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Transforming Nepal's political system: party positions and public opinion (2004-2012)

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Political History and Transformation

2.1 Overview of Major Political Events (1768 - 2015)

This chapter highlights the major political events and developments in Nepali politics from 1768 to 2015. It provides a background to understanding the causes of identity movements, the Maoist insurgency, and the country's recent transformation from a Hindu unitary monarchical state to a secular federal republic. It covers the Hinduization of the country under the Shah regime (since 1768), the promulgation of the first civil code in 1854, the continuation of the Hinduization and the propagation of the Nepali language under the oligarchic Rana regime (1846-1951), the overrepresentation of the Hindu high caste hill group in the council of ministers, parliament, the bureaucracy and the political parties' central committees, the emergence of identity movements after the abolition of the Rana regime in 1951, the authoritarian Panchayat regime (1960-1990), the 1990 people's movement, the Maoist insurgency starting in 1996, the King's takeover in February 2005, the 2006 people's movement, the 2006 Comprehensive Peace Accord, the two Constituent Assembly elections held in April 2008 and November 2013, and, finally, the promulgation of the new constitution in September 2015.

The following table provides the chronology of the major political events and developments in Nepal, which are related to the topic of this study and discussed further in this and subsequent chapters.

Table 2.1: Major Political Events and Developments by Year

Year	Major Political Events and Developments
1324	Formalization of the Hindu caste system for Newars of the Kathmandu Valley during the reign of King Harisingh Dev
1768	Foundation of the Gorkha Empire (later to be known as the Kingdom of Nepal)
1805	Prohibition of cow slaughter during the reign of King Ran Bahadur Shah
1809	An ordinance was issued by the state, which ordered the Gurung community to perform religious rituals through Hindu Brahman priests instead of Buddhist Lamas, in return exempting them from certain taxes
1816	The Gorkha Empire and the British East India Company signed the Treaty of Sugauli
1846	Start of the oligarchic Rana Regime (see Chapter 1, footnote 3)

1854	• Prime Minister Jung Bahadur Rana introduced the first civil code, <i>Muluki Ain</i>, based on the Hindu caste system and values, in the entire Kingdom
1905	• Declaration of the Nepali language (then <i>Gorkhali</i> language, <i>Khas kura</i> or <i>Parbate kura</i>) as the only state language by Prime Minister Chandra Shamsheer Rana
1909	• The Rana rulers began to call the country they ruled 'Nepal' instead of Gorkha
1913	• Establishment by the state of the <i>Gorkha Bhasa Prakashani Samiti</i> (Gorkha Language Publishing House) which was obliged to publish literature exclusively in the Gorkhali (or Nepali) language
1933	• The <i>Gorkhali</i> language, <i>Khas kura</i> or <i>Parbate kura</i> was renamed 'Nepali language' by the state
1949	• Establishment of the Communist Party of Nepal
1950	• Establishment of the Nepali Congress Party by unifying the Nepali Rastriya Congress and the Nepal Prajatantra Congress • The Nepali Congress Party called for an armed revolt against the Rana regime
1951	• Signing of the Delhi Accord by King Tribhuvan, the Nepali Congress Party, and Rana representatives, which formally abolished the oligarchic Rana regime, introduced a multiparty democracy and ended the armed revolt called by the Nepali Congress Party • The Nepal Tarai Congress raised the issue of an autonomous Tarai region including recognition of the Hindi language as a language of state administration in the Tarai
1954	• The Communist Party of Nepal passed a resolution to establish a republic by an elected constituent assembly
1959	• The first parliamentary elections were held; the Nepali Congress Party emerged as the largest party
1960	• King Mahendra overthrew the first democratically legitimated government of the Nepali Congress Party and dissolved the parliament • Multiparty democracy was abrogated and political parties were banned • The Panchayat system was introduced (see Chapter 1, footnote 4)
1962	• A constitution was promulgated under the Panchayat regime; Nepal was formally declared a Hindu Kingdom
1976	• Nepali Congress Party leader Bisheshwar Prasad Koirala adopted a policy of 'national reconciliation' and returned to Nepal from exile in India
1980	• A national referendum was held in which a majority voted to reform, but retain the Panchayat system and to reject a return to multiparty democracy
1985	• Establishment of Nepal Sadbhawana Parishad after reorganizing the Nepal Tarai Congress, which would transform itself into the Nepal Sadbhawana Party in 1990
1990	• Mass protest movement (later commonly known as <i>Jan Andolan I</i>) called by the Nepali Congress Party and the United Left Front • Reinstatement of multiparty democracy and abolition of the Panchayat system • Establishment of the Nepal Federation of Indigenous Nationalities (NEFIN) • Promulgation of a new constitution under the multiparty democracy
1991	• The CPN (UML) was formed by unifying two communist parties – CPN (Marxist) and CPN (Marxist Leninist)
1994	• The United Nations' Declaration of an 'International Decade of the World's Indigenous People' for the period 1995-2005

	• The CPN (Maoist) was formed after splitting away from one of the communist parties– CPN (Unity Centre)
1996	• The CPN (Maoist) put forward 40 demands to the government • The CPN (Maoist) began an armed insurgency against the state (a ‘People’s War’ in their words)
1999	• The Supreme Court of Nepal prohibited the Kathmandu Metropolitan City to use the Newari language in its local administration
2001	• The Royal Palace massacre • The Deuba government rejected the three main demands of the Maoists (the formation of an interim government, election of a constituent assembly and the creation of a republican state) • The CPN (Maoist) unilaterally ended the ceasefire
2002	• Prime Minister Sher Bahadur Deuba dissolved the House of Representatives and called early elections • King Gyanendra dismissed Prime Minister Deuba for not being able to hold general elections (he was reappointed in 2004)
2003	• The CPN (Maoist) issued a political document called <i>Ekkaisau Satabdima Janbadko Bikaas</i> (literally: Development of People’s Democracy in 21st Century) in which it accepted competitive elections for the first time
2005	• King Gyanendra took over executive authority after dismissing the Deuba government • The King declared a state of emergency in the entire country • The Seven-Party Alliance (SPA) was formed in protest against the King’s take-over • The Seven-Party Alliance and the CPN (Maoist) entered into a 12-point agreement in New Delhi
2006	• Mass protest movement (later commonly known as <i>Jan Andolan II</i>) called by the Seven-Party Alliance and the CPN (Maoist) • The King reinstated the House of Representatives • The House of Representatives abolished the King’s executive authority, and declared Nepal a secular state • A Comprehensive Peace Accord was signed between the government (headed by Girija Prasad Koirala) and the CPN (Maoist)
2007	• Formation of an Interim Parliament • Endorsement of a new Interim Constitution • Protest of the Madhes Movement in the Tarai region against the interim constitution • Protest of the Janajati Movement in Kathmandu and the hill region • Signing of a 22-point agreement between the government and Madhesi Janadhikar Forum expressing a commitment to establishing a federal system of government • The CPN (Maoist) issued an 18-point charter of proposals, one of the demands being that the Interim Parliament proclaim Nepal a republic • The Nepali Congress Party issued a statement supporting republicanism • The Interim Parliament passed a resolution supporting republicanism • The major political parties reached a 23-point agreement to have the Interim Parliament proclaim the country a republic subject to endorsement by the first sitting of a constituent assembly

	• The Interim Parliament amended the Interim Constitution declaring the country to be a secular federal democratic republic
2008	• The first elections were held for a Constituent Assembly (CA). The CPN (Maoist) emerged as the largest political party • The first sitting of the Constituent Assembly proclaimed Nepal a federal, democratic, secular and republican state
2012	• The Constituent Assembly was dissolved without delivering a new constitution
2013	• The second elections for the Constituent Assembly were held. The Nepali Congress Party emerged as the largest political party
2015	• A new constitution was endorsed by the second Constituent Assembly

2.2 Political History in the Context of Nepali Identity

Prithvi Narayan Shah was the King of a small hill kingdom called Gorkha, in the centre of present-day Nepal. He founded the Gorkha Empire (later known as the Kingdom of Nepal⁹) in 1768 by conquering other small kingdoms spread across the region, including three small kingdoms in the Kathmandu Valley. His successors further expanded the empire through conquests and brought the empire to its present geographical shape.¹⁰ During and after the expansion of the Gorkha Empire, Gorkhali (now known as Nepali) identity had been constructed on the basis of the culture, religion and language of the Gorkhali rulers and elites, who belonged to the Hindu high caste hill group (that consists of *Chhetri*, *Bahun* and *Thakuri*). These rulers and elites thus attempted to create a homogeneous national identity by promoting the Nepali language (previously known as the Gorkhali language, *Khas kura* or *Parbate kura*)¹¹ as the only state language, along with the Hindu religion (particularly with the variety of Hinduism practised in the hill region¹², which varies considerably from the orthodox Hinduism found in the plains of the river Ganges), and the monarchy with a Hindu king. To maintain the Gorkha Empire, power was concentrated considerably through a centralized administration and a unitary form of government, and the supremacy of the culture, religion and language of the Gorkhali rulers and elites was imposed. So, the Hindu monarchy of the Gorkhali Shah dynasty, the unitary state

⁹ Only from 1909 onwards, the Rana rulers began to call the country they ruled 'Nepal' instead of Gorkha (Gellner 1997: 5).

¹⁰ Prithvi Narayan Shah became the King of Gorkha in 1743. The conquest started in 1744 and came to a halt in 1816 when the Gorkha Empire and the British East India Company signed the Treaty of Sugauli. 1768, the year when the Gorkhas conquered Kathmandu and Lalitpur principalities, is considered to be the date of foundation of the Gorkha Empire.

