Chapter - VI
Present Working of the Democratic System in Nepal

Nepal is undergoing a transformation, from a feudalistic country to a democratic and inclusive state. The signing of the Comprehensive Peace Accord (CPA) put an end to the decade long conflict, thus giving respite to the ordinary Nepali citizens. As per the CPA, the interim Legislature was convened, which promulgated the interim Constitution on 15 January 2007, thus paving way for political accommodation of the Maoists into the main stream politics.

The Interim Constitution of 2007

As per the CPA signed between the SPA and the Maoists, an interim Constitution was promulgated on 15th January 2007. It has 169 articles in total. In the preamble of the Interim Constitution, a firm determination “to restructure the country progressively for the resolution of class, ethnic, regional, and gender related problems prevalent in the country in keeping with people’s mandate and aspiration expressed frequently in various historical struggles and movements since before 2007 BS in favor of democracy, peace and progression” is made. Likewise, the interim constitution has made commitment regarding the subject of “competitive multiparty democratic system, people’s liberty, fundamental rights, human rights, adult franchise, periodic election, complete freedom to press, the provision of independent judiciary and rule of law and democratic principles.” “We declare the promulgation of Interim Constitution-2063 of Nepal till the next constitution to be framed by the Constituent Assembly placing democracy, peace, prosperity, progressive socio-economic transformation and sovereignty of the country, integrity, independence and dignity in the center to institutionalize the results of the struggles and revolutions launched hitherto.”

The main characteristics of Interim Constitution of Nepal-2063 are as follows:

- Drafted on the collective initiatives of eight political parties as per the spirit of democratic people’s movement.

- The sovereignty and ruling power rest on people.
• Religious secularism

• Nepal is defined as an independent, indivisible, sovereign, inclusive and complete democratic state

• National animal cow as it is

• Women’s rights and clauses of untouchability and caste discrimination mentioned in fundamental rights,

• Subjects including environment, health, education and culture, employment and social security, children, torture, labour mentioned in fundamental rights,

• Formation of unicameral legislation including 330 members

• Prime Minister to call and conclude parliament convention, and to present annual programmes and policy of the government,

• Executive power to Council of Ministers,

• Constituent Assembly comprising of 425 members including 409 from election based on mixed electoral system and 16 from nomination,

• The tenure of Constituent Assembly would be two years from its first meeting,

• A Constituent Assembly Court would look into the complaints lodged regarding the election of constituent assembly,

• National Human Rights Commission to be set up as constitutional body,

• Formation of interim local body at district, municipality and village level would be revived on the understanding of eight political parties
• At least 10,000 voters’ signature needed to form a new party for election,

• Council of Minister to appoint Chief of Army Staff,

• Formation of Security Council headed by Prime Minister including Defense Ministry, Home Ministry and other ministries as indicated by Prime Minister,

• The Special Committee of Council of Ministers would be responsible for supervision, accommodation and rehabilitation of Maoists Army,

• The Amendment of the Constitution would be made only by two third of the majority of parliamentarians,

• The Constitutional Council headed by Prime Minister that includes Chief justice, Speaker and three Ministers assigned by Prime Minister,

• The Council of Ministers resumed power to look into the punishment sentenced by any court, special court and military court,

• The Council of Minister to appoint Ambassadors and other Special Representatives,

• Prime Minister is to confer upon title, honour, decoration on behalf of the state,

• Provision of Referendum on any issue that hold national importance,

• The Council of Ministers resumes power to remove difficulties that should be approved by parliament or constituent assembly within a month,

• Prime Minister to use all executive powers of head of the state,
• Fate of the monarchy to be decided by the first meeting of the Constituent Assembly,

• The property of the Late King Birendra, Late Queen Aishwarya and their relatives would be put in the Trust under Nepal government and be utilized for the nation’s betterment,

• The property that King Gyanendra received in the capacity of the head of the state to be nationalized,

• Fresh oath of office mandatory to justices of Supreme Court, Appellate Court, District Court as the commitment towards the Constitution and those who ignored would be terminated.

• The existing House of Representatives and National Assembly would automatically be dissolved with the promulgation of this constitution,

• The Constitution of the Kingdom of Nepal-2047 BS would be nullified after the promulgation of this constitution.¹

(Note: for details see Appendix I)

Working Of The New Political System (Since 2006)

The interim government that promulgated the interim Constitution was formed with 22 cabinet ministers under the leadership of the G.P. Koirala, the veteran leader of Nepali congress. The Maoists too joined the interim government and got 5 ministerial posts. The government vowed to function as per the Common Minimum Programme (CMP). It also announced to hold the Constituent Assembly (CA) election in June 2007.

The First Amendment to the Interim Constitution was passed in March 2007. It granted proportional representation to Madhesis, Dalits, ethnic groups and backward castes in all state organs. It also provided for a constituency delimitation commission.
The Interim Parliament passed Second Amendment to the Interim Constitution that enabled the parliament to abolish the institution of monarchy by a two-thirds majority, if the king would be found conspiring to sabotage the CA elections. The first failure on the part of interim government was the inability to conduct the CA elections, on scheduled time, i.e. June 2007 due to political instability and unpreparedness of political parties. The elections were rescheduled in November 2007. Mean while in September 2007 the Maoists resigned from the interim government and put forth two pre-conditions for conducting the CA elections: (a) declaring the country a 'republic' and (b) adopting proportional representation system for elections. Therefore, the elections to the CA were postponed again in October 2007. To solve the deadlock, a special session of the interim parliament was called and the two Maoists' demands were accepted with some modifications: the CA elections would now be held with a mixed-electoral system, comprising the first past the post system and the proportional representation system.

On 23rd December 2007, the SPA and the Maoists signed another 23 point new agreement. Accordingly, the interim parliament amended the interim Constitution, declaring the country 'federal, democratic, republic' after the CA elections. It also increased the number of seats in the Constituent Assembly from 497 to 601, out of which 335 members were to be elected on the basis of proportional representation, 240 members on the first past the post system and 26 members were to be nominated by the Prime Minister, from civil society. Thus, the deck was cleared for the Maoists to rejoin the government. It was also decided to hold the Constituent Assembly elections on 10th April 2008, as per the 23rd December accord.

THE ELECTIONS TO THE FIRST CONSTITUENT ASSEMBLY OF NEPAL, 2008

After been postponed twice, (i.e. from 20th June 2007 and 22nd November 2007) the elections for the first Constituent Assembly of Nepal were held on 10th April 2008. The interim government passed the "Election to Members of the Constituent Assembly Act, 2007" to define the rules and procedures to be followed in conducting the polls.
This Act of 2007 laid down the following qualifications for a candidate contesting the Constituent Assembly elections:

The person should be:

(a) a Nepali citizen
(b) have completed 25 years of age
(c) not be a convict in a criminal offence involving moral turpitude.
(d) not hold any office of profit.

This Act also specified the grounds on which a candidate may be disqualified:

(a) If a person's name is not enlisted in the electoral rolls.
(b) An incumbent office bearer of the Nepal government or any other organisation that has been owned, controlled or receives grant from the government of Nepal.
(c) A person who has not completed the period of two years after release from jail.
(d) A person who has been prosecuted on corruption charges.
(e) A person who has been blacklisted by any bank or financial institution for being a defaulter.
(f) A person who has been charged by the Probe Commission for abuse of authority, damaging public life, resources, human rights violation and misuse of treasury during 2006 democratic movement.

To avoid any electoral offence or mishaps, the Act gives the responsibility of security of the polling stations, polling parties and other office bearers relating to elections, to the government. The returning officers could postpone polling on any station under special circumstances. If there was unauthorized seizure of polling stations, ballot
boxes, damage to ballot papers or other voting devices, the Election Commission had the power to cancel election in that polling booth after proper scrutiny.

The Election Commission had fixed election expenses for each candidate. The Act of 2007 made it mandatory for each candidate to stick to the prescribed limit. Additionally, each candidate and party was required to maintain a record of the electoral expenses and submit it to the Election Commission within 35 days from the declaration of election results.

Political parties are the main vehicle of a democratic system and the main actors in the elections. The Election Commission declared 14th January 2008 as the deadline for the registration of the political parties. Political parties already registered with the Election Commission did not require a re-registration. A total number of 74 political parties met the deadline and were registered with the Election Commission. The parties were required to make dual nominations for the purpose of elections. They had to nominate candidates for the seats to be filled by the First Past The Post system and also submit a closed list of candidates for the seats under the proportional representation system.

The total number of seats to be filled under the FPTP System was 240, for which 55 political parties nominated their candidates. There were only three parties which nominated candidates for all the 240 seats: The Communist Party of Nepal (Marxist), the Nepali Congress and the Communist Party of Nepal (Unified Marxist – Leninist). Rest of the prominent parties were: Rashtriya Prajatantra Party-232 candidates, Rashtriya Prajatantra Party (Nepal) – 204, Jan Morcha Nepal-203, Rashtriya Janashakti Party-198, and the Communist Party of Nepal (Unified)-136. Nepal Samyawadi Dal and Nepal Dalit Shramik Morcha were able to field only one candidate each. There were 17 other parties which placed less than 10 candidates in the elections. Perhaps these political parties participated in the elections with only one consideration in mind, i.e. to ensure their existence as a political party. A total number of 816 independent candidates were in electoral fray out of which 42 were females and 774 males. Altogether 3946 candidates fought the elections.

For elections under the Proportional Representation System, no party was able to nominate candidate on all the 335 seats. The Communist Party of Nepal (Maoist) and
Rashtriya Jamorcha submitted a list of 333 candidates, followed by the Communist Party of Nepal (UML) – 332, the Nepali Congress-329, Communist Party of Nepal (United)-328, Jan Morcha Prajatantra Party (Nepal-22) etc. There were 19 political parties, who submitted a list of less than 100 candidates and another 19 parties who submitted a list of less than 50 candidates. A total number of 5701 candidates contested the elections under this system.

From the nature of political contestation discussed above, the following features can be discussed:-

- Most of the political parties, except the prominent ones like the Nepali Congress, the CPN(M), the CPN(UML), etc. fought the elections just to maintain their political existence.

- This election saw a rise in electoral participation from the political parties of the Madhesi region; prominent among them were Nepal Sadbhawana party (Anandi Devi) and Sadhawna Party, while fringe ones included Madhesi People's Rights Forum, Tarai Madhesi Loktantrik Party, Chure Bhawar Rashtriya Ekta Party, etc.

- Similarly, there was a rise in the number of political parties belonging to ethnic groups like, the Mongol National Organization Tamsaling Nepal Rashtriya Dal, Nepal Sukumbasi Party, Nepal Dalit Shramik Morcha, Dalit Janjati Party etc. This shows the political mobilization of the ethnic groups and the depressed communities.

