Chapter - III
People's Movement-I (1990)

The evening of 8th April, 1990 marked a turning point in the recent political history of Nepal, when King Birendra announced the lifting of ban on political parties and dissolving the Panchayat System completely. This was mainly the outcome of "The 1990 People's Movement", also called the "Movement for Restoration of Democracy", "Democratic Order" etc. So, this important event requires an in depth analysis of factors and forces that engineered the success of the democracy movement in the country.

The domestic political scenario in Nepal has experienced major upheavals and transformations both in the nature of political system as well as the character of the government. This evolution of political system can be derided and studied under the following heads:-

1. **Constitutive Monarchy (1768 to 1774)**

This phase begins with the political integration of Nepal by King Prithvi Narayan Shah in 1768. He was a Gorkha King, and he founded the ruling House of Nepal – the Shah Dynasty. He was successful in unifying the kingdoms of Kathmandu, Patan and Bhaktapur. The notable characteristics of the Gorkha rule were:-

(a) The eminence given to the two higher castes – Brahmans and Kshtriyas.

(b) The effort to establish the office of King according to Hindu traditions and assimilate an element of divinity to it.

The latter proved out to be important factor in strengthening the institution of Monarchy in later years.

2. **DIMINISHING MONARCHY (1775-1846)**

King Prithvi Narayan Shah died in 1775. After him, the thrown of Nepal was occupied by minors from 1777 to 1832. By the end of eighteenth century, the political
position of the ruling family was greatly undermined, and regents and ministers (mukhtiyars) were thus able to concentrate authority in their own hands. The political system in this period, was characterised by a highly segmented, pyramidal structure dominated by a handful of Kshatriya families, assisted and advised by a number of prominent Brahmin families. The power and influence kept rotating among these families: the Chautarias (a collateral branch of the Shah family) were dominant from 1785 to 1794, the Pande Family from 1799 to 1804, and the Thapas, from 1806 to 1837. These Bhardars, (bearers of the burden of the state) or courtly nobles and members of the highest advisers more of the Prime Minister than that of the king. However, the Prime Minister was not bound to the advice rendered by the Bhardars and could overlook it. Thus simultaneous to the decline in Throne's power, was gradual disappearance of Bhardars as "an effective policy making body." However the Shah Kings retained some authority during this period, as a source of granting legitimacy to the Prime Minister and his government. The ruling House was marred by internal conflicts to gain primacy over the throne and this drama culminated in the infamous Kot Massacre of 1846 and the rise of Jang Bahadur Rana, the man who gave a new direction to the history of the Kingdom.

3. CAPTIVE MONARCHY (1846-1951)

The rise of Jang Bahadur Rana also started a new trend in the politics of Nepal. This remarkable man was able to smash all rival political factions in an effectively conducted massacre in the royal palace courtyard (1846), after which he stripped the King of political power and centralized absolute power in the hands of his family. He extracted the Sanad (royal decree) of 1856, from King Surendra, according to which Jang Bahadur and his successors were granted absolute authority in civil and military administration, justice, and foreign relations. The Rana Prime Minister was authorised to ignore the commands of the King if the should be considered in appropriate or contrary national interest. The authority of state was divided, between the de facto ruler, i.e. the King who acquired the title of "Maharajadhiraj" or the King of Kings and the de jure ruler, i.e., the Rana Prime Minister who acquired the title of Maharaja of Kaski and Lamjung. The Ranas advertised the king as a spiritual head only, God Vishnu's incarnation, so that he could be isolated from governmental affairs. This absolute rule of one family over the country, for a long stretch of time, left the people
as subjects totally lying low, from whom obedience was extracted through the coercive methods freely used by the State. The Ranas prevented the growth of an intelligent and independent middle class which might have posed a potential threat to their regime. However, a section of Nepali youth who came to India to pursue higher studies also came under the influence of the leaders of national movement for independence of India. They were convinced that the Ranarchy existed only with the blessings of the British Indian regime and that the independence of India would also pave the way for liberation of Nepalese from the despotic Rana rule. So, they took an active part in the Indian Freedom Movement and were consequently rewarded in 1951, when the Rana regime fell under the burden of popular will.

4. REVOLTING MONARCHY (1950-51)

The British withdrawals from India not only deprived the Ranas of powerful external backing, but placed in power in New Delhi a government whose attitude towards the Ranas was anything but sympathetic. The small but vocal group of anti-Rana Nepalis in India was for the first time given an opportunity to organise politically and to use India as a base from which to subvert the Nepali government. Internal discontent also began to assume dangerous proportions, not only in Kathmandu where it could be controlled, but also in the districts adjacent to India where Rana authority could be effectively challenged. These developments made the ruling clique realise that oppressive methods alone could not suppress the rise of a popular surge. A strong policy initiative was also required. And so, was enacted the first written constitution of the erstwhile Kingdom of Nepal, called the Government of Nepal Act, 1948. However, the Act of 1948 failed to bring about the desired result. It could satisfy neither the common people, nor the ruling Rana elite, who were reluctant to accept a cut on their privileges except by the force of arms. The crisis developed very rapidly, and the Prime Minister Padma Shumshere resigned voluntarily when he found himself in a hopeless minority. He was succeeded by Mohan Shumshere in May 1948, under whose leadership the extremist Ranas let loose a reign of terror. Thus, the opposition to Ranacracy came not only from general public, but also from the political parties, the dissident Ranas and the Nepalese Monarchy. King Tribhuwan who was a "prisoner" of the Ranas in the Palace and desired "to regain his power" joined hands with the people and the Nepali Congress to overthrow the Rana autocracy. Nepali
Congress was pioneering a popular movement against the Ranarchy with the flight of the Royal family on November 6, 1950 to the Indian embassy in Kathmandu, the Revolution broke out all over Nepal and the people and the Nepali Congress struck the Ranas fast\(^{10}\). King Tribhuwan along with his family was flown to New Delhi, four days later, in an Indian Air Force plane. The Ranas installed Gyanendra, the three year old grandson of King Tribhuwan on the throne, but neither the Nepali people, nor the international community recognised the accession of infant King. After 104 days of bloodbath, the 104 years old Ranarchy collapsed under the weight of the popular movement. Tripartite talks began in Delhi in February 1951 between the King, the Ranas and the Nepali Congress, which concluded in the historic "Delhi Agreement" on 12\(^{th}\) February 1951. The Revolution 1950-51 was unique, since the King joined forces with the people at the risk of his Crown.

5. MONARCHY FOSTERING DEMOCRACY (1951-1955)

King Tribhuwan returned to Nepal on 15\(^{th}\) February, 1951. His protest not only spelled the doom for Ranacracy, but also reaffirmed people's faith in the institution of Monarchy. Nepal can possibly be considered the only example in the world (other than Bhutan) where King himself ensured the victory of people through democratic measures. On 18\(^{th}\) February, 1951, King Tribhuwan issued a historic proclamation, inaugurating the new political system based upon the interim constitution of 1951, as promulgated by the king himself. The most striking feature of this interim constitution was that, for the very first time, Nepali citizens were granted "Fundamental Rights" including the essential – "Right to form Associations and Unions". "Constitutional Monarchy" based on the British Model, was the accepted form of government under the interim constitution. It was a brief of constitution of nineteen articles, which aimed at creating "the form and facade of a modern state, with overtones of freedom and welfare, social justice and equiaty"\(^{11}\). The irrational nature of party politics and the political leadership during 1951-55 created many uneasy situations for King Tribhuwan. Five ministeries followed one after the other, while the Nepali Congress presented a House divided against itself\(^{12}\). Amidst these unstable political conditions, the death of King Tribhuwan in 1955 at Zurich, Switzerland came as a rude shock to the attempts to modernise and democratise Nepali government and politics.
6. COMPETING MONARCHY (1955-1960)

King Tribhuwan's death in March 1955 and the accession of Crown Prince Mahendra to the Nepali throne marked another turning point in the transitional politics of post Rana Nepal. He was determined to participate directly and actively in the political process, unlike the passive role preferred by his father. Exploiting the political instability and the feud among political parties, King Mahendra promulgated a new constitution in 1959. The theory that the king was source of all powers was once again re-indicated in this constitution as the Preamble of the constitution stated that "the Maharaj has enacted and promulgated the fundamental law in the exercise of the sovereign powers and prerogatives vested in US in accordance with the tradition and custom of our country and which developed on us from our August and respected forefathers. The objective of the constitution were also expressed in very clear term in the preamble as follows:....... To help our subjects to attain all round progress and achieve the fullest development of their personality, to ensure to them political, social and economic justice and to cement the unity of the nation by bringing about political stability through the establishment of an efficient monarchial form of government responsive to the wishes of the people." So, this constitution endowed the King with enormous powers, who inhibited the process of democratization of the country's political system. Eventually "acting according to the provisions of the constitution", King Mahendra staged a "coup against his own Government", through the instrument of the army, the royal army, of which he was the Supreme Commander, on the fateful day 15th December, 1960.

7. ASSERTIVE MONARCHY (1960-1990)

In accordance with the Royal Proclamation of 15th December, 1960 which ended parliamentary democracy in Nepal on vague and general charges, full of verbiage, baseless and unsubstantiated, and which has been characterized as "the greatest political hoax played in modern times upon democracy", King Mahendra assumed the entire administration of the country. During 1960-62, king Mahendra was his own Prime Minister and relentlessly endeavored the goal of popularising what he called "Panchayat Democracy" as an alternative to "Parliamentary Democracy". The trend toward Panchayat government became clearer in the royal policy proclamation of 5th
January 1961, which stated that the type of democracy Nepal required should arise from the people's needs through a Panchayat council\(^\text{17}\). Thus, the King new political system, termed "Panchayat Raj" was formalized in a new constitution bestowed on the country on 16\(^{th}\) December, 1962. This constitution vested the sovereignty of Nepal in the King. In relation to His Majesty the constitution itself occupies only a second place. Thus, it can be concluded that the 1962 constitution was monarchial with the party less Panchayat system subordinated to the monarchy.

King Mahendra passed away in January 1972, and King Birendra ascended the throne. He was widely believed to the liberal. Hence, the political leaders who wanted a change in the system adopted the strategy of playing up the liberal sentiment of the King as well as resorting to pressure and violent activities to achieve their goal. But the king turned out to be both wise and strong to maintain his position and also the essence of the continuing system\(^\text{19}\). But by the 1980s, the restraints imposed on political organizations were starting to ease and liberal student – led groups were starting to spring up demanding constitutional change in Nepal. The turning point came in November, when as a result of nation wide democracy movement, King Birendra agreed to reduce the powers of the monarchy dramatically by adopting constitutional Monarchy.

**8. CONSTITUTIONAL MONARCHY (1990-2001)**

On November 9, 1990 King Birendra announced a new constitution. Under the new system, Nepal became a constitutional monarchy, modeled after the British system. Sovereignty now rested with the Nepali people, instead of the Crown. Nepal was declared 'a multi-ethnic, multi-lingual, democratic, independent, indivisible, sovereign, Hindu, constitutional monarchial kingdom.'\(^\text{20}\) The executive authority of Nepal was vested in the King and the Council of Ministers, and the constitution made it clear that all functions discharged by the King should be discharged on the advice and with the consent of the Council of Ministers\(^\text{21}\). There was also a total freedom on the formation and functioning of the political parties. This system functioned smoothly for nearly ten years in Nepal, i.e. till June 2001, when there was a massacre in the royal palace.

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Nepal experienced the first major disaster in its political history in June 2001, when the two hundred and fifty years old monarchy suffered a major set back following the ruthless slaughter of King Birendra, the queen and other members of the royal family by the Crown prince Dipendra, who later finished himself on June 1, 2001\textsuperscript{22}. The Crown of Nepal was now passed on to Gyanendra, the younger brother of King Birendra, who ascended the throne as the 13\textsuperscript{th} Monarch of the Shah dynasty. During his early years on the throne, Gyanendra sought to exercise full control over the government because of the failure of all parties. In May 2002 he supported the popularly elected Prime Minister Sher Bahadur Deuba, when he dismissed the parliament elected in 1999. In October 2002 he dismissed Deuba and consolidated his power for the first time. During the years 2002 to 2005 he chose and subsequently dismissed three prime ministers, finally dismissing Deuba for the second time and taking over as absolute ruler on 1 February 2005\textsuperscript{23}. The King accused the Prime Minister of failing to held parliament elections and to end Maoist insurgency, and decided to deal directly with the Maoist rebels. His decision was immediately followed by a crackdown on political parties, student organizations and other opposition groups\textsuperscript{24}. On October 30, 2005 the Seven Political Parties of Nepal, namely, The Nepali Congress, Communist Party of Nepal (UMC), Nepali Democratic Congress (Democratic), Janamarcha Nepal, Nepal workers and Peasant Party, Nepal Sadbhawna Party and United left Front agreed to join hands and to lead the movement for restoration of democracy. On November 22, the Seven Party Alliance and the Maoist rebels signed a 12-point agreement to work for the end of autocratic rule of the King and restoration of democracy. On April 6, 2006, the SPA and Maoists launched a nation wide general strike and non-cooperation movement. Ultimately, on April 24, the Nepalese people succeeded in bringing the beleaguered monarch to his knees as he was forced to retreat by the people's power. In a late might announcement on state run T.V., the Nepal's King Gyanendra made proclaimed that "he is reinstating Parliament." He also admitted" state and sovereign power are inherent in the people of Nepal, taking cognizance of the wishes of Jana Andolan (People's Movement)\textsuperscript{25}. Eventually the parliament stripped the King of the all the powers. The newly elected
interim government of Nepal abolished the institution of Monarchy on 28th May 2008, declaring Nepal as a Federal Republic.

POLITICAL AWARENESS IN NEPAL

At the close of the nineteenth century, some enlightened Nepalese came to be drawn towards the socio-religious movements then running in full swing in India. A few of them embraced the teachings of the Arya Samaj, founded by Swami Dayanand Saraswati, and one of them, Madhav Raj Joshi, returned to Nepal to begin a series of discourse on the Hindu Sastras. In the year 1920, Mahatma Gandhi started the non-cooperation movement in India. A few Nepalese who were receiving education in India, also joined it. Simultaneously, the Nepalese soldiers who fought in the World War II were returning back home. They were dissatisfied with the home conditions and began spreading their new ideas among their fellowmen. Thus, by the 1920s, a new social consciousness began to develop in Nepal under the guidance of a new set of leaders among whom Subba Devi Prasad Sapkota, Krishna Prasad Koirala and Dharni Dhar Sharma were the most outstanding. Krishna Prasad Koirala was deeply influenced by the teachings and views of Gandhi and expressed his ideas through his poems in the Nepali language. In the later 1920's, the ideas of nationalism also began to spread in Nepal. The writings of Krishna Prasad Koirala and Dhamidhar Sharma's Naivadhya which "ushered in the twilight of modernity", the revival of historical interest through the works of Surya Bikram Gyavali and Lekhnath Paudiyals forceful novel Pinjda Ko Suga helped the process of development of nationalist sentiments among the new generation of literate Nepalese. Inspired by the same sentiment, Subba Krishna Lal wrote a line on the virtues of native dogs as against the European ones in his little book named Makiai Ka Khettii which immediately brought upon him the ire of Chandra Shamshere, the erstwhile Rana Prime Minister.

ANTI-RANA MOVEMENT

However, the impact of these new ideas was being more and more felt. The Nepal Nagrik Adhikar Samiti, was founded during the 1930s by Pandit Sukra Raj Sastri, son of Madhav Raj Joshi, at Kathmandu. The Samiti functioned on a purely socio-religious plane. However, this made some of the young members of the Samiti very restive, who were convinced that the Rana Rule could ended only by the use of force.
In 1935, an extremist group called the Praja Parishad was formed in Kathmandu, under a thick cloak of secrecy. Some of its prominent members were Tanka Prasad Acharya, Dasrath Chandra, Ram Hari Sharma and Dharma Bhakta. The Praja Parishad, however, could not work for a long time, in 1940, through betrayal or vigorous police investigations, the Ranas came to know of its organizers. About 500 of its members were arrested, some of them were executed and the rest awarded long imprisonments. Nonetheless, it infused new courage and confidence in anti-Rana elements, and set the stage for successive anti-Rana struggles.

The first rumbling of discontent among the people of Terai, where a serious famine was raging, began to be heard. On 4th March 1947, the mill workers of Biratnagar struck work and began the first organized strike in Nepal. In response to their call, B.P. Koirala and other leaders of the Rashtriya Congress joined the strike, which turned from a small scale employer – employee conflict into a full-fledged political bottle. A Civil Disobedience movement was launched at Biratnagar on 13th April 1947 in the way of individual Satyagraha, soon spread to other districts. As a sequel to the movement, Prime Minister Padma Shamshere announced on 16th May 1947 that he would be willing to introduce for reaching political reforms provided the Rashtriya Congress agreed to withdraw the Satyagraha. On 2nd June, 1947, Rashtriya Congress called off the movement. According to the proclamation of 16th May 1947, Maharaja Padma Shamshere constituted a reform committee to suggest changes in the administration. A delegation comprising of Indian leaders as Shri Prakash, R.U. Singh and Raghunath Singh was sent to Kathmandu to assist in constitution drafting. The new constitution thus drafted, was influenced by the Government of India Act, 1935, and was called "The Government of Nepal Act, 2004 V.S. (AD 1948)," where in it has been noted: -

"..... I, Maharaja Padma Shamshere Jung Bahadur Rana, do hereby ordain and promulgate that constitutional Act......"