¹¹ The mother tongue of the Hindu high caste hill group known as *Gorkhali* language, *Khas kura* or *Parbate kura* was renamed 'Nepali language' only in 1933 as a part of the construction of a homogeneous national identity (Gellner 1997: 5).

¹² Unlike in orthodox Hinduism, Tarai *Brahman* were ranked not only lower than hill *Brahman* but also lower than hill *Chhetri* and *Thakuri* in Nepal's Hindu caste system (Hofer 1979: 9; Gurung 1997: 502; Lawoti 2010: 85). But in Nepal's Tarai and India's gangetic plains, caste rules are followed as closely as possible to the classical Hindu pattern in which *Brahman* (i.e. Tarai *Brahman*) have always had the highest status. Dor Bahadur Bista, a prominent Nepali anthropologist, even calls the Hindu religion practiced in the hills of Nepal a pseudo-Hindu religion (Bista 1967: 110), and states that the caste system in Nepal varies greatly from the orthodox caste societies found elsewhere (Bista 1991: 3).

structure, the state's association with the Hindu religion and the propagation of Nepali as the only official language formed the fundamental structures of the Nepali state since its very foundation in 1768. These four components have been promoted as the four pillars of the Nepali state until April 2006. The Nepali identity was moulded out of these four components. Thus, the Nepali identity had been constructed on the basis of the dominant culture, religion and language of the Hindu high caste hill group.

As a leading scholar of Nepali history and society, Prayag Raj Sharma, wrote about Prithvi Narayan Shah, the founding King of modern Nepal: "*Prithvi Narayan Shah and those after him, based the country's unification on four key ideas: the unquestioning power and authority of the Hindu King of Gorkha, the supremacy of the Hindu ethos in national life, social integration through Hindu social system based on caste division, and recognition of Nepali as the language of government, administration and, in more recent times, education*" (Sharma 1992: 7).

This long-term project of enforced homogenization effectively rejected the notion of a national identity of the Nepali people based on multicultural values. Bhattachan (2001: 47) argues that the rulers of Nepal used coercive measures of Hinduization, Sanskritization¹³, and Nepalization to eliminate or at least minimize the diversity in terms of language, religion, society, and culture. Another scholar, Letizia (2013: 33), maintains that the Nepali state pressured the indigenous groups to adopt the language, religion and culture of the dominant group (i.e. *Bahun* and *Chhetri*) under the homogenization and Nepalization scheme. The Hindu high caste hill group, and its cultural values, religion and language became the dominant and privileged features of Nepali state and society while other groups such as non-Hindu *Janajati*¹⁴, Hindu lower-caste *Dalit* (untouchables in the Hindu caste system) and non-Nepali speaking *Madhesi*¹⁵ were excluded from the mainstream of Nepali state and society, and ended up as under-privileged and marginalized groups. These groups were not only marginalized culturally, religiously and linguistically due to the state sponsored supremacy of the Hindu high caste hill group, but also excluded from the mainstream of the state's politics and economy.¹⁶ The Human Development Index (HDI) - measured for the first time in Nepal in 1996- revealed a high degree of disparity among various communities. The HDI was the highest among *Newars*, hill *Brahmins* and *Chhetris* (the latter two are dominant groups) while that for the hill *Janajatis*, *Madhesi* and *Dalits* were extremely low (Nepal South Asia Centre 1998: 44, 266). A study showed that 70 percent of *Madhesi* Dalits and 50 percent of hill Dalits were landless (Subedi 2073 BS¹⁷: 45).

¹³ Sanskritization is basically an influence on indigenous or tribal groups by making them adapting religion, culture, custom, ritual, ideology and way of living as like those of so-called Hindu upper caste people which are guided by the tradition of Sanskrit texts and Brahmanical ideas.

¹⁴ The term *Janajati* is used as a synonym of indigenous groups in Nepal. Therefore, *Janajati* and indigenous groups are used as interchangeable terms in this dissertation.

¹⁵ *Madhes* is the plain land situated in the southern part of Nepal spread from East to West, which is also commonly known as Tarai. People originally living there are known as *Madhesi* whose languages and cultures are similar to those of Northern India. Therefore, *Madhes* and Tarai are used as interchangeable terms in this dissertation.

¹⁶ See Tables 2.2-2.6 of Chapter-2 to compare the ethnic composition of the government bureaucracy and the parliaments of the past.

¹⁷ Some sources published in Nepal are dated in the local era called Bikram Samvat (BS), which is in advance of the Gregorian calendar by 57 years.

Many historical texts illustrate that Prithvi Narayan Shah wanted to make his kingdom *asal Hindustan*, a true and sacred Hindu land, uncontaminated by Muslim and Christian influences. One of these sources is a famous text known as *Dibya Upadesh*, which is a collection of advice given by Prithvi Narayan Shah to his courtiers before his death. Prayag Raj Sharma (1997: 478) argues that “*The motivation for combining all the hill states into a single, powerful entity was not merely personal ambition but the wish to build a sacred Hindu land, distinct from and secure against the non-believing Muglan and the English ‘Phiringis’ poised on the coast*”. Harka Gurung, a prominent Nepali social scientist, even calls this Hinduization the *raison d’être* of the Nepali state between British India and imperial China (Gurung 1997: 501).

Prithvi Narayan Shah and his successors promoted the hill Hindu caste system dividing the society into higher and lower castes in their new empire. The hill Hindu caste system, which is a hierarchy by nature, is not based on equality among different groups in society, but based on unequal social status determined by birth and geographical origin. Thus, an unequal hierarchical society in favour of the Hindu high caste hill group and to the detriment of all the others (including indigenous groups, Buddhists, Muslims, Christians, Madhesi Hindus and Hindu Dalits) was promoted in Nepal as soon as the country was founded.

It is worthwhile to recall that the hierarchical caste system was already entrenched in the kingdom of Gorkha before unification started,¹⁸ even though the system was not as rigid as it was to become later (Whelpton 1997: 63). In the Kathmandu Valley too, the caste system had already been introduced much earlier. King Harisingh Dev (who reigned 1295-1324) further formalized the caste system for *Newars* (the indigenous people of the Valley) according to the Hindu religious code based on a hierarchical system in 1324 (Levi 2005: 144). King Jayasthiti Malla (who reigned 1382-1395) reformed the caste system in the Valley in the late fourteenth century, which categorized *Newars* into sixty-four¹⁹ castes (Gurung 1997: 501; Ahuti 2004: 484).

In order to strengthen the Hinduization of the country, King Ran Bahadur Shah (reigned as King from 1777 to 1799 and as Regent for his son Girvan Yuddha Shah from 1804 to 1806) prohibited cow slaughter in 1805 (Michaels 1997: 86; Sharma 2004: 128 & 191).²⁰ The Gorkhali rulers had to face many conflicts with the *Kirati* people of the eastern region and the Newars of the Kathmandu Valley to prevent them from eating beef (Levi 2005: 142 & 168; Levi 2007: 52). Many people from beef consuming communities such as the Tamang and Lumbu fled to Sikkim (a neighbouring

¹⁸ The Hindu caste system was introduced in Gorkha principality by the King Ram Shah (who reigned 1603–1636) (Gurung 1997: 501).

¹⁹ Gyanmani Nepal, a prominent Nepali historian, says that Jayasthiti Malla had categorized *Newars* of the Kathmandu valley (which was called Nepal valley at that time) into 52 castes (2055 BS [1999]: 192). But another prominent historian, Nayaraj Pant, argues that the hierarchical caste system was already in practice in the Kathmandu valley and other parts of Nepal long before Jayasthiti Malla (2058 BS [2002]: 178-179).

²⁰ The cow is considered to be the most sacred animal in Hindu religion. Killing it and consuming beef are strict taboos in Hindu society. But, non-Hindu indigenous communities living in the hills and mountains of Nepal, including Newars of the Kathmandu valley, had been consuming beef from ancient time prior to this ordinance or until they came under Gorkhali regime (Hamilton 1819: 53-55; Hodgson 1833: 218; Vansittart 1896: 103, 132 and 167; Levi 2005: 142; Sharma 2039 BS: 325 & 378).

independent state at that time, now a province of India) and other parts of India to avoid punishment (Lawoti 2010: 84). With a view to assimilate the Gurung community (one of the major communities which assisted the Gorkhali Shah kings and their army during the conquest) into the Hindu norm, King Girvan Yuddha Shah issued an ordinance in 1809, ordering them to perform religious rituals through Hindu Brahman priests instead of Buddhist Lamas, in return exempting them from certain taxes (Nepal 2055 BS: 263). The assimilation of the Newars into the Hindu religion is remarkable. Historical sources estimate that two-thirds of Newar population were Buddhists and only one-third were Hindus until the late nineteenth century (Vansittart 1894: 214). But according to the 2011 national population census, 97 percent of the Newar population were followers of the Hindu religion (Dahal 2014: 20).

