinema and all kinds of such newspapers and magazines should be completely stopped. Inside Nepal, the importation and distribution of vulgar Hindi films, video cassettes and magazines should be stopped.

9. Regarding NGOs and INGOs: Bribing by imperialists and expansionists in the name of NGOs and INGOs should be stopped.

10. A new constitution must be drafted by the people's elected representatives.

11. All the special rights and privileges of the King and his family should be ended.

12. The army, police and administration should be under people's control.

13. The Security Act and all other repressive acts should be abolished.

14. All the false charges against the people of Rukum, Rolpa, Jajarkot, Gorkha, Kavre, Sindhuphalchowk, Sindhuli, Dhanusha and Ramechap should be withdrawn and all those people falsely charged be released.

15. Armed police operations in the different districts should immediately be stopped.

16. Regarding Dilip Choudhary Bhuwan Thapa Mayor, Prabhakar Subedi and other people who disappeared from police custody at different times the government should constitute a special investigating committee to look into
these crimies; the culprits should be punished and appropriate compensation given to their families.

17. People who died during the time of Movement, should be declared martyrs and their families, and those who have been wounded or disabled as a result, should be given proper compensation. Strong action should be taken against their killers.

18. Nepal should be declared a secular state.

19. Girls should be given equal property rights to those of their brothers.

20. All kinds of exploitation and prejudice based on caste should be ended. In areas having a majority of one ethnic group, that group should have autonomy over that area.

21. The status of dalits as 'untouchables' should be ended and the system of untouchability ended once and for all.

22. All languages should be given equal status. Up to middle high school level (uccha-madyamic), arrangements should be made for education to be given in the children's mother tongue.

23. There should be guarantee of free speech and a free press. The communications media should be completely autonomous.

24. Intellectuals, historians, artists and academicians engaged in other cultural activities should be guaranteed intellectual freedom.

25. In both the Terai and hilly regions there is prejudice and misunderstanding in backward areas. This should be ended and the backward areas should be assisted. Good relations should be established between the villages and the city.

26. Decentralisation in real terms should be applied to local area, which should have local rights, autonomy and control over their own resources.
27. Those who cultivate land should own it – the tiller should have the right to the soil he / she tills. The land of rich landlords should be confiscated and distributed to the homeless and others who have no land.

28. Brokers and commission agents should have their property confiscated and that money should be invested in industry.

29. All should be guaranteed work and should be given a stipend until jobs are found for them.

30. HMGN should pass strong laws ensuring that people involved in industry and agriculture should receive minimum wages.

31. The homeless should be given suitable accommodation. Until HMGN can provide such accommodation they should not be removed from where they are squatting.

32. Poor farmers should be completely freed from debt. Loans from the Agricultural Development Bank incurred by poor farmers should be completely written off. Small industries should be given loans.

33. Fertilizers and seeds should be easily and cheaply available, and farmers should be given a proper market price for their production.

34. Flood and draught victims should be given all necessary help.

35. All should be given free and scientific medical service and education, education for profit should be completely stopped.

36. Inflation should be controlled and labourer's wages and salaries be raised.

37. Arrangements should be made for the provision of drinking water, good roads and electricity in the villages.

38. Cottage and other small industries should be granted special facilities and protection.
39. Corruption, black marketing, smuggling, biribing, the taking of commissions etc. should all be stopped.

40. Orphan, disabled people, older people and children should be given special help and protection.

The above mentioned demands make it ample clear what exists beneath these issues – the underpinning "drive" of the conflict are sources of popular unrest fuelled by decades of political instability, extreme poverty and social stratification. These issues represented the fundamental causes for what has culminated into a people's war.³

**CONTRIBUTING FACTORS FOR THE UPRISING**

The primary end of the People's war was to achieve freedom from all aspects of domination. Besides, political and ideological reasons, the other contributing factors were economic, socio-ethnic, bad governances and regional and international influences. Briefly, the People's War was mainly related to nationalism, genuine democracy and people's livelihood.

1. **Political Reasons:-**

Nepal had a history of aristocratic rule which was totally indifferent and inconsiderate of popular sentiments. Initially, the *Ranas* served the British interests for 104 years (1846-1950) and kept Nepal as a poor and weak feudalistic state. The movement of 1950 transferred the power to the Shah Dynasty from *Ranas* who later joined hands to rule the Nepali people. In 1960, King Mahendra staged a coup in order to concentrate all the state authority in his hands. The first democracy movement of 1990, brought an end to Mahendra's *Panchayat* System & restored the multi-party parliamentary system. However, sovereignty and control over the army was retained in the crown. Aristocratic control over the military, police, bureaucracy and judiciary was never abolished. The democratic governments nurtured the widespread corruption, favouritism and nepotism created disillusionment of people from democracy & prepared a ground for another revolution.

