

ROLE OF MAOIST IN FAILURE OF NEPAL'S CONSTITUENT ASSEMBLY

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Abstract

Nepal's Constituent Assembly was an elected body, which was institutionalized in 2008 with the aim of promulgating a democratic constitution. However, the democratic process of constitution making failed dismally without delivering a new constitution in 2012. Nepal's Constituent Assembly and its constitution-making process has suffered due to the erosion in leadership quality; weakening of norms and value based politics; power centric intra-party and inter-party conflicts; instability of the government; unhealthy inter-party competition; and unaccountability in the public domain. This paper tries to explore why Nepal's Constituent Assembly has failed to draft a constitution and chronologically examines the rise of Maoism in Nepal. It also examines the role of Maoist's in the failure of constituent assembly.

Keywords: Nepal, democratization, Maoist, constitution, failure.

The making of the constitution represents one of the most important aspects of democracy-building, particularly relevant in those countries which emerge out of a conflict-ridden autocratic rule. While comparing the past scenario of Nepal with the post-conflict state, one can see that the constitution making process has gone through a lot of ups and downs (Afful 2013). The constitution of any country is the result of historical processes and important factors that contribute to shaping the future of a country (IDEA Project Report 2004). Nepal's experience with constitution-making has been highly complex and emotion-ridden. Till now, Nepal has experienced seven constitutions spanning over a period of sixty years; none of the constitutions survived for long.

Communist parties have been present in Nepal for a long time but did not emerge as important political players until very recently. They have been regularly subjected to co-option and internal feuds. The restoration of multi-party democracy and the new Constitution of Nepal in 1990 did offer space for the revival of various communist parties. Nepal had its first democratically-elected minority communist government in 1994. Two years later, in 1996, the then Communist Party of Nepal-Maoist (CPN-M) launched an armed insurgency against the state. Its objectives were to overthrow the monarchy, the convening of a Constituent Assembly (CA), and establishment of a multi-party democratic republic (Adhikari 2012).

Emergence of Communism in Nepal

This article mainly delves upon the Maoist angle that has played a crucial role in the failure of the constituent assembly in Nepal. The catalysts, important and contextual to the rise of Maoism in Nepal, have been described here in a precise manner but with ample explanations (Shah and Pettigrew 2009). While tracing the emergence of leftist ideals in Nepal's history, it was found that the well-known humanist, Jai Prithvi Bahadur Singh, had fallen under the influence of Marxism long before the Calcutta (India) meeting established Nepal's communist party. In this sense, Singh was arguably the first Nepali to be exposed to Marxist thought. Due to differences with his father-in-law, the powerful Rana prime minister - Chandra Shamsher, Jai Prithvi Bahadur Singh went into a self-imposed exile in India. However, Chandra Shamsher could not ignore the changes that were sweeping the world. The next milestone in the development of the country's communist movement came in 1947 during the famous strike by the workers at Biratnagar jute and cloth mills. According to B. P. Koirala, this marked the first appearance of communists in Nepal, with Man Mohan Adhikari (also a member of the Communist Party of India) taking the lead among the communist workers.

At that time, this movement was transformed into the Communist Party of Nepal (CPN) in Calcutta on September 15, 1949 under the leadership of Pushpa Lal Shrestha, the founding father of Nepalese communism. Communist Party of Nepal (CPN) played an important role in the 1951 uprising that overthrew the Rana regime. After the Raksha Dal revolt in 1952, the CPN was banned on January 24, 1952. In 1954, the first party congress was held clandestinely at Patan in which Man Mohan Adhikari was elected as the secretary-general (Nickson 1992). In April 1956 the ban on the party was lifted. In 1957 the second party congress was held in Kathmandu. For the first time, the party could hold its congress openly. Keshar Jung Rayamajhi was elected general secretary. Corresponding to the splits in the Communist Party of India, the 1960s and 1970s saw multiple factions emerging in the Communist Party of Nepal (Shah and Pettigrew 2009). Although disunity in the CPN over certain issues was a common feature ever since its formation, factionalism became a frequent phenomenon from the early 1960s. The royal takeover of the democratically elected government in December 1960 divided the Communists into two major blocks: those who criticized the king's action and those who supported it (Khadka 1995).