Jung Bahadur Rana, then Prime Minister and founder of the oligarchic Rana regime, introduced the first civil code, *Muluki Ain*, based on the Hindu caste system and values, in 1854 to be effective in the entire kingdom. The civil code explicitly stated that the King himself must be a Hindu to rule the country (Toffin 2006: 227-228). It further protected the higher status of the Hindu high caste hill group at the cost of others. It imposed Hindu caste rules (i.e. the Hindu hierarchical caste system) on the indigenous groups, giving them inferior status (Gurung 1997: 501; Subba 2006: 31-32). This civil code formalized discriminatory punishment of people from different castes for the same crimes. For example, *Chhetri*, *Thakuri* (in spite of their higher status in the Hindu society), the indigenous groups and *Dalits* could be enslaved or sentenced to death for crimes such as adultery and murder while *Brahman* received a lighter punishment such as having their hair shaved and subsequent downgrading in caste for the same crimes (Hofer 1979: 80, 108). *Brahmans* were even exempted from some obligations to the state such as certain taxes and compulsory labour (Lawoti 2010: 87). For instance, they were granted an exemption from labour-tax obligations under a system called *jhara* during 1813-14 (Regmi 1978: 109). With the promulgation of *Muluki Ain*, the ban on cow slaughter was made much stricter in order to protect the holiness of the cow. The Rana regime actually wanted to control and homogenize remote areas and the indigenous groups through this civil code (Michaels 1997: 90). The centrality of the Hindu religion and values in the state's structure continued even after the abolition of Rana regime in 1951. Though there were some political and economic reforms, the 'predatory character' of the Nepali state, as it was called by Toffin (2010: 43), did not change much, and the supremacy of the hill *Brahman* and *Chhetri* over political and economic resources continued unabated. The country was formally declared a Hindu kingdom under the new Constitution that was promulgated under the autocratic *Panchayat* regime (1960-1990) in 1962. The executive power of the Hindu king and the entrenchment of Hindu values in the state institutions and public policies were enshrined in this Constitution.

Another important feature of Nepali identity was the promotion of the Nepali language – the mother tongue of the Hindu high caste hill group (and of the hill Dalits too). When then Prime Minister Chandra Shamsher Rana formally proclaimed the Nepali language to be the only state language in 1905, he ordered his government not to use and recognize other languages in the state administration. As a consequence, non-Nepali speakers such as *Janajati* and *Madhesi* groups felt discriminated in subsequent years and officially became second-class citizen. Before

this declaration, the use of the Nepali language was not compulsory in the country's judiciary and bureaucracy (Malla 1979: 175).²¹

The Nepali language was further propagated by the Nepali state to the detriment of other languages with the establishment of the *Gorkha Bhasa Prakashani Samiti* (literally: *Gorkha Language Publishing House*) in 1913, which was obliged to publish literature exclusively in the Nepali language. In the language policy implemented during the Rana regime in 1917, languages of indigenous groups were called *jangali bhasha*, literally meaning 'wild languages' which meant to indicate 'uncivilized languages', and Gorkha language could not progress unless these languages were prohibited (Gurung 2006: 130-131). Even after the introduction of the democracy, the exclusive strategy of the state was apparent when the National Education Planning Commission published a report, *Education in Nepal*, in 1956, which explicitly recommended the government to promote the Nepali language as the only language in schools with a view to gradually ceasing indigenous and regional languages. With the promulgation of the 1962 Constitution (under the *Panchayat* regime), the state adopted a one-language policy declaring the Nepali language to be the national language of the country, because of which speakers of other languages felt suppressed (Gurung 2003; Lawoti 2010; Sapkota 2010). Any attempt to revive other languages was interpreted as communalism (in the sense of an ethnic identity that stimulates communal violence) by the state (Malla 1979: 173). The period of the *Panchayat* regime was the time during which the Nepali state made intensive efforts to evolve itself into a nation-state by creating a homogeneous national identity with a common religion, culture and language (Pfaff-Czarnecka 1997: 423; Pradhan 2002: 11; Hangen 2010: 31).²²

2.3 Ethnic Composition of Political Leadership and Bureaucracy: From History to the Recent Past

In the Nepali context, not only the ethnic composition of the political leadership but also the ethnic composition of the government bureaucracy is unbalanced. Underrepresentation of marginalized groups can be seen in the ethnic composition of the government bureaucracy (i.e. decision-making level government officials) recorded between 1786 and 1999. Table 2.2 shows the domination of the Hindu high caste hill group at the decision-making level of the bureaucracy since 1786, shortly after the unification of the country. This pattern has not changed significantly

²¹ Some scholars of Nepali history contend that *Khas kura* or *Parbate kura* (the earlier form of the Nepali language) had already been used as lingua-franca, and accepted as the state language in various principalities long before the foundation of the Gorkha Empire (Hutt 1997: 109; Whelpton 1997: 65; Dhungel 2010: 180). According to Gaige (1975: 132), it was certain that Nepali language would be gradually learned by the hill and Tarai people through cultural transition even if the state had not promoted it. Hamilton (1819: 26) mentioned that Magars (who were the third largest group after Chhetris and Bahuns, and who had held powerful positions in the state until later) had forgotten their mother tongue and started speaking the Khas language.

²² Efforts of enforced homogenization were not only made through the state's formal laws and rules during the *Panchayat* period, but also through informal decisions by local government officials. For example, in his memoir, Harka Gurung, wrote that when he was at Jomsom, the headquarter of Mustang district, in 1973, he learned that a school inspector (a local officer from District Education Office) had decreed a decade ago that only pupils with Hindu names could be enrolled in schools because of which local people were encouraged to discard their original Tibetan names (Gurung 1980: 211).

between the late-eighteenth century and the mid-twentieth century. However, some improvement in representation has occurred after the April 1990 people's movement. Although the domination of the Hindu high caste hill group and Newars continued, the representation of the Hindu high caste *Madhesi* group and the hill indigenous group had increased by 1999. However, the former group remains over-represented while the latter one is still under-represented compared to their shares to the country's total population, as measured by the 2001 national census. People from other *Madhesi* caste groups such as the Hindu middle caste *Madhesi* group, the Tarai indigenous group, the *Madhesi* Dalits and Muslims were effectively excluded from positions of authority and responsibility since the foundation of the modern Nepal, a situation which still prevailed in the late-twentieth century.

Table 2.2: Ethnic Composition of the Government Bureaucracy, 1786-1999

Ethnicity	1786-1814	1854	1950	1999	2001 Census
Hindu high caste hill group	82%	78%	82%	66%	31%
Hill indigenous group	18%	3%	1%	8%	23%
Hill Dalit	0%	0%	0%	*	8%
Newar	0%	15%	8%	13%	5%
Hindu high caste Madhesi group	0%	1%	*	12%	1%
Other Madhesi caste group	0%	3%	9%	0%	32%
Total	100%	100%	100%	100%	100%
N	102	212	258	1,158	22,736,934

Note: * represents a percentage below 0.5, but not zero. The category 'Other Madhesi caste group' includes the Hindu middle caste Madhesi group (15%), the Tarai indigenous group (9%), the Madhesi Dalits (4%) and Muslims (4%) (Central Bureau of Statistics 2003).

Source of the ethnic composition of the government bureaucracy: Gurung 2003: 6 and Lawoti 2010: 98

Source of the ethnic composition of the population: 2001 National Census, Central Bureau of Statistics 2003

The representation of the hill indigenous group in the administrative elite went down drastically since the formation of the country in 1768. Though it had increased in 1999 compared to 1854 and 1950, this group's representation was still lower if compared to the period of 1768-1814. The leading posts in the civil administration were monopolized by noble families, landlords and other privileged groups throughout the Rana period (Regmi 1978: 32). A paragraph by John Whelpton (1997: 43-44) illustrates the marginalization of the hill indigenous group quite clearly: *"Until some years into the nineteenth century, the political elite surrounding the Gorkha monarchy included Magars and Gurungs who were acknowledged at such. By 1830s British observers believed that there were no Magars and Gurungs amongst army officers"*. Magars and Gurungs belong to hill indigenous group. The representation of the Hindu high caste Madhesi group was proportional until 1950, but they were over-represented by 1999. The presence of Newars in Nepal's administrative elite was also substantial and disproportional to their size in the country's population. But even after the Rana period, and in spite of the abolition of caste-based discrimination with the promulgation of the new Civil Code in 1963,²³ the dominant character of

²³ Even though caste-based discrimination was declared illegal in the Civil Code 1963, it was not made punishable until the Constitution of 1990. Article 11(4) declared: "No person shall, on the basis of caste, be discriminated against

the Nepali state did not change much, and Bahuns and Chhetris (who belong to the Hindu high caste hill group) continued to enjoy most power.

The Hindu high caste hill group was always over-represented not only at the decision-making level of Nepal's bureaucracy, but also in the Council of Ministers. This group was over-represented by a factor 2 in 1999 (see Table 2.3). The representation of the hill indigenous group in the Council of Ministers had not only gone down in 1999 compared to 1959, but they were also considerably under-represented compared to their size in the country's total population. The presence of Newars had increased significantly between 1959 and 1999. There were no changes in the representation of the Madhesi groups (including Muslims) in 1959 and 1999. In both years, they were significantly under-represented compared to their share of the total national population.

Table 2.3: Ethnic Composition of the Councils of Ministers, 1959 and 1999

Ethnicity	1959	1999	2001 Census
Hindu high caste hill group	53%	63%	31%
Hill indigenous group	26%	12%	23%
Hill Dalit	0%	0%	8%
Newar	5%	9%	5%
All Madhesi groups	16%	16%	33%
Total	100%	100%	100%
N	19	32	22,736,934

Source of the ethnic composition of the Councils of Ministers: Neupane 2000: 67

Source of the ethnic composition of the population: 2001 National Census, Central Bureau of Statistics 2003

If we look into the ethnic composition of the central committees of the major political parties in office in 1959 and 1999,²⁴ we find a similar domination of the Hindu high caste hill group and of Newars (see Table 2.4). These groups were over-represented by almost a factor 2 while other groups were under-represented. Hill Dalits were not represented at all.

as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law." (Law Books Management Board 1990)

²⁴ Table 2.4 slightly exaggerates the ethnic bias, as the calculations include only broad-based major political parties (excluding region-based and ethnicity-based parties). The Nepali Congress Party, Gorkha Parishad, Sanyukta Prajatantra Party and the Communist Party of Nepal were included in 1959; The Nepali Congress Party, CPN (UML), CPN (ML), RPP Thapa and RPP Chand are included for 1999 (Neupane 2000: 71 & 186).