FIRST CONSTITUTION OF NEPAL, 1948

Fundamental Rights and Duties
The constitution guaranteed freedom of speech, of press, of association, and of discussion, of worship and "complete equality in the eye of the law, "subject to the principles of public order and morality". (Article 4) Article 5 laid down the fundamental duties of the citizens which were to promote public welfare; to contribute to public funds; to be in readiness to labour physically and intellectually, and bear true allegiance of His Majesty the Maharajadhiraj Shri 5 and his Highness the Maharaja Shri 3 and "be faithful to the state and its constitution." 33

THE EXECUTIVE

This constitution recognised the supreme authority of Rana Prime Minister, through Article 3, which said, "The rule of succession relating to His Majesty the Maharajadhiraj Shree 5 and his Highness the Maharaja Shree 3, shall continue as hereto force in accordance with law, custom and usage in their behalf and shall for all time be inalienable and unalterable." 34 Thus the old order of family rule was preserved. The Maharaja was to be assisted by a Council of Ministers of at least five members, two of whom were to be chosen from among the elected members of the Legislature (Article 7b). Article laid down that the Council of Ministers "shall transact all executive business of the state." It was empowered "to lay down the general policy of the State scrutinise the budget of the various departments, to give final considerations to Government bills to be placed before the legislature and to bring about coordination and cooperation between the various departments of administration." 35 But the Prime Minister was given absolute control of the council of Minister.

The Legislature

The Act of 1948 provided for a Central Legislature comprising two Houses – the Bharadari Sabha and the Rashtra Sabha.

The Rashtra Sabha composed of 42 elected members and 28 nominated members (Schedule A). Among the elected members 32 were Pradhan Panchas of the Zilla Panchayats, the 4 Pradhan Panchas of Kathmandu, Patan, Bhaktapur and Birganj and the remaining 6 representing different sectional groups and classes. 36
The Bharadari Sabha was to comprise between 20 to 30 members nominated by the Maharaja "to represent as far as possible the chief national interests and activities" (Article 32(c)).

The legislature was provided to be a permanent body, with one-fourth of its members retiring after every four years. The two chambers were equal in status, though the Demand for Grants was to be submitted first in the Rashtra Sabha and then sent to the Bharadari Sabha (Article 39(c)). However, the powers of the Legislature were extremely limited. The list of expenditure charged upon the revenues of state could not be discussed, nor could a demand for grant by made without the recommendation of the Maharaja (Article 38(d) and 34(c)). However, the following matters were excluded from the scope of legislature:

a) The list of expenditure charged upon the revenues of the State could not be discussed, nor could a demand for grant be made without the recommendation of the Maharaja (Articles 38(d) and 39(d)).

b) Nothing could be said or done in the Legislature so as to interfere with – the succession, position, rights and privileges of His Majesty Sree 5 Maharajadhiraj or this Highness Sree 3 Maharaja as by ancient law, custom and usages established (Article 34b).

The legislature was required to meet at least twice every year (Article 23(a)). Article 34(a) laid down the main function of the legislature as to "ask questions, move resolution and introduce bills regarding the welfare and administration of the whole of the Kingdom of Nepal or any part thereof and for the subjects of Nepal, wherever they may be residing.....".

**JUDICIARY**

Part V of the Act dealing with administration of justice stated that "Justice shall be cheap and speedy" (Article 48). Article 52 provided that the Maharaja should appoint a Judicial committee to act as the supreme court of appeal in special cases, to frame rules and regulations and article 67 authorised it to resolve any difference arising out of the interpretation of any provision of the Act of 1948. Article 53 provided for the
establishment of a Pradhan Nyayalaya (High Court), consisting of a Chief Justice and other judges not exceeding 12 to be appointed by the prime Minister. It was to work as a court of records and was given jurisdiction to superiors the lower courts, to issue general rules and to prescribe forms "in which books, entries and accounts shall be kept by the officers of any such courts" (Article 55 and 56). The Act empowered the Prime Minister to remove a judge on grounds of "gross misbehaviour or infirmity, physical or mental" on the recommendation of the judicial committee to grant pardon, reprieve, respite or remission of punishments were guaranteed.40

LOCAL SELF GOVERNMENTS

The Act of 1948 provided the setting up of a three-tier Panchayat hierarchy based on party less line. For every village or a group of villages, a Gram Panchayat was to be set up having 5 to 15 elected by the vote of all adults with an elected Pradhan Panch (Article 16). Every town or city or group thereof was to have a Nagar Panchayat, consisting of 10 to 50 elected members, with an elected Pradhan Panch (Article 17). Every district was to have a Zilla Panchayat, having 15 to 20 members, elected by the Pradhan Panchas of the Gram and Nagar Panchayats under its own elected President (Article 18).41

The Gram and Nagar Panchayats dealt with the matters of education, welfare and prosperity of the people, justice, water supply, sanitation, construction and maintenance of roads, drains, bunds, bridges, public buildings, grazing lands, basic education, unemployment, relief, cottage industries, etc. (Article 17). The role assigned to the Zilla Panchayats was to "coordinate the activities of villages and town Panchayats" and "aid and advise the Bada Hakim of the Zilla on the matters of policy relating to the welfare of the Zilla" (Article 21).
About the 1948 constitution, Peter Murray observed, "The constitution is obviously eyewash to disarm criticism from progressives while retaining powers firmly in the hands of the Rana family."  

However, it must not be forgotten that Nepal was being ruled by a patrimonial elite not concerned with people's welfare. In such a backdrop the Act of 2004 VS, was a significant step towards the process of democratization. It brought the Rana Prime Minister under checks, for the first time in Nepal's history. It is considered a landmark in the Nepali history as it granted fundamental rights to the people for the first time. It is also the first written document in the annals of the history of Nepal. However, the promises made under the 1948 constitution remained undelivered. The Commander in Chief, Mohan Shamshere forced the liberal Rana Prime Minister Padma Shumshere to resign and abdicate in his favour. As soon as he assumed power in 1948, he made it clear that he was not going to honour the reforms announced by the Act of 1948.

This was the time when the domestic environment in Nepal was highly politically charged. The forces of nationalism, anti – imperialism and communism were operating against the traditional and authoritarian system. The political
transformation, being experienced in the South Asian sub-continent, was towards democratization. Meanwhile, the Rana House stood divided between "A", "B" and "C" class Ranas according to purification of blood. The diehards in the system led by Mohan Shamshere confiscated the property of some "B" and "C" class Ranas who were disqualified from succession to the throne of Prime Ministership. They joined hands with the anti-Rana forces and formed Nepali Democratic Congress (or Nepal Prajatantrik Congress). B.P. Koirala, who had formed another organisation Nepali National Congress (or Nepal Rashtriya Congress) realised that any attempt of democratization would be forcefully crushed, gave a call for joint action by all the anti-Rana elements. Consequently the above two organisations merged to form the Nepali Congress in 1950. Besides the Nepali people, the political parties and the dissident Ranas, the Nepalese monarchy also had a hand in glove in the anti-Rana conspiracies. Eventually, on November 6, 1950, King Tribhuwan along with his three sons, their wives and sons, and two queens left the Palace on the pretext of a hunting expedition and took refuge in the Indian Embassy. Four days later, he along with his family was flown to New Delhi by a special plane.

This event proved out to be a turning point in the history of Nepal. As soon as the King reached India, the Nepali Congress launched a nationwide liberation struggle against the Ranarchy. In the meantime Padma Shamshere installed Gyanendra, King Tribhuwan's grandson who was left behind, on the throne of Nepal. He sought recognition from Britain, United States of America and India in favour of the infant King, which was denied by the three countries. Simultaneously, the Congress liberation force called the Mukti Sena struck the Ranas fast. The popular upsurge which followed in the wake of the insurrection scared the Rana circles. Even the people of Kathmandu broke out into spontaneous demonstrations which the Rana police failed to suppress. The two other factors which helped the liberation movement were, first, the moral support it received from the fugitive King and, second, the firm attitude which the Indian Government adopted towards the Ranas at this time. At last, Maharaja Mohan Shumsher accepted the suggestions given by the Indian Prime Minister Pt. Nehru and recognized King Tribhuwan as the real and constitutional monarch of Nepal. He also agreed to form an interim government of fourteen members having half of the popular representatives and to hold elections to form a
Constituent Assembly by 1952. The political parties were also granted a legal sanction. This was known as the Delhi Agreement, signed between the three parties – the King, the Ranas and the Nepali Congress on Feb. 12, 1951 at Delhi.

King Tribhuwan returned to Nepal on February 15, 1951 and on Feb. 18, issued a historic proclamation inaugurating the new political system. This day marked the termination of over a century of autocratic and despotic rule of the Rana family over Nepal.

THE INTERIM CONSTITUTION OF NEPAL, 1951

After being restored to the throne, King Tribhuwan expressed in his historical declaration of 18th February 1951:

"Hereafter our people shall be administered in accordance with a democratic constitution to be framed by the Constituent Assembly elected by the people. Until such constitution is framed a Council of Ministers composed of popular representatives having people's confidence shall be constituted to aid and advice us in our administration." Accordingly, an Interim Government of Nepal Act, 2007 V.S. was announced on March 30, 1951.

The Interim constitution of 1951, aimed at providing a legal basis to the new political order of constitutional monarchy. It recognised the supremacy of the King and restored in him, his lost sovereignty, powers, prerogatives and position. It endeavored to set up a democratic form of Government in the country with the King as a constitutional head. This constitution was given to the people by the King on the advice of his Council of Ministers. Thus it was the first written constitution ever given by a Shah King. This constitution was divided in six parts and contained the preamble, seventy three articles and one schedule. It was amended six times in its span of eight years. As stated above, this act was an attempt to establish a constitutional monarchy based on a limited application of the principles of parliamentary democracy. The basic requirement of a modern administrative system was a central secretariat which was set up at Singha Darbar. Modern ministries headed by cabinet ministers were organised, country's first budget was prepared and higher grades of civil services were created, statutory bodies like the Public Service
Commission, Election Commission, Census Commission, Law Commissions, etc. were created, along with advisory bodies such as National Council, Planning Commission and Work Expediting Committee.

**Directive Principles of State Policy**

Part one of the constitution contained short title of the constitution; part two consisted of Directive Principles of state policy spread in eighteen articles (Article 2-20). This part was largely inspired by Part III and IV of the Indian constitution which deals with the Fundamental Rights and Directive Principles of State Policy the most ambitious was Article 4 which stated:-

"The state shall strive to promote the welfare of people by securing and protecting as effectively as it may a social order in which justice – social, economic and political – shall inform all the institutions of the national life."49 Thus the foundation for a social welfare state was laid in direct contrast to the police state which the previous Rana regime had established.

Article 5 stressed the setting up of units of local self-government called Panchayats. Article 6 promised the right to work, education and public assistance in cases of unemployment, sickness, old age, etc. Article a emphasized the need for a uniform social code and Article 13 that for "equality before law or the equal protection of law. "Article 19 advocated abolition of forced labour and traffic in human beings and Article 20 pleased for the abolition of exploitation of children below the age of 14.50 Article 16 guaranteed, the celebrated seven freedoms to citizens:- (i) speech and expression; (ii) assemble peacefully without arms; (iii) form association or union; (iv) move freely; (v) reside and settle in any part of Nepal, (vi) acquire or sell property, and (vii) practice any profession, occupation, trade or business.

To conclude these 19 articles were an attempt to portray Nepal as a modern state inclined towards the ideals of freedom and welfare, equality and social justice. They were obviously intended for opening up new vistas of progress for a primitive obscurantist feudal society struggling to be ushered into the modern age like many other third world societies.51
The Executive - The King and Council of Ministers

Articles 21 to 28 transferred all the powers hitherto enjoyed by the Rana Prime Minister to the King and his Council of Ministers. Article 21 laid down: "The executive power of the state shall be vested in the King and his Council of Ministers and shall be exercised by him in accordance with the advice of his ministers." This implied that the King could not act except on the advice of his ministers and had to function as a constitutional monarch. Article 21(2) vested the King with "the Supreme command of the Defence forces of Nepal" and Article 21(1) empowered him "to grant pardon, reprieves, respites or remissions of punishment." Article 25(1) required all the executive action of the Government of Nepal to be taken in the name of the King.

Under Article 24, the Council of Ministers was made "collectively responsible to the King." Article 26 authorised the King to call for information from the Prime Minister and submit for consideration by the council any matter decided upon by a minister but not the council. In the field of legislation, the King was vested with powers to promulgate at any time, ordinances which were to be given recognition as the "law of the country." (Article 29(2)).

The Legislature

This Act did not provide for a proper legislature. It only provided for the formation of an Advisory Assembly by the King as an interim legislature. All the ministers were its ex-officio members. Practically, it strengthened the position of the King.

The Judiciary:

Article 30(1) provided for Pradhan Nyayalaya, the "highest court of justice" to act as a court of record with the full authority vested in it by Article 31 "to punish for contempt of itself." Article 30(1) also empowered the King to appoint the Chief Justice and other judges of the High Court. The judgment of the Pradhan Nyalaya could not be reversed by the King or the Prime Minister unlike under the 1948 constitution. The 1951 interim constitution thus effectively ensured the separation of the executive from the judiciary at the highest level.
External or Formal Safeguards of Democracy

The constitution provided for various formal safeguards of democracy like the setting up of a Public Service Commission (Article 37) for recruitment, promotion, transfer and other disciplinary matters affecting the civil service (Article 40(2)(a), (b) and (c)); an election commission (Article 42), to conduct elections for the Constituent Assembly (Article 41) on the basis of adult franchise (Article 44), and a Comptroller and Auditor General (Article 33).

To sum up, the Interim Constitution of 1951 "marked a revolutionary departure from the traditional administration" by providing for:-

(i) The separation of the judicial and the executive branced of Government;

(ii) making the High Court, the highest court in Nepal;

(iii) a Public Service Commission to eliminate patronage and appointments based on blood (kinship) and spoils system during pre-revolutionary Nepal;

(iv) a budgetary system and scrutiny of financial records by the comptroller and Auditor General of Nepal.

(v) replacement of Rana autocracy in general, by a new political order based on modern concepts of justice social, economic and political – and a welfare and democratic state; and

(vi) the 'Seven Freedom' to the people of Nepal to fulfill their vision and aspiration in the post-revolutionary era.53

The chief aim in accepting a working constitution at this stage appears to have been to bring some sort of stability and order in the general administration and to put and end to the increasing fund between the two blocks, the Nepali Congress and Rana ministers concerning their respective rights.... Moreover, as the administration of Nepal had been so long carried on more or less in accordance with the desires of the Rana Prime Minister, there lacked uniform administrative rules and principles, on which the new government could work until it framed its own rule. And in the last,
the restoration of the King as real ruler and executive Head of the State, it necessitated a clear definition of his position, functions and powers in relation to the Prime Minister and other organs of the Government.\textsuperscript{54}

The Interim Constitution of 1951 prepared the ground for the formation of the first ever democratic government with the representatives of the Ranas and the Nepali Congress, according to the provisions of the Delhi Agreement. The following chart illustrates the composition and nature of Rana-Congress coalition cabinet:

\textbf{Table 3.2}

\textbf{The Rana – Congress Joint Cabinet of 1951}\textsuperscript{55}

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Portfolios</th>
<th>Political Persuasion</th>
</tr>
</thead>
<tbody>
<tr>
<td>\textit{(i) The Rana Side}</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohan Shamsher</td>
<td>Prime Minister</td>
<td>Foreign Affairs</td>
<td>The last hereditary Rana Maharaj and the senior most member of the erstwhile ruling Rana family.</td>
</tr>
<tr>
<td>Babar Shamsher</td>
<td>Minister (Ranking No. 2)</td>
<td>Defence</td>
<td>The next in line of succession to the hereditary Rana Prime Minister ship and commander in chief under the old system of Rana Government.</td>
</tr>
<tr>
<td>Chudaraj Shamsher</td>
<td>Minister (Ranking No. 5)</td>
<td>Forests</td>
<td>Himself an 'A' Rana on the roll of succession and a direct nominee of the Prime Minister.</td>
</tr>
</tbody>
</table>
| Nripa Jang Rana     | Minister (Ranking No. 5) | Education     | Representative of the
Ranas outside the roll of succession; a civil engineer holding at one time the rank of major in the old regime.