Ideological and personality clashes among the leaders of the communist movement in Nepal began eroding the organisational unity of the CPN during the 1960s and 1970s. The party splintered into three branches: the moderates, the extremists, and the radicals. Keshar Jung Rayamajhi was the leader of the moderates. This group was closer to the palace and the former USSR, and was called the pro-Moscow faction. The radical group was led by Pushpa Lal Shrestha and was ideologically closer to Beijing. It was called the pro-Peking faction. This group called for violent struggle against the Panchayat system in collaboration with the Nepali Congress (NC). The extremists, led by Mohan Bikram Singh, were known as the Maoists, who believed that 'power comes through the barrel of a gun'. They opposed constitutional monarchy as well as a proposal to work with the NC and demanded that elections be held for a constitutional assembly (Hossain et al. 2006).

Some of the radical groups among the communists decided to experiment with the Maoist concept of 'people's war' by taking up arms in Nepal's eastern Terai region of Jhapa in May 1971. This was popularly known as the Jhapali revolt in Nepal's political history. The revolt was soon suppressed by ruthless police action (Muni 2010). Maoism in Nepal was also inspired by India's Naxalite movement¹ (northeast Naxalbari district area) that evolved during the late 1960s in the context of Cultural Revolution in China. The history of the Maoists in Nepal is intimately tied to India. Influenced by the developments in Naxalbari, a place immediately across the border in India, one of the most important factions to emerge in the early 1970s was the 'Jhapeli Group' from the district of Jhapa. Following the doctrines developed by India's Charu Mazumdar in Naxalbari, the Jhapelis were Maoists who eventually abandoned their adherence to Naxalism after the arrest and death of five members. The 'Jhapelis' formed the nucleus of the 1978 Communist Party of Nepal (Marxist-Leninist), which has today become the largest mainstream communist group, now known as the Communist Party of Nepal (Unified Marxist-Leninist) (Shah and Pettigrew 2009).

The failure of the revolt, which was also followed by the end of the Chinese Cultural Revolution and Mao Tse-Tung's death in 1976, led to serious ideological churning among the radical communists of Nepal, particularly among leaders like Pushpa Lal Shrestha and relatively younger leaders like Mohan Bikram Singh and Nirmal Lama. While Pushpa Lal remained committed to the traditional communist line willing to fight against the monarchy through communist unity and in collaboration with other parliamentary parties like Nepali Congress, Singh and Lama remained committed to armed struggle. But they split up in 1983-84 when Lama accepted the line of China's post-Mao leadership (i.e. Deng Xiaoping) while Singh continued to stick to the Maoist's methods. The young radical members of the Mohan Bikram Singh group included Baburam Bhattarai, Mohan Vaidya, and Pushpa Kamal Dahal. They were the leaders of the present Communist Party of Nepal (Maoist), which was so named in 1994 after their break from Singh through a series of splits and mergers (Muni 2010).

In the mid 1980s, the Singh-Lama faction again split into three smaller groups: the CPN (Masal) led by Singh; the CPN (Mashal) led by Pushpa Kamal Dahal (Prachanda); and another that retained the original party name Communist Party of Nepal. It was then that the Fourth Convention

lost its place at the forefront of leftist politics in Nepal. Rather, in the People's Movement of 1990, it was a coalition of seven small parties, all descending from the original CPN, that represented the left in their efforts to overthrow absolute monarchy.

After the restoration of democracy, this coalition ran under the banner of the CPN (United Marxist-Leninist) and emerged as the second largest party in the 1991 general elections. Singh's men, having been sidelined, re-united to form a subversive revolutionary organization known as the Unity Centre, and participated in the elections under the umbrella of the United People's Front (UPF). The Unity Centre was led by Prachanda, while the UPF was governed by Nirmal Lama and Baburam Bhattarai, the inheritor of Singh's legacy and leader of what was formerly the Masal faction.

Notwithstanding one final split in 1994, when Nirmal Lama usurped control of the UPF, it was the Unity Center that first represented insurgent communism in Nepal. Since the election commission officially recognized Lama's less radical faction as the legitimate UPF, the Prachanda-Bhattarai faction announced that it would not take part in the general elections of 1994. It was this militant group that was christened the Communist Party of Nepal (Maoist) (Acharya 2009).