- No major political alliance before the elections was formed. The constituents of the SPA decided to contest independently. However, the pro-royalist parties like the Rashtriya Prajatantra Party, Rashtriya Prajatantra Nepal Party sought to form a pro-monarchical front. Another alliance called Samyukta Sambeshi Morcha was also formed prior to the elections.

The following is the list of parties that contested the CA elections of 2008 along the number of their respective candidates:-
<table>
<thead>
<tr>
<th>Party</th>
<th>No. of Candidates for FPTA</th>
<th>No. of Candidates for PR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chure Bhawar Rashtriya Ekta Party Nepal</td>
<td>11</td>
<td>43</td>
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<tr>
<td>Communist Party of Nepal (Maoist)</td>
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<td>335</td>
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<tr>
<td>Communist Party of Nepal (Marxist)</td>
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<tr>
<td>Communist Party of Nepal (Marxist-Leninist)</td>
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<td>138</td>
</tr>
<tr>
<td>Communist Party of Nepal (Unified Marxist Leninist)</td>
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<td>335</td>
</tr>
<tr>
<td>Communist Party of Nepal (Unified)</td>
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<td>Communist Party of Nepal (United)</td>
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<td>Hindu Prajatantrik Party</td>
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<td>Party Name</td>
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<td>Nawa Janabadi Morcha</td>
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<td>Nepal Dalit Shramik Morcha</td>
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<td>Nepal Janabhawna Party</td>
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<tr>
<td>Nepal Loktantrik Samajbadi Dal</td>
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<td>Nepal Rashtriya Bikas Party</td>
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<td>Nepal Rashtriya Janakalyan Party</td>
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<td>Nepal Rastriya Loktantrik Dal</td>
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<td>Nepal Sadbhavana Party (Anandidevi)</td>
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<td>Nepal Samyabadi Dal</td>
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<td>Nepal Shanti Kshetra Parishad</td>
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</tr>
<tr>
<td>Party Name</td>
<td>Seats</td>
<td>Votes</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Rashtrabadi Ekta Party</td>
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</tr>
<tr>
<td>Rashtrabadi Yuba Morcha</td>
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<tr>
<td>Rastriya Bikas Party</td>
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<td>38</td>
</tr>
<tr>
<td>Rastriya Janamorcha</td>
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<td>335</td>
</tr>
<tr>
<td>Rastriya Janamukti Party</td>
<td>84</td>
<td>100</td>
</tr>
<tr>
<td>Rastriya Janata Dal</td>
<td>8</td>
<td>39</td>
</tr>
<tr>
<td>Rastriya Janta Dal Nepal</td>
<td>17</td>
<td>81</td>
</tr>
<tr>
<td>Rastriya Janshakti Party</td>
<td>198</td>
<td>304</td>
</tr>
<tr>
<td>Rastriya Prajatantra Party</td>
<td>233</td>
<td>335</td>
</tr>
<tr>
<td>Rastriya Prajatantra Party Nepal</td>
<td>204</td>
<td>266</td>
</tr>
<tr>
<td>Sadbhawana Party</td>
<td>87</td>
<td>100</td>
</tr>
<tr>
<td>Samajbadi Party Nepal</td>
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<tr>
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<td>Sa-Shakti Nepal</td>
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<td>Shanti Party Nepal</td>
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<tr>
<td>Tamsalin Nepal Rashtriya Dal</td>
<td>22</td>
<td>54</td>
</tr>
<tr>
<td>Tarai-Madhesh Loktantrik Party</td>
<td>94</td>
<td>100</td>
</tr>
<tr>
<td>Independents</td>
<td>816</td>
<td></td>
</tr>
</tbody>
</table>

Of the 74 registered political parties, 38 submitted closed candidate list for the PR system by the deadline of 20th February 2008. The deadline for the FPTP seats was 25th February 2008.

Two parties boycotted the polls later on – the Rashtriya Janashakti Party and the Green Nepal Party.

PARTY MANIFESTOS AND PROGRAMMES

All the political parties declared their manifestos on the eve of the CA elections. Following are the manifestos by major political parties:-

(a) The Nepali Congress

The Nepali Congress emphasized on "National Unity, pluralist democracy and maintenance of durable peace" as the core agendas. It reasserted the institutionalization of democracy as its principal goal and as the guiding force in the decade long struggle against autocracy. It committed itself to the formation of a Constitution and of a Federal Democratic Republican State through the Constituent Assembly.

It stated its main agenda was to save the country from right wing monarchial extremism and unwanted militaristic violence championed by the Maoists. The party raised a plethora of issues like federal democracy, inclusive democracy, peace, equality and prosperity, community participation in development, cooperative movement, encouragement to investment and trade, employment and income generation, industrialization, water resources development, promotion of national unity and the strengthening of multi-party democracy.

On the diplomatic front, the Nepali Congress focused on the protection of Nepal's sovereignty and promotion of independent identity and national interest, support to UN Charter, Panchsheel and non-alignment. It pledged to maintain the relations with
India and China on the basis of widely accepted international norms and execution on a realist and pragmatic basis.

(b) **The United Communist Party of Nepal Marxist (UCPN-M)**

The party strongly adhered to the Marxism – Leninism – Maoism as its guiding principle and communism as its goal. It also sought to establish a democratic system adhering to people's sovereignty justice and equality. The party manifesto accorded top priority to democracy, nationalism, federation and economic transformation of the country. The party proposed the restructuring of the country by creating 11 autonomous federal states and two other sub states within them on the basis ethnic composition, geography, linguistic base and economic viability.

Economically, Maoist policy laid emphasis on tiller's right to land socialist economy, raising per capita income, increasing the availability of drinking water, eradicating illiteracy and better availability of health services. The Maoists proposed the formation of a national army by combining both the present Nepali army and the Maoist cadres. It also sought to raise the employment opportunities in Nepal.

(c) **The Communist Party of Nepal Unified Marxist Leninist (CPN-UML)**

The party believes in the ideology of Marxism and Leninism but has the image of a moderate party. It proposed the post of a President to be elected by a popularly returned Parliament. The Prime Minister would yield all the administrative powers while President would act as a nominal head. It sought to establish a bicameral Legislature at centre and unicameral Legislatures in each of the autonomous state. Thus the party envisaged a federal system for Nepal.

(d) **Madhesi People's Right Forum**

This party has its origin as a non-governmental organization in 1997 and was later registered as a political party under the leadership of Upendra Yadav. It participated
in the Tarai uprising. It is a regional party that stands for the interests of the people of Terai and believes in social democracy.

The main agenda of the party was to establish a single autonomous Madhesi State with the right to self determination. It proposed for a directly elected executive president to act as the head of state.

(e) **Tarai Madhesi Loktantrik Party**

This party emerged in January 2008 in the context of Tarai agitation. The main points of electoral agenda of this party were: the immediate declaration of Nepal as a federal republic granting of autonomy to a single Madhesi province and proportional representation to all ethnic communities in the state structure, including the army. The guiding ideology of the party has been democratic socialism and its main motto is serving the interests of Madhesis. It wanted a ceremonial office of the President and gave the slogan of 'Ek Madhesh Ek Pradesh' (One Madheshi One State).

(f) **The Federal Democratic National Forum**

This party is an umbrella organization of parties representing Tharus, Rai, Limbu and Tamang communities. It completely supported the CA elections and sought to establish 13 federal units with right to self determination and supported the abolition of Monarchy in Nepal.

(g) **Sadhawana Party**

Sadhawana Party proposed an indirectly elected president and a powerful Prime Minister. It envisaged three federal units for Nepal: Madhesi, Hills and Mountains.

(h) **Rashtriya Prajatantra Party (RPP)**

It is a right wing party comprising of the former panchayat leaders. This party also emphasized a federal system for Nepal. But the leaders proposed that the issues of monarchy and secularism should be directly decided by the people.

(i) **Rashtriya Prajantantra Party Nepal (RPP-N)**
It was a splinter group of RPP and supported a ceremonial monarch as the head of state. It also took the stand that the issue of federation should be decided on the basis of a national consensus.

The other political parties also raised more or less similar issues. There was a general consensus on the following points among all the political parties:

- The Westminster model of governance – a ceremonial head of the state and a powerful head of the government.
- Abolition of monarchy and establishing a Republican state.
- Federal Structure in place of the unitary one
- Secular State
- Inclusive democracy
- Balanced foreign policy based on equal relationship with the two neighbours, India and China.
- Economic Reforms.

**ROLE OF THE UNITED NATIONS IN THE ELECTIONS**

The UN Mission in Nepal (UNMIN) was established in Nepal by the UN Security Council under its Resolution 1740 (2007) at the request of the government of Nepal. Its major objective was to support the peace process in Nepal and also help in conducting the Constituent Assembly elections by creating a free and fair atmosphere. The UNMIN provided manual and technical support to the Election Commission of Nepal.

**THE ELECTIONS UNDER THE FPTP SYSTEM**

The polling for 240 seats of the Constituent Assembly, falling under the FPTP system took place on 10th April 2008 at 20,000 polling stations spread over the country. Repolling took place on 98 polling stations of 21 constituencies in 12 districts due to some disturbances. There were 60,000 internal and 800 international observers
nominated for this election, which included observers from prominent agencies like the UN, the European Union, the Carter Centre, the Asian Network for Free Elections, the Japanese Observer Mission, etc.

The total voters in the April 2008 CA elections were 17.6 millions. However, the voting percentage was 63.29 and rejected votes comprised of 3.66%.

**RESULTS AND PARTY WISE PERFORMANCE**

Out of 54 political parties who nominated their candidates for 240 seats, only nine political parties registered victory. It means 45 political parties could not win even a single seat. Talking in terms of percentage, 83.3% parties remained unrepresented while only 16.7% parties secured representation, under the FPTP system. Out of the prominent political parties which could not secure a single seat, were the Communist Party of Nepal (UML), the Rashtriya Prajatratra Party etc.

The Communist Party of Nepal (Maoist) emerged as the single largest party securing 120 seats (50% of total seats). There are several factors that can be attributed to the spectacular success of the CPN (M). Firstly, it was due to the unrelenting efforts of the party that the elections for the first over CA of Nepal were held. The dedication of the party for the abolition of monarchy and declaration of a republican state of Nepal, restructuring of State, inclusive democracy, federal structure and autonomy, etc. attracted different sections of the society particularly the ethnic and marginalized communities, like women, peasants, labourers, Tribals, dalits, etc. and also the youth. The significance of CPN(M) emerging as the single largest party was also due to the following factors:-

- The party and its leaders hardly had any experience of working of a political system.

- The party had been waging a protracted war against the then State of Nepal.