<table>
<thead>
<tr>
<th>No. 7)</th>
<th>Ranas outside the roll of succession; a civil engineer holding at one time the rank of major in the old regime.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yajna Bahadur Basnyat</td>
<td>Health and Local Self Government</td>
</tr>
<tr>
<td>Minister (Ranking No. 9)</td>
<td>(ii) The Congress Side</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bishweshwar Prasad Koirala</th>
<th>Home</th>
<th>One time Acting President of the Nepali National Congress, a number of the working committees of the Nepali Congress.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister (Ranking No. 3)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subarna Shamsher</th>
<th>Finance</th>
<th>Leader of the Nepal Democratic Congress; treasurer of the Nepali Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister (Ranking No. 4)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ganesh Man</th>
<th>Industry and Commerce</th>
<th>One time member of the Praja Parishad in 1940, leader of the Nepali National Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister (Ranking No. 6)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bhadrakali Mishra</th>
<th>Transport</th>
<th>Nepali Congress nominee on the suggestion of the Indian Ambassador, C.P.N. Singh, said to be a social worker in the Nepal tarai.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister (Ranking No. 8)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

67
However unmindful of the chaotic situation prevailing in the country the leadership of the Nepali Congress and Ranas fought a pitched battle of allegations and counter allegations against each other providing an opportunity to King Tribhuwan to ask for the resignation of Mohan Shamsher. The King later constituted a new cabinet having eight Congress and six independent ministers under the leadership of M.P. Koirala on 16th November 1951. The following table shows the composition of the new council of Minister:-

Table 3.3

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Portfolios</th>
<th>Political Persuasion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matrika Prasad Koirala</td>
<td>Prime Minister</td>
<td>Foreign Affairs and General Administration</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Surya Prasad Upadhayaya</td>
<td>Minister</td>
<td>Police, Jail, Broadcasting and Food</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>General Kaiser Shamsher</td>
<td>Minister</td>
<td>Defence</td>
<td>Independent</td>
</tr>
<tr>
<td>Subarna Shamsher</td>
<td>Minister</td>
<td>finance</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Naradmuni Thulung</td>
<td>Minister</td>
<td>Local Self – Govt. and Health</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Mahendra Bikram Shah</td>
<td>Minister</td>
<td>Industry, Commerce and</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Department</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Major General Sarada Shamsher</td>
<td>Minister</td>
<td>Education</td>
<td>Independent</td>
</tr>
<tr>
<td>Bhadrakali Mishra</td>
<td>Minister</td>
<td>Transport</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Mahabir Mishra</td>
<td>Minister</td>
<td>Planning and Development, Mines, Forests and Electricity</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Ganesh Man Singh</td>
<td>Minister</td>
<td>Agriculture, Animal Husbandry and Hand Reform</td>
<td>Nepali Congress</td>
</tr>
<tr>
<td>Khadya Man Singh</td>
<td>Minister</td>
<td>Parliamentary Affairs</td>
<td>Independent</td>
</tr>
<tr>
<td>Bhagavati Prasad Singh</td>
<td>Minister</td>
<td>Law and Justice</td>
<td>Independent</td>
</tr>
<tr>
<td>Nara Bahadur Gurung</td>
<td>Deputy Minister</td>
<td>Health</td>
<td>Independent</td>
</tr>
<tr>
<td>Dharma &quot;Yami&quot; Ratna</td>
<td>Deputy Minister</td>
<td>Forests</td>
<td>Independent</td>
</tr>
</tbody>
</table>

However, this full-fledged Nepali Congress Government did not enjoy the whole hearted support of B.P. Koirala, who was the most charismatic and popular leader of the party. The government also faced criticism of other opposition parties, who charged that the government survived only on foreign support. Taking advantages of the chaotic situation the extremist political outfits like Gorkha Parishad, Raksha Dal started spreading unrest in the districts around Kathmandu. The contumacy reached a
high point when the Raksha Dal mutineers seized the Singh Durbar on 23rd January 1952. King Tribhuwan proclaimed emergency and vested enormous powers in the hands of prime minister to deal with the situation. However, this incident brought popular contempt to the government, forcing the Prime Minister M.P. Koirala to resign on 6th August 1952.

Owing to the prevailing political instability King Tribhuwan was forced to introduce, as a temporary expedient, a system of direct rule with an advisory council, in April 1952, with 21 additional members. The Interim Government Act, 1951 (The Antarim Bidhan) had no provision for direct rule by King through a nominated council of advisers. Such an arrangement was provided for in the special circumstance Act, 1952, which retroactively suspended all clauses with respect to the cabinet and vested the King with all executive powers. This Act at least for the time being voided the original concept of the King-in-Council and provided the legal basis for the King's absolute authority in political affairs. The following table gives the composition of the Royal Councilors Government by King Tribhuwan on 14th August 1952.

**Table 3.4**

THE ROYAL COUNCILLORS' GOVERNMENT

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Portfolios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaiser Shamsher Rana</td>
<td>Chief Councilor</td>
<td>General Administration Finance, Defence</td>
</tr>
<tr>
<td>Mahabir Shamsher Rana</td>
<td>Councilor</td>
<td>Home, Planning and Development</td>
</tr>
<tr>
<td>Surendra Bahadur Basnyat</td>
<td>Councilor</td>
<td>Industry, Commerce Food and Civil Supplies.</td>
</tr>
<tr>
<td>Manik Lal Rajbhandori</td>
<td>Councilor</td>
<td>Public Works and Communications, Law and Parliamentary Affairs, Health and Local Self-</td>
</tr>
</tbody>
</table>
However, the King also failed in containing the rising political dissensions and pacifying people's frustration and discontent towards the royal regime. Consequently, the King announced the formation of the Rashtriya Praja Party cabinet headed by M.P. Koirala for the second time on 15th June 1953. Following is the illustration of the composition of the second M.P. Koirala government:-

Table 3.5

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Portfolios</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.P. Koirala</td>
<td>Prime Minister</td>
<td>Foreign Affairs, General Administration, Finance</td>
</tr>
<tr>
<td>Narad Muni Thulung</td>
<td>Minister</td>
<td>Defence, Revenue, Forests</td>
</tr>
<tr>
<td>Suryanath Das Yadav</td>
<td>Minister</td>
<td>Law and Parliamentary</td>
</tr>
<tr>
<td>Mahabir Shamsher Rana</td>
<td>Minister</td>
<td>Home, Planning and Development, Industry and Commerce, Civil Supplies and Food</td>
</tr>
</tbody>
</table>

On 13 April 1954, King Tribhuwan nominated the second Advisory Assembly which was convened on 25th May, 1954. There appeared vigorous infighting and frequent sharp criticism of the Government during the proceedings of the Assembly. Widely rumored rift in the Cabinet, encouraged party representatives in the Assembly to
engage freely in attacks on some Ministers as party whips exerted very little influence over party members. Most of them tended to act in their individual capacity rather than under party discipline and the government suffered defeats on the floor of the Assembly.⁵⁰ Internal discord in the M.P. Koirala government worsened after the adjournment of the Assembly session. On the other hand, the failing health of King Tribhuwan impelled him to leave the country for medical treatment. Therefore, on 25 September 1954, he formed a three-member Regency council comprising of his three sons, Crown Prince Mahendra, Prince Himalaya and Prince Basundhara. King Tribhuwan left for Switzerland on 3rd October, never to return alive. Crown Prince Mahendra inaugurated the second session of Advisory Assembly on 17 November 1954. This time the Assembly was extremely critical of the government. Making most of the political crisis, the Nepali Congress launched a civil disobedience movement on 10th January 1955. Since the atmosphere within the country was hostile, as indicated by the government's defeat in the advisory council and the attributed of the Prince Mahendra was also not sympathetic, Prime Minister M.P. Koirala tendered his resignation on January 31, 1955.⁶¹

The period of uncertainty, however, came to a close when the Crown Prince, after meeting his ailing father in Europe, returned to Nepal with a new order which vested in him all royal powers. On 18th February 1955, this order was issued in the form of a proclamation. It declared…⁶³

“We have duly vested him (Crown Prince) for the time being with all our royal authority so that he could fully exercise such authority so that he could fully exercise such authority for the execution of necessary work in order to achieve the welfare of the state and its people, keeping in view the present situation of the country and as far as possible the voice of the people.”⁶⁴

Prince Mahendra acted swiftly and dissolved the council of State and took direct control of the Public Service Commission, Department of Records, Central Intelligence Bureau and Anti-Corruption Department. He declared that the four year experiment in democracy has brought no good to the country. "Some people say democracy in Nepal is in its infancy, but infants do not indulge in bribery and corruption.⁶⁵ King Mahendra formed a five – member Advisory Council in April
1955, to aid, advice and assist him in discharging the administrative responsibilities. Its composition was feudalistic as all the members were associated with the old Rana order and none of the political parties was taken into confidence in the process. The King under his presumption that people will support his dictatorship, pushed the political parties in the background and encouraged the feudal and traditional forces around him. This policy made him unpopular among the masses and drew a bitter criticism of political parties who united against King's dictatorship. The King had to submit to the popular demand and be announced the holding of general elections in October 1957. The popular pressure was so intense that the King had to pacify it by appointing T.P. Acharaya as the Prime Minister. It may be noted that Acharya, a pre-palace and a sycophant leader, agreed to form the government under the Royal hegemony. Thus once again, the unity of political forces fizzled out. "The King also adopted the policy of playing one group against the other to have an upper hand in the matters of governance. This inner conflict in the government resulted in the people's disenchantment with the T.P. Acharya's government. They were highly antagonised with his tendency of blindly supporting the King. However, the King did not reciprocate the homogeneity of Acharya on the matters of administrative policies and programmes, forcing him to vacate his office. The King accepted his resignation on the grounds that he was unable to hold the elections in time and was incompetent in running a smooth government.

The dismissal of the Acharya government came as a serious setback to the democratic process. Since the King wanted to remain in the good books of the people and the political parties, he invited K.I. Singh, president of United Democratic Party, to form the government. He was also a pro-monarch politician, and cautioned the people and leadership from following any anti-King policies whom he acknowledged to be the cementing force in the heterogeneous Nepali society. This attitude of K.I. Singh alienated him from other political parties. Further, the government's order of postponing the elections for an indefinite period of time, added to this antagonization of the opposition. They criticised his installation as the Prime Minister and appealed for a joint front to defeat his repressive, anti-democratic actions. On the other hand, the feudal and reactionary groups assured whole hearted support to the Singh's government. This led to a face off between two contradictory forces, making people
more aware about the state of democracy in the country. Sensing the popular mood, the political parties made a ferocious demand for the election to a new Constituent Assembly. In the meantime, the King announced that elections would be further postponed owing to a number of difficulties. The political parties decided to hit the streets in opposition. King again removed the Prime Minister, and now took the reigns of government in his hands. The political parties opposed this move of the King by organising a nation – wide Satyagrah in the year 1957. The king initially tried to suppress the tide, but the fierceness of the movement was so intense that he was compelled to announce February 18, 1959 as the date of election for the parliament and constituted a Commission of five members for enacting a constitution for the Kingdom. Thus, once again victory came to the democratic forces, against the repressive, reactionary, traditional and feudal forces.

An interim government, comprising of the representatives of Nepali Congress, Gorkha Parishad, Praja Parishad was formed on May 15, 1958 to assist in the preparation of the constitution and to held the elections. The Constitution Commission was also formed and it was headed by Bhagwati Prasad Singh, another pro- palace personality. Other members included Rama Raj Panth, Hora Prasad Joshi, S.P. Upadhayaya and Randhir Subba. The constitution formulated by this commission was implemented by the Royal Proclamation of February 14, 1959. Thus the 1959 Constitution was a product of that environment created by the democratic forces since the middle of the nineteenth century. This constitution contained seventy-seven articles divided in 10 ports.

THE CONSTITUTION OF THE KINGDOM OF NEPAL, 1959

PREAMBLE

"Whereas His late Majesty King Tribhuwan Bir Bipram Shah Dev, Father of Nation and revered descendant of the illustrious King Prithvi Narayan Shah, adherent of Aryan Culture and Hindu religion, having led a great revolution for the rights and welfare of his subject, earned immortal fame in the history of the world and was firmly resolved to establish real democracy in Nepal by giving fundamental rights to the people;
And whereas we also being firmly resolved to help our subjects to attain all round progress and achieve the fullest development of their personality; to ensure to them political, social and economic justice; and cement the unity of the nation by bringing about political stability through the establishment of an efficient monarchical form of government responsive to the wishes of the people;

And whereas for the said purpose it is desirable to enact and promulgate a constitution for the Sovereign Kingdom of Nepal, I King Mahendra Bir Bikram Shah Deva in the exercise of the sovereign powers of the Kingdom of Nepal and prerogatives vesting in Us in accordance with the traditions and customs of our country and which devolved in us from our August and respected forefathers, do hereby enact and promulgate this fundamental law entitled "The Constitution of the Kingdom of Nepal."

This preamble clearly reinforced the theory propounded by King Tribhuwan in 1954, that King was the source of all power. It also laid down that this constitution was promulgated by the Maharajadhiraj in the exercise of the sovereign powers and prerogatives vested in him. Notably, the constitution did not refer to the establishment of real democracy which the Interim Constitution of 1951 guaranteed, it's aim as to "cement the unity of the nation" and to make the "Nepalese prosperous, honoured and progressive." To put it in simple words, the constitution was entrusted with the task of establishing a responsible monarchical system to efficiently run the administration for the welfare of common people.

**Fundamental Rights**

This constitution included an elaborated list of fundamental rights including the celebrated, seven freedoms of speech, expression, assembly without arms, association, free movement and residence, acquisition of property and practice of any profession, etc. (Article 7).

However in the matter of religion, "Every citizen subject to the current traditions, shall practice and profess his religion as handed down from ancient times, provided that no person shall be entitled to convert another person to his religion." Article (5)
Besides Article 3 guaranteed certain essential personal liberties to citizens including safeguards from arbitrary arrests, double jeopardy, ex-post facto legislation and witness against self etc. This article also abolished slavery and trafficking in human beings and contained provisions for preventive detention.

Article 4 entitled all the citizens to equality before law and equal protection of the laws. It also abolished discrimination on grounds of religion, sex, race, caste or tribe in general application of laws and in the matters of public employment.

Besides Nepali citizens were also given right to property (Article 6) and certain constitutional remedies (Article 9). Evaluating the real position of the fundamental rights, it has been mentioned:

"In sum the Fundamental Rights guaranteed in the constitution remained more or less a theoretical proposition to be tested, revised or rejected by the hard fact of experience. They found a place in the constitution because its framers were eager to conform to the framework laid down by the Interim Constitution. But the implementation of these rights remained totally dependent on the discretion of the Monarch who could abrogate them either in part or wholly."

Executive

The fourth chapter of the constitution was devoted to the Executive, and contained eight articles. Article 10(1) stated, "The executive power of the Kingdom of Nepal is vested in His Majesty, extends to the execution and maintenance of this constitution and then laws of Nepal, and shall be exercised by him either directly or through Ministers or other officers subordinate to him, in accordance with the provisions of this constitution and of any other law for the time being in force." If we read between the lines, this article implies that the King was in no way bound by the Cabinet government. He had the power to govern directly. Generally he was to act on the recommendation of the cabinet as conveyed by the Prime Minister (Article 10(2). A cabinet of not more than fourteen members (Article 2(1)) was to be formed and it was to be collectively responsible to the Pratinidhi Sabha or the House of
Representatives (Article 12(2)). This cabinet was to be headed by a Prime Minister, who had to communicate to His Majesty the agenda and all decisions of the cabinet and furnish him with information which he might require (Article 16(1)).

However, the position of Prime Minister was considerably weak, as compared to the monarch. The King was vested with vast discretionary powers pertaining to framing the rules for the conduct of government business, including relations between him, the cabinet and other servants of the Crown (Article 16(3)). He held the right to specify those subjects on which the cabinet could not make recommendation without his prior consultation "except on grounds of urgency "(Article 16(3) and 10(3)). In case of a dispute as to whether any matter was or was not a matter on which His Majesty could act in discretion, his decision was to be regarded as final and its validity could not questioned (Article 10(5)).

The constitution created a "diarchy" by making a clear distinction between His Majesty and the government of His Majesty as explicit from Article 10(6), "All action to be done by His Majesty in his discretion in accordance with the provisions of this constitution shall be expressed to be taken in the name of His Majesty and other executive action taken in the exercise of the executive powers vested in His Majesty shall be taken in the name of His Majesty's Government."71

Thus, under the given system, the position of elected ministers remained not only subordinate to the King but they were responsible for all actions of the King as well as those of their own. In other words, constitution endorsed two contradictory principles i.e., (i) that the King was the actual and effective head of the state, and (ii) the theory that the King could do no wrong.

**Position of the Prime Minister**

The position of the Prime Minister was clearly eclipsed by the position of monarch. He could form the cabinet by recommending the names of the ministers to the King.

However, the King could appoint a person who is not a member of the lower House, as the minister and allow him to be the member of the either House. Within four months the King made the system swing in his own ways. Even the distribution of the
portfolios amongst the ministers was to be carried out 'after consultation with His Majesty' and these ministers were help responsible to the King and cabinet simultaneously, making the Prime Minister a weak joint of the system.

A glance at Article 15(5)(a) of the constitution substantiates this fact. The provisions of the Article says that 'His Majesty, acting in his discretion, is satisfied, after consulting the Council of State, that His Majesty's government has lost the confidence of the House of Representatives or that it has persisted in acting contrary to the provisions of this constitution". The constitution against the norms of the Parliamentary system created the institution of Council of State to act as a watchdog on the democratically elected government. Besides, the Prime Minister was bound by severe restrictions on him. Article 16 laid down the duties of the Prime Minister as follows:-

1. He was "to communicate to His Majesty, the Agenda, Agenda papers, and conclusions of the cabinet and any proposals for legislation or important executive action...." (Article 16(1) (a)).

2. He was "to furnish such other information relating to the conduct of government business as His Majesty in his discretion may require" (Article 16(1)(b)).

3. His Majesty could "in his discretion authorise the issue of Regulations for Government business "including relations between "His Majesty, cabinet, the Ministers of the Crown...." (Article 16(2)).

The constitution further dwarfed the stature of the Prime Minister by providing:-

1. That the King could summon parliament without the recommendation of the Prime Minister (Article 26(2)).

2. That the King in his discretion could appoint a Prime Minister from outside the members of the Pratinidhi Sabha, if he found no person to command the confidence of the majority in that House. But such a Prime Minister was to become a member of either House within 4 months (Article 13(3)).
3. That the King could reject the Prime Minister's recommendation that the Pratimidhi Sabha either be summoned or dissolved (Article 26(2)).