Table 2.4: Ethnic Composition of the Central Committees of the Major Political Parties, 1959 and 1999

Ethnicity	1959	1999	2001 Census
Hindu high cast hill group	63%	58%	31%
Hill indigenous group	14%	15%	23%
Hill Dalit	0%	0%	8%
Newar	14%	11%	5%
All Madhesi groups	9%	16%	33%
Total	100%	100%	100%
N	79	166	22,736,934

Source of the ethnic composition of the central committees of the major parties: Neupane 2000:71

Source of the ethnic composition of the 2001 National Census: Central Bureau of Statistics 2003

After the reinstatement of multiparty democracy in 1990, there were also no significant changes for the marginalized groups in their political representation. Table 2.5 illustrates the domination of the Hindu high caste hill group in four lower-house parliaments elected in 1959, 1991, 1994 and 1999. The ethnic composition of three successive lower houses of parliament elected after 1990 under multiparty democracy (in 1991, 1994 and 1999) shows that there was no reason for the marginalized groups to feel any substantial changes. Their representation in parliament was not better than in 1959: a continuous underrepresentation compared to their size of the total population. Only Newars were proportionally represented.

Table 2.5: Ethnic Composition of the Lower-House of Parliament in 1959, 1991, 1994 and 1999

Ethnicity	1959	1991	1994	1999	2001 Census
Hindu high caste hill group	59%	56%	63%	59%	31%
Hill indigenous group	15%	17%	12%	14%	23%
Hill Dalit	0%	*	0%	0%	8%
Newar	4%	7%	6%	7%	5%
All Madhesi groups	22%	20%	19%	20%	33%
Total	100%	100%	100%	100%	100%
N	109	205	205	205	22,736,934

Note: * represents a percentage below 0.5, but not zero.

Source of the ethnic composition of the lower-house parliaments: Neupane 2000: 70 & Baral 2009: 5

Source of the ethnic composition of the population: 2001 National Census, Central Bureau of Statistics 2003

In the upper house of the country's bicameral parliament formed in 1959 and 1999 too, the Hindu high caste hill group and Newars had occupied more seats than expected on the basis of their share of the country's total population. The upper house was composed on the basis of proportional representation of the parties represented in the lower house. However, there was no proportional representation of marginalized groups such as the hill indigenous group and the Madhesi groups (including Muslims) in the Upper House in 1959 and 1999. There was no representation of the hill Dalit at all in 1959, but they were proportionally represented in 1999.

Table 2.6: Ethnic Composition of the Upper House of Parliament in 1959 and 1999

Ethnicity	1959	1999	2001 Census
Hindu high caste hill group	64%	58%	31%
Hill indigenous group	11%	10%	23%
Hill Dalit	0%	7%	8%
Newar	17%	13%	5%
All Madhesi groups	8%	12%	33%
Total	100%	100%	100%
N	36	60	22,736,934

Source of the ethnic composition of the upper-house parliaments: Neupane 2000: 69-70

Source of the ethnic composition of the population: 2001 National Census, Central Bureau of Statistics 2003

2.4 The Demand for Multiculturalism: the 1990 Constitution and Its Aftermath

Identity movements by indigenous and other marginalized groups demanding equal rights, including religious and linguistic freedom, began to emerge after 1951 when the Nepali polity opened up with the abolition of the oligarchic Rana regime and the introduction of multiparty democracy.²⁵ They even raised the issue of autonomous regions already. A regionally oriented party, the Nepal Tarai Congress, first raised the issue of an autonomous Tarai region in 1951 under the leadership of Vedananda Jha. The party also demanded recognition of Hindi as a language of state administration in the Tarai (Joshi and Rose 1966: 202; Gaige 1975: 109). However, the issue fizzled out after the first parliamentary election held in February 1959 turned out to be a disaster for this party.²⁶ In his autobiography, Bisheswor Prasad Koirala, the most charismatic political figure of modern Nepal, mentions the *Kirati* people's demand for an ethnic autonomous region in the *Majh-Kirat* region (a region traditionally inhabited by the *Rai* indigenous group in the Dudh Kosi and Arun river basins) during his visit to Bhojpur in 1951 when he was the Home Secretary (Koirala 2055 BS: 162-163). Ethnic and identity movements became active in an organized manner from the 1980s when the *Panchayat* regime became more liberal.²⁷ Most of these movements confined themselves to the preservation of ethnic and linguistic identities by forming cultural associations and publishing cultural magazines (Gurung 1997: 526; Gurung 2004: 435; Sharma 1997: 483). However, numerous ethnic organizations and political forums that came into existence during the eighties advocated ethnic identity and equal rights.²⁸ But these movements were not strong enough to change the existing structure of the

²⁵ Language movements had started in Nepal much earlier than 1951. For instance, the *Nepalbhasa* movement which began in the 1920s was strongly associated with the *Newar* ethnic identity movement (Sapkota 2010: 210). But this movement was organized in an underground manner due to the intolerant Rana regime, because of which the influence of the movement was limited.

²⁶ All 21 candidates who contested the election on the party's ticket lost (Gaige 1975: 123).

²⁷ The *Panchayat* system was reformed after the national referendum held on 2 May 1980. For example, members of the parliament (known as *Rastriya Panchayat*) were supposed to be directly elected from their constituencies on the basis of universal franchise.

²⁸ A forum called *Shetamagurali* was formed during this time to bring together non-Hindu hill indigenous communities such as Sherpa, Tamang, Magar, Gurung, Rai and Limbu. The Nepal Tarai Congress was reorganized

Nepali state. It was only after the restoration of multiparty democracy in 1990 as an outcome of the April 1990 mass movement (i.e. *Jan Andolan I*) that political leaders and activists from historically excluded groups such as *Janajati*, *Dalit* and *Madhesi* began to demand an inclusive democracy including full religious rights and a multi-linguistic policy.²⁹

The issue of federalism also explicitly surfaced in Nepal's political discourse after the successful end of the April 1990 movement. During the time when the Constitution of Nepal 1990 was being drafted to replace the 1962 Constitution, some political leaders of hill *Janajati* and *Madhesi* groups questioned the unitary state structure of Nepal given the country's linguistic, ethnic and geographical heterogeneity, and demanded a federal state structure (Hoftun et al 1999: 327-333; Khanal 2004: 92).³⁰

Meanwhile, an umbrella organization of indigenous associations called the Nepal Federation of Indigenous Nationalities (NEFIN) was established in July 1990 and brought together about twenty ethnic and cultural associations. They began to assert their rights and identities with a new intensity. They demanded that the state recognize their unique culture, religion and language. Various groups and associations contested the Hindu identity of the Nepali state when the Constitution was being formulated between May and October 1990. There were demonstrations by Buddhist, Christian, and Muslim associations, and ethnic organizations representing the predominantly non-Hindu hill indigenous groups, which demanded that Nepal would be declared a secular state. This position was supported by leftist, liberal, and republican elements (Hutt 1993: 37; Pfaff-Czarnecka 1997: 444; Sharma 1997: 488). The grievances of the hill indigenous groups and other non-Hindu groups against the Hindu state were intertwined with their perceptions of the state having privileged the culture and religion of the Hindu high caste hill group. The NEFIN also demanded that Nepal be transformed from a unitary state into a multi-nation state, referring to all indigenous groups as separate nations (Sharma 1997: 489). On the other hand, vigorous obstruction to the demand that Nepal be declared a secular state, came from the palace, the army and orthodox Hindu organizations (with support from their fundamentalist brethren in India) (Thapa and Sijapati 2003: 34-35).

During *Jan Andolan I*, some elements within the United Left Front, notably the CPN (4th Convention), and other radical leftist parties outside of the Front came out in favour of replacing the monarchy with a republic (Hutt 1993: 31-32). Radical leftist parties, including CPN (Mashal)³¹

under a new name Nepal Sadhvawana Parishad in 1985 (later transformed into Nepal Sadhvawana Party in 1990) with a mission of ensuring equal rights for Madhesi people.

²⁹ Around the same time leaders of hill Dalits also started a movement demanding their empowerment and inclusion. However, they were not involved in the linguistic movement as their mother tongue is Nepali.

³⁰ Hoftun et al (1999) mentions this by referring to interviews with Gore Bahadur Khapangi (then General Secretary of the Nepal National People's Liberation Front), Khagendra Jung Gurung (then President of the Nepal Rastriya Janajati Party), and Gajendra Narayan Singh (then President of the Nepal Sadbhavana Party). The former two parties are hill *Janajati*-based parties while the latter one is *Madhes*-based party.