- The Maoists had been declared as the terrorists and military action was initiated against them.
• A large number of people / particularly in the country side had been the victims of the Maoist violence.

The victory of CPN(M) depicted that the people of Nepal wanted a change in the form of restructuring of the society and the state and they pinned their hopes on the Maoists.

The grand old party of Nepal, the Nepali Congress exhibited a poor performance by securing only 37 seats. CPN(UML) met the same fate by securing 33 seats only. Both the parties were considered doyens in this field, having a wide social base. But the reason for their dismal performance was that they could not take a clear stand on the issues that had been emerging on the Nepali political scene for last few years.

However, the Madhesi Janadhikar Forum, being a regional party, registered a much impressive performance. This party which debuted in these elections only, won all the 30 seats from Terai region and it emerged as the fourth largest party in the CA. This party has been a strong proponent of regional autonomy and participated in the Tarai unrest. Another party of Tarai unrest, the Tarai Madhesi Loktantrik Party secured 9 seats, while the oldest terai regional party, the Sadbhawna Party was confined to 4 seats. Nonetheless, it was for the first time that Tarai region got some representation in the national Legislature.

The following table represents the share of each political party in the CA under the FPTP representation:-

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Political Parties</th>
<th>Seats Owned</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Communist Party of Nepal (Maoist)</td>
<td>120</td>
<td>50.0</td>
</tr>
<tr>
<td>2.</td>
<td>Nepali Congress</td>
<td>37</td>
<td>15.5</td>
</tr>
<tr>
<td>3.</td>
<td>Communist Party of Nepal (UML)</td>
<td>33</td>
<td>13.7</td>
</tr>
</tbody>
</table>
4. Madhesi Janadhikar Forum 30 12.6
5. Tarai Madhesi Loktantrik Party 9 3.7
6. Sadbhawana Party 4 1.7
7. Nepal Majdoor Kishan Party 2 0.8
8. Janmorcha Nepal 2 0.8
9. Rashtriya Janmorcha 1 0.4
10. Independents 2 0.8

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>240</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**ELECTIONS UNDER THE PR SYSTEM**

The parties contesting the elections under the First Past the Post System also submitted the list of their candidates for the Proportional Representation System. However, none of the contesting parties was able to submit a list of total seats. The Communist Party of Nepal (Maoist) and Rashtriya Janmorch fielded the maximum number of candidates, 333 each, following by CPN (UML) 332, the Nepali Congress 329, Communist Party of Nepal (United) 328 and Janamorcha Nepal 320 and so on. The two major Tarai parties, the Madhesi Janadhikar Forum and the Terai Madhesi Loktantrik Party submitted the lists of 100 and 97 candidates respectively 17 political parties were such which had submitted the lists of less than 50 candidates.

The following table represents the final result and party positions in the Constituent Assembly.
Table 6.3

Final Position in the Constituent Assembly

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Party</th>
<th>FPTP</th>
<th>PR</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CPN (Maoist)</td>
<td>120</td>
<td>100</td>
<td>220</td>
</tr>
<tr>
<td>2.</td>
<td>Nepali Congress</td>
<td>37</td>
<td>73</td>
<td>110</td>
</tr>
<tr>
<td>3.</td>
<td>CPN (UML)</td>
<td>33</td>
<td>70</td>
<td>103</td>
</tr>
<tr>
<td>4.</td>
<td>MJM</td>
<td>30</td>
<td>22</td>
<td>52</td>
</tr>
<tr>
<td>5.</td>
<td>TMLP</td>
<td>9</td>
<td>11</td>
<td>20</td>
</tr>
<tr>
<td>6.</td>
<td>Sadbhawana Party</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>7.</td>
<td>NMKP</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8.</td>
<td>Janmorcha Nepal</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>9.</td>
<td>Rashtriya Janmorcha</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>10.</td>
<td>Rashtriya Janshakti Party</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>11.</td>
<td>Rashtriya Prajatantrik Party</td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>12.</td>
<td>CPN (ML)</td>
<td></td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>13.</td>
<td>CPN (Joint)</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>15.</td>
<td>Rashtriya Janmukti Party</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>16.</td>
<td>CPN (United)</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>17.</td>
<td>Nepal Sadbhawana Party (A)</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>
18. Nepali Janatadal  
19. Sanghiya Loktantrik Rashtriya Morcha  
20. Samajbadi Prajantantra Janta Party, Nepal  
21. Dalit Janta Party  
22. Nepal Pariwar Dal  
23. Nepal Rashtriya Party  
24. Nepal Loktantrik  
25. Samajbadi Dal  
26. Chure Bhawar Rashtriya Ekta Party  

| Total | 240 | 335 |

The electoral result of the first Constituent Assembly depict some remarkable trends. The Maoists who had waged a decade long armed struggle, emerged as the single largest party. The CA also included a number of younger generation politicians. Women were able to secure 26 seats, out of which maximum 22 came from the CPN(M). Moreover, for the first time such an inclusive representative body was formed in the history of Nepal, in which there are representatives from all sections of society, ethnic groups, women, dalits and most significantly the Madheshis.

**WORKING OF THE FIRST CONSTITUENT ASSEMBLY**

The official and final list of members elected under the Proportional Representation system was released on 8 May 2008, this necessitated the first meeting of the CA within 21 days, i.e. before the end of May 2008. Therefore, the members were sworn in on 27 May 2008 and the first session of the CA was held on 28 May 2008.
In the very first session the Constituent Assembly made a historic decision by declaring Nepal a "federal democratic republic", thereby abolishing monarchy. Out of 564 members of the CA, 560 members voted in favour of the motion and only 4 members, belonging to Rashtriya Prajatantra Party Nepal opposed the motion. The CA gave an ultimatum to Gyanendra to vacate the Narayanhity Palace. It was also decided by the major parties to create the position of the President, while retaining the executive powers in the office of the Prime Minister. However, they could not reach an argument on the exact powers of the President.

The Constituent Assembly met for the second time on June 5 but because of the deadlock between the three major parties, this sitting lasted for less than half an hour, and no major decisions were taken.

The formation of the government after the elections of the CA became a herculean task since none of the political parties attained a clear majority. Also, the interim Constitution was unclear or ambiguous in many of its transitional provisions, thus having room for deadlock, its entire approach was based on the assumption of seven party consensus, a concept both exclusive and elusive, and the pre-election calculations of all parties other than the Maoists were predicated on a crushing Maoist defeat, and none were prepared to follow the rules they had written when assuming they would still be in charge. The political parties lacked a clear perception and proper initiatives while G.P. Koirala refused to resign from the post of the Prime Minister.

On 24th June, the seven parties agreed to introduce an amendment to the interim Constitution providing for the election of a President and the formation of a government through simple majority votes. A number of issues related to peace, disarmament and reintegration were also agreed upon. It was also decided to divide the 26 nominated seats in the Constitution Assembly between the nine parties: the CPN (M) received nine seats, while the Nepali Congress and the CPN (UML) received five each, the Madhesi Janadhikar Forum received two, the Sadbhawana Party, the Nepal Workers and Peasants Party, Janamorcha Nepal, and the Communist Party of Nepal Marxists-Leninist received one seat each. Eventually on 20th June the
proposals were passed in the form of Fifth Amendment to the Interim Constitution, by the Council of Ministers.

The Constituent Assembly meeting of 26th June was very important. It was expected that the Constitution Fifth Amendment bill would be passed the same day but the proposal was not introduced after Madhesi Parties in the CA demanded the inclusion of March 2008 agreement between the Madhesi and the government (providing for Madhesi autonomy) in the fifth amendment. PM Koirala also submitted his resignation, which was kept due till the new President assumed office. The CA was suspended till June 28.

Eventually Madhesi parties disrupted several sessions of the Constituent Assembly, demanding autonomy for their region. Therefore on July 4, the CPN (M), the CPN (UML) and the Nepali Congress agreed to draft a supplementary amendment bill to satisfy the Maoist demands, by requiring the States Restructuring Commission to consider the March 2008 agreement while drawing up Nepal's federal structure. The cabinet approved the bill, the same day and also decided to nominate the 26 remaining members of the Constituent Assembly, dividing the seats between nine parties in accordance with the parties' earlier agreement and the lists of name they presented. However, the Madhesi parties condemned the bill as an "unacceptable betrayal".

Consequently on July 6 another meeting was held between the three main parties and the Madhesi parties, wherein the former agreed to draft a new bill replacing the one agreed upon two day before and the latter assured to stop disrupting the Constituent Assembly. On July 8, the Seven Party Alliance, except the Nepal Workers and Peasants Party, passed a new draft bill which provided for the federal structure to be created as per the wishes of the Madhesi parties and other ethnic groups. This bill was passed on July 13 with 442 members voting in favour, while only seven voting against it. Thus the Fifth Amendment to the Interim Constitution was passed. This allows the principle of majority to be followed for the formation of government and to the elections of the president, vice-president, the Chairman and the deputy Chairman of the Constituent Assembly, in the absence of consensus. It also allowed the leader of opposition to be the member of the Constitutional Council.

**PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS**
On July 15, it was decided to hold the Presidential elections on July 19. On the morning of July 19 the Nepali Congress, the CPN (UML) and the MJF agreed to back each other's candidate for the positions of President, Vice-President, and the Chairman of the Constituent Assembly, with each of the parties receiving one of the three posts. The Nepali Congress proposed the name of Ram Baran Yadav for presidency, while the MJF put forward Parmanand Jha for vice-presidency, a CPN (UML) candidate was to become the Chairman of the CA, while the CPN(M) candidate for Presidents post was Ram Raja Prasad Singh.

However, in the Presidential poll held on July 19, neither Singh, nore Yadav received the required 298 votes. Therefore, a second round was scheduled for July 21. However, in the vice presidential elections held on the same day, MJF's Parmanand Jha was elected with 305 votes. In the second round of Presidential electon, Ram Baran Yadav was elected as the first president, receiving 308 votes and supported by the Nepali Congress, CPN (UML) and MJF Yadav was sworn in on 23 July 2008, and accepted the resignation of Prime Minister Koirala on 23rd July 2008. The CPN (UML) candidate Subhash Chandra Nembang was elected the Chairman of the CA.

**ELECTION OF THE FIRST PRIME MINISTER AND BEGINNING OF THE WORK OF DEMOCRATIC GOVERNMENTS.**

The issue of the formation of the government was ultimately decided by the Constituent Assembly on 15th August 2008, through voting. Prachanda was the CPN (M) candidate and was supported by the CPN (UML), the MPRF and 18 other parties. The Nepali congress presented Sher Bahadur Deuba as its candidate, but Prachanda registered an over whelming victory with 464 votes against Deuba 113 votes. Prachanda aka Pushpa Kamla Dahal was sworn in on August 18 as the first prime minister of the democratic, republic Nepal.