4. That the King, acting in his discretion could dismiss the Prime Minister, after consulting the Rashtriya Parishad and being satisfied that "His Government has lost the confidence of the Pratinidhi Sabha, or that it has persisted in acting contrary to the provisions of the constitution." (Article 13(5)(a))

Thus, under the constitution, the position of elected ministers remained not only subordinate to the King but they were to be held responsible for all actions of the King as well as those of their own. In other words, the constitution laid down, in this part, two contradictory principles i.e., (i) that the King was the actual and effective head of the State, and (2) the theory that the King could do no wrong.

**Legislature**

The constitution provided for a bicameral legislature the upper House was to be called the Senate or the "Maha Sabha" and the lower House was called the "Pratinidhi Sabha" or the House of Representatives.

The Pratinidhi Sabha was comprised of 109 elected members for a term of five years, on the basis of universal adult suffrage. The Maha Sabha was composed of 36 members. Half of them were nominated and the rest were to be elected by the Pratinidhi Sabha on the basis of proportional representation (Article 20 and 21). This was the permanent House with each member having a term of six years and 1/3 of its members retiring every 2 years (Article 21(2)). Article 23 laid down the qualifications for Members of both Houses, which are as follows:-

1. A senator shall not be qualified for election to the House of Representatives or for sitting or voting as a member of that House.

2. A person shall not be qualified for appointment or election to or sitting or voting in either House of Parliament if he:-

(a) is not a citizen of Nepal; or
(b) is, in case of the Senate, less than thirty years of age and in the case of the House of Representatives, less than twenty-five years of age; or

(c) is a servant of the Crown other than a Minister of the Crown, on Assistant Minister, Speaker, Deputy Speaker, President, Deputy President of the Senate, or a person appointed by His Majesty for the purposes of clause (1) of Article 17; or

(d) is a member of the Public Service Commission or the Election Commission; or

(e) is disqualified by any provision of any Act\textsuperscript{75}

The Senators were to elect a President (Adhyaksha) and a Deputy President (Upa Adhyaksha) from among themselves (Article 28). However the Speaker (Sabha–mukh) and the Deputy Speaker (Upa Sabhamukh) were to be elected from outside the members of the House of Representatives. The necessity for this novel system was explained in His Majesty's Government's Press Note as follows:-

In order to establish the foundations of proper parliamentary procedure, it is necessary to have an impartial Speaker; the constitution therefore permits the election, to the office of Speaker, of a person who is not a member of the Pratinidhi Sabha.\textsuperscript{76}

The constitution granted equal status to both the Houses, except in the matters of finance. As per the Article 40(1) of the constitution, the Money bill could originate only in the Pratinidhi Sabha, with the prior consent of the King. However the Maha Sabha, under Article 41 was given the privilege to delay the passing of Money bills by at least one month and any other legislation by six months. A bill could not become a law unless it received the assent of the King. Article 51 defined the legislative authority of the Parliament as:-

"Subject to the provisions of this constitution, parliament shall have power to make laws for the peace order and good government of Nepal."\textsuperscript{77}
The parliament was also endowed with the power to amend the constitution which provided that the two third of the total members of each House agreed to an amendment separately (Article 53).

However, the constitution imposed several restrictions on the actual functioning of the parliament:

(a) Any bill passed by the parliament could not become a law until it received the formal assent of His Majesty who could withhold, refuse or postpone his assent according to his discretion (Article 42)

(b) The King had the prerogative to nominate half of the members of the Senate which could be manipulated by him to hijack the upper House.

(c) Article 71 empowered the Monarch to summon or prorogue either one or both Houses and to dissolve the Pratinidhi Sabha, further restrained the parliamentary authority.

(d) Article 52 authorised the King to promulgate an ordinance if circumstances so existed and may withdraw the same whenever so desired or the same may be passed by the Parliament within forty – five days of its assembly. Otherwise the ordinance would lapse automatically.

(e) Further, Article 34(1) restricted the Parliament by stating "No discussion shall take place in either House of Parliament with respect to the conduct of His Majesty and His successors..." 79

(f) Similarly Article 44(4) debarred the Parliament from discussing the King's "private revenues."

(g) In the matters of amendment of the constitution the king was free to grant or with hold his assent to the amendment bill. Any question in this regard could not be raised in any court of law.

(h) The King was provided with emergency powers which were to be invoked by him if he was satisfied that a grave emergency existed whereby the security or economic life of Nepal or any part thereof, was threatened by war or external
aggression or by internal disturbance and may abrogate or suspend part or whole of the constitution.

Thus, a broad view of the powers and functions of the Parliament indicated that the Parliament had little power to translate people's demand of socio-economic and political change into reality. Contrary to this, it was the King who wielded the entire power of legislation directly or indirectly & used them according to his own wishes without violating any provisions of the constitution. In other words, it was the constitution which lowered the democratic system, process and culture and upheld the traditional values and federal set-up.78

The Judiciary

Articles 57 to 58 dealt with the judicial system. As per the provisions of Article 57, "the King will appoint the Chief Justice after consultation with the Prime Minister and other judges of the Supreme Court. The other judges will be appointed by him after consulting the chief justice of the Supreme Court and other judges." The Supreme Court was empowered under Article 50 to order for the transfer of cases from subordinate courts, where a pending case "involve a substantial question of law as to the interpretation of this constitution."

However the following provisions of the constitution indicate that even the judiciary was not spared of the Monarchial influence:-

- "The Chief Justice of Nepal shall be appointed by His Majesty in his discretion....." (Article 57(1)).

- The Chief Justice or other judges of the Supreme Court "May be removed from office by His Majesty in his discretion if any commission appointed by His Majesty on reference to it by His Majesty, report that the judge is unable to perform his duties due to misbehaviour or incapacity...." (Article 57(4)(b)).

Other Statutory Bodies

The 1959 constitution also provided for setting up statutory bodies and institutions like the Public Service Commission (Article 59 and 60); the Constituency
Conclusion

Summing up, it could be said that the new constitution was at best a political concession and a gift from a sovereign monarch to his people. It provided for a cautious delegation of powers to the elected body and the elected chief. Both were to function under the eyes and nose of the monarch who was empowered to do away with the whole system any day, in his own discretion.  

In judging the new constitution, however, it is necessary to take note of the basic concept which ran through it from the beginning to the end. First, the backward condition of the country and the chronic instability of the Government had impressed on the mind of its framers the need for a unified and firm leadership which the King alone was able to provide. Secondly, the Crown remained still the only symbol which could consolidate the political unity of the country. Thirdly, the experience of previous years made it amply clear that there was no single party or political leaders who could play a more effective political role than the Monarch. Fourthly, the constitution reflected the King's desire to lead his country on the path of social upliftment and economic progress last but not the least, the new constitution represented a kind of workable arrangement between the King and the political parties through which the unsettled years of the interim period could have been brought to an end. It could have proved immensely successful in the context of irrational politics as was witnessed between 1951 and 1959. But this did not happen, since the overwhelming victory of the Nepali Congress in the elections that followed, placed it in a position from where it could counter the supremacy of the Monarch. The result of this conflict ultimately spelled the doom for party democracy in Nepal.

GENERAL ELECTIONS OF 1959

On 18th February 1959, general elections for the House of Representatives took place in Nepal. The country was divided into 109 constituencies, by a Delimitation committee which comprised of the Chief Justice and two nominated members. On an average, each constituency comprised of nearly 78,000 people and the number of
voters varied between 23,000 and 52,000. The election was held on the basis of single constituency majority vote, and the rules governing the qualifications of voters and candidates were laid down in the Jana Pratinidhitta Ain, 2015 (People's Representation Act of 1958). Accordingly, every citizen of Nepal above the age of 21 could exercise his franchise and anybody who had reached the age of 25 and did not hold any office of profit in the Government, or had not been imprisoned on a criminal charge, nor punished for bribery and corruption, nor accused of treason could contest the election as a candidate.

The Election Commission gave recognition to 11 political parties and allotted symbols to them on the basis that each should contest at least 21 seats. Among these 11 parties, one boycotted the election while another failed to put up the minimum number of candidates. The remaining 9 parties were – the Nepali Congress, the Gurkha Parishad, the Nepal Communist Party, the Samyukta Prajatantra Party, the Praja Parishad (Tanka Prasad Group), the Praja Parishad (B.K. Misra Group), the Terai Congress, the Rashtriya Congress and the Nepal Prajatantrik Mahasabha.\(^{82}\)

The manifests and programmes announced by the parties appeared so similar that, barring differences in emphasis, they left very little choice before the voters. In general, all the important parties supported the establishment of a representative, popular government under the King's constitutional leadership, promised abolition of Birtas (tax-free lands) and urgent land reforms, and advocated non-involvement with military camps and friendship with all powers in foreign policy.\(^{83}\)

The following two tables indicate the major political parties and their symbols and their nature and the core leadership during the 1959 elections.

**Table 3.6**

**Political Parties and their Symbols in 1959 General Elections\(^ {84}\)**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Political Party</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Nepal Congress</td>
<td>Tree</td>
</tr>
<tr>
<td>2.</td>
<td>Gorkha Parishad</td>
<td>Hut</td>
</tr>
<tr>
<td>S.No.</td>
<td>Political Party</td>
<td>Core Leadership</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>1.</td>
<td>Nepali Congress</td>
<td>B.P. Koirala Subarna Shamsher Ganesh Man Singh</td>
</tr>
<tr>
<td>2.</td>
<td>Gorkha Parishad</td>
<td>Mrigendra Shamsher Bharat Shamsher Randhir Subba Dev Bir Pande</td>
</tr>
</tbody>
</table>

Table 3.7

Typology of Political Parties in 1959 General Elections

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Political Party</th>
<th>Core Leadership</th>
<th>Classification</th>
<th>Character</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Nepali Congress</td>
<td>B.P. Koirala Subarna Shamsher Ganesh Man Singh</td>
<td>National</td>
<td>Modern</td>
</tr>
<tr>
<td>2.</td>
<td>Gorkha Parishad</td>
<td>Mrigendra Shamsher Bharat Shamsher Randhir Subba Dev Bir Pande</td>
<td>National</td>
<td>Modern</td>
</tr>
<tr>
<td>Rank</td>
<td>Party</td>
<td>Leader(s)</td>
<td>Type</td>
<td>Ideology</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>4.</td>
<td>Praja Parishad (Acharya Faction)</td>
<td>Tanka Prasad Acharya Ram Hari Sharma Chandra Prashad Sharma</td>
<td>One caste friendship clique</td>
<td>Traditional</td>
</tr>
<tr>
<td>5.</td>
<td>Praja Parishad (Mishra Faction)</td>
<td>Bhadrakali Mishra</td>
<td>One Personality party</td>
<td>Traditional</td>
</tr>
<tr>
<td>6.</td>
<td>United Democratic party</td>
<td>Dr. K.I. Singh</td>
<td>One Personality Party</td>
<td>Traditional</td>
</tr>
<tr>
<td>7.</td>
<td>Tarai Congress</td>
<td>Vedananda Jha</td>
<td>One Personality Party</td>
<td>Traditional</td>
</tr>
<tr>
<td>8.</td>
<td>Rashtriya Congress</td>
<td>Dr. D.R. Regani</td>
<td>One Personality Party</td>
<td>Traditional</td>
</tr>
<tr>
<td>9.</td>
<td>Prajatantrik Mahasabha</td>
<td>Ranganath Sharma</td>
<td>One Personality Party</td>
<td>Traditional</td>
</tr>
</tbody>
</table>


The Nepali Congress emerged as the clear and absolute winner of the 1959 elections. It secured 74 seats out of 108 contested in the House of 109 seats. Gurkha Parishad
secured 19 seats, thus becoming second largest party in the House. The Tarai Congress, the Rashtriya Congress and the Prajatantrik Mahasabha were totally wiped out as they failed to secure any seat. The following Table summarises the electoral results as well as party positions in the final verdict.

Table 3.8

Nepal's General Elections Result at a Glance, 1959

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Political Party</th>
<th>Seats Contested</th>
<th>Seats Won</th>
<th>Number of Votes polled</th>
<th>Percentage of total votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Nepali Congress</td>
<td>108</td>
<td>74</td>
<td>667,898</td>
<td>37.2</td>
</tr>
<tr>
<td>2.</td>
<td>Gorkha Parishad</td>
<td>86</td>
<td>19</td>
<td>305,118</td>
<td>17.3</td>
</tr>
<tr>
<td>3.</td>
<td>United Democratic Party</td>
<td>86</td>
<td>5</td>
<td>177,508</td>
<td>9.9</td>
</tr>
<tr>
<td>4.</td>
<td>Communist Party</td>
<td>47</td>
<td>4</td>
<td>129,142</td>
<td>7.2</td>
</tr>
<tr>
<td>5.</td>
<td>Praja Parishad (Acharya Faction)</td>
<td>46</td>
<td>2</td>
<td>53,083</td>
<td>2.9</td>
</tr>
<tr>
<td>6.</td>
<td>Praja Parishad (Mishra Faction)</td>
<td>36</td>
<td>1</td>
<td>59,820</td>
<td>3.3</td>
</tr>
<tr>
<td>7.</td>
<td>Terai Congress</td>
<td>21</td>
<td>0</td>
<td>36,107</td>
<td>2.1</td>
</tr>
</tbody>
</table>
8. Rashtriya Congress  20  0  12,707  0.7
9. Prajantrik Mahasabha  68  0  59,896  3.3
10. Independents  268  4  291,149  16.7


The unexpected victory of the Congress can be partly attributed to its superior financial resources and extensive organizational network. Its tradition as a party which had successfully led the revolution of 1951 also influenced the minds of the voters. Thirdly, the personal popularity to some of the Congress leaders like B.P. Koirala, Ganeshman Singh and Subarna Shamsher increased the vote – catching capacity of the Congress. Fourthly, the incessant agitation carried on by the Congress during the past years and the Satyagrah organised by the United Front, in which it played a leading role made the people familiar with the programme and platform of the Nepali Congress. Fifthly, in consonance with voters' psychology, the Party presented itself, constantly and skillfully, as the only party which could restore political stability in the Government. Finally, the system of single – member majority vote contributed, in a large measure, to the success of the Nepali Congress.  

The jubilant party elected, the young, dynamic and uncompromising B.P. Koirala as the Leader and Subarna Shamsher as the Deputy Leader of the largest group in the Pratinidhi Sabha, on 5th May 1959. However, King Mahendra was apprehensive of appointing B.P. Koirala as the new Prime Minister, and did not invite him to form the government, until 16th of May 1959. Actually the hesitation of the King in inviting upon Koirala, to constitute the government appears to have taken place broadly from two reasons both unpalatable to him. First, the people had voted for a party that had never concealed its animosity against the institution of Monarchy. B.P. Koirala’s remark to the effect of "irrelevance of the monarchy in the politics of Nepal and his
claim that, 'If I come to power I will put two things in the museum – the Crown and the Idol of Pashupatinath" had greatly hurt the feelings of monarchy. Secondly, after agreeing to the election for parliament party's claim that we have decided to accept the elections for a parliament because we want to transform the reigns of administration from one mans' hand to those of people." Hence, the attitude of the monarch towards the elected government was full of apathy, if not of hostility.\(^{88}\)

Koirala was given a period of 15 days to submit a list of his cabinet colleagues. Accordingly, on 27\(^{th}\) May, the King proclaimed the formation of Nepal's first elected government, which was asked to lay "the foundation of a democratic parliamentary system through the complete observance of the proclaimed constitution as well as raise the standard of life of the Kingdom according to the rule of law."\(^{89}\) On 30\(^{th}\) of June 1959, the new constitution was enforced in the Himalayan Kingdom. On 24\(^{th}\) of July, the Monarch inaugurated the joint session of Parliament, thus heralding Nepal's historic experiment in representative government.

However, the position of the newly elected Government was quite peculiar. To count its advantages, this government enjoyed full support and backing of the voters, unlike its predecessors. Secondly, the constitution made the Government responsible to the Pratinidhi Sabha and not merely to the Monarch. Thirdly, after initial hesitation Mahendra also supported the elected government, as evident in the Royal Proclamation:-

In order to "found democracy on a more solid basis and to raise the standard of living of the masses and to develop the country within the framework of the laws enacted, I have, therefore, by these presents designated Bisheshwar Prasad Koirala as the Prime Minister.....\(^{90}\)

Lastly, the personal popularity and the leadership of B.P. Koirala served the Government in good stead. He was committed to the successful functioning of the parliamentary system without antagonizing the institution of monarchy.

The new government started its work with modest beginning and attempted to reorganise the administration in such a manner that it served the dual role of maintaining law and order and contributing to development and democracy as well. But
the Government fell prey to the contradictory forces, of the highly optimistic masses and a hostile and obstructive monarchy. Government's bid to decentralise the administrative, judicial and fiscal powers of the aristocracy, contradicted their vested interests. In this context the government abolished the Birta or the tax-free lands to do away with feudal proprietorship. This came as a severe blow to the Rana loyalists who became staunch opponents of the government the attempts to reform the administration did not go down well with the old bureaucrats. The masses on the other hand were too impatient and demanded reforms without any delay.