2. **Highly Centralised system of power**
Nepal was divided into five development regions so as to integrate regional diversity in development and equitably allocate the resources. But actually politico-economic system remained highly centralised, nearly '60 percent' deposits and 50 percent of the credits of commercial banks are centered in Kathmandu. One third of the domestic trade takes place in Kathmandu, 69 percent of investment in hotel tourism, 60 percent of motor vehicles in the country and 60 percent of industries are located in or around the capital city. On the contrary, the rest of the hill region and most of the rural areas were deprived of basic infrastructure facilities as the roads, water and electric supply. These backward and marginalised areas served as the breeding grounds for the Maoist revolution.

3. Divided Society

Nepali society is characterised by divisions and conflicts on the lines of class, ethnicity, caste and gender.

Despite the growth and progress in 1990s the country remained mired in extreme poverty, since the fruits of development were confined to a particular class of people. For example, the western will districts are the most backward and inhabited by the poorest strata of the society, mainly ethnic minorities and the dalits. These poor people were left behind because of the regional bias and disparity in the central planning of economic development. The Maoists promised in establishing a "people's government" which would eliminate social and economic hierarchies & discriminations. The focal point of their concern was the feudal structure of the Nepalese society and the exploitative and absolutist nature of the political system.  

The caste system was introduced by the Malla King Jaysthiti Malla (1295-1382) and it continued unabatedly throughout the Rana and Shah Regimes it led to the exclusion of the so-called untouchables and ethnic minorities from the mainstream, particularly the land grants and the land rights. Though the 1990 constitution defined the kingdom as 'multiethnic, multilingual' but the state was officially declared to be Hindu and other articles and state institutions incurred unequal treatment to the native languages, different cultures of indigenous nationalities, Madhesis and other marginalized and ethnic caste groups. Ethnic parties were banned and no recognition or protection was accorded to minorities. Consequently most productive land, wealth and power
remained concentrated in the hands of a small percentage of the upper casts. The other major portion of population included landless agricultural labourers, tenants, bonded labourers and other kinds of force labourers. They were naturally inclined towards the ideas of socio-economic equality of the Maoists.

There also exists in Nepal, a widespread dissatisfaction, anger and feeling of revolt among the women against discrimination, injustice and humiliation. The Constitution of 1990 proclaimed equality between men and women; the empowerment of women has been a universal agenda of political parties. In spite of this, the exploitation of and discrimination against, women remains intact, keeping half of the country's population away from the mainstream of the social, political and economic opportunities. No special law was enacted for the upliftment of the backward and the dalit women as provided for by the Article 11 of the 1990 constitution. The participation of women at the policy level remained negligible and evil customs like the child marriage, unequal marriage and polygamy prevailed.

The Maoists by talking of gender equality attracted a large number of women towards their movement. They also won over the sympathy of rural women because of their anti liquor drives. They also raised voice against social abuses and many ill social practices in rural areas.

4. Political Instability

The political chaos that prevailed in Nepal in the post 1990 constitution years created conditions for the development of a movement. Negligence on the part of the subsequent governments and the political parties on many counts generated widespread dissatisfaction. The formation and reformation of governments proved to be a drama of power sharing and power grabbing. The functioning of the governments was marked by widespread corruption, favouritism and nepotism. To sum up, the post – 1990 politics has been characterised by ambiguity of constitution, King's assertion for power against the spirit of constitutional Monarchy, lack of effective leadership, power centric intra party and inter party factions and conflicts, political instability, lack of institutionalization of party and parliament, pervasive corruption, etc.
5. Effective Maoist Leadership and Ideology

The role of Maoist leadership in developing and refining a 'correct' ideology, building and expanding organization, mobilizing people, exploiting available conditions and developing strategies to outsmart a more resourceful enemy was very significant in the growth of the rebellion. They organized awareness and training programmes. They developed a collective political imagination for a new Nepal based on social justice. They built a well-oiled party organization and established an army, the People's Liberation Army (PLA). They formed many sister organizations and fronts for the assistance of PLA, which operated in a decentralized manner. Their major task was filling the gaps when the party or the PLA faced setbacks and to generate psychological dividends by bewildering the government and boosting the morale of the cadres.

The party followed Mao's strategy of guerrilla warfare and mass political mobilization in pursuit of a communist republic (Spence 1999). Initially they adopted Mao's three-stage strategy for people's revolution that had worked in China: strategic defence, strategic balance and strategic offence.

Clearly the Maoist ideology and their well tuned mechanism for its propagation helped in spreading the existing mood of discontent as the "people's war", within a decade to nearly all the 75 districts of the country.

The Beginning of Insurgency

Along with submitting their 40-point demand charter the Maoists also gave an ultimatum to the government that it should respond positively for the fulfillment of its demands by 17th February 1996, or else the Maoists would be forced to initiate an armed struggle against the existing state. However, since the Prime Minister Sher Bahadur Deuba was on an official visit to India, the government did not get sufficient time to respond to the Maoist letter. In the meantime, the Maoists without waiting for the government's response, initiated the "People's War" on 13th February 1996, even before the expiry of the time given by them in the ultimatum. "The declaration was
made with five major attacks in the government security apparatus across the country with the slogan, 'March along the Path of People's War to Smash the Reactionary State and Establish a New Democratic State!"\textsuperscript{9}

The Maoist captured three police outposts one each in Rolpa, Rukum (mid-western Nepal) and Sindhuli (eastern Nepal), attacked the house of a usurper in Kavrepalanchok district, and a group of about 300 people took possession of the office of the Small Farmer's Development Programme of the state owned Agricultural Development Bank in Chyangali Village in Gorakha district.