Prachanda's first major decision after assuming the office was to visit China for the closing ceremony of Beijing Olympics on August 23, 2008. This move should not have been surprising given his political loyalties, but it did send shock waves across the country, because it was a departure from the established practice of Nepali PM inevitably paying his maiden visit to India. However on his return from Beijing
Prachanda tried to clarify by stating that his Beijing was ceremonial and his first 'political visit could be to India'.

Eventually Pushpa Kamla Dahal fulfilled this commitment on September 14, 2009, when he started his first "political visit to India". The discussions between the prime minister of the two countries, i.e. Prachanda and Dr. Manmadan Singh focussed mainly on three issues: floods in river Kosi, Nepal-India Friendship Treaty of 1950 and the alleged Indian encroachment of Nepal territory. However, no major pacts or agreements were signed during this visit.

The Maoist government that had come into power after the success of a decade long popular movement was also running high on people's hopes. But unfortunately it failed on several fronts. It was expected that the Prachanda government would bring a great efficiency and swiftness in the delivery of essential services and provide relief to the long-suffering of people. However, the Maoists failed miserably on both the fronts. The government could not provide timely relief to the people in flood affected areas in eastern and far western parts of the country. The government's decision to shut the night dance bars forced the bar girls to resort to flesh trade. The government also proved unsuccessful in containing the long prevailing lawlessness in Terai.

Although the UCPN (Maoist) and the CPN (UML), the two leftist and the most important constituents of the ruling coalition agreed (in principle) to form various political committees to speed up the Constitution drafting process and to restore sustainable peace in the country, there was a great amount of laxity in the efforts of both the sides. Notably the issue of integrating of the two powerful armies – the Nepal Army (NA) and the Maoist People's Liberation Army (PLA) was the toughest challenge in the ongoing peace process. The very idea of integrating the former guerrillas of the PLA with the national army was unacceptable to the major opposition parties, i.e. the Nepali Congress (NC) and Madhesi People's Right Forum (MPRF). While NC advocated integration of the PLA fighter in other areas than the army, the MRPF’s stand was that the issue of returning properties seized by the Maoists should take precedence over the topic of integration. The NC also out rightly rejected to send its representatives to the special committee, formed to facilitate the adjustment and rehabilitation of UNMIN verified Maoist combatants who were living in 28 camps
across the country. The Maoist also antagonised the Terai people by categorically rejecting the demand of a single Madhesh province by terming it as 'divisive'.

The tussle between the Maoists and the army assumed dangerous proportions. The Maoist government refused to extend the tenure of the right brigadier generals as per the recommendation of the then Chief of Army Staff (COAS) Rukmangad Katwal, who snubbed the defence ministry's order to stop the recruitment process in the Nepal Army (NA). Katwal met with president Dr. Ram Baran Yadav, Prime Minister Pushpa Kamal Dahal and Defence Minister Ram Bahadur Thapa in a bid to expand the tenure of his generals but it proved futile. Consequently, it happened for the first time in the history of Nepal that so many top brass army officers retired at the same time. This step was seen as an attempt by the Maoists to create the base to appoint the new army chief loyal to them after the termination of Katwal's tenure. The Nepali congress alleged that the Maoists were trying to politicise the NA.

The government also failed in creating a consensus on the matters of Constitution drafting, with all the parties floating their respective version of the new Constitution: while the CPN (M) and MJF favoured the creation of the post of executive president directly elected by people; the NC and the UML favoured the Westminster Model with the executive prime minister and ceremonial president. The Maoists proposed the creation of 13 autonomous provinces on the basis of historical legacy of ethnicity and geography. On the other hand the MJF was not clear about the number of total provinces but stood firmly in favour of an 'Autonomous Madhes Province'. The NC and UML had also not enumerated the number of provinces. However except the NC, all parties accepted the basis of ethnicity for carving out new provinces. The Maoist also forwarded the idea of "people's court" which proved out to be very controversial.

The Maoist government suffered a setback when the Supreme Court of Nepal put a hold on the retirement of the eight army generals. In April 2009 Prime Minister Prachanda sacked the Chief Of Army Staff (COAS) General Rookmangud Katwal on the grounds that he had mocked people's sovereignty by defying a series of government orders (i.e. by obstructing the integration of Maoist cadres into the army). This move isolated Prachanda as the key opposition parties, including the Nepali Congress and several parties, within the ruling coalition came out in support of Gen.
 Katawal. Two parties eventually withdrew, rendering the government in minority in House. However things took an unpleasant turn when President Dr. Ram Baran Yadav dragged himself into a big controversy by blocking the government's decision of firing COAS Gen. Katawal. In his direction to Katawal to defend the dismissal orders by the PM, the president stated, "since the dismissal of the Army Chief and the new appointment do not meet the Constitutional criteria and due process, I, as supreme commander of the Nepali Army, hereby direct you to continue as the chief of the Nepali Army." It is notable that president did not mention any article of the Constitution to support his decision. On the other hand the Maoist party was criticized for taking a unilateral decision regarding the removal of the army chief, violating the consensual spirit underlying the Constitution. Realising that his position had become untenable, Prachand resigned on 4th May 2009, blaming that the President had overstepped his prerogatives and gone against the decision of the cabinet.

Following the fall of their government, the Maoist adopted the strategy to stifle the attempts made by other parties to form a new government. They created a logjam in the House demanding the correction of president's decision to re-instate the COAS Gen. Katawal, and continued their "crusade" in streets across the country. After weeks of Maoist protest on the streets and obstruction within parliament, a 22 party coalition government was formed on 23rd May with CPN (UML)'s Madhav Kumar Nepal as its head. However, the government proved a weak and fractious administration. It failed to assure people that the peace process would reach to a logical conclusion. The special committee and the technical committee formed to manage the arms and the army of Maoists had become dysfunctional with differing stance on leadership of special committee among the political parties. The government had set a target of completing the integration and rehabilitation process of Maoist combatants within 2009 which was impossible without political consensus made as early as possible.

On the other hand the Maoists at the conclusion of its month long central committee meeting announced a detail protest programme if they were not allowed to discuss the issue of civilian supremacy. An all party meet was called to resolve the issue which was inconclusive. Similarly the speaker of Legislature-Parliament Subhash Nembang turned down Maoists demand for a discussion on the president's move in the parliament, owing to the absence of political consensus. Consequently, Maoist
launched a nationwide protest programme including 'bandhas' and 'hartals' posing a gigantic challenge both for the government and the peace process. This protest programme of the CPN (M) lasted for almost a year. They laid siege to the Constituent Assembly between June and December effectively preventing it from sitting. November 2009 witnessed a major round of Maoist protest. In December they unilaterally announced the creation of 13 autonomous ethnic and regional states across Nepal and held a three day nationwide general strike. This declaration was bitterly condemned by the opposing parties.

Meanwhile none of the political parties exhibited any serious efforts for timely drafting of the new Constitution and completion of peace process. They failed to abide by the basic tenets of the Comprehensive Peace Agreement. The new coalition failed to implement the very basic points of the CA like: ending feudal land ownership and formulate the policies of land reform; preparing and implementing the detailed action plan of democratization of the Nepal Army by acquiring necessary suggestions from the concerned committee of the interim parliament; restricting the collection of tax or cash against anyone's will and preparing the details of the disappeared persons or those killed in conflict with their real names. It is notable that the peace process was promised to be completed within 60 days from the day of signing of the peace accord. But owing to the gross lack of consensus among political parties, this did not happen.

The crisis of confidence among political parties derailed the peace process on every other occasion. For instance, the Maoists steadfastly opposed the timeline for army integration and rehabilitation as such, by Prime Minister M.K. Nepal before the promulgation of the new Constitution, i.e. before May 28. The Maoists doubted that the ruling party might have been conspiring to repress them by stressing more on disarmament. On the other hand, the ruling coalition maintained that the process of army management should take precedence over the promulgation of the new Constitution.

There was sleek ray of hope in January 2010 when the leaders of the UML, NC and Maoists agreed to establish a 'High Level Political Mechanism' (HLPM) to try and accelerate the peace process and the Constitution – drafting process. It comprised of
the Prime Minister Madhav Kumar Nepal of CPN (UML), Girija Prasad Koirala of Nepali Congress, Pushpa Kamal Dahal "Prachanda" of CPN (M). The NC and the CPN (UML) had already proposed for extension of CA but the Maoists wanted the resignation of the Prime Minister and formation of a national consensus government as a pre condition to move ahead with any further political process.

There was already immense pressure from all the quarters (internal as well as external) on Prime Minister Madhav Kumar Nepal to resign in order to give an early outlet to the festering political crisis. However, the UML led coalition appeared to be so much obsessed with its continuation that it was loathing at every segment that spoke in support of the formation of a new dispensation comprising the Maoists.\(^\text{10}\) Owing to all this political chaos, the Constitution making process which was supposed to be completed by 28 May 2010 remained well behind schedule and the government had to table a Constitution Amendment Bill in the parliament for the extension of the term of the Constituent Assembly (CA) by one more year, for the completion of all outstanding tasks including the conclusion of the peace process and framing of the new Constitution. The Maoists, put two conditions, for the term extension – dissolution of the incumbent government and the adoption of consensus system instead of the existing majority system for the formation of the new government. This demand also had the support of the 10 other parties in the parliament like the Madhesi Janadhikar Forum. The ruling CPN (UML) on its part put forth some demands before the Maoists like disbanding of the paramilitary structure of the Maoists youth wing Young Communist League (YCL), return of the seized property and others, while the NC expressed its desire to lead, the new government. Finally a consensus was reached which put an end to the impasse that might have resulted in the dissolution of the CA. The 'deal' was struck past the midnight to May 28. As per the provisions of the deal Prime Minister Madhav Kumar Nepal would resign after the future of the 19,602 United Nations verified Maoist combatants was determined and there would be a guarantee that a new Constitution would be promulgated in a year.\(^\text{11}\) The Maoists had called an indefinite general strike at the beginning of May to press the government to resign but called it off six days later under immense popular pressure.
The deal struck on May 28, 2010 was known as the Three Point Agreement, which stated:-

- "We are committed to moving ahead with consensus and cooperation to take the peace process to a meaningful conclusion, to carry out all the remaining works related to the peace process and to accomplish the historic responsibility of completing the task of writing the new Constitution.

- Though a significant process has been made in the Constitution writing process, it has not been completed yet. Therefore, we have agreed to extend the tenure of the Constituent Assembly by one year.

- Based on the agreement to fulfill these responsibilities and work as soon as possible, we are ready to form a national consensus government and for that, the prime minister of the incumbent coalition government is ready to resign without delay."