But the immediate problem which the Government faced was the combined and concerted attack of all the opposition parties, ranging from the communists to the extreme 'Rightist' element like the Gurkha Parishad. Among the defected leaders, K.I. Singh, Tanka Prasad Acharya and Ranganath Sharma declared open war on the Government by forming a new front, called the National Democratic Front. In a long statement issued to the press, these leaders described the Congress Government as "anti-national and reactionary," and renewed the familiar anti-India baiting. The communists too decided to line up with the front in order to exploit popular dissatisfaction. But the worst danger came from among the diehard landowning groups who feared to lose everything if the Congress succeeded in implementing the reforms it had promised during the election. These groups made a combined cause with those frustrated politicians who indulged in irresponsible attack on the Government. King Mahendra chose to side with the above vested interests and encouraged them as well. These classes started preparing for a civil war to defeat the reform measures initiated by the Government. Afraid of losing their traditional rights they began resorting to indiscriminate exploitation of the peasants and ejected them from their hands. The failure of the Government, on the other hand, to check these activities led to the suggestion that the Government was not interested in protecting the rights of the people. The peasant masses, in general, remained ignorant about the various laws which the Congress Government passed to safeguard their interests as a result, they broke into sporadic revolts. Hence, the Congress government become extremely vulnerable to the attacks of the opposition, which demanded the government to resign at the earnest. To make the matters worst, the M.P. Koirala faction of the ruling party joined hands with the opposition, asking the King to
intervene immediately. Thus, in spite of the optimism which was felt after the election, Nepal once more drifted towards anarchy and political uncertainty, under such conditions, on 15 December 1960, the King, Mahendra with dramatic suddenness, dismissed the popularly elected government, banned all political parties, deprived the citizens of their fundamental rights and freedom, and above all put hundreds of political leaders and workers including the then Prime Minister, B.P. Koirala, in prison just within one and a half years of the functioning of the parliamentary government. The King's extra-ordinary action which obviously was prompted by extra constitutional and extraneous considerations gave a death blow to the growing awareness of constitutional government in the country. It also implied the death sentence for the 1959 constitution.

King Mahendra claimed that "unscientific, unreal and defective policies of the government instead of producing desirable social changes left the people bewildered and disturbed in a vitiated atmosphere. The King charged the Koirala government for pursuing an unrealistic taxation policy completely disregarding the existing conditions, necessary resources, technical personnel and practicability and working against popular will and aspirations while indulging in the game of self aggrandizement and hankering after position, prestige a weak, vacillating and even an anti-national policy. While summing up the charges framed by the King against the government a scholar commented that the government:

“misused power and encouraged corrupt practices, dislocated and paralyzed the administrative machinery, encouraged anti-national elements threatening the national unity, adopting unscientific economic policy, attempted to violate the sanctity of the constitution and pursued a foreign policy detrimental to national sovereignty and independence”.

While framing these changes against the government, the King not only proved his action of dismissing an elected government valid but tried to create an impression in the minds of common Nepalis that the parliamentary system is not capable of resolving their problems. King Mahendra, now assumed the entire administration and equipped himself with absolute power to deal with any kind of opposition with
the final aim of "laying the foundations of true democracy and set up an alternate political polity superior to the old parliamentary system which was "out of step with the history and traditions of the country...." King Mahendra asserted that he would not "allow the country to go to ruins in the name of democracy."94

Disposing off the parliamentary system, the King was now looking for a system which could provide legitimacy to his absolution and yet harmonize it with the tide of modernity. Mahendra was particularly fascinated by the models of "Guided Democracy" of Indonesia and the "Basic Democracy" of Pakistan. For two since the Royal takeover King Mahendra did considerable home – work to evolve a system to serve his ends. For a better understanding of it, a glance on the administrative system during 1960-62 will prove extremely helpful.

On 26th December, 1960 King Mahendra constituted a small Council of Ministers under his chairmanship. It largely comprised of his loyalists like – Tulsi Giri, Vishwabandhu Thapa, Rishikes Shaha, Surya Bahadur Thapa and Anirudh Prasad Singh. The King also announced "a major reorganisation of the administrative machinery." Army men were appointed as Home Secretary and Defence Secretary and as Commissioners in Anchals. Many Bada Hakims were dismissed who were supposed to be Koirala men. They were replaced with King's men. In fact, next few months after the coup were marked by big administrative shake ups. In the name of "laying the foundations of true democracy" and "changing the country's administration", radical changes were effected in the pattern and personnel of the top hierarchy of Nepal's general administration. The Public Service Commission was ignored and stood suspended.95 Through the Security Act of 6 March 1961, Mahendra authorised the landlords and revenue officials to arrest those instigating trouble against the government, thus restricting the freedom of political expression and action. The Royal machinery, during this intermediate period, relentlessly engaged itself in enumerating the vices of the parliamentary system and propagating the hidden treasure of the Panchayat System, as propounded by the King in the summers of 1961.

Thus, during 1960-62, King Mahendra ruled without any constitution, strengthened his position and endeavored to muster popular support for his "Panchayati Democracy" denouncing the parliamentary system. He had remarked, "There are two
institutions the Nepal, namely kingship and Panchayat that are commonly known and understood by the people, and that work for unity and stability and peaceful progress, and it is through these institutions that the edifice of Nepal's progress has to built." 96 It was in this backdrop and on the eve of the second anniversary of the Royal Coup, that the King promulgated his Panchayat Constitution on 16th December 1962, without any popular resentment.

THE PANCHAYAT CONSTITUTION OF 1962

A curious amalgam, by piecing together, to quote Leo E. Rose, "Certain features of the 'National Guidance' system in Egypt and Indonesia, the 'Basic Democracy' system in Pakistan, the 'Class Organisation' system in Egypt and Yugoslavia, and the 'Panchayat' system as operative in several Indian States", 97 was molded into the Panchayat System, which according to King Mahendra was "rooted in our soil and suited to our condition" and "bears the stamp of the genius of the Nepalese race." 98

The Royal Declaration of 1962 stated:-

"Whereas the Parliamentary system could not provide suitable on account of the lack of education and political consciousness to the desired extent and on account of its being out of step with the history and traditions of this country and the wishes of the people; ..... now therefore, we, in exercise of the state authority and royal prerogatives..... do hereby promulgate, by this proclamation, the constitution of Nepal suitable to the Panchayat system adopted the country...." 99

The King further stated:

"It is my great solicitation that this constitution being granted by me shall have the capacity to bind together all my people in one firm thread of unity and to advance the glory, progress and prosperity of the entire Nepalese community...." 100
Main Features of the Constitution:-

The 1962 constitution was spread over ninety – seven articles and six schedules, which were divided into twenty parts. Its major characteristics were:-

- According to the constitution, the sovereignty did not rested with people, but with the King, from whom all legislative, executive and judicial powers emanated.

- Kingship did not institutionalized to cover the office – holder, but was limited to a descendent of King Prithvi Narayan Shah and to an adherent of the Aryan culture and the Hindu religion. (Article 20)

- Nepal was defined as an independent, indivisible and sovereign Monarchial Hindu State (Article 3)

Following is the orderly examination of the parts of the 1962 constitution:-

THE PREAMBLE

The Preamble stated:

"And whereas we are firmly convinced that such arrangement is possible only through the partyless democratic Panchayat System rooted in the life of the people in general, and in keeping with the national genius and tradition and as originating from the very base with active cooperation of the people and embodying the principles of decentralization....

Now therefore, I, King Mahendra Bir Bikram Shah Deva, in exercise of the sovereign powers and prerogatives inherent in us according to the constitutional law, custom and usage of our country as handed down to us by our August and revered forefathers, do hereby enact and promulgate this constitution...."101

Two points of observation can be made:-
(a) The King claimed the Panchayat System to be more suitable to the Nepali policy.

(b) The constitution was a "gift" from the monarch to the Nepali people.

Part I of the constitution was general in nature and comprised of six articles. Article 1 declared the constitution as the Fundamental law of the land, Article 2 implied that Nepalese people irrespective of religion, race, caste or tribe collectively owe an allegiance to the Crown and constituted the nation which had an indefeasible and inalienable right to develop its political, economic and cultural life and determine its relations with other nations. This provision can be interpreted as containing India, to not to follow a hegemonistic policy in case of Nepal. The article further declared that Nepal was independent, indivisible and sovereign monarchial Hindu State. The article endeavoured to convey the message that Nepalese foreign policy was not subject to the Indian dictates. The articles dealt with the National Language, national flag, national anthem, etc.

Part II, contained two articles dealing with the citizenship. It mentioned the conditions of acquiring and losing the citizenship of the country.

Part III prescribed the fundamental rights and duties of the citizens of Nepal and comprised of nine articles. The various rights guaranteed were:

- Right to Equality
- Right to Freedom
- Right against Exile
- Right against Exploitation
- Right to Religion
- Right to Property
- Right to Constitutional Remedies
Whereas, the opening article of this port (Article 9) discussed the duties of the citizens towards nation and expected that they would remain devout and loyal to the state while trying not to infringe upon the rights of the others. Article 10 assured all the Nepali citizens, equal protection of laws, without any discrimination on the basis of religion, race, sex, caste and tribe. Equality was also assured in respect of appointment in the government and other public services.

Article 11, dealing with the Right to Freedom, granted plethora of liberties to citizens like liberty to life, speech and expression, to peaceful assembly (without arms), formation of unions and associations, to move and reside in any part of the country and to acquire and enjoy property and dispose it off. Judicial and legal rights were also guaranteed. However, a restriction on the formation of unions and associations engaged in party politics was imposed by the first amendment.

The subsequent articles (Article 12 and 13) granted Right against exile and Right against exploitation to the Nepali citizens, in consonance with the UN Charter of Human Rights. Article 14 provided the Right to Religion in accordance with the traditions, but banned religious conversions.

Article 15 dealt with the property rights and guaranteed that 'no person shall be deprived of his property save in accordance with the law.'

Article 16, served as the protector of these fundamental rights and empowered the Supreme Court to issue directions, orders or writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo Warrants and Certiorari, in case the rights were infringed upon by any individual, institutions or the state.

However under Article 17, certain restrictions were imposed on the exercise of the fundamental rights. It was provided that, "laws may be made for the sake of public good to regulate or control the exercise of fundamental rights specified in this Part" (Article 17(1)). The purposes pertaining to this "public good" were specified as under:-

(a) for the preservation of the security of Nepal.

(b) for the maintenance of law and order.
(c) for the maintenance of friendly relations with foreign states.

(d) for the maintenance of harmonious relation among the people of different classes or professions or between the people of different areas.

(e) for the maintenance of good conduct, health, comfort, economic interest, decency or morality of the people in general.

(f) for the protection of the interest of minors or women.

(g) for the prevention of internal disturbance of external invasion.

(h) for the prevention of contempt of court or contempt of the National Panchayat.

(i) for the prevention of any attempt to subvert this constitution or any other law for the time being in force or for the prevention of any other attempt of like nature.

(j) to ensure the pursuance of fundamental duties.

(The last three conditions were added by the third Amendment)

In the original constitution, Part IV, including Articles 18 and 19, dealt with the Directive Principles of State Policy under the name of "Objective and Principles of State Policy." However, the First Amendment to the Constitution in 1967 renamed it as the "Directive Principles of Panchayat System." Article 18, laid down their nature as, "The principles laid down in this part are for general guidance and they shall not be enforceable by any court."\(^{103}\) Article 19 laid down the aims and objectives of these directives as:-

(a) to promote the welfare of the people by setting up a society which is democratic, just, dynamic and free from exploitation.

(b) to bring about harmony in the interests of different classes and professions.

(c) to mobilise, to the maximum possible extent and on a voluntary basis, the national genius and resources.
(d) to associate through gradual decentralisation, the maximum number of representatives of people at all levels of the administration.

(e) to establish a social life based on uniform morality.

(f) to maintain the national unity recognising the mutual harmonious tolerance towards the culture and traditional value adopted by the Nepalese citizens.

(g) to establish a system that will provide maximum participation of the general public in the economic uplift of the country.

(h) to provide due protection to private enterprise, and wherein no individual or class can exercise undue economic influence on others.

(i) to establish and encourage cooperative.

(j) to mobilise natural resources and heritage of Nepal in such a way to achieve balanced development among the various regions of the country.

(k) to make effort for economic development so as to fulfill the basic necessity of people settled even in the remote areas.

(l) to strive for making Nepal a peace zone by adopting the basic principles of United Nations and non-alliance.

To conclude they were meant to help the State in achieving welfare of the people and realising politico-economic social democracy.

Part V of the constitution dealt exclusively with the powers position and succession of the Monarch. It comprised of Articles 20-22. As stated earlier, the sovereignty of Nepal was vested in the then reigning King who was to the descendant of King Prithvi Narayan Shah and adherent of Aryan culture and Hindu religion and all the powers of the state emanate from him. He was to exercise these powers through the organs established by or under the provisions of the constitution and other laws. Article 21 granted immunity to the matters of succession from constitution by specifying that "Nothing in this constitution shall affect the law, custom and usage relating to the succession to the throne by the descendants of His Majesty (Article 21(1))... His
Majesty shall have exclusive power of enacting, amending and repealing the law relating to the succession to the throne by the descendants of His Majesty (Article 21(2)).

104 Article 22 dealt mainly with the matters of Regent or Council of Regency.

Provisions regulating the Raj Sabha were laid down in Part VI of the constitution containing Article 23 only. The Raj Sabha was to comprise of the Prime Minister, Chief Justice, Chairman of National Panchayat, Deputy Prime Minister, Ministers of the Crown, Bada Guraju, Commander-in-Chief, Auditor General, Chairman of Public Service Commission, Chief Election Commissioner, Attorney General, Mool Purohit and other distinguished persons whom King was empowered to nominate. The basic function of the Raj Sabha was to look into the matters of succession to the Royal throne and proclaiming or dissolving the Regency council according to the need of the hour. The Raj Sabha was an advisory body as well as a crisis management institution in case constitutional functioning was hindered due to some reason / reasons.

**Council of Ministers:**

Part VII of the constitution was related with the institution of the Council of Ministers and was spread over articles 24 to 29. As per the Article 25:-

1. "There shall be a Council of Ministers to aid and advice His Majesty in the exercise of his functions. It shall be the duty of the Council of Ministers of give general directions to, and keep general control over, the administration of the country in accordance with the provisions of this constitution, other laws for the time being in force and such directives as may from time to time be given by His Majesty in the interest of Nepal and the Nepalese people.

2. The Council of Ministers, as may be required, shall consist of the Prime Minister, Deputy Prime Minister and Ministers of the Crown.

3. His Majesty shall constitute the Council of Ministers under his own chairmanship or under the Chairmanship of the Prime Minister."

105 Article 26 prescribed the method of electing the Prime Minister. In order to contest for the post, the candidate has to be the member of National Panchayat and must be proposed and supported by at least 25% of the total members of the National
Panchayat. The person, who got elected with at least 60% of the support of the House, has his name sent as the recommendation to the King. The King then appoints such a person to the post of Prime Minister. However, the King can also appoint any person, who is not a member of the National Panchayat, as the prime minister for a period of six months at a length. The King appointed the Deputy Prime Ministers and other ministers as per the recommendations of the Prime Minister. However, such recommendations were not binding on him.

Following the norms of the Parliamentary System, the ministers were made individually and collectively responsible to the National Panchayat. There were three categories of the Ministers according to their superiority:-

(a) Ministers of the Crown

(b) Minister of State

(c) Assistant Ministers

The life of the government was five years but could be dissolved before the completion of its term, by the King, under specific conditions. The King could also remove the Prime Minister and any other minister in his individual capacity. For the conduct of the business by the government, His Majesty was to approve the rules, which could not be questioned in any court of law. Apparently, the structure of the government complied with democratic norms, the constitution placed unquestionable powers in the hands of the King, who held all the threads of power and governance.

Following is the pictorial representation of the governmental hierarchy as envisaged under the 1962 constitution:-

100
Part VIII contained provisions for the establishment and functioning of the National Legislature. Chapter I dealt with Local Panchayats and Chapter II dealt with the National Panchayat. Chapter I comprised of Article 31 to 33 and it discussed about village, town and district Panchayats and Zonal Assembly. About the village Panchayat the constitution maintained:

"A village Assembly shall consist, as may be notified in accordance with law, of one village or a group of villages and shall elect an executive committee (village Panchayat). The constitution, function, duties and powers of the village Panchayat shall be defined by law."
This was true in the case of the town Panchayats also. About District Panchayats, the constitution mentioned that 'it will include representatives elected by the village and the town Panchayats of the district and will elect an executive committee to the known as district Panchayat. However, the constitution did not enumerate the powers and duties of all the Panchayats and left it to be defined by law'. Article 33 provided for a Zonal Assembly to be comprised of the members of the District Panchayat of the Zone.

Chapter two spreading over Articles 34 to 54 dealt with the National Panchayat in detail. Article 34 accorded the National Panchayat the status of "the apex of the party-less democratic Panchayat System." It was to comprise of 135 members, out of which 25% were to be nominated by the King and the rest were to be elected. The qualifications were by and large general in nature as, the members were to be Nepali citizens, above twenty five years of age, not to be a servant of the Crown other than a Minister or Minister of State or Assistant Ministers, and not subject to disqualification of any other kind. The King could decide any candidate's disqualification along with the consultation of the Election Commission. He could also waive off any disqualification. The term of the National Panchayat was five years.

The business of the House was to be carried by the Chairman and in his absence by a Vice-Chairman. Both were to be elected by the members from amongst themselves for a period of two years. They were liable to be removed from office by the King, if the two-thirds majority of the total membership of the House, so recommended. The right to summon and prorogue the National Panchayat, rested with the King. He could also address the House and send messages from time to time.

Article 45 restricted the National Panchayat from discussing any issue pertaining to the conduct of His Majesty, Her Majesty, the Queen and successors to the Throne, conduct of a judge or the cases pending in the court of law. Other articles laid down the provisions of voting, power to transact the business in National Panchayat, penalty for unauthorised voting, quorum, procedure for the conduct of business, privileges of National Panchayat, oath, remuneration and Secretary of Panchayat.