³¹ The CPN (Mashal), led by Prachanda, is a pre-incarnation of the CPN (Maoist). The CPN (Mashal) merged with the CPN (4th Convention) in 1991 and formed the CPN (Unity Centre). A faction of the leaders separated from the CPN (Unity Centre) and formed the CPN (Maoist) in 1994. In January 2009, the CPN (Maoist) formally united with the CPN (Unity Centre) and adopted a new name, the UCPN (Maoist).

and CPN (Masal), formed an alliance called the United National People's Movement (*Sanyukta Rastriya Jan Andolan* in Nepali), which demanded the abolition of the monarchy and the transformation of the country into a republic.³² They demanded the immediate promulgation of an interim constitution and elections of a Constituent Assembly with the intention to abolish the monarchy, but their voice was not strong enough to sustain the movement toward republicanism. On the other hand, the Royal Palace was concerned with the fact that election of a Constituent Assembly would move the country toward republicanism. The major political parties of Nepal, including the Nepali Congress Party and the CPN (UML), did not question the monarchy. They only wanted to transform the country from an autocratic monarchy into a constitutional monarchy. During the writing of Nepal's 1990 Constitution, the Nepali Congress Party was guided by its leader Bisheswor Prasad Koirala's policy of 'national reconciliation' with the monarchy.³³ In contrast, the United Left Front, including the CPN (UML), did not have strong support from the public to challenge, let alone abolish the monarchy (Malagodi 2013: 136).

Despite of these movements and demands, the Constitution of the Kingdom of Nepal of 1990, promulgated under multiparty democracy (after the abolition of the autocratic *Panchayat* regime), proclaimed Nepal to be a 'Hindu and Constitutional Monarchical Kingdom'. Even though the 1990 Constitution recognized that Nepal is a multi-ethnic and multilingual nation, it retained the Hindu identity of the state,³⁴ and did not recognize languages other than Nepali as the official language.³⁵ Thus, the hegemony of the religion and language of the Hindu high caste hill group continued even under the 1990 Constitution. The Constitution was silent with regard to a federal structure of the state. So, it did not promote an inclusive democracy, and it did not recognize the diversity and plurality of Nepali society. This Constitution failed to incorporate the aspirations of the indigenous and other marginalized groups. Chaitanya Mishra (2007: 115), a renowned sociologist of Nepal, argues that "*The 1990 Constitution, despite its relatively progressive nature, not only failed to resolve several longstanding and key contradictions within the 'cultural' domain, but also continued to provide primacy to Hindu religion and the Nepali language*".

The Constitution did not change the King's legal position either (Hoftun et al 1999: 291). Hoftun et al (1999) illustrate this by citing an interview with former minister Rishikesh Shah in August 1990. Shah said that the 1990 Constitution retained the monarch's special perks and privileges because the King still controlled the army, possessed discretionary powers, had the right not to give assent to cabinet decision and could dismiss the government at any time he wanted. This implies that the fundamental characteristics of the Nepali state remained unchanged in the new

³² It is worthwhile to recall that the first general assembly of the parent Communist Party of Nepal (CPN) held in January 1954 had already passed a resolution advocating the establishment of a republic by an elected Constituent Assembly (Thapa and Sijapati 2003: 22).

³³ It was the policy called for by Bisheswor Prasad Koirala in December 1976 on his return from exile in India through which he wanted to offer a compromise between his political party, the Nepali Congress Party, and then King Birendra to protect Nepal's national sovereignty and identity.

³⁴ Article 4(1) of the 1990 Constitution states that "Nepal is a multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom" (Law Books Management Board 1990).

³⁵ Article 6(1) of the 1990 Constitution says that "The Nepali language in the Devnagari script is the language of the nation of Nepal. The Nepali language shall be the official language." (Law Books Management Board 1990)

Constitution, except for the reinstatement of parliamentary democracy in the place of autocratic monarchy. In general, this new Constitution failed to address the political changes envisaged during *Jan Andolan I*. The radical leftist parties immediately refused to recognize the new Constitution. They only considered it as an initial step on the way to a republican state. So, the 1990 Constitution created a conflict with its birth. However, the two major political parties, the Nepali Congress Party and the CPN (UML), compromised and reconciled themselves to the idea of a constitutional Hindu monarchy with a unitary form of government.

The new Constitutional arrangement continued the religious discrimination of non-Hindus and the linguistic discrimination of non-Nepali speaking *Janajati* and *Madhesi* groups. Malagodi (2010: 76), after a careful study of the 1990 Constitution, concludes that the 1990 Constitution envisaged Nepalis as people who ought to be Hindu, Nepali-speaking and 'loyal subjects' of a Hindu king. The constitution did not approve a federal state structure either. However, the issue of federalism along with secularism and multilingualism remained essential topics in Nepal's political discourse since then. Politicians and scholars who were in favour of federalism argued that a federal system was suitable to Nepal because of the country's linguistic and ethnic diversity, federalism would recognize the identity of all groups. They also claimed that a federal system would lead to more efficient development because it would decentralize development policies and ensure ownership to local end-users.

The linguistic monopoly and intolerance of the Hindu high caste hill group became more evident in the subsequent years. In 1993, the Nepali Congress Party government made *Sanskrit*³⁶ a compulsory subject in secondary schools, and in 1995 the CPN (UML) government decided to broadcast news in *Sanskrit* despite the fact that it is the mother tongue of no one in Nepal. These decisions reflected the influence of top-level politicians in both political parties who belonged to the Hindu high caste hill group (Bhattachan 2001: 48; Toffin 2006: 233). At the same time, the recognition of other languages than Nepali at the level of local administration was rejected in June 1999 when the Supreme Court declared Kathmandu Metropolitan City's decision to recognize the *Newari* language³⁷ at the local level unconstitutional. This verdict prevented Kathmandu Metropolitan City from using the *Newari* language in its local administration.

Thus, the identity movements could not achieve significant reforms in the structure of the Nepali state after *Jan Andolan I*, either. However, the 1990 Constitution did create an open atmosphere (by guaranteeing freedom of expression and other rights) which provided ample opportunities for ethnicity- and identity-based movements within the established political structure. These movements demanded a more inclusive policy that would recognize the identity and the rights of marginalized groups. This situation compelled the state to recognize cultures, religions and languages of all marginalized groups. It allowed space for the assertion of voices of the excluded, under-privileged and marginalized groups. Non-Hindu indigenous groups and other religious

³⁶ *Sanskrit* is an ancient language from which many Indo-Aryan languages, including the Nepali language, have originated. Although it is very rich in literature, this language is the mother tongue of no one and nobody speaks this language at the community level.

³⁷ The *Newari* language (also called *Nepal Bhasa*) is the native language of the *Newar* community who are considered to be the indigenous inhabitants of the Kathmandu Valley.

minorities continued to demand that Nepal should become a secular state instead of a Hindu state (Hoftun 1993: 19; Toffin 2006: 233; Malagodi 2010: 68). Many of them also demanded the right to slaughter cows.³⁸ The United Nations' 1994 declaration of the "International Decade of the World's Indigenous People" for the period between 1995 and 2005 also added fuel to the debate on cultural recognition and minority rights in Nepal. These groups demanded a multi-linguistic policy with the right to use local languages at the local administration instead of only Nepali. They also demanded news to be broadcast in all languages, *Sanskrit* to be an optional instead of a compulsory subject in school education, and state support for school level education in all mother tongues.³⁹ The demands for religious and linguistic rights were tied up with the demand for federalism. Indigenous and *Madhesi* groups envisaged that they could only achieve these rights if the demand for federalism were fulfilled.

2.5 The Maoist Movement: An Insurgency to Restructure the Nepali State

While communist regimes worldwide were facing a backlash in the 1990s, the CPN (Maoist)⁴⁰ began an armed insurgency movement in Nepal in February 1996 to oust not only the constitutional monarchy but also parliamentary democracy. The insurgency triggered a civil war that would last over a decade and would cost more than 17,000 lives. The CPN (Maoist) championed the identity issue as it defied the cultural, religious and linguistic monopoly of the Hindu high caste hill group. Along with other rights, it demanded equal religious rights for indigenous and non-Hindu groups, and called for an end to the state's alignment with Hinduism and the Hindu monarchy. The movement also raised its voice in favour of equal linguistic rights for non-Nepali speaking indigenous and *Madhesi* groups. The Maoist movement further raised the issue of ethnic autonomy. The dominance of the Hindu high caste hill group across ethnic, cultural, religious, and linguistic lines, and in terms of the distribution of power and resources is regarded as an important cause of the Maoist insurgency (Baral 2006: 197-198; Subba 2006: 52; Mishra 2007: 109; Toffin 2013: 36). Of the 40-point demand issued by the CPN (Maoist) to the government just before the Maoists formally started the armed conflict in February 1996, five demands were directly concerned with the indigenous and other oppressed groups: ethnic autonomy, regional devolution, a secular state, the end of ethnic oppression and equality of all languages (Gurung 2003: 8). Two other demands were related to abolishing monarchy although they did not explicitly mention it. One of these two demands was: "A new Constitution should be drafted by representatives elected for the establishment of a people's democratic system" (Point

³⁸ According to Clause 7(1) of Part IV of the Civil Code 1963, any deliberate slaughtering of a cow is legally banned. Clause 7(11) of Part IV clearly mentions a punishment of 12 years of imprisonment for those who kill a cow deliberately. Additionally, Clause 4(1) of Part IV states that a person will be exempted from any punishment if that person kills someone to prevent a cow being slaughtered (Kanun Kitab Byawastha Samiti 2061 BS [2005]).

³⁹ Demands for news broadcast and school level education in major ethnic and regional languages were fulfilled step-by-step in the 1990s. Also, the government withdrew its decision to make *Sanskrit* a compulsory subject in school-level education.