Besides these, two more attacks were made the same day. In Kathmandu, the bottling factory of Pepsi was attacked and a portion of it was set ablaze. In Gorkha district, a liquor factory was exploded.

The same night, thousands of leaflets and posters containing the appeal of the Party to the general mass to 'March along the Path of People's War to smash the Reactionary State and establish a new Democratic State!' were distributed in major cities and district headquarters. Hundreds of small actions and attacks followed them.\textsuperscript{10}

**Ideology and Strategy:-**

The CPN (Maoists) developed the Marxism – Leninism – Maoism as its politico-ideological line and evoked the "People's War" tactic based on the strategy of surrounding the city from countryside for the "New Democratic Revolution". They (CPN-M) conceived of their revolution as a 'protracted war' – the type propounded by Mao Tse Tung as applicable in semi-feudal and semi-colonial countries. This involves avoiding decisive tests of strength & waging guerrilla warfare, the revolutionary forces can defeat and weaken the government forces in smaller battles and, through a protracted process, gain support, increase in strength & numbers, and extend their control. Building rural base areas and establishing military control and political authority in ever-larger parts of the countryside allow the revolutionaries to surround the cities from the countryside.\textsuperscript{11}

When the Maoists initiated armed struggle in 1996, they had no PLA, no trained fighting forces and no experience in military warfare. They started off with only
small 'fighting groups'. After six months, the first squad was formed and after several months, there were 32 squads (of 7-9 guerrillas). This period was dedicated to developing the people's war in an organised way, and included the elimination of selected enemies. The Maoists successfully captured weapons and developed guerrilla zones on a small scale, during this time frame...The state presence was reduced; a clear trend was visible by 1999 as the abandoned countryside fell largely under the Maoists. As a result, by the year 2002, the PLA had many permanent companies, and in some instances was fighting in units of brigade strength- of several hundred soldiers. By the end of 2002, over 10 million people were living under the Maoist controlled area.

The years between 1996 and 2001 was the period of instability in Nepal, with frequent changes taking place in the government. These governments miscalculated the intensity of Maoist offensive and considered it only a law and order problem and responded through police action. The government launched police operations code named "Operation Romeo" "Kilo Sierra II", "Jungle Search Operation" and "Search and Destroy Operation".

Among these, the first two operations became known for their brutality. While operation Romeo was limited to four districts, operation Kilo Sierra II was spread over 18 districts. As a result, of the reign of terror let loose by the specially trained commando force, about 20,000 youths had levelly their homes.

After nearly three years of initiation of the people's war the formation of a regular people's army and a Central Military Commission were announced. It led to a tremendous increase in the military activities of the Maoists, both in the scale and scope. More than 20 districts came under the direct control of the Maoists. The Nepali Congress which won the general elections under the leadership of Krishna Prasad Bhattarai in the year 1999 appointed Sher Bahadur Deuba to initiate peace negotiations with the Maoists. During May – June 1999 Deuba held informal talks with the Maoists and the government released two top Maoist leaders. However, later the killings of a CPN (Maoist) alternative politburo member forced the Maoists out of negotiations and retaliate by force.
By February 2000, the Maoists claimed that there were only 9 (out of a total 75) districts that had not come 'under their direct influence'. More conservative estimates suggested that Maoist activities had spread over to 45 districts.

In March 2000, K.P. Bhattarai was ousted by Girija Prasad Koirala… There was much discussion at the time, as to who controlled the army the government or the king. The army was not called out but the embattled police began consolidating thinly spread out posts into relatively more secure strongholds. But as events in September 2000 and April 2001 – when Maoists overran major police strongholds – were to demonstrate, such a strategy evidently did not work.

Koirala's Government was also weakened by the internal dissent of the party. There was a growing fear that the government would be dislodged by its own members. The party was sharply divided between the pro-Koirala and the pro-Bhattarai camps. While the government presented itself as a divided house, the opposition parties lacked important mobilising questions as most of them were not in a good shape. Consequently, people began to lose faith in the political parties and their sympathies began drifting towards the Maoists & their cause.

The government tried to tackle the Maoist problem by adopting a two-pronged strategy of negotiations and military action-Government deployed the Royal Nepalese Army in the capitals of 16 districts and simultaneously, Deputy Prime Minister Ram Chandra Poudel, met Maoist Central Committee member, Rabindra Shreshtha in October 2000 as first ever meeting between the government and Maoist representatives. Later, in the month of November, the government negotiated with several top-ranking Maoist leaders. The Maoists on their part remained committed to the armed struggle and supporting open dissent in the urban areas; keeping the alternative of talks also alive.