The quorum of the House was fixed at one third of the total strength. The privileges provided to the members were in tune with the privileges being enjoyed by he
legislators under any democratic system; for example, the freedom of speech, immunity from arrest, etc.

The legislative procedure to be followed was enshrined in the Part IX of the constitution, from Article 55 to Article 57. Article 55 stated that any bill regarding taxation, expenditure, civil list of royalty, debt or guarantee could be introduced only in the National Panchayat by the prior consent of the King, through any royal minister.

Any bill passed by the National Panchayat could become a law only after receiving the consent of the King. The King may withhold his assent on the bill or may send it back for reconsideration. The Panchayat had to resubmit the bill to the King after considering the recommendations tendered by him. However, the King was not bound to give his assent for the second time. If he wished, he could withhold his assent for the same. The King was also empowered to get any bill passed through the National Panchayat in its original or altered form.

Under Article 57, King could issue and promulgate ordinances. Such an ordinance was to be placed before the National Panchayat within seven days of its sitting, or it could be withdrawn any time by the King or cease to be effective after the lapse of forty five days of reassembling of the House, whichever is earlier.

Article 58 to 67, comprising Part X laid down the following financial procedures.

(a) No tax could be levied and collected, or loan raised or guarantee be given by the Government, except in accordance with law.

(b) All revenues received, loans raised on the security of the revenues, money received in repayment of loan, were to be credited in public fund like consolidated fund, unless provided by an Act.

(c) His Majesty's private revenue, religious offering and local taxes could not be credited to the consolidated fund. However, the constitution nowhere mentions as to which are the private revenues of His Majesty.
(d) All expenditure of the government had to be incurred out of the consolidated fund with an appropriation Act. This was not applicable in case of an Emergency Fund.

The list of the expenditure chargeable on the consolidated fund was given in the Article 61. It included civil list of the Royal Family, remuneration payable to the Chief Justice and other judges of the Supreme Court, Chairman and Vice-Chairman and the members of the Public Service Commission, the Chief Election Commission and the respective departments, all charges relating to debts for which government was liable or any other sum charged on the consolidated fund. Article 62 provided for the annual budget to be laid down before the National Panchayat. Article 66 governed the transactions from the contingency Fund of Nepal.

The following chart depicts the organisational structure of the Panchayat System of the government as envisaged under the 1962 constitution.\textsuperscript{108}
Part 10(A), inserted by the first amendment, was concerned with the class and professional organizations. As given in the Article 67(A):

1. "In keeping with the objectives of the Panchayat System to promote the welfare of the people by creating a democratic, just, dynamic and exploitation free society, by bringing about harmony among the various classes keeping in view the greater interest of the nation, the following class organisations shall be formed and run with a view to integrate and utilize the united strength of the various classes for the development of the Nation and to help the local Panchayats to mobilise general public –

1. The Nepal Women's Organisation;
2. The Nepal Peasant's organisation;
3. The Nepal Youth Organisation;
4. The Nepal Elder's Organisation;
5. The Nepal Labour Organisation, and

Part 10(B) specified the membership conditions and code of conduct of the members of Panchayat and class organization. It contained Article 67B and 67C, which emphasised that membership of class or professional organizations was mandatory to be a member of a local or National Panchayat and also clearly stated the code of conduct of such members, respectively.

Provisions for the Judiciary in Nepal were prescribed in Part Eleven of the constitution, from Articles 68 to 74. According to it, Nepal was to have a supreme court, which was to function as a court of records and would have the power to punish for the contempt of law, itself or any court subordinate it. It was to have not more than six judges. Other functions of the Supreme Court and the appointment and removal procedures of the judges were also dealt with, in addition with the provisions of judicial service commission.
Similarly Part XII, XIII, XIIIIA and XIV dealt with the provisions of Auditor-General, Public Service Commission, Election Commission and Attorney General, respectively.

Part XV of the 1962 constitution was extremely significant as it contained the Emergency Powers of the King. As given in Article 81(A):

"(1) If His Majesty is of the opinion that a grave emergency exists whereby the security of the whole of Nepal or any part thereof is threatened by war, external aggression of internal disturbance. His Majesty may, by Proclamation –

(a) suspend, except this article, all or any of the Articles of this constitution or any provisions of such Articles, and

(b) assume to himself all or any of the powers vested in or exercisable by the National Panchayat or any other governmental body or authority."\(^{110}\)

If the King deems that grave emergency no longer exists he could revoke the emergency after consulting the members of the steering committee of National Panchayat and the members of the standing committee of the Raj Sabha. However, the laws enacted during emergency, which were inconsistent with other Articles of the constitution, were rendered ineffective at the end of the six months after proclamation.

Part XVI specified the amendment procedure to the constitution. As per the provisions of Article 82, an amendment to the constitution was to be first of all proposed by the special committee, comprising of members of standing committee of Raj Sabha and members of the steering committee of the National Panchayat. Such proposal had to be consented by a majority of at least two – thirds of the total membership of the special committee and then, the King issued the proclamation leading to amendment of the constitution.

Part XVII was miscellaneous in nature, containing twelve articles relating to:-
1. Supreme Command of the Royal Nepalese Army and the Commander in Chief.

2. Granting pardon and conferring titles, honours and decorations.

3. Zonal Commissioners.

4. Royal Nepalese Ambassadors and Special Envoys.

5. Annual Reports to submitted by various constitutional organs, except the Council of Ministers.


7. Tenure of the office of the employees of the Crown.

8. Oath of allegiance

9. Residency powers of the King

10. Power to remove difficulties.

Part XVIII defined and interpreted certain terms whereas Part XIX contained transitional provisions. Part XX defined the short title of the constitution and prescribed the date of its commencement as Sunday, the first of Paush, Two Thousand and Nineteen year of the Bikram Sambat.

Six schedules were appended to the constitution, which provided details about National Flag, National Anthem, the coat of Arms, number of members to be elected by the zonal assembles and number of members to be elected by class and professional organisations – The Nepal peasant, youth, women, labour and ex-servicemen's organisations, etc.

As this constitution propounded a novel system of four tier Panchayat hierarchy, a distinct study of this complex structure of Panchayat system will prove beneficial in this context.
Structural Pattern of the Panchayat System

Part VIII, bifurcated in two chapters, running from Articles 30 to 54 was wholly devoted to the structure and powers of the Panchayat System. It was a four tier system with "Gaun Panchayat" at the base, and "Rashtriya Panchayat" at the apex. "Zilla Panchayat" and the 'Anchal Panchayat' lied in between, respectively. The following diagram is a pyramidal representation of the Panchayat hierarchy:-

Chart 3.11

![Pyramidal Structure of Panchayats in Nepal](chart3.11.png)
1. **Gaun Panchayat**

As per the preamble of the village Panchayat Act, 1962, the Gaun Panchayats were established to provide the rural people an opportunity to participate in greater measure in local administration and thereby to attain economic, social and cultural development. Gaun Sabha was the popular base of Gaun Panchayat. Zilla Panchayat was empowered to declare any gaun, mauza or group of gauns or mauzas as Gaun Sabha or increase or decrease the areas of existing Gaun Panchayats, subject to the approval of His Majesty's Government (Article 3(1)).

All the residents of the area of Gaun Sabha, who had attained the age of twenty – one years, were the members of the Gaun Sabha. It was to meet twice a year, after the winter and monsoon harvest. But an emergency meeting of the Gaun Sabha could be summoned by the presiding officer under special circumstances.

The major functions of Gaun Sabha were to examine and approve the accounts of the previous and current years and to finalise the estimates, income and expenditure for the coming year as prepared by the Gaun Panchayat. It could also discuss the activities of the Gaun Panchayat. The income of Gaun Panchayats, basically came from proceeds of taxes, fees and levy permitted under the act, assistance provided by the Government, Zilla Panchayat and Nagar Panchayat etc.

Gaun Panchayat, was the executive wing of Gaun Sabha. It was elected by the Sabha members. It was to be compared of nine members, who in turn, elected Sabhapati and Upsabhapati from among themselves. The tenure of the aforesaid officers was two years and the member of a Panchayat enjoyed a term of six years. It was permanent body, with every one-third of its members retiring after every two years.

The Sabhapati was the presiding officer, who could summon meetings of Gaun Panchayat, at least once every month. He had to introduce reports and proposals and in case of tie on any issue used his casting vote. He was to implement the resolution passed by the Gaun Panchayat and to supervise the working of the employees of the Gaun Sabha. He was also responsible to submit periodical reports in the desired form to the Zilla Panchayat. He was also to function as the keeper of all records,
documents, etc. In the absence of the Sabhapati, his functions were to be performed by the Upsabhapati.

**Zilla Panchayat**

The 1962 constitution divided Nepal into seventy-five development districts; each was to have a Zilla Panchayat. They were regarded as areas under the jurisdiction of Zilla Sabha. However, the deciding authority its jurisdiction was the King. Zilla Sabha comprised of:-

(a) one person chosen in the prescribed manner by each Gaun Panchayat from among its members;

(b) one-third of the members were to be returned by each Nagar Panchayat from among its members in the prescribed manner.

Members of the Zilla Sabha continued in their office only so long as they retained the membership of their respective Gaun or Nagar Panchayat. This Zilla Sabha was required to meet twice a year at least, and the intermediate period could not exceed more than six months. The Chairman of the Zilla Sabha was to be elected by and from among its members. The Zilla Panchayats were given the powers and functions of the Bada Hakim of previous systems.

**Anchal Panchayat**

As given in the Anchal Panchayat Act, 1962, the Anchal Panchayats were formed for an all round development of national life and to provide direction to, and maintain coordination among Zilla Panchayats. The areas and the jurisdiction of these Anchal Panchayat were decided by His Majesty's government.

The members of all the Zilla Panchayat within the jurisdiction of an Anchal comprised of Anchal Panchayat. There were a total of fourteen Anchals, each headed by an Anchaladhish or Commissioner whose post was constitutional and the appointment was made by the King. Each Anchal also had an Anchal Sabha or assembly comprising of all the members of District Panchayats lying within the area of a particular anchal or zone.
However, the First Amendment in 1967 abolished the Anchal Panchayats and replaced by Anchal Samitis or zonal councils to aid and advice the Anchaladhish. Anchal Sabhas were entrusted with the task of electing the members of National Panchayat.

**Rashtriya Panchayat**

The Rashtriya Panchayat lied at the apex of the Panchayat hierarchy. It was to consist of 135 members, 20 percent of whom were to be nominated by the King. The rest were to be elected by the Zilla Panchayat members on a zonal basis. As per the provisions of Article 34(4) as amended by the Second Amendment of the Constitution, 2013 V.S.:-

"For purpose of elections to all levels of the Panchayats indulging the National Panchayat, the various Zones of Nepal, shall be divided into four groups, and after the coming into force of this clause, each year elections shall be held within one such group. The division of zones into various groups and the order in which elections are to be conducted in those groups shall be determined by the Election Commission."

The term of the members of the Rashtriya Panchayat was four years. The Chairman of the Rashtriya Panchayat was appointed by the King, on the recommendation of the House from among its members. The Vice-Chairman was directly elected by the members, again, from among themselves.

The decision regarding the disqualification of any member and the consequent removal was solely rested in the King (Article 36). It would imply that the members of Rashtriya Panchayat would hold office only during the pleasure of the King. The powers and functions of the national legislature have been discussed earlier.

**The Council of National Guidance**

In 1964, the King formed an extra-constitutional council of National Guidance, with himself as the Chairman, some political leaders, who did not participation in the
Panchayat system and a few leading ministers and workers of the Panchayat system as members.

This body was formed to guide the class organizations and maintain necessary cooperation among them, to supervise Panchayats of all levels, to consider problems arising with regards to Panchayat system from time to time and to prepare a programme with a view to make people conscious of their duty towards implementation of Panchayat system as well as to provide general guidance events to His Majesty's government.

The following chart is a representation of the organisation of His Majesty's Government under 1962 constitution:-

**CHART 3.12**
Analysis of the Panchayat System

It is obvious from the above discussion that King Mahendra adopted "Panchayat Democracy" instead of "Parliamentary Democracy" to make the institution of Kingship extremely strong and powerful. Therefore, the source of sovereignty was shifted from people to the King, who yielded all the legislative, executive and judicial powers. He was above law and the central source of all authority.

The most remarkable innovation of this constitution was a four tier Panchayat system – a judicial system partially free and partially under the royal control. The jurisdiction of the Supreme Court was not prescribed by the constitution, but by the Royal statue.

The constitution provided for a bicameral legislature, in which Raj Sabha more powers. However, since the National Legislature was not directly elected, it did not represent people genuinely and its legislative and financial powers were very much limited.

Similarly the King was vested with absolute emergency powers. The King could declare emergency even if such situation did not exist. It was the sole criteria of the Monarch.

The concept of collective responsibility of the cabinet to the parliament was replaced by the collective responsibility to the Crown.

The constitution moved from the traditional parliamentary type of democracy to the personal rub of the monarch. It abadoned the western political institutions while providing a place to indigenous political institution and developed 'guided democracy' as a type of government.\(^{114}\)

In short, the Panchayat system was created to tend a representative character to royal despotism, the class organisations were mean to fill the vacuum created in national life by the imposition of ban on political parties and to keep in check the rise of class consciousness among the people, and the national guidance council symbolizes, in violation to all principles of decentralization, the centralizing of all political powers in the hand of the Monarch.\(^{115}\)
Panchayat system defeated those very aims with which it was established. There was a wide use of coercive and unfair means during the elections, even at the grass root level. Therefore, the progressive elements did not enter the electoral process and consequently to the new system, which created great dissatisfaction among people and paved the way for the leadership of vested interests and sycophants. Since people's participation in the new system was very limited, the Panchayat democracy could not muster wide popular support.

Panchayat system also nurtured factionalism, which gave the King an upper hand in the national politics. He could reshuffle the positions of powers as per his interests, thus pushing the system into instability. Consequently, other problems like rampant corruption, immorality, nepotism, favoritism, and sycophancy cropped up at all the tiers of the hierarchy. The political indiscipline of the Panchas weakened the system considerably. Finally, poor rate of economic growth resulted in total disillusionment of common masses from the Panchayat System.

On 27th January 1967, King Mahendra exercised his ultimate amending authority and promulgated first amendment on the recommendation of a special committee, comprised of the members of the standing committee of the council of state and the steering committee of the National Panchayat. However, His Majesty's constitutional measures could not conceal the real nature of his authoritarian rule, nor it could decrease the vulnerability of the Panchayat system. Gradually, it became the target of attack from various quarters, for the aforesaid reasons. The pressure for constitutional reforms, mounted during the last days of King Mahendra, who passed away in January 1972. As long as he was alive, he did not submit to any kind of popular pressure "because the authoritarian instinct in his personality was quite strong.”

Towards the Peoples Movement-I, 1990

King Birendra inherited the throne of Nepal after his father King Mahendra's death in January 1972. The new king who was in his twenties was widely believed to be an ardent champion of liberal values like democracy, liberty and human rights. So, the political leaders who wanted reforms in the existing system adopted the strategy of playing up the liberal sentiment of the King as well as resorting to pressure tactics and violent activities to achieve their goal. But the new King minced no words in stating
that only Panchayat System was suitable for the Himalayan Kingdom. Since he was dependent on the bureaucracy and the traditional elite, he had no option left, but to support them blindly. As a result, the bureaucracy became more exploitative and the palace secretariat acted as a powerful guard, limiting direct access to the King. Therefore, the only way out for the people was to oppose the system, giving rise to the Naxalite organisation and a faction of Nepali Congress resorting to arms.

However, Birendra also introduced certain reforms to improve administrative performance and reduce the ability of the high officials to modify or sabotage palace policies during their implementation. The King made the B.V.N.C. (Back to Village National Campaign) programme more active by organizing an eight – member 'Back to Village National Campaign Central Committee' for mobilizing popular energy for the formulation and implementation of developmental plans and projects so that people’s ire against the government may subside. However popular dissatisfaction with the system continued, and the agitators continued their violent activities with the sole demand of restoring the multi-party system. An impression had set in the minds of ordinary Nepali people that the system was established to maintain the privileges of certain groups. To pacify the existing discontent King Birendra constituted a seven-member commission on 9th February 1975 for recommending appropriate reforms in the constitution of Nepal, within a period of six months. In the meantime, Indira Gandhi proclaimed emergency in India, making the "sub-continental climate safer for authoritarianism." This was reflected in the recommendation of the commission's report and the subsequent amendment.

Second Amendment to the Constitution

King Birendra announced the much awaited reforms on 12th December, 1975. The important reforms were:-

1. setting up of a commission by the King as a constitutional organ for prevention of abuses of authority and check corruption through misuse of powers;

2. opening up of the Rashtriya Panchayat session to all.
3. abolition of Graduates constituency and limited activities of class organisation confined now to the districts only. A new class called "Adult Organisation" added;

4. the numbers in the Rashtriya Panchayat increased from 90 to 135. The King to nominate 20 percent of the seats.

5. the franchise was broadened up to the District Assembly level. It meant the Pradhan and Upgradhan Panch would have the voting rights to the Rashtriya Panchayat.

6. 'Back-to-the village National Campaign' was elevated to constitutional status and its Central committee would evaluate the work of the Panchas and could even deny tickets to them as approved by the King, in case they made no contribution to the Panchayat system.119

This amendment also divided the kingdom in four zones and elections were to be held in them, between January 14 to April 12, each year.