⁴⁰ The CPN (Maoist) was united with the People's Front Nepal (*Janmorcha Nepal* in Nepali) in October 2008 and with the CPN (Unity Centre-*Masal*) in January 2009 to form a new party named United Communist Party of Nepal (Maoist) (UCPN [Maoist]). By unifying several other Maoist parties in May 2016, the UCPN (Maoist) was renamed as the CPN (Maoist Centre). Then, it was merged with the CPN (UML) to form a new party named Nepal Communist Party (NCP) in May 2018. See Chapter 1. But its previous name CPN (Maoist) has been used throughout this dissertation.

No. 10) and the second was: “All special privileges of the king and the royal family should be abolished” (Point No. 11) (Thapa and Sijapati 2003: 213). The CPN (Maoist) believed that the country would be transformed into a republican state if a new constitution was drafted by elected representatives. But the other major political parties did not accept the Maoist proposals at that time.

So, abrogation of the 1990 Constitution, election of a Constituent Assembly and abolition of the monarchy held the stage in the country’s political discourse since the mid-nineties. The major political parties including the Nepali Congress Party and the CPN (UML) (who had faith in parliamentary democracy and constitutional monarchy), however, were not in favour of abrogating the 1990 Constitution, but rather wanted to change it. These parliamentary political parties never envisaged to hold elections for a Constituent Assembly to write a new constitution and to abolish the monarchy. They only proposed to reduce some of the perks and privileges of the King by radically amending the 1990 Constitution. This became clear in November 2001, when the government led by Prime Minister Deuba rejected the main demand of the Maoists: elections to form a Constitutional Assembly. Because of the rejection, the Maoists ended their four-month old truce with the government and unilaterally ended the ceasefire declared in July 2001.

During the course of the insurgency, the Maoists increased awareness among indigenous groups, Dalits, women and other oppressed groups regarding their ethnic and cultural identities (Baral 2009: 4). To secure the rights and autonomy of indigenous and *Madhesi* groups, the CPN (Maoist) in September 2001 formed nine autonomous regions under a United Revolutionary People’s Council. Of these nine autonomous regions, six were based on ethnicity and three based on region. The six ethnicity based autonomous regions were the Tharuwan autonomous region (for the Tharu ethnic group), the Magarant autonomous region (for the Magar ethnic group), the Tamuwan autonomous region (for the Tamu or Gurung ethnic group), the Tamsaling autonomous region (for the Tamang ethnic group), the Newa autonomous region (for the Newar ethnic group) and the Kirat autonomous region (for the Kirati or Rai-Limbu ethnic group). The three region-based autonomous regions were the Seti-Mahakali autonomous region (for the far-western hill people), the Bheri-Karnali autonomous region (for the mid-western hill people) and the Madhes autonomous region (for the *Madhesi* people). The CPN (Maoist) did not, however, explicitly mention federalism during the insurgency; they only mentioned giving autonomy to local indigenous groups. However, it was the CPN (Maoist) that first tabled the option of creating autonomous regions for addressing the issues of ethnicity, language and religion, and for the equal distribution of the state’s power and resources (Baral 2009: 4).

Thus, the two movements - one organized by indigenous people’s associations under the leadership of NEFIN, adopting peaceful means of protest, and another one organized by the CPN (Maoist) adopting the means of an armed insurgency - had a cumulative effect on the formation of ethnicity- and regional-based identity. Scholars of Nepali politics agree that the strongest opposition to the cultural domination of the Hindu high caste hill group came from the Maoist and the *Janajati* movements (Khanal 2006: 169-171; Mishra 2007 BS: 3-5; Toffin 2006: 233; Tamang 2006: 271-272). This was one of the areas where the agenda of the indigenous people and that of the CPN (Maoist) converged (Gurung 2003: 12). So, these movements made significant contributions to forcing the Nepali state to accept multiculturalism and inclusive

democracy. The two movements brought the issue of various rights, including religious and linguistic rights, to the forefront. They demanded secularism with equal status for all religions, and multilingualism with the right of using local languages at the local government level instead of only Nepali.

2.6 King Gyanendra's Takeover of February 2005

On 1 February 2005, King Gyanendra dismissed the Deuba government and formed a cabinet under his own chairmanship. The King assumed all executive power.⁴¹ He declared a state of emergency throughout the country and promised to hold local elections within one year and a general election to the parliament within three years. After that time he would hand back power to the elected parliament. The King's takeover was not peaceful and not without resistance. The main political leaders were arrested. The state security forces, took the side of the royal takeover.⁴² In advance, the King had already assured himself of the support of the heads of the state security forces (Royal Nepalese Army, Nepal Police, Armed Police Force and *Rastriya Anusandhan Bibhagh* [i.e. National Investigation Bureau]) for his political move. The security heads had been informed and convinced one day before the take-over (Sharma 2070 BS: 177). The army was ordered to arrest top-level politicians. Army officers were deployed massively to carry out surveillance and exercise strict control over the media (Kumar 2009: 140). There was a physical presence of soldiers in each media organization. This take-over changed the basic character of the monarchy from a constitutional institution to an autocratic force. The King's action heralded constitutional uncertainty and exacerbated the political turmoil. His political move alienated the major political parties that were represented in the dissolved parliament. Despite his promise to hold local elections within one year and parliamentary elections within three years, the major political parties rejected his political plan. In the meantime, the leaders of seven political parties signed a document called the 'Common Agreement and Commitment' on 8 May 2005, and formed an alliance commonly known as the Seven-Party Alliance (SPA), in protest against the King's takeover of 1 February 2005. On 18 June 2005, the Seven-Party Alliance formally declared that it would boycott the municipal elections. The King's move of February 2005 pushed the Seven-Party Alliance closer to the anti-monarchist CPN (Maoist). Instead of seeking a rapprochement with the King, the Seven-Party Alliance began to ally with the CPN (Maoist). Both on the question of elections for a Constituent Assembly and on the relevance of the monarchy

⁴¹ Prime Minister Sher Bahadur Deuba had dissolved the House of Representatives in May 2002 to hold early elections. He stated that he intended to hold mid-term general elections within six months, as was stipulated by the 1990 Constitution, but he was dismissed by King Gyanendra in October 2002 for not fulfilling this promise. The King then appointed Lokendra Bahadur Chand as the Prime Minister. Chand resigned in May 2003 and Surya Bahadur Thapa assumed the position in June 2003. Thapa's appointed government did not last long either. When he resigned in May 2004 and no other political party was able to propose a candidate, the King again appointed Sher Bahadur Deuba in June 2004. The main mandate the King gave to the appointed Deuba government was to hold fresh general elections. The government could not announce dates for general elections; as a result, the King dismissed the government on 1 February 2005 and subsequently assumed all executive powers.

⁴² The army-monarchy relationship was formalized by King Mahendra with the adaptation of the Military Act of 1959. The relationship between the two institutions was further strengthened through the 'Act on Right, Duty, Function and Terms of the Service of the Commander-in-Chief 1969', which made the Chief of the Army Staff (COAS) responsible and accountable to the King rather than to the government (Kumar 2009: 140). The 1990 Constitution retained the privilege of the King to be the Supreme Commander of the Royal Nepalese Army through Article 119(1).

itself, the positions of the Seven-Party Alliance and of the CPN (Maoist) increasingly converged since then. Thus, the King's take-over resulted in a growing rift between the political parties and the Royal Palace and eventually led to the ouster of the monarchy in Nepal.

The King's action also eroded the general public's trust in the monarch. Some political commentators pointed out that the royal palace massacre of 1 June 2001 had already deteriorated the reputation of the Nepali monarchy. The massacre took place in one of the buildings of the Narayanhiti Royal Palace, the residence of the Nepali royal family, in which Crown Prince Dipendra killed nine members of his family, including his father King Birendra, his mother Queen Aiswarya, his sister Princess Shruti, his brother Prince Nirajan, and himself. The massacre impaired the divine aura of the royal family and weakened the base of the traditional and emotional relationship between the monarchy and the general public, which ultimately led to a weakening of the foundation of the monarchy (Hachhethu 2006: 121 & 130; Sharma 2070 BS: 365; Pandey 2072 BS: 425-429). International media too reported that the Nepali public's trust in the monarchy had been ruined by the royal palace massacre (Time Magazine 14 Feb 2005). In a newspaper article, Baburam Bhattarai, the most influential ideologue of the CPN (Maoist), declared that republicanism was already born in Nepal after the palace massacre (Bhattarai 2001).

However, it was only after the then King Gyanendra's assumption of executive authority that the country witnessed a gradual alignment between the parliamentary parties, i.e. the political parties in parliament prior to its dissolution in May 2002, and the CPN (Maoist). These mainstream political parties moved toward the abrogation of the 1990 Constitution, election of a Constituent Assembly, and republicanism for the first time, which were the primary political demands of the Maoists.

The 11th general assembly of the Nepali Congress Party held in August 2005 decided to remove one of its fundamental values – constitutional monarchy – from the party's statute. Around the same time, the central committee of the CPN (UML) decided to demand election of a Constituent Assembly and a transfer from a constitutional monarchical democracy to a republican democracy. These two incidences were an indication of a drastic departure from monarchism of both major political parties.