At their second National Conference in February 2001. Pushpa Kamal Dahal was elevated to the post of the Party chairman from Secretary General of the Party and Party adopted his ideology, popularly known as the "Prachand Path" as their guiding principle. This new strategy involved a fusion of the Maoist model of protracted people's war (expand from villages to town), with a Leninist model of general armed insurrection. Additionally, they also started making political demands like the
formation of a Constituent Assembly, a new constitution, a republic and national sovereign and also proposed to hold talks with the government through intermediaries.

Nepal experienced the first major disaster in its political history in June 2001, when King Birendra, the queen and other members of the royal family were assassinated by the crown prince Dipendra, who later finished himself on June 1, 2001. The Communist Party of Nepal (Maoist) which had began a Peoples War, against the Kingship and parliamentary democracy since 1996 unhesitatingly declared an end to Nepal's Kingship. Other Political parties of the country wanted the continuance of monarchy but wanted it to be more democratic. However, no parties in Parliament except the CPN (UML) formally extended support to the reforms in the place.¹⁸

The massacre led to the accession of King Gyanendra to the throne of Nepal as the 13th monarch of the Shah Dynasty. The new king reaffirmed his faith in his late brother's commitment to the constitutional Monarchy and multiparty democracy.

On the other hand, the Nepali Congress was getting weaker due to internal dissention and strife. Besides, several allegations were made against the government, both by the opposition as well as the party men. Thus, faced by intra and inter-party antagonisms, pressured by fullforce of violence from Maoists and astonished by the Corruption charges, Prime Minister Koirala resigned on July 19, 2001.²⁰ Sher Bahadue Deuba became the next prime minister by defeating Sushil Koirala, a close aide of G.P. Koirala.

His government had some achievements to its credit like success in breaking the deadlock in the parliament and inviting the Maoists to the negotiation table. The Maoists accepted this offer promptly and the two parties reached a partial truce. Deuba government also announced several comprehhnensive socio-economic reforms, including land reforms; abolition of untouchability, women's property right, violence against women, corruption and electoral reforms.

With a truce in place, the Maoists resurfaced and began to hold rallies all over the country, including the Capital city of Kathmandu. Three rounds of took place between the government and the Maoists on 30th August, 13-15 September and 13
November in 2001. The key Maoists' demands were continuation of the cease-fire and return of prisoners, along with the establishment of a Constituent Assembly as the first stage in the democratic construction of a new republican constitution.

Prior to the talks and after the second round, Prime Minister Deuba held all-party meetings, wherein full support was lent to the dialogue with Maoists and an endorsement of government's stand of refusing to yield on the Maoist political demands (especially the demand for a republican state), was made. Prachanda called a meeting of various left wing and communist parties of Nepal in Siliguri (India) on 21st August 2001. This call for a joint action by all the leftist parties was rejected by CPN-UML general secretary, Madhav Kumar Nepal. Thereafter, the first round of talks were held at Godawari (Nepal), and it involved three Maoists and five government negotiators, and facilitated by two intermediaries.

In the second round of talks (held in mid-September) the Maoists again tabled their three core political demands: an interim government a Constituent Assembly and a new constitution. The third round of talks was held on 13 November 2001, and just before talks, the government scrapped the Public Security Regulations and freed 68 political prisoners as a goodwill gesture. The Maoists reciprocated by abandoning their demand for a republic, but stuck to the need for a Constituent Assembly. But this proposal was out and out rejected by all the mainstream political parties. It forced the Maoist leader Prachanda to declare the discontinuation of talks on 21st November Two days later, on 23rd November, the Maoists relaunched their military offensive.

The government's response was swift and ferocious. A State of Emergency under Article 115 of the Constitution was promulgated by King Gyanendra. The army was called and the government promulgated the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) granting wide powers to the security forces to detain anyone involved in terrorist activities. With the declaration of Emergency, the sub classes (a), (b) and (d) of Article 12, clause (1) of Article 13 and Articles 15,16,17,22 and 23 of the Constitution also stood suspended. These articles contained the Fundamental Rights of the Nepali citizens in the nature of – the right to freedom of thought and expression, assembly and movement, the right not to be held
in preventive detention without sufficient ground, and the right to information, property, privacy and constitutional remedies.

The emergency was imposed to tackle the Maoist violence in the guise of People's War Waged by the People's Liberation Army. However, both the Royal Nepal Army (RNA) and People's Liberation Army (PLA) suffered heavy losses. The Maoists changed their strategy and started targeting public institutions and properties. The restrictions on the freedom of speech and expression and the right to information, fatally affected the Nepalese media and the human rights activists who suffered heavily under reprisals, detentions and tortures.

As the war intensified, there was talk about dialogue again, but with the start of May, the King had already started sidelining the parties by unusually centralising the power in him. The state of emergency was extended by the parliament for another three months on 21 February 2002.

However, in May 2002, when Deuba wanted the state of emergency to be extended for the third consecutive time by Parliament, the Nepali Congress (NC) to which he belonged and the Communist Party of Nepal – UML, the main opposition party opposed the move since in March 2002, political parties placed the condition that the constitution would be suitably amended so that the provision of the three month period of state of emergency could not be abused by any government. The parties had also agreed on the Terrorist and Violating Work Control and Punishment 2001 ordinance as a law, since it was claimed that with this act the government would not require to extend the state of emergency indefinitely. The legislation allowed preventive detention for periods upto two years without trial. The Deuba government failed to bring forward the promised amendment and the parties were in no mood to extend the state of emergency in May 2002.