After this agreement was signed, there were wide speculations that Prime Minister Nepal would step down to pave the way for a new national consensus government. But the situation of political stalemate continued since the big three parties (NC, CPN (M) and UCPN (UML)) interpreted the deal in their own parochial versions. The ruling parties were saying that the PM would resign after the Maoists fulfilled there obligations towards the peace process, i.e., integration of Maoist combatants in the security agencies and dissolution of the para-military structure of Young Communist League. On the other hand the CPN (M) which was the major opposition party held steadfast to its demand of prime minister's resignation as a pre-condition for the completion of peace process. As a result Prime Minister Nepal got more time to continue in his office. Eventually the leaders of CPN(M) and CPN(UML) in meeting on 23 June 2010, agreed to implement me three point deal of May 28 in letter and spirit to end political deadlock. Consequently Prime Minister Madhav Kumar Nepal resigned on 30 June 2010.

However, this resignation which was intended to make way for national consensus government, ironically triggered off an internal strife in the major parties for acquiring the premiership of the country. President Dr. Ram Baran Yadav had set a
seven day deadline for the formation of a new government, but it passed unmet since the three major parties interpreted the word "Consensus" as suited best to their vested interests. Therefore, the president extended the deadline by 5 more days, but again of, no avail. Therefore, the Constituent Assembly fixed the date of July 21, for the election of the next prime minister. The cacophonous fight amongst the leaders of the single party to get a chance to lead the new government also agregavated the existing political chaos. While the majority of the UML legislators did not wanted their party leadership to take charge of the next government, the other section desired that party chairman Jhala Nath Khanal to do so. Similarly, even though the Maoist elite had recommended party chairman Pushpa Kamal Dahal as the Prime Ministerial Candidate, it has also left the option open for an alternative party candidate for the same post. Nepali Congress proposed the name of a senior leader, Ram Chandra Poudel, and it claimed the next premiership on the ground that the two successive governments led by the Maoists and the UML failed badly to deliver the required results.

Political equations changed after every failed round of voting for the election of a new prime minister, but the solution to the political deadlock, was nowhere in sight. The most contentious issue remained the integration of the Maoists People's Liberation my with the security and defense forces. Both the NC and the UML wanted the transformation of the CPN(M) into a "Civilian Party" with its disarmament. So, the chances of a government led by 'Prachanda' without addressing the integration issue, appeared to be very dim. Eventually, Prachanda withdrew from Prime Ministerial race after the seventh round of voting. Nepali Congress candidate Ram Chandra Poudel too followed the suit, after CPN(UML) senior leader K.P. Oil "urged the NC to withdraw to enable political consensus and maintain the "democratic alliance".13 In the meantime UNMIN's four year tenure came to an end on 14th January 2011 and eight days later on 22nd January 2011, the Maoist party put their ex-fighters under governmental control to provide a boost to the peace process.

The situation of the political deadlock finally ended on 3rd of February 2011, when Jhalanath Khanal of CPN (UML) was elected the new prime minister as a result of the deal struck between CPN(M) and CPN(UML). This was a seven point agreement reached between Khanal and Prachanda and provided the basis for the new governing
alliance. It formalized the commitment to a socialist economy, rotating the prime ministership in the long term, drawing up a common minimum programme. But what became the contentious issue was an understanding to form "separate force" from among the PLA combatants. However soon both the sides issued a joint statement clarifying the agreement was signed to complete the twin task of Constitution writing and establishing lasting peace and the integration of the Maoist fighters would take place as per the recommendations of the special committee, in accordance with the CPA. Following this joint statement and a broad power-sharing pact was signed between Prime Minister Khanal and Maoist supremo Prachanda. Accordingly, Maoist got 11 ministries including home, foreign affairs and peace and reconstruction.

When Khanal assumed the premiership he had three challenges to meet: firstly, to promulgate the new Constitution before 28th May 2011, secondly, in the absence of the UNMIN, he had to complete the task of disarmament and demobilisation of cadres and thirdly the integration, rehabilitation of Maoist combatants and democratizing the army. Unfortunately the Khanal government failed to deliver on any of the three fronts and as the deadline of 28th May 2011 approached, the danger of another Constitutional – political crisis loomed over the Himalayan nation. Consequently the political parties in the CA struck another deal in the midnight of 28th – 29th May 2011. The agreement was signed between the three major parties (the Nepali Congress, the CPN(M) and the CPN (UML)) and it was agreed to extend the term of the CA by another three months to accomplish the task of Constitution drafting and completion of peace process. It was also agreed that Prime Minister Jhalanath Khana would also step down to pave the way for the formation of a national unity government. However, Khanal refused to resign immediately after the signing of the agreement stating that "he will initiate the first steps to form national government and the resign." But owing to immense political pressure, Khanal eventually resigned on 19th August 2011 his replacement was senior Maoist leaders Baburam Bhattarai who was elected as the new Prime Minister by the CA on 23rd of August 2011. He defeated the Nepali Congress Parliamentary Party leader Ram Chandra Poudel in the prime ministerial race. Bhattarai got 340 votes out of 575 as against Poudel's 236 votes, who was supported by CPN (UML). Bhattarai was supported by the group of Madheshi parties in the House, known as the United Madheshi Democratic Front (UDMF).
Bhattarai assumed the office with the swearing in on 30th of August, 2011 and the first decision he took, the very next day, was to initiate a Constitutional amendment to extend the term of the Constituent Assembly. This proposal was supported by all the political parties. Another important decision taken by Bhattarai was sending out an instruction to the CPN (M) headquarters, to return to the rightful owners all the property that had been grabbed by the Maoists during the decade long insurgency. This was a major provision of the Comprehensive Peace Accord and should have been implemented soon after the November 2006 deal signed between the government and the Maoist. Bhattarai also made a four day visit to India from 19-22 October, 2011. The visit was of vital importance as it marked a thaw in the relations between the government of India and the Maoists in Nepal, the two sides signed several bilateral agreements, including one on investment.16

This thaw between the countries possibly created the conditions for an apparent breakthrough between the main political parties in their negotiations. On 1 November they struck a historic deal on the fundamental tasks of peace process. According to the deal, a maximum of 6,500 Maoist fighters would be integrated in the army out of 19,602 fighters. Rest would be provided rehabilitation and cash packages. For this purpose a new special directorate was to be created under the Nepal Army. The Maoists also committed to return the property confiscated during the insurgency. A Truth and Reconciliation Commission, Disappearance Commission, a High Level Political Mechanism to oversee the peace and Constitution drafting process and an experts' team to address state restructuring issues would also be constituted.17 The process of rehabilitation and integration of the former guerrillas was to be over by 23rd November 2011 and the deadline was successfully met. But unfortunately again the deadline for Constitution drafting (i.e. 30th November 2011) was not met and it was extended again by six more months (i.e. till 27th May 2012) on 29th November 2011. However, on November 25, the Supreme Court of Nepal issued an order in name of the Chairman of the Constituent Assembly, the Prime Minister and Office of Council of Ministers, declaring that this would be the last extensions, and if this deadline also passed unmet, then CA should be dissolved and there should either be fresh elections for a new CA or referendum or any other 'appropriate arrangements' according to the Constitution.18
The biggest challenge to Bhattarai came from within his party itself. The hardline faction of Maoist party lead by vice chairperson Mohan Vaidya 'Kiran' started a public campaign against Dr. Bhattarai and party Chairman Dahal accusing them of being "anti-national" and "deviating from the party's core ideology". The Kiran faction held fast to the demands of integration of PLA fighters in a respectable manner and a "Federal" Constitution, that would include provisions for ethnic autonomy; right to self determination; special rights for Dalits, Muslim and Women; right to food, education, health and work; revolutionary land reform; and a proportional representation based electoral system.19 In the meantime, the Nepal Army assumed total control of the Maoist People's Liberation Army cantonments, combatants and the weapons stored in containers inside the camps on 10th of April 2012. This was a major step in completing the peace process in Nepal. But despite this positive development, the Constitution drafting process did not register any considerable progress owing to internal discord of CPN(M), the charges of partiality by ethnic and Madhesh based parties and lack of understanding between the major political parties. Consequently the danger of the extended deadline to pass unmet seemed very certain and country was seen as heading towards the era of a new political uncertainty. Therefore, the political parties decided to tread the same old path of extending the life the CA on 22 May 2012 to avert the looming Constitutional crisis. However, this time the Supreme Court interfered in the issue to avert another mockery of the interim Constitution. In a verdict given by a single bench of Chief Justice Khilraj Regmi in response to a writ petition, the Supreme Court issued a stay order on government's decision to amend the interim Constitution, consequently extending the life of the CA for the fifth time. The government, was now left with no alternative and the CA was dissolved on the midnight of 27 May 2012. It was decided to hold fresh elections for new Constituent Assembly on 22nd November 2012. In the aftermath of the dissolution, the parties indulged in a blame game, holding each other responsible for the failure in drafting the Constitution. The President though Constitutionally removed PM Bhattarai from his post, but assigned him the role of a caretaker prime minister. But soon, the opposition parties started pressuring Bhattarai to resign to pave the way for establishing a new national unity government. Bhattarai clearly refused to step down stating that he would hand over the post only to an elected PM. In June 2012 the CPN (M) witnessed a split, when
Mohan Baidya Kiran walked away with his faction and formed a new political party known as the Nepal Communist party – Maoists Revolutionary (NCP-MR). Meanwhile, the pressure to quit as the Prime Minister kept rising on Bhattarai. In August 2012 UCPN (Maoist) and Joint Democratic Madhesi Front launched a 20-party federalists alliance led by Maoist supremo Prachanda to ensure the drafting of a Constitution with an ethnicity based federal structure. It was called the 20 party Federal Democratic Republic Alliance (FDRA).