As mentioned earlier, this amendment vested more powers in the Crown. He was empowered to head the ministry and still appoint Prime Minister and other ministers. The ministers were made responsible to him both individually and collectively. The King could appoint a non-Panchayat member as a minister for one year. Also, the amending power was virtually vested in Him by providing that 'His Majesty shall consult the Special Committee while exercising his power to amend the constitution.' The King also announced a 10-point programme to improve the administrative machinery and the national economy.

However, this amendment failed to strike a chord with the people as it did nothing to fulfill their aspirations. As a result of the constitutional status given to the BVNC, the traditional institutions and Panchayati bureaucracy became unbridled and despotic. With the passage of time, particularly after Second Constitutional Amendment, 1975, the BVNC became a tool in the hands of the King for controlling the national politics. Eventually it became so powerful that the privileges enjoyed by its members were next to the King and the members of Royal Family. It became an irresponsible and
irresponsible body. The resentment of people had reached its height and they were looking for an opportunity to ventilate their grievances.

The first outburst of the popular resentment happened on 6th April 1979, when some students took out a procession against the executions of the former Prime Minister of Pakistan, Z.A. Bhutto. They were also protesting against the execution of Capt. Y.B. Thapa and Bhim Narayan Shrestha who were executed by the Nepal Government, for opposing the system. The processions took a violent turn when the students were interrupted by the police on their way to the Pakistani Embassy in Kathmandu and lathi charged them. The students put up a stiff resentment and presented a twenty-point demand charter, which was unheeded by the government. Ultimately different wings of student union, related with the political parties united, and the base of the movement was broadened. In order to suppress the movement, the campus of the Tribhuwan University was vacated and teaching was halted indefinitely. The stories of police atrocities over students added fuel to the fire and different class organisations also joined hands with the protestors. Politically, it led to the resignation of ministers like Pashupati Sumsher Rana and the imprisonment of the leaders like B.P. Koirala.

The mounting pressure of popular unrest forced the King to set up a five member royal commission to study the students' demands and suggest solutions to put an end to the crisis. The commission conceded to the "genuine" demands of the student which were mainly academic in nature, and recommended the release of all those detained in connected with students agitation, including the political leaders as well.

However, there was a group of students who was not happy with the agreement reached between the government and the agitating students, based on the recommendations of the Commission. These groups along with a mob indulged in unprecedented violence in the various parts of the Kathmandu Valley. It is in this riotous backdrop that the King proclaimed on 24th May 1979 that a referendum on the basis of adult suffrage would be conducted to unable the people of Nepal to choose by secret ballot between the Panchayat system with reforms or restoration of multi-party system of governance. As to follow up event, King asked the then Prime Minister Kirti Nidhi Bista to resign and appointed S.B. Thapa in his place. The BVNC central
committee was also suspended. A fifteen member Election Commission was formed to supervise the referendum. In December, 1979, King also announced that there would be a constitutional amendment to make the government responsible to the legislature, irrespective of the outcome of the referendum.

Although political parties remained officially banned, they participated actively to campaign for the restoration of multi-party system. But a clandestine and determined effort of the Crown and group rivalries within the political parties, throttled their efforts. To be more specific, B.P. Koirala was trying to assert the point that instead of going for referendum, multi-party democracy be restored and he should be made the Prime Minister, as he was holding the post when his government was dismissed two decades back. On the other hand, left parties were considering the referendum as a step of the King towards diffusing the crisis created due to student agitation. The leadership associated with the Panchayati system was trying to find out a place for itself in the fast changing set up. It was under these circumstances that the referendum was held on 2nd May 1980. Out of the 67% people who turned for voting, 2.4 million voted for the Panchayat System and 2 million voted for multi-party system. Charges of rigging were leveled since the result was declared by the Election Commission after twelve days of the referendum.

Undoubtedly, the results of referendum came as a major set back to the party politicians and the section of populace supporting them. Apart from the disunity of political parties, the King's inclination towards a party less system, adversely affected the position of political parties. Therefore, this referendum only gave legiticimacy to the existing system and the efforts of people seemed to go down the drain for the moment.

However, King Birendra kept his "word" and announced the Third Amendment to the constitution on 15th December 1980, exactly twenty years after his father had dissolved the first and only democratically elected government of Nepal. Only some minor changes were introduced to give a cloak of democracy to the constitution, and simultaneous by strengthening the power and position of the King in particular and Panchayati system in general. The noteworthy changes were:-
(a) The King was given the right to dismiss the elected Prime Minister and also the Presiding Officer of the legislature.

(b) A legislature of 140 members was provided out of which 28 members were to be nominated by the King.

(c) The Prime Minister was to be appointed on the recommendations of the legislature and he along with his cabinet was responsible to the legislature. However, he must have the support of sixty percent of legislators, failing which a run off election between the two candidates obtaining the largest votes should be held. In the case of a deadlock again, the King could nominate any one candidate out of a panel of three, recommended by the legislature. Thus the Crown was vested with powers superior to the legislature.

(d) The amendment made the membership of a class organisation compulsory for anyone who wanted to contest election to any legislative body.

(e) The power of amending the constitution was vested solely in the King.

Therefore, the Crown became the most powerful institution in the Panchayat System.

As per the provision of the Third Amendment, elections were held in Nepal after twenty two years (in 1981) for four-fifths of seats in Rashtriya Panchayat (the rest 1/5 were to be nominated by the King). Since the political parties were banned, individuals with the support of splinter groups participated. So, the House which was formed did not represent any particular ideology but bizarre interests, which had no clear vision of social transformation and development. Moreover there was a constant struggle for power among the various leaders in the House who involved in dirty politics and cut-throat competition to get the "royal blessings." As a result, Nepal saw two unstable governments within a span of three years, i.e. 1981 to 1984. All these factors contributed to the growth of hostile feeling towards Panchayat policy among the common Nepali people. They were convinced that only a multi-party democracy could change their lot for better.

In the meantime, B.P. Koirala passed away in 1982. His death was a huge set back to the anti-Panchayat forces, but even then, the government continued its forceful
crackdown on the leaders of various political parties. This oppressive policy did not go down well with the people who started resorting to various violent activities across the Kingdom. The government carried with its policies and crushed these uprising with a heavy hand. It was under these circumstances that the second general elections under Panchayat system were held on 12th May 1986. Though banned, most of the political parties boycotted these elections. The voter turn- out also registered a decline of 3%. The newly formed House met on 9th June 1986, and elected Marich Man Singh Shrestha as the Prime Minister on 15th June 1986. His rule was marked by several violent incidents throughout the country. However, the prime minister gave a cold shoulder to these incidents since he always enjoyed the blessings of the Crown. The Nepali citizens were now convinced that only a vibrant democracy was capable of putting a check on the system, in the absence of putting a check on the system, in the absence of which all sorts of corrupt practices emerge.

THE PEOPLE'S MOVEMENT OF 1990 (JANADOLAN-I)

The Background to the Revolution

For a good understanding of the event which lead to the uprising of 1990, one needs to look at the general background of the socio-political, economic and international situation at the close of 1989 itself:-

(a) Panchayat system led to a rapid and steady erosion of moral and material conditions of the common Nepali citizen.

(b) There was a gross discontent against the government, which had been bearing for quite sometime.

(c) Organized political opposition to the partyless system which was hitherto fragmented now took a unified and coordinated form.

(d) Indeed, the continuous struggle of the democratic parties had kept the frame of democracy burning in the minds of people. The unsuccessful satyagraha movement of civil disobedience, which came to an abrupt end with the explosion of four bombs at various places in the country on 20th June 1985, was still fresh in their memories.121
(e) Since 1980, a new group of intellectuals emerged on the political scene of Kathmandu. This intelligentsia organised various human rights organisations consisting largely of young professionals with previous affiliations to the banned political parties.

(f) A whole new generation of jeans clad youth, exposed to western ideals of democracy or influenced by leftist principles had come up, which was highly dissentive of the existing system.

(g) The leftist parties also emerged strong with their clear reflections on several trades, peasants, teachers and lawyers union.

(h) The feeling of being left out among "madhesis" (people living in the plains bordering India) also contributed to the general discontent.

(i) Late 1989 was characterised by economic crunch caused by trade embargo by closure of 13 out of 15 transit points when trade and transit treaties with India expired. However, during the first few months of economic crisis, the Nepali people bewared it with remarkable patience. But dissatisfaction grew as crisis lingered on and the prices of essential commodities rose. Some of the essential commodities like salt, sugar, kerosene and petrol almost disappeared from the market. The opposition used the government’s inability to some the crisis as the trump card against it.

It was against this background, also influenced by the advent of democracy in various parties that the opposition forces decided to strike. Nepali Congress took the initiative by organising political Awakening Week from 9 to 15 September 1989. All the political leaders made a passionate plea for national democratic unity for organising an effective mass movement for the restoration of democracy. On 28th December 1989, the banned parties formed a co-ordination committee. Seven of the various communist groups joined and on 10th January 1990, they founded the United left front. An announcement was made in a joint press conference on January 15, 1990, that:-
1. "They had formed a United left front, the first such alliance amongst communist splinters since the communist party had broken up after the split between the Soviet and Chinese decades ago;

2. They had prepared 18 points set of demand (that were largely similar to the Nepali Congress familiar demands for change) including the legalization of political parties, the end of Panchayat policy and full respect for human rights as well as end to spreading prices, corruption, smuggling and the commission agent system;

3. They are jointly giving their moral support to Nepali Congress's programme for mass movement to establish a multi-party system."\(^{123}\)

**Countdown to the Revolution**

ON 18\(^{\text{th}}\) January 1990, the Nepali Congress held its first public party convention in the years, although the prevailing law constrained mass gatherings, several thousand people participated. Surprisingly the police did not intervene in the proceedings. This convention was attended by ULF delegates, political and human rights activities, members of press, the invited guests of different Indian political parties like the Janata Dal, the Congress, the Communist Party of India, the Communist Party of India (Marxist) and American and West German embassies. The main highlight of the event war the speech given by Dr. Chandra Shekhar, the then prime minister of India. At the end of the conference it was decided to launch the peaceful struggle for democracy on 18\(^{\text{th}}\) February 1990, which was to be the Nepal's Democracy Day. This day marked the anniversary of King Tribhuwan's appointment of the first coalition government in 1951, thus spelling the end of the autocratic Rana regime.

In response to such a clear political challenge from the Nepali Congress, the government responded by organising a series of public meetings all over Nepal. These culminated in a mass rally in Kathmandu on 28\(^{\text{th}}\) January. The government hoped to draft in enough supporters to voice their belief in the Panchayat system and help quell the rising opposition. In fact most of those who attended the rally in Kathmandu were paid two hundred rupees each and bussed in from outlying districts. The entire cabinet turned out for the event several prominent politicians, including the prime
minister, held speeches roundly condemning the 'anti-nationalist elements' and praised the 'true democracy' – that is, Panchayat democracy – in the country. However, important Panchas who had openly criticised the government such as Surya Bahadur Thapa, a former prime minister, and Rajeshwar Devkota, were noticeable by their absence. While the official news agency claimed that 200,000 had taken part, opposition papers put the figure at only 20,000 and the event was a deemed a failure. Thus the Panchayat government had failed signally to demonstrate that it commanded the support it had claimed for itself.124

The growing support for the opposition left the government baffled. Therefore, the government imposed ban on newspapers like Saptahik Bimarsh, Nepali Awaj and Samalochana. Several important leaders like Sahana Pradhan, Ganesh Man Singh, Krishna Prasad Bhattarai and Girija Prasad Koirala were put under House arrest. However, all the efforts taken by the government to nip the revolution in bud proved futile.

THE JANADOLAN-I OR THE PEOPLE'S MOVEMENT OF 1990

As decided, the flag of revolt was unfurled on 18th February 1990. A procession was brought about by ten thousand students and their sympathisers, cheering the release of Nelson Mandela and demanding freedom. This procession conflict came in with the official procession being brought out in favour of Panchayat system. The police came into action immediately and opened fire on demonstrators, killing and injuring an unspecified number. The following day a bandh was observed in Nepal, called by the democratic force, to oppose the police repression. However, even during that Bandh, the police opened fire on protestors in Bhaktapur, killing dozen people and injuring 33. Again, on February 20, the police firing killed at least five people at Jadukoha in Janakpur along the India – Nepal border.

At this stage various professional organisations also jumped in the struggle. Initiative was taken by the lawyers who boycotted the courts followed by medicos with doctors of Kathmandu's teaching hospitals observed a two-House strike. After two days, Black Day protest marches were carried out throughout the kingdom. The police used prohibited bullets – 303, Dumdum, Hollow Point – on peaceful demonstrators, thus
invited protests from medicos at Bir Hospital in Kathmandu who stayed off work for an hour.

Soon the medicos were joined by the University teachers who observed a pen-down strike to exhibit their support for the movement. The use of prohibited bullets was also condemned by the writers, journalists and intellectuals. The session of violence so started spread in the other towns of the country and later in the rural areas and continued for fifty one days leaving behind five hundred dead and thousand injured.¹²⁵

A panicky King Birendra, through a proclamation, sacked Prime Minister Marich Man Singh and in his place appointed the mild mannered Lokendra Bahadur Chand, directing him to hold talks with the movement leaders on what is described as the Black Friday. The King also announced the appointment of a commission to probe the unfortunate incidents and promised to set up a constitution Reforms committee.

But the masses had been aroused and rebellion was in the air as people from all the three cities of the Kathmandu Valley converged on the capital questioning the King's proclamation and held a meeting at the open air theatre in the heart of Kathmandu.¹²⁶ As the crowd retreated towards the Darbar Marg, they were intercepted by the army, and the police opened fire indiscriminately bearing 150 dead and 350 injured. Police firing also took place in Lalitpur, Pokhra and Butwal, resulting in the death of more than a dozen people. Later in the day, curfew was imposed in Kathmandu, Lalitpur and Bhaktapur.

Ultimately the King had to succumb to the popular demand and on 8th April, 1990, he held meetings with the Nepali Congress and ULF leaders. Later, around midnight, a palace communiqué announced the deletion of the word "partyless" from the preamble of the constitution and lifted the thirty year old ban on political parties. At this stage the movement leaders adopted a conciliatory approach and called off the movement. In the words of K.P. Bhattarai, "our demands have been met and owe movement is clearly and categorically called off."¹²⁷ A wave of jubilations swept throughout the country. Sadly however, six people were gunned down while celebrating by the security personnel who did not knew that both the curfew and the revolution were over.
The following table is a summarised record of events that took place during the 1990 people's Movement:

**Table 3.12**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 18, 1990</td>
<td>Movement launched on National Democracy Day Police open fire at Bharatpur and Hetanda, killing five and injuring many Nepal observes protest bandh.</td>
</tr>
<tr>
<td>February 20</td>
<td>Police open fire on a peaceful assembly at Jadukuha in Janakpur along Indo-Nepal border, killing five. Lawyers boycott courts.</td>
</tr>
<tr>
<td>February 23</td>
<td>Medicos at the teaching hospital in Kathmandu observe two-hour pen down strike.</td>
</tr>
<tr>
<td>February 25</td>
<td>&quot;Black Day&quot; protest march throughout Nepal. Medicos hold mass meeting at Bir Hospital and stay off duty for one hour accusing Government of using prohibited bullets on peaceful pro democracy demonstrators. Hundreds arrested in Kathmandu.</td>
</tr>
<tr>
<td>February 27</td>
<td>Varsity teachers throughout the kingdom observe &quot;pen down&quot; strike and pledge support to the movement at mass meeting in Kathmandu.</td>
</tr>
<tr>
<td>March 2</td>
<td>Nepal observes second bandh at opposition's call. Mandaleys or hoodlums hired by Government active in Kathmandu to sabotage the movement.</td>
</tr>
<tr>
<td>March 4</td>
<td>Nepal Medical Association demands judicial investigation</td>
</tr>
</tbody>
</table>
into police firing and condemns use of prohibited bullets and demand immediate release of all patriotic detainees.