The Nepali Congress (NC) wanted the army to be brought under civilian control and expected Deuba to bow to the party line. Deuba apparently did not agree with his political colleagues and was willing to give into demands of the Royal Nepal Army. Consequently, Deuba asked the King to dissolve the Parliament on 22 May 2002, and to hold new parliamentary elections on 13 November 2002, under the provision of Article 53(4) of the Constitution. The King readily obliged the Prime Minister and
extended the period of emergency for another three months through an ordinance. This step taken by Sher Bahadur Deuba led to a formal split in the 55 years old Nepali Congress, with Deuba forming a new party called Nepali Congress Democratic (NCD).

King asked Deuba to tender his resignation, when the latter approached him to delay the general elections until the end of 2003. When Deuba refused to comply, King Gyanendra sacked him on 4th October 2002 declaring him incapable and assumed all the state powers. So, the Constitution was finally usurped after 12 years, of being in force. A few days later, on 11 October the announced the appointment of a new interim government, under the leadership of the RPP and former Primer Minister Lokendra Bahadur Chand. Badri P. Mandal, the president of Sadbhavna Party was appointed as the Deputy Prime Minister. The cabinet also included seven other ministers drawn from different fields. The Royal overtures were severely criticized by the political parties. The Nepali Congress under G.P. Koirala demanded the revival of the dissolved house, while Madhav K. Nepal of CPN- UML sought the formation of an all party government.

As the end of the year approached, Nepal saw the worsening of the political crises. There existed three contradictory forces in the country: the Maoists, the major political parties and the palace and army combination. Both the government and the Maoists harped on the peace talks, but negligible progress was made in the direction even till the end of 2002. Prime Ministers Chand lacked the confidence of the major political parties who turned to street protests to pressurise the king to revoke his unconstitutional steps.

However, the laudable achievement of the Chand government was the ceasefire with Maoist insurgents which came into effect on 29 January 2003. The government and the Maoists also reached an agreement on a written 22 point code of conduct for the forthcoming of planned peace talks. Dr. Baburam Bhattarai led the negotiating team of the Maoists, while the government’s side was led by Deputy Prime Minister Badri Prasad Mandal.

The first round of fresh negotiations took place in Kathmandu on 27 April 2003. This time the Maoists came to the peace table calling themselves the 'Naya Satta' (new
regime) demanding parity of status with the government side. They stipulated that during the ceasefire the belligerent forces of the two side – the Royal Nepal Army and the People's Liberation Army should limit their movements within a radius of five kilometers of their respective camps. They demanded that their unarmed cadre, like the civilian employees of the government should be allowed to move freely all over Nepal. While the government accepted these proposals, the Royal Nepal Army refused to abide by the agreed code of conduct. They specifically rejected the five kilometer limit on their movement.

Significantly on the political side, the Maoists repeated most of their earlier demands such as:-

1. Bring the political parties to the peace talks and initiate steps for the formation of an interim government and dissolving the present government.

2. The national government should hold elections for a Constituent Assembly, which must dissolve the ambiguity about where the sovereignty lies with the people or the palace. During the second round of peace talks, the Maoists diluted their earlier emphasis on abolition of monarchy as a pre-condition for joining the national government. They however insisted that the Constituent Assembly should have right to decide on this issue.

The Maoists also demanded reorganization of the Royal Nepal Army as a national Army under the control of the elected government. Other important demands included the replacement of Hindu state by a secular state; constitutional guarantee to the fundamental rights of education, health and employment; recognition of the rights of tillers; halt to foreign military presence, advice and assistance, regulation of open border with India and stepping of Gurkha recruitment for the Indian Army.

The second round of talks was held on 8 May 2003 without any specific outcome. The government side sought for more time to reply on Maoist's demands. As a conciliatory gesture, the government promised to release some of the failed Maoist insurgents and agreed to place the five kilometer limit on the movement of the Army. However, the Army was not willing to accept any restriction. The Maoists took a strong note of Army dissent and threatened to join hands with the political parties,
who were against any kind of peace process. The deadlock in negotiations coerced the Prime Minister and his government to resign on 30 May 2003.

Next, the King appointed Surya Bahadur Thapa, the most frequent prime minister of the non party panchayat system (1961-1990) as the new prime minister, completely sidelining Madhav Kumar Nepal as the prime ministerial choice of the political parties. As a result, the political parties did not extend any support to the Thapa government Prime Minister Thapa appointed Dr. Prakash Chand Lohani and Kamal Thapa as new government negotiations on June 12, 2003. But the government did nothing to implement the agreement reached in the second round of negotiations.