Once the CPN (Maoist) was formed, it was never silent. In the areas of their influence and dominance like Rolpa, Rukam, Jajarkot, and Salyan, they started attacking land lords and government functionaries. The voters and political activists, who had taken part in the election process, were also targeted by the Maoist. During the period 1994-1995, the Maoists, led by Baburam Bhattarai started a campaign called 'sija campaign' in the areas of Rukum and Rolpa. The intention of the campaign was to propagate Maoist ideology through focused training-action programs. It again intended to rouse the masses and heighten political consciousness. The Maoist also had continuous fighting between the UPF (Nirmal Lama Group), Nepali congress workers, and UML workers. This was the situation when on February 4, 1996, Baburam Bhattarai, chairman of CPN (Maoist) presented the Nepali-congress-led coalition government of Sher Bahadur Deuba with a list of 40 demands² related to 'nationalism, democracy and livelihood'. These demands were not much different from the points outlined in the 1991 election manifesto. Baburam Bhattarai's letter contained an ultimatum that either the government should initiate positive steps towards fulfilling those demands by February 17, 1996 or else they would be forced to resort to an armed struggle against the existing state. However, while the prime minister Sher Bahadur Deuba was on a visit to India, the CPN (Maoist) initiated an armed struggle on February 13, 1996, before the expiry of the deadline (Bahera 2009).

Thereafter, a Maoist rebellion started in February 1996, increasing problems for the government and over the years has affected almost all 75 districts of the country. The movement found support of the rural population. This movement was called "People's War". The fighting between the Maoist's People's Liberation Army (PLA), and the Royal Nepali Army (RNA) continued till 2006. Its objective was to establish a people's republic. Politically, it tried to establish a secular state or, more accurately, a communist state, which would rule through a Constituent Assembly whose first task would be to draft a completely new constitution.

During the period of people's war, the entire royal family of King Birendra was murdered on June 1, 2001 under mysterious circumstances, and the dead king's brother, Gyanendra, was crowned on June 5, 2001. The government declared a situation of emergency. In May 2002, when it became evident that the conflict could not be solved militarily, then the members of parliament from all political parties showed unwillingness to extend the state of emergency. After that, King suddenly dismissed the elected government, took over all executive powers, and dissolved the Parliament. Several rounds of peace talks with the Maoists in 2002 and 2003 failed. In May 2004, King Gyanendra re-installed Sher Bahadur Deuba as Prime Minister of a multiparty government. Disappointed by the lack of success in combating the insurgency, the King again declared emergency and seized power on February 1, 2005 and thus completed his coup d'état (Hutt 2006).

After more than two years of conflict and nineteen days of mass protest under great pressure from civil society, a loose political alliance was formed in November 2005 between the Seven Party Alliance (SPA) and the Maoist insurgents. A pro-democracy movement (Janandolan 2), launched in

April 2006. forced King Gyanendra to accept the principles of popular sovereignty and to reinstate the dissolved parliament. King Gyanendra called the Seven Party Alliance (SPA) to implement the people's "roadmap to peace," which involved the election of a constituent assembly to rewrite the constitution and the introduction of a federal republican structure. In November 2006, a turning point happened in Nepal's politics. Comprehensive Peace Agreement (CPA) was signed between the Seven Party Alliance (SPA) and the Communist Party of Nepal-Maoist (CPN-M) and the end of the civil war was declared. The Maoists and the political parties endorsed the interim constitution on January 15, 2007. Interim Constitution of Nepal 2007 was promulgated and the 1990 constitution was dismissed. On the same day, representatives of the CPN (Maoist) entered an interim 330 member-parliament under the terms of a temporary constitution.

The interim government was formed with the participation of Maoists. It held the election of the Constituent Assembly in 2008. The election of a constituent assembly was delayed three times because Maoists became increasingly doubtful about some form of Royal counteraction. The Constituent Assembly elections was held on April 10, 2008 and in this election, Communist Party of Nepal-Maoist (CPN-M) emerged as the largest party with 220 seats. The NC Party was in the second place with 110 seats in the parliament (Thapa and Sharma, 2009). The first session of the Constituent Assembly was held on May 28, 2008. In this meeting, the constituent assembly declared Nepal as a federal democratic republic and abolished the 250-year-old monarchy.