A positive development came around in September 2012 when US revoked the 'terrorists' status of CPN (M). On 20th of September Nepal's four major political forces – Communist Party of Nepal (Maoist), Nepali Congress (NC), Communist Party of Nepal (Unified Marxist Leninist) and United Democratic Madhesi Front agreed in principle to go in for fresh elections for CA, and formation of a new unity government to conduct these elections. But they kept fighting over the question of leadership of such a unity government. Meanwhile another milestone in the peace process was achieved with the process of integration of Maoists guerrilla fighters being peacefully concluded on 2nd Oct, 2012. A little over 1450 former Maoist fighters were integrated into Nepal Army, the cantonments of Maoists army closed down, the Maoist arms were handed over to the control of government and thus ended the state of 'one country, two armies'. However, three weeks after the major parties agreed to hold fresh CA elections, Maoist Supremo Prachanda proposed the revival of the old CA, an attempt seen as a desperate measure to hold on to the seat of power. Calling it a "win win" formula, 'Prachanda' proposed to the Nepali Congress (NC) that if they found an agreement on contentious issue of federation and agreed to reinstate the CA and promulgate the Constitution then CPN(M) would support Mr. Sushil Koirala as the Prime Minister. While NC did not came out clear on the Maoist proposal of revival of CA, this was out rightly rejected by the President Ram Baran Yadav who said that fresh elections were now the only option before the parties and asserted that the revival of the Constituent Assembly was not possible under any circumstances. Despite the call by the President for fresh elections no unanimity could be achieved on the issue among the political parties. While the Maoists pushed for agreeing on contentious issues and CA revival, the opposition parties held fast to their demand of resignation of the Prime Minister Bhattarai and remain divided on the
issue of revival. However late on, this proposal was categorically rejected by the opposition parties, the NC and the CPN (UML) after a group of former Chief Justices of Nepal warned the PM that any attempt to revive the CA would be considered unconstitutional. Differences, however, persisted on the leadership of the unity government. This situation gave birth to a new fear that the President might act in an unconstitutional way by dismissing the Prime Minister and appointing a new one.

In November 2012, the Maoist led government announced a revised time schedule for conducting the CA elections, since elections could not be held in November 22, owing to the political and Constitutional deadlock. The government declared to hold elections between mid April and mid May 2013. The inability of the government to hold elections was partly due to political wrangling over the leadership of unity government between parties and partly due to Constitutional hurdles. The interim Constitution had no provision for holding elections to another Constituent Assembly and onus now laid on the President who could utilize his Constitutional power to remove obstacles to clear the way for polls. But Dr. Yadav made it clear that he would do so only on the basis of political consensus and not just on the recommendation of the Council of Ministers. However, the political consensus was elusive as the opposition parties led by the NC and the CPN (UML) termed the government's announcement as "unilateral" and "unconstitutional" and made the resignation of PM Bhattarai as a pre-condition for any agreement. Consequently, the President issued a week long deadline to the political parties to select a new Prime Minister by November 29, 2012. The President was said to made this call in the exercise of powers vested in him as per Article 38(1) of Interim Constitution.20 However, the ruling coalition of CPN(M) and Federal Democratic Republican Alliance (FDRA) labeled the Presidential decree as "unconstitutional". Consequently this deadline passed unmet owing to the lack of political consensus and the parties asked for the extension of deadline by a week, i.e. 6th December 2012 which the president readily accepted.

Finally the Nepali Congress nominated Sushil Koirala as party's candidate for consensus Prime Minister on 5th December 2012. The NC claimed the leadership of the consensus government, but the ruling Maoist – Madhesis Alliance asked the opposition to either join the Bhattarai led government or agree on Constitution issues
like federalism, democracy, republicanism, inclusion and participation, before NC's leadership could be accepted. Because this deadlock, President Ram Baran Yadav gave a second extension to the deadline of electing a new consensus prime Minister by 6 days on 7th Dec. 2012. However, the political deadlock saw no end and the President had to extend deadlines as many as 6 times. There was also a fear that the Maoists would take advantage of the political deadlock of the country and may resort to an armed revolution again. However, the party denied these speculations at its general convention at Hetauda in February 2012. During this general convention, the Maoist Chief Prachanda proposed the name of the Chief Justice of Nepal's Supreme Court, Khil Raj Regmi for the post of the Prime Minister. This was in contrast to the demands of the opposition parties (mainly the Nepali Congress and CPN UML) to replace Bhattarai by NC president Sushil Koirala, and they turned down Prachanda's proposal.

However, later on 16th Feb. 2012 negotiations between Nepal's major political parties were held at Presidential residence and an agreement was reached on making Justice Regmi as the prime minister of next unity government. A working group with members from the Nepali Congress, the CPN-M, the CPN-UML and the Samyukt Loktantrik Madhesi Morcha was formed to determine the modalities of the new government. But, even though a consensus on this issue was reached, the opposition to this decision came from Nepal Bar Association and the breakaway faction of CPN-M, and some other political quarters. This move was seen as a Maoist play to influence the judiciary by violating the principle of separation of powers. Additionally there was also a danger that this CJ led government could be termed as unconstitutional since the interim Constitution had no such provision. Consequently a petition was filed in Supreme Court challenging decision of political parties.

But roping in Justice Regmi was not easy as he declined the post of the Prime Minister since he was not happy with the terms of his office as Prime Minister. The parties had decided to hold elections in June and limiting the term of Regmi Government till June only and forming a political mechanism to oversee his tenure. So, the political parties agreed on extending his tenure till November if elections could not be held till June, as demanded by Justice Regmi and therefore, he consented on leading the unity election government with the hope of giving a outlet to "political
and Constitutional hurdles" and moving the process forward with "high respect for the judiciary and its decisions." As the major parties welcomed the Chief Justice's decision, it drew flak from the breakaway faction of CPN-M, led by Mohan Baidya Kiran, who declared a nation wide hartal from 6th March 2013 in opposition. Eventually, Justice Regmi was sworn in as the Prime Minister on 14th of March 2013 and was entrusted with the task of holding elections by 21 June 2013. The president had to amend some 25 articles of interim Constitution, using his extra ordinary powers to legitimize Regmi's appointment as the P.M. Notably, he did not resign from the post of Chief Justice but only refrained from actively engaging in the day to day affairs of the court. Despite this major political consensual decision, parties still grappled with many contentious issues like updating the voter rolls, citizenship for excluded voters, delineation of new constituencies, enactment of a Truth and Reconciliation Commission bill, awarding a colonel level rank to the senior most Maoist combatants integrated into the Nepal Army and filling up of key Constitutional vacancies including those of election commissioners. Therefore, the four major political parties formed a High Level Political Committee (HLPC) on 15th March 2013, as per the agreement reached in February 2013 to assist in building consensus among the parties and assisting the interim government in holding polls. The committee comprised of eight members – the chiefs and one representative each from the four major parties (NC, CPN-M, CPN-UML and Samyukta Loktantrik Madhesi Morcha). Leadership of the committee would go to all the parties on rotational basis beginning from CPN-M's Prachanda.

Sticking to its anti-Regmi government stand Kiran's breakaway faction of UCPN-M vowed to disrupt the elections unless the Regmi government was replaced by a "national unity government" formed by the political parties. Also, along with the Kiran's party other 32 political parties clearly told the President that they were unwilling to contest elections unless there is a "level playing field". Owing to this political chaos, the newly formed Election Commission expressed its inability to conduct elections within the early June deadline. It also suspended the process of updating the voters list.

Another major development took place in Nepal on 19th April 2013 when the President enacted the "Investigation of Disappeared Person, Truth and Reconciliation
Ordinance-2013” that led to the formation of a Truth Commission to investigate the cases of human right abuses committed during the decade long. Maoists "People's War". The bill was criticized by some right activities as in the cases of gravest crimes (murder, abduction, disappearance, rape and loot, etc.), the bill allows the truth commission to recommended the attorney general to prosecute the offender. It was not given the authority to try the offences itself. Nearly nine thousand cases of the abuses of human rights reportedly occurred in Nepal and this so called "tooth less" bill could lead to amnesty on even the greatest crimes.24

Despite a unity government in place and political consensus reached, the elections to new CA could not take place due to various contentious issues. Firstly the parties were divided on the crucial issue of whether those convicted of major crimes and corruption should be allowed to contest the elections or not. The Maoist and the Madhesi parties were in favour, while the Nepali Congress and CPN-UML opposed. Secondly, the appointment of Lokman Singh Karki as the head of the Commission of Inquiry into Abuse of Authority (CIAA), though unanimously accepted by the parties, was widely criticised and resented by public. Karki was former King Gyanendra's Chief Secretary during his direct rule and was known for his high handedness in "suppressing the movement for democracy in 2006. A large section of media, civil society and the Bar took to streets, in protest to Karki's appointment. Thirdly, a draft version of laws governing the formation of the new CA reduced the strength of lawmakers from the previous 601 to 491, which sparked the fears of reduction of presence of women, Madhesis, Dalits and indigenous groups. This move was highly resented by CPN(M) and several Madhesi parties who had earlier agreed to it, and by a cross party coalition of women. Fourthly, there was also a controversy on whether to bar parties that garner less than a one percent "threshold’ of total votes, a provision that was ferociously opposed by fringe parties.

However, mounting public and democratic pressure on the interim government, compelled Justice Regmi to announce the poll date as 19th November 2013. By passing an election related ordinance on 13th July 2013 a five member Delimitation Commission was constituted. This ordinance wisely excluded "threshold" level, which would have disqualified any party getting less than one percent of the vote from being eligible to win a seat. The ordinance barred those with criminal convictions from
running for the election. But the issue of reduction in the CA seats and lower representation of excluded groups (Dalits, ethnic groups, Madhesis and women) remained unresolved. A major breakthrough was achieved a month later, when an agreement was reached between the HLPC and Madheshi Janaadhikar Forum (MJF) Nepal. According to it, the major parties agreed to increase the number of CA members elected through proportional representation to 58%, thus increasing the strength of the new CA to 585. In return MJF Nepal, led by Upendra Yadav abandoned the demands for redrawing electoral constituencies and resignation of PM Regmi from the post of Chief Justice of Supreme Court. There were other fringe parties who did not extend their cooperation since their demands were not met. Sarita Giri, the President of Nepal Sadbhawna Party (Madhesh based party) undertook a hunger strike demanding five more constituencies in the Madhes since more than 50% population resides there, and that voter registration would be opened for four more weeks. The other two parties that continued eluding consensus were Federal Socialist Party (FSP) led by Ashok Rai and Communist Party of Nepal- Maoist (CPN-M) led by Mohan Baidya Kiran. CPN-M held fast to its demand of a "roundtable conference" to form a new all party government to hold elections and eventually it announced a month long protest programme aimed at disrupting the Constituent Assembly elections scheduled for 19th November. All the efforts to bring the CPN-M on board for new CA elections failed miserably and the CPN-M decide to go ahead with its disruptive designs. Such a situation compelled the government of Nepal decided to mobilise 61,000 army personnel for poll security.