A third round of talks began on August 17, 2003 near Nepalgunj. This time the government came up with its own agenda promising extensive socio-economic and constitutional changes, which included: sticking to multi-part democracy, development of a participatory political system, equal opportunity for all; abolition of social inequality and exploitation, sovereignty of the people; constitutional monarchy as symbol of unity in multi-ethnic state, an improved electoral system; strengthening of the government system; the upper house of parliament as a body of proportional representation for all sectors and the reservation of all political and administrative position for women. It had no mention of the core Maoist demand for the Constituent Assembly. Besides these provisions were vague and required interpretations.

Therefore, the chief Maoist negotiator Dr. Baburam Bhattarai out rightly rejected the government agenda & opined that the talks had failed. The Royal Nepal Army on the other hand continued with its raids and indiscriminate killing of people in the name of anti-Maoist operations. The cease fire lasted for nearly seven month and the two sides returned to violence on 27 August 2003.

The Maoist influence spread significantly during the year 2004, especially in Western Tarai districts. Ultimately the Thapa government fell in the face of strong protests from political parties with the Prime Minister’s resignation on May 7, 2004. This time King asked the political parties to suggest a name for the post, which the parties failed to do, owing to the lack of consensus. Consequently the King reappointed Sher Bahadur Deuba as the Prime Minister on 2 June 2004, whom he had earlier sacked in October 2002 on the grounds of incapacity of holding general elections. This time
King Gyanendra entrusted him with the Herculean task of bringing in opposition parties into the political fold, ending the Maoist insurgency and preparing a background for the general election to be held in 2005. But Deuba government failed to carry out the two most crucial tasks entrusted to it. The Maoists refused to negotiate with the government terming Deuba as the puppet of the King. Moreover the five political parties united in opposition and refused to cooperate with the government in holding elections, till there was an improvement in the law and order situation.

This gave king Gyanendra an opportunity to sack the Prime Minister and directly intervene in the national politics. On February 1, 2005 King imposed emergency, accusing the government to fail to conduct elections and ending the Maoist insurgency. He appointed a handpicked ten-man, pro-monarchial cabinet under his chairmanship. However, he declared to reinstate a constitutional democracy within 100 days, which he never intended to do. This time he went further by abolishing all democratic rights, from the right to assemble to the right to make a phone call. Mobile phones, telephone lines and internet were cut off. Absolute censorship was established over newspapers, radio and T.V. channels. Armored vehicles in the streets underlined to new military rule. The King, to make his takeover more effective, ordered to disconnect Nepal's access to the outside world, dismissed the government and put Deuba under house arrest. Thus, the King sealed off the conflict between the Nepali throne and the government, and decided to deal directly with the Maoist rebels. This decision was immediately followed by a crackdown on political parties, student organisations and other opposition groups. At least 50 top political leaders, as well as 1500 political and human right activists and student leaders were either imprisoned or placed under house arrest. Other prominent detainees were Madhav Kumar Nepal, the general secretary of CPN-UML and Girija Prasad Koirala, President of Nepali Congress. Some 45 non-government organizations were ordered to be closed immediately.23

The Maoists made two major assaults on the Royal Nepal Army bases. The first one was at the army base at Khara in Rukum district on 7th April 2005 and the second one at Pili in Kalikot district. But, the Maoists were very well aware of the fact that a military victory over the RNA was not possible. This military stalemate accompanied
by the discontent against the King’s actions pushed the Maoists and the political parties closer to each other. The Political parties had been already agitating against the "royal regression", since October 2002. Indian leftist leaders, rights activities and intellectuals also contributed in braining the two sides closer and encouraging dialogue between them.

On October 30, 2005 the seven major political parties of Nepal came together & formed an alliance to give momentum to their struggle against royal autocracy. It was called the Seven Party Alliance (SPA) and included the Nepali Congress, communist Party of Nepal (UML), Nepali Democratic Congress (Democratic), Janamorcha Nepal, Nepal Workers and Peasants Party, Nepal Sadbhawna Party and United Left Front. In the meantime a dialogue between the agitating parties and the Maoists started in May 2005, which concluded in a meeting in Delhi on November 17, 2005. The SPA and the Maoists reached a 12 point agreement on 22 November 2005. Both the parties were fully convinced that sovereignty and executive rights of the people can be re-established through the reinstatement of Parliament on the basis of people's movement. Most strikingly, the CPN (Maoist) expressed its commitment to move into a new line of peaceful political existence. They agreed to the acceptance of competitive multiparty system, fundamental rights of the people, human rights, and rule of law and democratic principles, values and to act accordingly.

In a reaction to the proposed alliance, the government reacted strongly and threatened the SPA leaders that they would also be treated as terrorist along with the Maoists, if their relationship continues on the basis of 12 point agreement. The civil society members, human rights activities and many donor agencies appreciated the Maoists for joining with the peaceful political movement. The international community cautiously welcomed the SPA and Maoists alliance. The new alliance between the political parties and Maoists has isolated the King. Moreover, the King's adamant attitude and his suppressive actions against his own people, cautioned the international community to rally behind him. The SPA and the Maoists also gave a call for the boycott of local elections scheduled on February 8, 2006.