2.7 The 12-Point Memorandum of Understanding and the Call for *Jan Andolan II*: the Beginning of the Transition

In a series of direct and indirect dialogues, the Seven-Party Alliance asked the CPN (Maoist) to join mainstream politics, to accept the democratic system with competitive elections, and to support their ongoing agitation against the King's authoritarian rule. In response, Maoist leader Prachanda urged the leaders of the Seven-Party Alliance to form a team to initiate a formal dialogue with the Maoists. As a result, the SPA and the CPN (Maoist) entered into a 12-point

Memorandum of Understanding (MoU) in November 2005 in New Delhi, India.⁴³ In this Memorandum, the Seven-Party Alliance and the CPN (Maoist) agreed to establish permanent peace in the country by resolving the 10-year-old armed conflict, they expressed their commitment to hold elections for a Constituent Assembly, and they agreed to establish 'full democracy' by bringing the 'autocratic monarchy' to an end by calling for a nationwide mass movement.⁴⁴ They also agreed to restore Parliament (which had been dissolved in May 2002) and to form an interim government after the mass movement had succeeded. In turn, the CPN (Maoist) accepted the multiparty competitive system and agreed to join the peace process. Both sides concluded that the long struggle between autocratic monarchy and democracy in Nepal had taken a very grave and decisive turn in Nepali history. In this way, the 12-point MoU paved the way for the Seven-Party Alliance to move toward full democracy (i.e. republicanism by default) on the one hand, and on the other hand brought the insurgent Maoists into mainstream politics by convincing them to accept a competitive democratic system.⁴⁵

In accordance with the 12-point Memorandum of Understanding, the Seven-Party Alliance called a nationwide mass protest movement on 6 April 2006 against the autocratic monarchy and called it *Jan Andolan II*, which literally means the second wave of the mass movement. The Maoists extended their support to this call. The major political parties and the Maoists had a clear-cut plan about what to do with the old structures of the Nepali state after the successful end of *Jan Andolan II*. Major political parties like the Nepali Congress Party and the CPN (UML) already had a common plan with the CPN (Maoist) to first sideline the King, then abolish the monarchy and declare the country a republic. (Toffin 2006: 220-221). Beside this, they conceptualized new structures for the state: federalism⁴⁶, secularism and multi-lingualism.

The movement was amazing for the scale of the mass street demonstrations and the speed with which they gathered momentum. There were two motives underlying the public's support for the movement: popular discontent prompted by the failure of the King's direct rule and the people's hope that the 12-point Memorandum of Understanding would bring lasting peace to the country. The Nepali people were optimistic about *Jan Andolan II*: they hoped that it would bring both democracy and peace in the country. An opinion poll conducted four months after the completion of *Jan Andolan II* (i.e. in September 2006) revealed that three-fourths of the people agreed or strongly agreed with the aims of *Jan Andolan II*. The same survey also showed that in

⁴³ Some political commentators said that Indian government officials played a decisive role to make the 12-point MoU possible (Sharma 2070 BS: 214-216; Jha 2014: 102-103).

⁴⁴ While drafting the 12-point MoU, the CPN (UML) and the CPN (Maoist) had agreed to go for republicanism. However, the final document of the MoU mentioned only the abolition of 'autocratic monarchy' by establishing 'full democracy' because the Nepali Congress party was not ready to accept republicanism at that time (Sharma 2070 BS: 210 & 224). However, the signing of the MoU undoubtedly created a political environment in favour of republicanism.

⁴⁵ Here, it is important to note that the central committee of the CPN (Maoist) had already passed a political document called *Ekkaisau Satabdima Janbadko Bikaas* (literally Development of People's Democracy in 21st Century) in May 2003, in which it had accepted a system of competitive elections for the first time (Sharma 2070 BS: 170 & 216).

⁴⁶ The Nepal Sadbhawana Party already put forward the idea of federalism before *Jan Andolan II* of April 2006 (Baral 2009: 2).

the general public's opinion the main reasons behind the people's movement were the desire to abolish the King's autocratic rule by establishing full democracy, their fatigue from war and their aspirations for long-term peace (Interdisciplinary Analysts 2006b: 13-14).

Eventually, on the night of 24 April 2006, King Gyanendra succumbed. He acknowledged the sentiments expressed in the mass street demonstrations, affirmed his support for the roadmap of the Seven-Party Alliance and reinstated the House of Representatives. In the first session of the revived House of Representatives, held on 28 April 2006, the leaders of the Seven-Party Alliance presented a proposal for writing a new constitution by an elected Constituent Assembly. On 30 April 2006, the second session of the House of Representatives unanimously approved that proposal. The Seven-Party Alliance formed a seven-member cabinet on 2 May 2006. The ministers were sworn in by Prime Minister Girija Prasad Koirala, not at the Royal Palace in the presence of the King as in the past, but at Singha Durbar, the headquarters of the Nepali Government. This swearing in at the Prime Minister's office rather than at the Royal Palace was another indication of the political parties' anti-monarchy attitude.

A declaration to remove the King's executive authority was presented to the House of Representatives on 18 May 2006. It stated that the House of Representatives would be the sole body on which the sovereign rights of the people would rest, declared Nepal to be a secular state, and renamed 'His Majesty's Government' 'the Government of Nepal', removing the title 'Royal' from all state institutions, including the army. Other changes were that sessions of the House would be called by the Prime Minister and that all executive rights would rest with the Council of Ministers which would be accountable to the House of Representatives. The Cabinet, no longer the King, was made the body responsible for appointing the army chief and the King lost his position as Supreme Commander of the armed forces. The proclamation also did away with the Royal Privy Council and declared that all its work would henceforth be performed by the House of Representatives. The House of Representatives was given the power to fix the budget for the palace and it was determined that the King's property would be taxable. The provisions of the 1990 Constitution which gave the monarch discretionary powers in certain cases, were nullified.⁴⁷

2.8 The Comprehensive Peace Accord (CPA)

After a series of peace talks between the government and the CPN (Maoist), then Prime Minister Girija Prasad Koirala and Maoist Chairman Prachanda signed a peace agreement (commonly known as the Comprehensive Peace Accord, CPA) on 21 November 2006 that brought the decade-long armed insurgency to an end. The Seven-Party Alliance and the CPN (Maoist) expressed their commitment to promulgating an interim constitution, forming an interim parliament and an interim government, and holding elections for the Constituent Assembly by mid-June 2007. The Comprehensive Peace Accord stated that the first session of the Constituent Assembly would decide the fate of the monarchy by a simple majority vote.

⁴⁷ For more details of the 18th May Declaration of the House of Representatives, see *The Himalayan Times*, 19 May 2006.

On this basis, an interim parliament, which included representatives of the CPN (Maoist), was formed in January 2007. It endorsed the 'Nepal Interim Constitution 2007', replacing the previous 'Constitution of the Kingdom of Nepal 1990'. However, the Interim Constitution 2007 did not satisfy the *Janajati* and *Madhesi* leaders, as it did not explicitly mention republicanism and federalism. It only mentioned in Article 4(1) that "Nepal is an independent, indivisible, sovereign, secular, inclusive and fully democratic state" (Law Books Management Board 2007). The official status of other languages than Nepali also remained ambiguous.

2.9 The *Madhes* Movement, the *Janajati* Movement and the 22-Point Agreement

A few days after the endorsement of the Interim Constitution 2007, some *Madhes*-based regional political parties, such as a non-violent political party *Madhesi Janadhikar Forum*, and a violent and underground group *Janatantrik Tarai Mukti Morcha*, demanded that it be amended to take the concerns of the *Madhesi* people into account. They argued that the aspirations of *Madhesi* people were not reflected in the Interim Constitution. One of the demands of the *Madhes*-based regional political parties was the transformation of Nepal from a unitary state into a federal state. In line with this, they demanded the creation of a separate federal province in the Tarai (i.e. *Madhes*) region. They coined the slogan *Ek Madhes Ek Pradesh*, which literally means 'one *Madhes*, one federal province'. To show their strong disagreement with the Interim Constitution, *Madhes*-based political parties called for agitation and blockades in the Tarai region of the country in January/ February 2007, which is commonly known as the *Madhes* Movement of 2007. After the Prime Minister promised to accept federalism after the Constituent Assembly elections, the *Madhesi* groups stopped their protests.

Indigenous organizations also held street demonstration in Kathmandu under the leadership of the NEFIN, demanding several privileges including a federal state based on ethnic identity; this is commonly known as the *Janajati* Movement of 2007. In August 2007, the president of the *Madhesi Janadhikar Forum*, Upendra Yadav, and the coordinator of the government's dialogue team, Ram Chandra Poudel, signed a 22-point agreement in which they expressed their commitment to establishing a federal governing system with autonomous provinces. The event proved to be a shift of Nepal's major political parties towards federalism (Sharma 2070 BS: 263) and, indeed, was a decisive turn in Nepali political history.

2.10 The Constituent Assembly Elections and the Move toward Republicanism

Around the same time, in August 2007, the fifth plenum of the CPN (Maoist) passed an 18-point charter of proposals in which one of the demands was that the interim parliament proclaim Nepal a republic. In September 2007 the national council of the Nepali Congress Party also passed a resolution that supported transforming Nepal into a republic. In October 2007, the interim parliament passed a resolution for the declaration of Nepal as a republic, which was supported by a majority of the members. The passing of the resolution was prompted by the CPN (Maoist)'s position with regard to republicanism. This party had made clear that it would refuse to participate in elections for the Constituent Assembly unless the interim parliament would declare the country a republic.

Even after the passing of the resolution, there was still a divergence between the mainstream political parties and the CPN (Maoist) over various constitutional issues. After several weeks of political negotiations among the major political parties, they reached a 23-point agreement on 22 December 2007. They agreed to have the interim parliament proclaim the republic subject to endorsement by the first sitting of the Constituent Assembly. Among other things, the agreement included holding elections for a 601-member Constitutional Assembly by mid-April 2008, electing 60 percent of the members through proportional representation, and having the Maoists join the government.