**ELECTION TO THE SECOND CONSTITUENT ASSEMBLY 2013**

The elections to select the second Constituent Assembly by Nepal were held on 19th November 2013. The law regulating these elections was same that governed the previous CA elections, i.e. Elections to Members of the Constituent Assembly Act 2064 (2007). The mode of elections adopted to the new constituent Assembly was mixed: 240 members were to be elected through FPTP (First Past The Post) system and 335 through PR (Proportional Representation) System using the party list (total 575), while 26 are to be nominated. For FPTP seats, single member constituencies were demarcated, while for PR seats the entire nation was considered as a single multi member constituency. Candidates contesting under FPTP system were not allowed to
run under the PR system. It was provided under the 2007 law that after the Election Commission attributes the seats under the PR system to the political parties, those parties that are allocated upto 30 percent of the PR seats should submit the list comprising 50 percent male members and 50 percent female members. This quota should also have an internal quota as following: 31.2 percent Madhesi members (women and men – 15.6 percent each), 13 percent Dalits (women and men – 6.5 percent each), 37.8 indigenous (women and men – 18.9 per cent each), 4 per cent from backward region (women and men – 2 per cent each) and 30.2 per cent Khas and Aryan (women and men – 15.1 per cent each). Backward region comprises: Achaham, Kalikot, Jajarkot, Jumla, Dolpa, Bajahang, Bajura, Mugu and Humla Districts.

The law lays down very basic qualifications for both candidates and voters.

For Candidates:

- Qualified voter
- should be a citizen of Nepal
- at least 25 years of age

The only grounds of disqualification were – insanity, bankruptcy or criminal conviction.

For voters:-

- should be a citizen of Nepal
- should be at least 18 years of age
- should be a permanent member of his / her constituency.

The grounds of disqualification were – insanity, bankruptcy, criminal conviction.

The Election Commission threw open the candidacy nomination for the PR system on 30th September 2013 and FPTP system on October 3, 2013. A total 130 parties registered themselves with the Election Commission, out of those 124 political parties applied for contesting elections under PR system by submitting a closed list of their
candidates. The three major parties, CPN-M, the Nepali Congress and the CPN-UML along with the Federal Socialist Party submitted the closed lists of 335 candidates each, while the three Madhes – based parties submitted the list of less than 30 per cent of the total seats under the PR system (around 100 persons). The election law exempted a party submitting a close PR list than 30 per cent from the principle of inclusiveness.25 Similarly only the three major parties were able to field candidates for all 240 seats under the FPTP system. A total of 6139 candidates contested elections under the FPTP system for 240 seats (including 630 women, one third gender and 1,119 independent candidates). Around 15,000 candidate were fielded under the proportional system.26

PARTY MANIFESTOS AND PROGRAMMES

Nearly all the political parties issued their electoral manifestos from late September 2013 to mid October 2013. Following the electoral agenda of major political parties:-

(a) The Nepali Congress:- The Nepali Congress pledged to draft a new Constitution within a year after the Constituent Assembly election, in its manifesto. The party proposed seven – Pradesh federal model and indentified multiple identity and power as bases for federal units; identity included caste / community, language, culture, geography / region and historic continuity, while power comprises of economic inter relations, potential for infrastructure development, availability of natural resources and administrative success. The rights and powers of the centre, pradesh and local governments would be mentioned in the Constitution and there would be a Dispute Resolution Council to settle disputes between and among these three structures. In this three tier form of governance, the federal and pradesh governments would have separate executive, legislature and judiciary with certain rights. The local bodies would include autonomous village, district and municipalities. The party promised to hold local bodies elections within six months after the CA elections.

The party identified the right to self determination as a fundamental cultural right and proposed a Constitutional president as head of the state and prime minister as chief executive – both to be elected by a bicameral federal parliament, and both enjoying a maximum of two terms in office.
The NC had promised yearly per capita income of $1000 within five years and the elimination power outrage in three years by generating 5,000 MW electricity in five years. The bases of economic revolution would be agriculture, tourism, water resources and industry.

(i) The United Communist Party of Nepal- Marxist (UCPN-M) :- Christening it as the "Commitment Paper", the UCPN-M made tall promises of a prosperous Nepal in its electoral manifesto. The party proposed federating the country into 11 provinces on the basis of ethnic groups nationalities, namely Limbuwan, Kirat, Tamsaling, Newa, Tamuwan, Magarat, Bheri Karnali, Sethi – Mahakali, Tharuwan, Madhes and Kochila. The party also proposed 24 special autonomous regions under these 11 states for communities and nationalities that have dominant population in certain localities. Eight of the proposed provinces are in the hill and mountain regions, while the remaining are in the Terai. The party has also proposed priority rights for the indigenous janajatis / Madhesis and other suppressed communities.

The party had ardently opposed the Westminster model proposed by the Nepali Congress and proposed a Presidential system with a directly elected president and a parliament elected prime minister. The president would hold executive powers, be the supreme commander of the armed forces and the head of the state, while the prime minister would look after the day today affairs of the government. On the issue of Constitution making, the party promised to use the initial six months of the new CA to forge consensus on contentions issues. In case, wherein consensus is elusive, the issue shall be put to vote.

The party also proposed a detailed plan for the country's development, envisioning a double digit growth of economy through modernization of agriculture, rapid development of hydropower and energy, and rapid construction of infrastructure like roads, airports and irrigation facilities. If in case the CPN-M formed government after elections, the party promised to achieve 7.9 per cent growth in first five years, followed by 11, 12.4, and 12.2 per cent growth in 10, 20 and 40 years respectively. It also talked of bringing foreign investment in various sectors and committed itself to the eradication of poverty and unemployment within 15 years. The party also proposed policies on social security, agriculture and land reforms, tourism and
industry, education and health and others. Other main highlights of the manifestos are:-

- Constitution to be drafted in a year after the elections to the new CA.
- Transforming the country into one of the richest in 40 years.
- Relieving the country from load shedding within three years.
- Developing a social security fund.
- President to have only two consecutive terms.
- Three layers of Legislature – Federal Parliament in the centre, Provincial Parliaments in the states and Councils at the local level.
- Three layers of judiciary – Federal Supreme Court in the centre, High Courts in the states, People's Court or Reconciliation Centers at the local level.
- Raising per capita income $ 40,000 in 40 years, $ 10,700 in 20 years, $ 3,300 in ten years and $ 1,400 in five years.

(c) The Communist Party of Nepal Unified Marxist Leninist (CPN-UML):-
Like other two main political parties, the CPN-UML too promised to frame the new Constitution within a year of CA election in its electoral programme. Also the party proposed a seven provincial federal system Limbuwan – Kirat – Kosli, Tamsaling – Newa – Bangmati, Magarat – Tamuwan – Gandak, Bheri – Karnali, Seti – Mahakali, Tharuhat – Awadh-Lumbini and Mithila – Bhojpura – Janakpur). The party stuck to the parliamentary form of governance – a directly elected prime minister as head of government and a House elected ceremonial president and sought to maintain the balance of power between the two. It also proposed to hold referendum to settle the important unsolved issues like CPN-M.

The manifesto stressed social-economic transformation, sustainable peace, strengthening of democracy and socialism and a pro-people Constitution as the party's major agendas in the elections. It proposed categorising the rights of the central, provincial and local government. The party promised to guarantee Constitutional
rights of the people by guaranteeing self governance and autonomous local bodies, upholding human rights, democracy, independent judiciary and social justice, employment generation and women empowerment.

Other major points of the CPN-UML manifesto were:-

- Party adopted three slogans:-
  
  i. 'Emale Ko Niti, Emaleko Netritwa' (UML's Policy, UML's leadership).
  
  ii. 'Emaleko Bahumat, Loktanrik Shaktiharuko Dui Tihai Bahumat' (UML's majority and two thirds majority of democratic forces).
  
  iii. 'One Village One employment'

- Upliftment of the Dalits, women, Madhesis, indigenous nationalities, youths, physically challenged persons, minorities and other backward communities.

- Introduction of special programmes for Tarai to end socio cultural discrimination.

- Generating 10,000 MW of electricity in next 10 years.

- Employment to 300,000 youths every year.

- Establishing model villages in each 240 (FPTP) constituencies and resetting 5,00000 homeless people in next five years.

(d) The Sadbawana Party:- The Sadbhawna Party proposed bicameral Legislature both at federal and state levels. While the federal lower House would have 151 members and the upper would have 71, in states lower House would have 21 members at the most. The party talked for "improved parliamentary system" where in there would be a Prime Minister elected from the parliament for a period of five years, exercising full executive authority. The party also advocated a fully proportional electoral system for future elections.

The party sought to federate the country into 10 provinces, and said it was open to two provinces in Madhes – one on the east of river Narayani and the other to its west
if the people so desired, though it always favoured one autonomous Madhes Pradesh. The idea behind two provinces in Madhes was to accommodate all the groups including Tharus who had called for a separate Tharuhat.

The party stood for Constitutional recognition of the identity of Muslim community and setting up of a Muslim Commission to look after Muslim personal law, permanent Hajj committee and the Council for Management of Madrassas, and also setting up of Muslim information centre. The party also put forward a language policy for the protection and promotion of languages such as Maithili, Bhojpuri, Awadhi, Bajika, Hindi, Urdu, Rai, Limbu, Newar and Magar.

Other main points of the manifesto are:-

- Constitutional court to deal with Constitutional matters.
- Single citizenship and doing away with the provisions of citizenship through lineage or birth. Dual citizenship for non-resident Nepalis.
- Special Relations with India.
- Kathmandu Valley Development Roadmap.

(e) The Rashtriya Prajatantra Party (RPP): In its manifesto, the party promised to pursue the federal democratic pluralistic republic as the political and parliamentary democracy as form of governance (a Constitutional president and parliament elected executive prime minister). In the centre, the party proposed bicameral Legislature (House of Representatives and National Assembly) while a unicameral Legislature would be provided for states.

The RPP advanced a federal model of seven units – two in Tarai Madhes region and five in Hills and Himal, based on capability and identity, the names for these Pradeshes were to be determined only after a consensus. The party also promised to give 'autonomous status' to the Pradeshes to be carved out in Tarai-Madhes.

The party also supported the three tier governance structure including: Centre, Pradesh and Local Bodies with their powers and rights to be specified in the
Constitution. The party was in favour of retaining mix election system (first part the post and proportional representation) even in the new Constitution. The party mooted the idea of recruitment in the Nepali Army on the basis of population, so that a separate unit could be created comprising of people from Tarai – Madhes region.

(f) The Rashtriya Prajantantra Party – Nepal (RPP-N):- Because of its pre-monarchial bent, the party proposed Constitutional monarchy with elected executive prime minister and declaring Nepal as a Hindu State (with equal respect for every religion and complete religious freedoms). This party too favoured a bicameral parliament with a 207 member Legislature- Parliament and a 60 member National Assembly.

RPP-N promised to end load shedding within five years and a high level property investigation commission for seizing illegal property. The party stated that building a capable and prosperous Nepal and economic revolution will be its immediate goal.

(g) The Rashtriya Janamorcha Party (RJP):- The RJP proposed a unitary government system with seven administrative divisions. It backed republic order, bicameral Legislature and president as the head of the state to be elected by the two Houses of the Parliament, while the Prime Minister (executively head) was to be elected by the House of Representatives. Conservation of rights, culture and welfare of underprivileged communities, guarantee of human rights and respect of press freedom were also highlighted in the party's manifesto.