On March 6, the SPA announced a new protest programme and urged the Maoists to call off their planned blockade (from March 14) and general strike and to give up
violence. Meanwhile, on March 19, the Maoists signed another MOU with the Seven Party Alliance to oppose Kings direct rule. Through this second MOU, both the sides reiterated their resolve for honouring the 12 point agreement of Nov. 22, committing both sides for people's democracy, peace, prosperity forward thinking and national independence. The two sides agreed to continue dialogue on procedural issues and find a common agreement. The also appealed to democratic forces, civil society and the people to actively participate in the movement to establish democracy in Nepal, which they believed was the only mean to achieve their goal. Along with this understanding, the SPA gave a call for non-cooperation movement and massive mass mobilization campaigns from April 6 to 9, 2006 in Kathmandu. They requested the CPN (M)'s support for their programme, which the Maoists readily extended.

PEOPLE'S REVOLUTION, APRIL 2006 (JANA-ANDOLAN II)

As planned, the Seven Party Alliance launched a nationwide general strike and non-cooperation movement on April 6, 2006. The security forces came down heavily on the protestors leaving over a dozen dead and hundreds wounded. Over 1000 were arrested on the first day of strike while the Maoists struck fast on government offices and security camps. The notable leaders arrested on the first day included the Nepali Congress Central Committee members Dinbandu Shrestha, Mina Pandey and Sujata Koirala; Nepal Communist Party – UML's Central Committee Member Vidya Bhandari, Senior Communist leader Mohan Chandra Adhikari, former member of Parliament Jagrit Bhetwal; central member of peoples front Nepal Shashi Sharestha and Yamuna Bhusal and Nepali Congress (Democratic) Central member Shivachandra Mishra.

Overwhelmed by the public support, the SPA decided to continue indefinitely with the general strike and the non-cooperation movement, which was to end on April 9 as pre-planned. The government tried to suppress the protests with a heavy hand, blaming it on the alleged use of violence by the Maoists. The day time curfew was imposed with orders for violators to be shot at sight. There were several instances of Nepali troops opening fire on the protestors. There were also instances of protestors vandalising the government property.
On April 14, 2006, on the occasion of the Nepali New Year, King Gyanendra renewed his pledged in a midnight message, "there is no alternative to multi-party democracy and expressed his desire for an exemplary democratic exercise and expressed his desire for an exemplary democratic exercise like general elections" but mentioned no date for polls. His pledge was out rightly rejected and criticised by the opposition parties. On April 16, the struggling political parties gave a call for a massive protest in Kathmandu on April 20 and appealed the citizens to start a non-cooperation movement and asked them to refrain from paying taxes and public utility bills. Meanwhile, Indian government also started pressurising the king to handover power to the political parties.

At the sometime, pitched battles on the streets of Kathmandu forced Royal Nepalese Army to ring the palace with heavily armed soldiers and armored personal carriers. With the palace under siege, Nepal's beleaguered king Gyanendra ordered his troops to fire on unarmed pro-democracy activists, leaving at least three people dead and more than fifty injured.

On 21 April, the hesitant Monarch came out with a new design to restore democracy in Nepal by inviting the SPA to select a Prime Minister and declared that, "the sovereignty was in his safe keeping" which he was now returning to people.... However, King said nothing about the core issue of restoration of Parliament and gave no assurance that transfer of power was irreversible. He also remained silent on the Maoist issue and the control of the Royal Nepal Army. The political parties were not happy with the declaration since they said that "there was nothing new in his proposals. He has been appointing Prime Minister over the last 4 years under the same provision of article 35 of the 1990 constitution which is invoking now." Instead, the SPA came up with a four point formula that involved reinstatement of Parliament, formation of an all party government, talks with the Maoists and elections to a Constituent Assembly with the involvement of rebels.

Ultimately on April 24, 2006, mounting popular resistance in support of the political parties brought the beleaguered monarch to his knees, who agreed to hand over the power to the SPA. In the late night televised statement to the nation, King Gyanendra proclaimed the reinstation of parliament, which was now to meet again on 28th April,
2006, Friday at 1.00 PM. He also admitted that the state and the sovereign powers rested in the people, the underlying principle of the Janandolan. Simultaneously, he also appealed to agitating politics to move ahead and work for national unity and progress. This followed weeks of violent protests and demonstrations against direct royal rule in Nepal. However, the Maoists were not part of the SPA to oppose the monarchy. On April 30, The Nepali Congress president, Girija Prasad Koirala was sworn in as the Prime Minister who inducted a seven member cabinet to assist him. This cabinet in its first meeting on May 2, "agreed in principle" to integrate Maoists in the political mainstream the House of Representatives unanimously endorsed the prime minister's proposal to conduct elections for Constituent Assembly that would decide the future of monarchy in Nepal.

**THE ROAD TO PEACE**

On May 13, Chairman of the Communist Party of Nepal (Maoist) Prachanda laid down his party's political roadmap for future which included: finalization of the code of the conduct, formation of full talks team, release of all political detainees, beginning of the dialogue, dissolution of the House and the current government, scrapping of the 1990 constitution, political roundtable that will form an interim government and interim constitution, redrawning of the election constitutions, fresh elections to a Constituent Assembly under credible international monitoring and lastly, restructuring of the Nepali state and the army. They also declared as three month ceasefire on May 27, according to a 25 point code of conduct agreed to in the bilateral talks between the SPA and the Maoists.