<p>| March 6 | Members of Nepal Bar Association observe an hour's silence wearing block armbands, in the precincts of the Supreme Court. |
| March 8 | Nepal Journalists Association headed by Govind Biyogi presents memorandum to Prime Minister protesting against curbs on press. |
| March 9 | The second phase of the movement Panchayat's effigies burnt throughout the kingdom. |
| March 13 | Mandelys and variety students clash on Tribhuwan University campus in Kirtipur. 25 students whisked away by police from hostel. |
| March 14 | Nepal observes third bandh at opposition's call. Mandaleys raid Pulchok engineering campus in Lalitpur and the teaching hospital in Kathmandu. One-hour &quot;pen down&quot; strike at Agriculture Development Bank, Kathmandu. |
| March 18 | 158 litterateurs and artists arrested from Tri-Chandra college as they set with their mouths covered with black bands in protest against government repression. King Birendra defends partyless Panchayat system at a rally of Panchayat workers in Pokhara and hints at reforms. |
| March 20 | Over 600 persons arrested at a meeting convened to discuss the role of intellectuals in the political crisis, at Tribhuwan University. |
| March 21 | Schools in Kathmandu observe taken strike. |
| March 23 | &quot;National Solidarity Day&quot;, followed by &quot;lights off&quot; protest |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 28</td>
<td>Medicos stay off duty for three hours in Kathmandu Valley and resume work after the release of four medics from jail 17 medicos arrested.</td>
</tr>
<tr>
<td>March 29</td>
<td>&quot;Lights off&quot; protest at opposition's call. Students clash with police in a number of schools and campuses in Kathmandu. Many school students arrested. Varsity teachers gherao vice chancellor of Tribhuvan University clashes between pro-democracy demonstrators and police at Lalitpur and Bhaktapur.</td>
</tr>
<tr>
<td>March 30</td>
<td>Police open fire at pro-democray demonstrators at Lalitpur. Two die and 13 injured. People come out of their homes with sticks, rods and agricultural tools, chase away polite and hold mass meetings at Sundhara.</td>
</tr>
<tr>
<td>March 31</td>
<td>Police open fire at Lalitpur for the second consecutive day, injuring three including Vidya Laxmi Joshi, senior nurse at Bir Hospital. Demonstrators hold meeting at Chyasal, pro-democracy forces entrench themselves in Lalitpur.</td>
</tr>
<tr>
<td>April 1</td>
<td>Marich Man Singh Cabient reshuffled. Hospitals (except emergency services), clinics and educational institutions all over Nepal go on one-day strike.</td>
</tr>
<tr>
<td>April 2</td>
<td>Factory workers of Balaji industrial district in Kathmandu go on lightening strike, pledging support to the movement Kathmandu Valley observes total bandh. Police opens fire reportedly from helicopter at Kirtipur, killing seven and injuring 23. Three Kirtipur victims cremated by police the next day. Unprecedented, massive demonstration by police at Lalitpur which later turns into a mass meeting attended</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
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</tr>
<tr>
<td>April 3</td>
<td>Village Panchayat chiefs at Kirtipur resign.</td>
</tr>
<tr>
<td>April 4</td>
<td>Prayer meetings held to pay homage to the martyrs. Police open fire at demonstrators at Naikaap in Kathmandu, injuring three two-have &quot;pen down strike at Nepal Electricity Authority. Royal Nepal Airlines pilots go on strike in support of the movement.</td>
</tr>
<tr>
<td>April 5</td>
<td>Employees of Government offices and semi-Government undertakings including Royal Nepal Airlines and Nepal Telecommunications Department Observe two hour strike.</td>
</tr>
<tr>
<td>April 6</td>
<td>King Birendra sacks Marich Man Singh, appoints Lokendra Bahadur Chand Prime Minister and directs the letter to hold talks with pro-democracy headers. He promises to appoint a commission to investigate the unfortunate incidents, and set up a constitution Reforms Advisory Commission. People of the three cities in Kathmandu Valley come out in massive processions converging on the capital, questioning the King's proclamation, and hold mass meeting at the open air theatre in Kathmandu. Police and army open fire indiscriminately on crowds at Ratna park, Durbar Marg (King's way) and Bhotahity. At least 150 killed and twice as many injured. 13 killed in police firing at Butwal in western Nepal. Nepal bandh observed.</td>
</tr>
<tr>
<td>April 7</td>
<td>24-hour curfew in Kathmandu and Lalitpur. Several killed during curfew. One killed in police firing at Pokhara in western Nepal. Government initiates dialogue with Nepali Congress (N.C.) and United Left Front (ULF).</td>
</tr>
<tr>
<td>April 8</td>
<td>Curfew clamped on Bhaktapur and extended in Kathmandu and Lalitpur for another 24 hour. Seven killed in police</td>
</tr>
</tbody>
</table>
firing in Pokhara and Lalitpur. Birendra meets N.C. and ULF leaders in a reconciliation bid. A Palace communiqué announce around midnight deletion of the word "partyless" from the preamble of the constitution and lifting of the ban on political parties. Six people gunned down by Army in Kathmandu above and many more injured when they come out to celebrate the lifting of the ban on political parties. NC and ULF leaders withdraw the movement.

THE AFTERMATH

The following morning, when the news of abolition of Panchayat system and unmanning the political parties fished repeatedly on the radio, it was received enthusiastically by the people who came out in the streets to celebrate the namely founded freedom, on April 9, 1990. This period of celebrations newly found freedom, on April 9, 1990. This period of celebrations ended when the king dissolved the remaining structures of the Panchayat system as well. The leaders of the Nepali Congress and united left front (ULF) used this period for consolidating powers in their own hands.

On 11th April, King lifted the restrictions on local as well as foreign publications. He entrusted the then prime minister Lokudra Bahadur Chand with the task of holding negotiations with the pro-democracy leaders. However there was a deadlock between both the parties as Chand claimed his government to be the interim government and invited the democracy leaders to join, who were not interested in doing so. They demanded the formation of a new government and gave an ultimatum to the King for this purpose.

Talks between the government and representatives of pro-democracy movement continued with indecision of now clear appearance to Nepalese democracy. On April 15, 1990 some thousand demonstrators stopped the negations of party's deputies with the government. A crowd in front of the Royal Academy Hall, some throwing bricks into the windows of his car must have impressed Prime
Minister Chand. A few hours later, in the morning of 16 April, Mr. Chand submitted his resignation to the King. This cleared the way for the formation of an interim government comprising of pro-democracy forces. Consequently Mr. Krishna Prasad Bhattarai formed his new cabinet on 19 April 1990, the first multi party government after three decades of party less politics. However, immediately after the new government assumed power, the country faced an area of violent and disruptive activities. Though the government was empowered to deal with such a situation it was apparently not willing to do so. There were strikes throughout the kingdom, with various sections of Nepali people presently their demands. The biggest controversy which followed after the three months of the success of revolution was the question of religion in the new constitution. Nepal Buddhist association demanded a secular state while majority of Hindus wanted to preserve the status of the "Hindu Kingdom". This period also witnessed the birth of several political parties of regional and ethical nature.

Despite the fluid situation, the Nepali Congress was able to make a firm had of itself on the central politics of Nepal. “The successful drafting and promulgation of the new constitution was the proof that Prime Minister Bhattarai has established cordial relations with place. This new constitution of 1990 is dealt with detail in the next chapter.

SOME REFLECTIONS ON THE MOVEMENT:-

Cause of the Revolution:-

It would be a gross mistake to think that only the autocratic policies followed by the government had to the uprising. It was in interplay of several important elements. These factors case be discussed under the following heads:-

Weakness of the Government -

The role of the apportion in engineering the revolution was undoubtedly laudable, but the outcome of the movement might have been the other way round, had there been a strong government headed by a determined prime minister. The then Prime Minister Mariachi Man Singh was totally and blindly depend on the place when for minor
decisions. To add to his woes, king left the palace for his annual tour of the country, just before the revolution and camped at Pother in rustler Nepal. He did not return till the climax of the revolution was around the corner, thus having the spineless prime minister on his own. The baffled government started off with the evident suppression of the movement. Earlier also in November 1989, government started a propaganda campaign. Every day the headlines of the government newspaper, Gorakhapatra, carried some reference to the attributes of the political system, such as: 'The Panchayat System- true democracy' and 'Nationalism, democracy and unity - the pillars of Panchayat policy'. This had never happened before, not even in 1962, when the system was first introduced. Vocabulary which had previously been resolved for special occasions, such as spaces in connection with the celebration of Democracy Day or other national holiday's was now in daily use\textsuperscript{130}.

These outward signs of flues in the government's self-confidence boosted the moral of the opposition.

(2) Controlling the Information

In the context of the reduction, it is often deleted that the king did not receive the full information.

From the events of 1979, the last period of major political unrest in Nepal, we know that the king only intervened directly when the masses had reached the Durbar Marg, the street in front of palace. After seeing with his own eye, the discontent of the masses the acted immediately and amounted a national referendum: a very radical measure. Finding parallels from the Rana period, several political commentators in Nepal have described the position of the King as that of a prisoner, the prison walls being the group surrounding His Majesty and constantly feeding him with coloured, erased and sometimes totally false information. But this information problem alone cannot explain the silence of the king during the period of the democracy movement. There are indications that the King actually was aware of what happened, and that his silence was a conscious political act. Even so, the king probably did not realise the seriousness of the crisis. It remains an open question whether the king himself or other figures inside the walls of the palace were responsible for the long silence, and
whether an amendment of political reform could have turned the events into what Burk calls a 'revolution prevented'.

3. Internal Factors:-

The political events of 1990 should be seen as coming together of completely different forces. Mainly, we can together of completely different force. Mainly, we can mention the role of three different dimensions:-

a. Firstly, there is the democracy movement which was more of a quest for political participation.

b. The pace of economic and educational development was very high. On the contrary, the political reforms were now here on the scene. The unbalance thus created, erupted in an open revolt.

c. It was now no longer possible for the bureaucracy to absolve the growing numbers of the educated youth, the main method used so far by the government to neutralize political dissent. This ambitious and reeducated sector turned out to be the greatest threat to the democracy.

d. External Factors- Nepal's relations with India and China have always been pivotal in deciding the result of political activities in the country. Kind Mahendra propounded the policy of explanting the remit between china and India to retain an equally cordial relation with both the neighbours. The sterility of the Panchayat System, therefore rested on maintains this external equilibrium. With the breaking of ice between the two Asian agents during 1988-89, that this equilibrium racer and finally broke down with the Indian trade embargo in March 1989. Also, some political benders in India had also declared their support for the democracy movement at initial stages, including the then prime minister of India, Chandra Shekhar.

4. Ethnic and Religious conflict:-

During the last years of the Panchayat regime there was a growing ethnic consciousness and opposition to the idea of a Hindu State. The uprisings in Patan and
Bhakatpur during the last days of the reduction were not only a result of a high level of political consciousness in these areas: they also reflect a strong sense of newer identity. This can be seen in the political ideas of two central leaders, the populist leaders in Bhakatapur, Narayan Man Bijucke, and the communist leader from Patan, Tulasi Lal Amatya; communist ideas of equality go hand in hand with a Buddhist concept of compassion and of the righteous Newar king\textsuperscript{132}.

However, movements of more clear and ethnic character emerged in the post revolution period including the movement by the Madheshi people. The circumstances discussed above might have provided enough grounds for people to come out and protest, but the success of such revolution depends on several other factors. In the context of the 1991 Revolution we can court the following causes:-

1. **Non Violent Nature of Protests:**

   Apart from a few minor incidents, the demonstrations throughout the revolution appeared to adhere to a strict code of conduct. Many were afraid that the movement would turn violent. However, the Gandhian position of non-violence proclaimed by the major leaders of the democracy movement held firm and fraps of bloodshed were largely unfulfilled\textsuperscript{133}.

2. **Unexpected Popular Support:**

   The movement received huge support of the proper which was both unprecedented as well as unexpected by the leaders. However, this very support introduced an element of instability in the movement. The large humbler of participation by people created the possibility of protests going beyond the control of the leaders. Though the revolution achieved it goals, but the means by which they were achieved and the extent to which the movement had gone was not imagined by the leaders even in their wildest dreams.

3. **Role of Mandals**

   The Panchayat government drove the last nail into its coffin, when the Mandels, government sponsored thugs, were set loose in the Kathmandu Valley, to create
havoc. People who had hitherto blind faith in King's abilities were disillusioned and they too joined the movement.

4. **OUTBURST OF POPULAR ANGUISH**

Unfulfilled promises of development and the repressive policies of the Panchayat regime were no longer tolerated by the common people. The long suffering people of Nepal finally lost their patience. Even old women and young children, who normally would have taken no interest in politics, saw what was happening outside their own doorsteps and took to the streets.\(^{534}\)

**HISTORICAL COMPARISONS**

It may be of certain interest to draw a comparison of the events of 1990 and 1950-51 (when the Rana oligarchy came to an end). Certain parallels can be drawn: The events of both 1951 and 1990 were the results of the interplay of various internal and external factors. The 1951 revolution occurred during a period of rapid decolonization, only three years after India became independent. The 1990 revolution happened when the wave of democracy had swept the countries of Eastern Europe and was now moving beyond. India played a crucial role in both the revolutions, through more directly in 1951. Many of the leaders who took up struggle in 1951, also bed the revolution in 1990, nearly forty years later. It is also interesting to note that in both the instance the power vacuum created by momentary political integrity led to similar forms of unrest.

The only significant contradiction between the two revolutions was the degree and extent of popular participation there had been street demonstrations in 1951 but these were on a much smaller scale than in 1990 and they had little effect on the final outcome, which was decided by the actions of armed revolutionaries and by the Indian government. In contract, what happened in 1990 was a popular uprising at best in the Kathmandu valley\(^{135}\).
REFERENCES


3. Ibid no. 1, Pg 29


5. Ibid no. 2, pg 20-21

6. Ibid no. 1, pg 34-35

7. Ibid no. 2, Pg 25

8. Ibid, Pg 26-27


10. Ibid

11. Ibid, Pg 24

12. Ibid, Pg 27

13. Ibid no. 1, pg 88

14. Ibid, no. 96

15. Ibid no. 9, pg 47

16. Ibid, Pg 56


18. Ibid Pg 57

19. Ibid no. 1, pg 122

21. Ibid, Pg 44

22. The Times of India, New Delhi, June 20, 2001


24. Ibid no. 1 pg 248

25. Ibid Pg 260


27. Ibid Pg 23

28. Ibid Pg 28

29. Ibid Pg 27

30. Ibid Pg 29

31. Ibid Pg 30

32. Pant, Dr. Shastra Dutta, Comparative Constitutions of Nepal, Pairavi Prokashn, Kathmandu, Nepal, 2007, Pg 33

33. Ibid no. 9, pg 15

34. Ibid no. 32, pg 332

35. Ibid no. 9, pg 11

36. Ibid no. 26, pg 34

37. Ibid Pg 35

38. Ibid no. 26 pg 35

39. Ibid no. 32, pg 340

40. Ibid no. 26, pg 36

41. Ibid no. 9, pg 12

42. Ibid Pg 13.

44. Chaturvedi S.K., Nepal: Internal Polities and its Constitution, New Delhi, India, 1993, Pg 44

45. Ibid Pg 50

46. Ibid no. 9, pg 16

47. Ibid no. 26, pg 45

48. Ibid no. 44, pg 56.

49. Ibid no. 26., pg 24

50. Ibid no. 43, pg 252

51. Ibid, Pg 252

52. Ibid no. 43, pg 252

53. Ibid no. 26, pg 26

54. Ibid no. 1, pg 60

55. Ibid no. 43, pg 250-251

56. Ibid no. 44, pg 67

57. Ibid no. 43, pg 266

58. Ibid Pg 284

59. Ibid Pg 285

60. Ibid Pg 292

61. Ibid no. 1, pg 81

62. Ibid no. 44, pg 74

63. Ibid no. 26, pg 93

64. The Hindustan Times, 19 February 1955

65. Ibid no. 44, pg 75

66. Ibid, Pg 77
67. Ibid, Pg 283
68. Ibid no. 9, pg 35
69. Ibid no. 44, pg 82
70. Ibid , Pg 288
71. Ibid, Pg 288
72. Ibid no. 9, pg 38
73. Ibid Pg 38-39
74. Ibid no. 26 pg 135
75. Ibid no. 44, pg 298
76. Gorakhapatra, 58 (13 February 1959)
77. Ibid no. 32, pg 286
78. Ibid Pg 277
79. Ibid no. 4, pg 287
80. Ibid no. 9, pg 42-43
81. Ibid no. 26, pg 138-139
82. Ibid Pg 142-143
83. Ibid Pg 143
84. Ibid no. 9, pg 45
85. Ibid Pg 45
86. Ibid Pg 46
87. Ibid no. 26, pg 148
88. Ibid no. 1, pg 99
89. Royal Proclamation of 27 May 1959, Nepal Gazette, 9 (13 Jaith 2016 V.S.) 33-5
91. Ibid no. 26, pg 151
92. Ibid no. 44, pg 158
93. Ibid no. 44, pg 98
94. Ibid no. 9, pg 56
95. Ibid no. Pg 51
96. Pages of History, HMG Nepal, Pg 156-157
97. Rose, Leo E., Nepal's Experiment with Traditions Democracy, Pacific Affairs, Canada, 1963, Vol. XXXVI No. 1, Pg 170
98. Ibid no. 9, pg 57
100. Address to the First Parliament, Proclamation, Speeches and Messages op. Cit. Vol. I, Pg 136
102. Ibid
103. Ibid
104. Ibid
105. Ibid
106. Ibid no. 9, pg 60
107. Ibid no. 44, pg 104
108. Ibid no. 9, pg 61
109. Ibid no. 101
110. Ibid
111. Ibid no. 9 pg 64
112. The Constitution of Nepal (As amended by the First and Second Amendments) 
    July 1976, HMG Nepal, Pg 20

113. Ibid no. 9, pg 94

114. Benjanin N. Schoenfield, Nepal's Constitution Model, 1962, Indian Journal of 
    Political Science, Oct-Dec, 1963, Pg 335-38

115. Ibid no.1 Pg 115-116

116. Ibid, Pg 120

117. Ibid no 44, Pg 121

118. Hoftun, Martin, Raeppr, Wilson ; Whelpton, John; "People Politics and 
    Ideology & Democracy and Social change in Nepal", Kathmandu, Nepal, 
    1999, Pg 86

119. Ibid no. 9, pg 100

120. Ibid no.44, Pg 128

121. Ibid no.1, Pg 156

122. The Times of India, New Delhi, 11 January 1990

123. The Hindu, New Delhi, January 16, 1990

124. Ibid no. 118, pg 117-118

125. Ibid no. 4, pg 137

126. Frontline, April 28-may 11, 1990, Vol. 7, No. 9, Madras, Pg 11

127. Ibid no. 118, pg 133-134

128. Ibid no. 126, pg 14

129. Ibid no. 1, pg 171

130. Ibid no. 20, pg 21

131. Ibid, Pg 22

132. Ibid, Pg 23-24

133. Ibid no. 118, pg 141
134. Ibid Pg 143

135. Ibid Pg 149-150