(h) The Rashtriya Jana Morcha (RJM):- This was another party who opposed the principle of federalism and advocated for unitary system based on democratic decentralisation and local autonomy. Though RJM proposed the formation of seven provinces namely Koshi, Sagarmatha, Bagmati, Gandaki, Lumbini, Mahakali and Karnali, the party strongly opposed the ethnicity based autonomy and preferential rights to ethnic communities, but sought to form a National Council for the protection and representation of the diverse castes and dalits scattered in different parts of the country.

(i) The Madheshi Jandhikar Forum – Nepal (MJF-N):- The MJF-N under the leadership of Upendra Yadav retierated its demand for one autonomous Madhesh –
Pradesh in its election manifesto and was strongly against dividing the Madhes. Though it favoured granting the right to self determination in the states.

The Party advocated for a directly elected president with all executive authority, who would form a cabinet comprising of experts. It also favoured a bi-cameral Legislature at the federal level and a unicameral Legislature at the state level. The MJF-N outlined local government such as municipality government or village level government that would be autonomous and self governing. There would also be a clear demarcation of powers between these three levels of governance.

MJF-N envisioned a three-tiers structure for the judiciary – the Supreme Court, provincial court and local court along with a Constitutional court to interpret the Constitution. Party favoured Proportional Representation system for elections to the Legislature. It also stood for referendum on important and sensitive national issues.

On the issue of citizenship, party called for providing citizenship certificates even in mother's name. Likewise the party called for providing equal treatment of both men and women while providing certificates on the basis of marriage.

The party stood for a multi lingual policy for official work and Hindi to be established as a link language in the Madhes. Other major points of MJF-N manifesto are:-

- Entry of Madhesis and Janajatis in the Nepal Army, Nepal Police and other state administrative bodies.
- One Madhes Pradesh with full autonomy, right to self – determination.
- Fully proportional electoral system
- Special agricultural zones across Tarai.
- Quasi judicial rights for local bodies.

(j) The Madhesi Janadhikar Forum Loktantrik (MJF-L):- This party debuted with the Constituent Assembly Elections 2013 and pledged to draft a Constitution within six months of the first meeting of the CA and Constitution promulgation within a year. Its manifesto laid out the process to be adopted by the
party in the new CA with priority for consensus on contentions issues and voting, if consensus is elusive if the issue still remained disputed, then the party would take to referendum as a last resort.

MJF-L stood in favour of two provinces in Madhes: Madhes province and Tharuhat province and sought the federation of Nepal to comprise of 10 provinces. Its manifesto showed party's inclination to sharing of executive authorities between the prime minister and the president.

The remaining major points of MJF-L electoral agenda are:-

- Mixed electoral system
- Policies for women, Muslims, Dalits and Janajatis.
- Implementation of ILO 169 to secure priority rights for indigenous groups.
- Ending "internal colonisation" of the Madhes by non-Madhesis.
- Control over migration of non-Madhesis into Madhes.
- Balanced approach towards India and taking advantage of its economic growth.
- Supports One China Policy and developing the northern neighbour as a dependable development partners.

(k) The Tarai Madhesh Loktantrak Party (TMLP):- This was another Tarai based party which put its weight behind a single autonomous Madhes Pradesh, along with realizing the need for the integration of Tharus. Also it favoured a 10 province federal model for the country. It supported the parliamentary form of governance with a House elected prime minister as executive head and a ceremonial president as the head of the state. The party favored a mixed electoral system and an inclusive judiciary. The party manifesto mentioned policies for the upliftment of the Dalits, investing state funds in Madrassa education and setting up a Hajj committee. The party had set the target to ensure Constitutional basis for securing inclusive representation in state organs and equal status to all the languages and cultures.
The National Madhesh Socialist Party (NMSP):- Like most of the Madhes based parties, NMSP too opted for the creation of a single autonomous Madhes Pradesh with the right to self-determination. The manifesto stated that the main goal of the party was to mainstream Madhesis and other marginalized communities and sought their inclusion in all state organs including the Nepal Army. NMSP favoured the creation of states on the basis of identity and economic capability. The party’s manifesto expresses its commitment to secularism, parliamentary form of government, three-tier of government, independent judiciary, press freedom, human rights and pluralism. It favoured granting national recognition for languages, customs and cultures of all communities including Madhesi, Dalit, Muslims, Tharu and indigenous nationalities. Other major highlights of the manifesto are:-

- Use of Nepali and Hindi and national link languages.
- Citizenship rights for children of Nepali citizens married to foreigners as well as children of naturalized citizens.
- End the problem of statelessness in Madhes.
- Muslim identity be recognised in the Constitution.
- Recognition to Muslim personal law.
- Waiver of customs duty for residents of Nepal India border region for goods that cost up to Rs. 5,000.
- Constitutional provision to protect the Chure range.
- Promote relations with countries on the basis of Panchasheel but also strengthening special ties with India.

The Federal Socialist Party Nepal (FSPN):- This party proposed 14 state cooperative federal model with inclusive presidential system in its election manifesto. The party sought to enlist these states into autonomous provinces, autonomous regions, protected area and non-territorial areas. The FSPN favoured the naming of states after ethnic, linguistic and cultural legacy of the concerned state, but it did not
favoured priority rights for any community, under the inclusive presidential system the party had stood for a directly elected president and vice president representing different provinces, gender and communities, but provided that the prime minister and president would not belong to the same community.

The party envisioned direct election, multilingual policy at every level, no confidence motion against the president, federal judiciary and parallel House. The party also advanced its own integrated economic model of development with emphasis on education, health and infrastructural development. The Party, of course, guaranteed a new Constitution within a year.

THE CONDUCT OF ELECTIONS – 19TH NOVEMBER 2013

Earlier on 4th October 2013, the 33 party alliance led by CPN-M declared that his party would protest the November 19 Polls peacefully, without raising arms. Consequently, this anti-poll alliance organised a 10 day nationwide transport strike and a de facto bandh (a general shutdown) beginning from November 11.

Nepal went to polls for the Second Constituent Assembly (with strength of 601 members) on 19th November 2013. The total number of registered voters this time was more than 12 million out of which 78% turned up to vote at more than 18000 polling booths. The voting was by and large peaceful with only major incidence of violence, was a bomb explosion outside a polling station in Kathmandu, injuring three people. On December 16, Mohan Baidya Chairman of CPN-M (leader of anti poll alliance) publicity stated that his party had planted bombs across the country prior to the elections.28

Results:

The counting started on the morning of 20th November 2013 and early trends showed that the NC and the CPN-UML lead the vote count. The CPN-M that emerged as the single largest party in the previous polls was third in electoral race this time leaving the party leaders red faced. As a result, the Maoist party walked out of the counting of votes on 21 November 2013, alleging that the process was marred by rigging and malpractice.29 This move of the UCPN-M was condemned by the international poll
observers and the civil society who certified the elections to be free and fair. Meanwhile, as the counting progressed, the indications of a hung House started coming in as the CPN-UML and the Nepal congress were neck to neck in the race to government formation. The Election Commission of Nepal simultaneously declined the Maoist demand for review of electoral process.

After the counting of seats under the FPTP system was over, the Nepali Congress emerged as a clear winner with highest number of seats, i.e. 105 out 240, followed by the CPN-UML with 91 seats and CPN-M with 26 seats. The counting for the seats under the Proportional Representation system took off immediately after the results of the FPTP seats.

With an apparent set back to the pre dominant position and rejection of review place, the Maoist softened their stance and showed willingness to join the political process but with a pre condition that the new Constitution should be prepared on the basis of consensus among political parties and even those parties that boycotted the elections should be involved in the Constitution drafting process. It also demanded a high level independent commission to investigate into the complaints of vote fraud. In the meantime, the voting for the Constituent Assembly was completed on 28th November 2013 and interestingly not a single party could attain majority. However the Nepali Congress did emerge as the single largest party in House. The following table indicates the positions of the contesting parties in the new Constituent Assembly:
<table>
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<tr>
<th>Party</th>
<th>FPTP</th>
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<td>%</td>
<td>Seats</td>
<td>Votes</td>
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<td>105</td>
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<td>2</td>
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<td>Party Name</td>
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After weeks of negotiations, the Maoists finally agreed to join the recently elected Constituent Assembly. This time they softened their stand by agreeing to conduct the probe in elections by a committee of the House instead of an "independent and credible" body. Meanwhile the political parties submitted the lists of their members as per the seats allotted to them under the PR system on 30th December 2013, after the deadline was extended thrice by the Election Commission. The newly elected Constituent Assembly met for the first time on 22 January 2014. This meeting was chaired by the former Prime Minister and the senior most member of the new CA, Surya Bahadur Thapa, and it set the ball rolling for a new Constitution to be drafted for the country.

Since no party attained a clear cut majority all the parties had to field candidates for the post of the Prime Minister to be elected by the House. Nepali Congress took the lead by nominating party, president Sushil Kumar Koirala for the job who defeated former prime minister Sher Bahadur Deuba in a vote by party legislators. The date for the Prime Ministerial elections was fixed to be 10th February 2014. Though being the largest party in CA, Nepali Congress wanted that Koirala be elected unopposingly and started negotiating with various parties. The support readily came in from the fringe parties, but the CPN-UML came on board only after a seven point was agreement struck between the NC and the CPN-UML. As per the agreement, there would be no elections for the post of President and Vice President immediately, a demand that...
UML had invited upon until the last moment. The elections for these two posts, along with the Prime Minister and Speaker of the House would be held after the Constitution is made public (in a year) but before it comes into effect. The NC agreed to have the UML's suggestion of having the President and the Vice-President endorsed by the Parliament. The parties agreed to draft the Constitution as per the agreement reached in the past, right from the 12 point agreement reached in New Delhi in 2005, the Comprehensive Peace Agreement, the Interim Constitution, the mandate of November 2013 elections and the agreement reached by the previous CA. The NC also agreed to support the UML nominee as the Chairman of the Constituent Assembly (who would also function as the Speaker of the Legislature Parliament). Therefore, Mr. Koirala was elected the new prime minister of Nepal on 10 Feb. 2014 and CPM-UML's Subhash Chandra Nembang was elected unopposed as the Chairman of the new Constituent Assembly on 19th Feb. 2014. The full fledged NC-CPN (UML) government was put in place on 26th February when 18 minister cabinet was sworn in. Bam Dev Gautam of the CPN-UML and the NC's Prakash Man Singh are the deputy Prime minister in the new cabinet. The people of Nepal have pinned their hopes on this new government to deliver a timely and stable Constitution so that the process of building a new Nepal meets its logical and suitable end.
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