Meanwhile on May 18, the House of Representatives declared itself the "sovereign and supreme body" through a proclamation and put a massive cut on the powers and privileges of the King. It also declared Nepal a secular state (which was hitherto a Hindu kingdom) and acquired a total control of the army. The Government, which was earlier known as "His Majesty's Government" was renamed as the "Nepal Government" and the "Royal Nepal Army" as the "Nepal Army". The king was stripped of the title of the "Supreme Commander of the Army". The income and expenditure of the Royal Family were brought under the scope of the legislature and so were the issues regarding succession to the throne. The Rajparishad (Royal Privy
Council) were scrapped and the "royal services" merged with the civil services of the country.

In another swift move, on June 11, Nepal's parliament further took away the power of Monarch to veto laws, thus rendering a purely ceremonial role for the once powerful monarch. Instead the speaker of the House of the Representaties was empowered to certify the passage of any bill by the parliament. Thus the concept of King in parliament was abolished the executive powers were vested in the council of Ministers.

On June 16, Nepal's Prime Minister G.P. Koirala and Maoist supremo Prachanda reached a historical 8 point agreement in their first meeting. The agreement stated:

- Effectively and honestly implement the 12 point understanding reached between the SPA and Maoists in November last year and the 25 point cease fire code of conduct signed between the SPA government and CPN Maoist on May 26 this year.

- Commitment to democratic norms and values including competitive multi party system, civic liberties, fundamental rights, human rights, press freedom, and the concept of rule of law and carry out each other's activities in a peaceful manner.

- Request the United Nations to help in the monitoring and management of the armies and arms of both government and Maoist sides for a free and fair election to the Constituent Assembly.

- Guarantee the democratic rights achieved through the 1990 popular movement and the recent historic people's movement draft an interim constitution based on the 12 point understanding and the ceasefire code of conduct; form an interim government accordingly; announce the dates for Constituent Assembly elections; dissolve the House of Representatives through consensus after making alternative arrangement; dissolve the people's Government of CPN (Maoists).

- Decide issues of national interests having long-term effects through consensus.
Guarantee the fundamental rights of the Nepal people to participate in the constitute assembly elections without any fear, influence, threat and violence. Invite international observation and monitoring during the elections as per the need.

Bring about a forward – looking restructuring of the state so as to resolve the class based, racial, regional and gender based problem through Constituent Assembly elections. Transform the cease fire between the Nepal Government and CPN Maoist into permanent peace by focusing on democracy, peace, prosperity, forward looking change, and express commitment to resolve the problem through talks.

The government and Maoist talks team have been directed to accomplish all talks related to above mentioned points without any delay.

This historic agreement was significant as both sides expressed their commitment to democracy, peace, multi party politics, rule of law, civil and human rights and press freedom. It was also agreed to form a five member interim constitution drafting committee to prepare the draft within 15 days. The interim constitution was to define the process of the Constituent Assembly.

After several rounds of talks between the SPA and Maoist leaders a six point agreement was signed between the two parties (the government and the Maoists). There were suspicions, delays and misunderstanding but it was ultimately signed on 21st November, 2006. It was called the Comprehensive Peace Agreement and had following aspects:

1. The Maoist armed cadres will be kept in seven cantonments and their arms will be kept in the designated cantonments. The Maoist leaders will keep the keys to the locker where arms are kept. A team of the United Nations will monitor the locks using a closed vault camera and an electronic sensor device. A new military act will be prepared to ensure that control of the army rests with the elected representatives in the Government.
2. Agreed to decide future of Monarchy by the first meeting of the Constituent Assembly through a simple majority of vote. The property acquired by King Gyanendra by virtue of ascending the throne will be nationalized. The private property will remain with him. The property of assassinated King Birendra and his family will be kept under a trust and will be utilised for the purpose of national welfare.

3. An Interim Government led by PM G.P. Koirala of Nepali Congress Party will be formed by December. The agreement did not mention anything about the composition of the cabinet, its size, etc. It seems that it was left for mutual discussions and agreement.

4. The two parties agreed on the formation of an interim legislature consisting of 330 members. The party wise breakup would be: Nepali Congress – 75, Maoists – 73, Nepali Congress (Democratic) – 42. 48 members will be nominated from among senior political figures, civil society and professional bodies. The smaller political parties will also be given representation in the interim legislature.

5. It has been agreed that the Constituent Assembly will have 425 members. 205 members will be elected from the existing parliamentary constituencies on the basis of first – past – the post system. 204 will be nominated by the political parties in proportion to the popular votes they receive in the elections to the Constituent Assembly.

6. It has been agreed to work for the socio-economic transformation in the country and restructuring of state. There is a commitment to eradicate inequalities.34

This agreement is a landmark in the political history of Nepal as it symbolised the end of the Janandolan II, the movement which routed the 300 year old Monarchy and ushered in an era of democratisation, where in the Maoists decided to give up arms and join the mainstream politics.
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