In 2008, Nepal was undergoing a complex political transition due to a very problematic situation of the constitution in the history of Nepal. The constituent assembly was elected with 601 members in 2008 with mandate such as: drafting a new constitution for Nepal and give logical conclusion to the peace process. The first meeting of the constituent assembly in May 2008 set a two year time period to draft a new constitution. However, the disagreements and the lack of consensus among the political parties over many issues resulted in the failure of the constituent assembly even after four extensions. The Prime Minister finally dissolved the constituent assembly of Nepal in May 2012.

Historical Context of the Constituent Assembly

Constituent Assembly is an assembly of elected representatives of the people from all over the country for preparing a constitution and it is a process of eliminating concentration of power in the hands of the feudal elites. The Constituent Assembly is not a new phenomenon of discussion in Nepal. The demand for a Constituent Assembly in Nepal goes back to the Rana regime. In February 1947, Rana Prime Minister Padma Shamsher formed an unusual prototype of a Constituent Assembly consisting of twelve elected and twelve nominated members to initiate constitutional reforms in the country. It can be said that it was not complete, since it lacked four immensely necessary features of a Constituent Assembly: a fully representational institution, a forum which was independent of the constitutional discourses, an autonomous body to develop constitution on its own and the right to promulgate a constitution without the interference of any individual or institution. However, this act of constitutional reform could not have been implemented (Bhandari 2012).

For the first time, Nepal moved on the path of democracy in 1950. After that, in 1951 an Interim Constitution was formed which remained effective for 8 years. Then, in 1959 Nepal succeeded in installing a western styled parliamentary democracy. But it could not be sustained for long. Declaring parliamentary democracy a failure 18 months later, King Mahendra dismissed the Koirala government and promulgated a new constitution on December 16, 1962. The new constitution established a party less panchayat system. Nepal returned to the authoritarian rule of monarchy under the cover of democracy. This continued nearly for twenty eight years and was overthrown in the 1990 democratic movement. The 1990 movement for the democracy was a major landmark in the contemporary political history of Nepal. The post 1990 period of democracy was marked by political instability. The preliminary changeover was backed by the spirit of popular movement and restoration of multiparty system with the commissioning of a new constitution in November 1990. The 1990 constitution reinstated constitutional monarchy in the country, so it was a semi-constitutional monarchy (Upreti 2010).

Gyanendra succeeded as the monarch, after the royal massacre of 2001 in which king Birendra and his family members were killed. After that, the 1990 Constitution was replaced by the Interim Constitution promulgated in January 2007. The basic objective of the Interim Constitution had been to provide a set of rules and regulations for the government of the country till it was replaced by a permanent constitution (Upreti 2010). The salient features of the Interim Constitution included: a constraint on the powers of the King, an outline of the Constituent Assembly's basic structure and a strong executive. In short, the Interim Constitution provided a suitable framework for the conduct of elections (ANFREL Report 2008).

After the election of first Constituent Assembly of Nepal, the Assembly members quickly voted to abolish the monarchy and declared Nepal as a federal democratic republic (World Election 2013). The primary task of the Constituent Assembly was to draft a constitution within a stipulated time in which it failed. Following the dissolution of the Constituent Assembly in 2012 without adopting a constitution, the then Prime Minister Baburam Bhattarai announced fresh elections for a new Constituent Assembly. Nepal went for another Constituent Assembly election on November 19, 2013. The result of the election was an eye opener for the world and the Maoists too. Nobody had imagined that the party which had emerged as the largest in the 2008 Constituent Assembly elections would move down to number three in 2013 and Nepali Congress would emerge as the winner (Shrestha 2014).