Thus, the interim parliament amended the Interim Constitution for the fourth time on 28 December 2007, declaring the country a secular federal democratic republic. After the amendment Article 4(1) stated that Nepal is an independent, indivisible, sovereign, secular, inclusive and federal democratic republic (Law Books Management Board 2012). This was subject to ratification by the first meeting of the elected Constituent Assembly. Also, it gave an official status to languages other than Nepali.

After several delays, the historic and long awaited elections for the Constituent Assembly took place on 10 April 2008. The Maoists participated in these elections and emerged as the largest political party with 238 seats out of 601, followed by the Nepali Congress Party with 115 seats and the CPN (UML) with 109 seats. The CPN (Maoist) failed to get a majority of the seats in the Constituent Assembly. But this mattered less as there was by now consensus among the major political parties with regard to federalism, republicanism, secularism and multilingualism. Nepal was declared a federal, democratic, secular and republican state by the first sitting of the Constituent Assembly held on 28 May 2008. This declaration was a momentous event in Nepal, through which the transformation of the state's political structure formally began. In this way, King Gyanendra's putsch and his refusal to work with the political parties, and the subsequent alliance between the parliamentary parties and the CPN (Maoist), proved to be fatal first for the autocratic King-chaired government and eventually for the core features of the Nepali state including the centuries-old institution of monarchy of the Gorkhali Shah dynasty.

Initially, the Constituent Assembly was given a mandate of two years to complete the task of formulating a new constitution. But due to the failure of the political parties to reach agreement, the constitution could not be promulgated within the stipulated time, and the Constituent Assembly extended the deadline four times. According to the final extension of the Constituent Assembly's term⁴⁸, it should deliver the new constitution by 27 May 2012. However, the Constituent Assembly was dissolved in the night of this day without delivering a new constitution after four years of political disagreement among the major political parties. The main obstacle was the lack of consensus among the political parties on the form of federalism. There were substantial disagreements on the demarcation and naming of the federal provinces, and on the distribution of responsibilities between the central, provincial and local levels.

⁴⁸ The Supreme Court had already issued a final verdict on 25 November 2011 that had ended all possibilities of a further extension of the CA term.

New elections for the Constituent Assembly were held in November 2013. This time the Nepali Congress Party emerged as the largest party, winning 196 of the 601 seats, followed by the CPN (UML) with 175 and the CPN (Maoist) with 80 seats. But consensus of the major political parties on the form of federalism could still not be reached. In June 2015, the four major political parties represented in the Constituent Assembly - the Nepali Congress Party, CPN (UML), CPN (Maoist) and *Madhesi Janadhikar Forum (Democratic)* - agreed to form eight provinces considering ethnic identities and financial capacities, leaving the names of the provinces to be decided later by a two-third majority of the respective provincial assemblies. They further agreed to form a federal commission to recommend the demarcation of the boundaries of the eight federal provinces within its six-month term.⁴⁹

Hence, federalism was the major issue on the agenda for the transformation of the Nepali state for Nepal's political parties at that time (Lecours 2014; Sen 2018).⁵⁰ The CPN (Maoist) and regional and ethnicity-based political parties were in favour of an ethnicity-based federal system; they also called it identity-based federalism. They claimed that various indigenous groups of the country have an historical attachment to a particular region and that only an ethnicity-based federal system could ensure sufficient or maximum autonomy to local indigenous groups in the decision-making process, thus preserving their identity, language, culture etc. and bring them into the political mainstream. At first, these parties demanded 'priority rights' for the indigenous people on natural resources such as land, forests and water in the respective provinces. Furthermore, they wanted to make sure that only indigenous people could stand for election in the respective provinces for the first two terms (Sen 2013: 41). However, they adjusted their demands and subsequently only asked for the consideration of ethno-geographic history when creating federal provinces.

On the other side, the Nepali Congress Party, the CPN (UML) and various fringe political parties (both communist and rightist parties) said that federalism should be based on economic viability and geography, and not on ethnic identity, because it is not practical given the fact that each district and region of Nepal is ethnically and culturally heterogeneous. There are more than a hundred ethnic and linguistic groups in the country (See Chapter 1). They argued that an ethnicity-based federal system would result in communal disharmony and would eventually drive the country to the point of disintegration. Nevertheless, it is worth mentioning that indigenous and *Madhesi* leaders within both the Nepali Congress Party and the CPN (UML) were actually in favour of ethnicity-based federalism. In October 2012, dozens of indigenous leaders within the Nepali Congress party resigned from the party due to differences with the party leadership over this issue of ethnicity-based federalism.⁵¹ At the same time, some of the leaders of the CPN (UML) from an indigenous background left the party, accusing their party of being opposed to ethnicity-

⁴⁹ The agreement is known as 16-point Agreement (Setopati.com, 8 June 2015).

⁵⁰ An opinion survey of CA members conducted in 2010 also showed this (Interdisciplinary Analysts 2011b: 11-12).

⁵¹ On 3 October 2012, 36 district level indigenous leaders of the Nepali Congress quit the party accusing the party of not becoming serious about ethnicity-based federalism (Nepalnews.com, 4 October 2012).

based federalism, and established a new political party.⁵² Some others with *Madhesi* background left to join other political parties which did favour ethnicity-based federalism, such as the CPN (Maoist), in April 2013.⁵³

2.11 The Promulgation of the New Constitution

In spite of the disagreements over the specific form of federalism, an overwhelming majority of the elected members the Constituent Assembly (over 90 percent) endorsed the new Constitution on 20 September 2015. In Article 4(1), the new Constitution defines the ‘State of Nepal’ as ‘an independent, indivisible, sovereign, secular, inclusive democratic, socialism-oriented federal democratic republican state’ (Constituent Assembly Secretariat 2015). This clause of the Constitution unambiguously states that Nepal is a secular federal republican state and has paved the way to formalizing other basic structures related to federalism such as the demarcation and naming of the federal provinces, and the distribution of responsibilities among the central, provincial, and local levels. With regard to the language issue, the new Constitution of 2015 has given the federal provinces the right to select one or more languages as the language(s) of administration in the respective provinces.⁵⁴

Among its other main features, the Constitution adopted a mixed electoral system (Mixed Member Majoritarian, Cf Shugart and Wattenberg 2001), for the first time in the country’s history. The House of Representatives shall consist of 275 members of whom 165 (60 percent of the total number of MPs) will be elected through a first-past-the-post electoral system in 165 electoral constituencies, while another 110 MPs (40 percent) will be elected using a proportional electoral system where voters vote for party lists, treating the whole country as a single electoral district. A provision has been made to ensure the representation of women, marginalized groups and backward regions. The constitution has established the right to social justice for women, marginalized groups and backward regions in employment by state institutions on the basis of the principle of inclusion.

According to the Constitution, the parliamentary party leader of the political party with a majority in the House of Representatives will be appointed as Prime Minister by the President. If there is not a clear majority of any party, the President shall appoint a member of the House of Representatives as Prime Minister who can have the majority with the support of two or more political parties represented in the House of Representatives (Article 76[2] of the Constitution). On the recommendation of the Prime Minister, the President shall form a Council of Ministers

⁵² Then party vice-chairmen of the CPN (UML), Ashok Rai, who is from an indigenous ethnic background, quit the party along with dozens of central level leaders and hundreds of cadres on 4 October 2012 (Nepalnews.com, 4 October 2012). After some days, he announced the formation of a new political party called Federal Socialist Party with the main objective to establish ethnic identity based federalism.

⁵³ An ex-politburo member of the CPN (UML), Ram Chandra Jha, who belongs to *Madhesi* origin, joined the UCPN (Maoist) on 6 April 2013 (Nepalnews.com, 8 April 2013).

⁵⁴ Article 7(2) of the Constitution of Nepal 2015 says that “In addition to Nepali language, a province shall select one or more national language that is spoken by majority of people in that province as the language of official business, as provided for by the provincial law” (Constituent Assembly Secretariat 2015).

(not exceeding 25 ministers) from among the Members of Parliament on the basis of the principle of inclusion, or from non-members subject to them gaining a seat in Parliament within six months of taking the oath of office. The Prime Minister shall be relieved of his/her office if a no-confidence motion tabled by at least one-fourth of the total number of members of the House of Representatives is passed by a majority of the total number of members of the House of Representatives. However, a no-confidence motion cannot be introduced during the first two years of appointment of the Prime Minister, and if a no-confidence motion fails, another motion cannot be tabled within a year of its failure.

The major political parties, however, still had not agreed on the basic structure of federalism. Broad-based political parties, particularly the Nepali Congress Party, the CPN (UML) and the CPN (Maoist), disagreed substantially with *Madhes*-based political parties on numerous aspects of federalism including the demarcation and naming of the federal provinces. Apart from this, *Madhes*-based political parties had questioned the provision of citizenship, the eligibility to employment in state institutions and the demarcation of electoral districts. To show their anxiety, some *Madhes*-based political parties called for mass demonstrations and declared a border blockade in the Tarai immediately after the promulgation of the Constitution by the Constituent Assembly,⁵⁵ which went on until February 2016 when the new Constitution was amended to meet the demands of *Madhes*-based political parties in respect of eligibility to employment in state institutions on the basis of proportional inclusion (Article 42 [1]), and in respect of the demarcation of constituencies primarily based on population and only secondarily based on geography (Article 285 [5]). But disagreement regarding aspects of federalism and citizenship still remained.

⁵⁵ It was believed that India had a soft spot for the *Madhes*-based political parties. Hence, India put an embargo on exports of essential commodities including fuel and medicines to Nepal during the border blockade. However, an analysis of India's role in the political unrest in the Tarai is beyond the scope of this study.