The Effects of Constituent Assembly Election 2008

Election for the formation of Constituent Assembly, that was supposed to happen on June 7, 2007 and later on November 22, 2007 after being postponed twice, finally took place on April 10, 2008. In this election, the Maoist won 120 constituency seats through first-past-the-post vote and 100 seats through proportional representation. They gained 9 of the 26 nominated seats and had 229 seats in the Constituent Assembly. Nepali Congress Party got second place with 115 seats; the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) had 108 seats and Madhesi Jana Adhikar Forum, Nepal (MJF- Nepal) got 54 seats. No other party had more than 21 seats. Twenty parties had representation in single figures, including the Rashtriya Prajatantra Party (RPP) and the Rashtriya Prajatantra Party- Nepal (RPP-N); both parties had to rely on the proportional representation section for seats. Only nine parties won seats in the first-past-the-post ballots (Sharma et al. 2008). The primary reason for the Maoist victory was the sheer electoral dominance of the Maoists across the breadth of Nepal. The electoral strategies of alliances with different sections of the population, the reach of the electoral campaign machinery and the wide support of the poorest were among the other significant reasons (Srinivasan 2008).

The first session of the Constituent Assembly declared the country as a federal democratic republic on May 28, 2008 abolishing the 239 year old monarchy and instructed the government to make sure that the King left the Narayanhiti palace within fifteen days (Dahal 2008). In fact, it was a step towards implementing the provision of a Republic enshrined in the Interim Constitution.

Maoist's Role in Nepal's Failed Constituent Assembly

The main declaration by the Prime Minister which brought an end to Constituent Assembly on May 28, 2012 has been one of the most hampering points in the setup of the constitution building process. The collapse of the Constituent Assembly without making the constitution meant that the job of writing a new constitution, as promised by the Interim Constitution of 2007, had become uncertain (Martin Chautari Report 2009). There were several factors responsible for the failure of the Constituent Assembly which has been further discussed.

The fraction within the party

One of the cardinal reasons of not setting constitution up was insincerity among the UCPN (M) members and timeframe. As it was very difficult to determine the cause root of the insincerity of the members of UCPN (M). A dispute amongst the party members while making constitution and call into question was the country's major setback. The finger pointing started amongst the leaders of different political parties pertaining to the operational monopoly of the government. Hence disunity amidst the members of the Maoist, the country's largest party, was divided internally. As the result,

two different roadmaps were developed within the party such as new revolution and peaceful struggle. Therefore it was the strenuous task for the parties amicably working together (Bhandari 2012).

The members of the parties were inculpating one another without knowing the root causes of the formulation of constitution failure by the constituent assembly. These members were engaged in the blame game, forgetting to discuss the draft of the constitution, was prepared by experts committee on their advice and consensus. The experts of the committee were called upon by the constituent assembly secretariat based on an agreement made on May 15, 2012. Consequently, a stunning agreement came into existence which turns out the whole scenario of Nepal. According to this agreement a consensus was built up among the parties as they agreed on Eleven Pradesh, constitutional court headed by Chief Justice, mixed model for governance and electoral system etc. However the UCPN (M) articulated that these agreements could not be introduced because all the members were internally opposing and also revolt people came upon the streets and also vandalising in the constituent assembly.

On the contrary, the Nepali Congress and the Unified Marxist-Leninist, pointing the finger on UCPN (M) for not obeying the agreement. Therefore due to internal disagreements among the parties, the process of allegations started caused UCPN (M) had accepted that the term of constituent assembly extends up to three months. The then Deputy Prime Minister and Law Minister Krishna Prasad Sitaula put a proposal on May 22, 2012 but the Nepalese Congress president did not accept the extension regarding the proposal.

The race for power: Power Sharing and Power Grabbing

At the very outset of pre-constituent assembly period, a bilateral agreement has been made by both the sides for managing power-sharing arrangements. However, after the election of constituent assembly, particularly when CPN (M) has emerged as single largest party in constituent assembly, political arrangement issues received a hurdle over the power sharing among CPN (M) and other parties. Because of both the CPN (M) and the Nepalese Congress nominated its Prime Ministerial Candidates as Prachanda and Sher Bahadur Deuba respectively. Later on the Communist Party of Nepal-Unified Marxist Leninist- CPN (UML) and the Madhesi Jana Adhikar Forum (MJF) joined hands with the government while the Nepali Congress took decision for sitting in the opposition. Then after Nepali Congress leaders put allegations on Maoists for not getting consensus. Therefore differences get started among three big parties: Nepali Congress, CPN (UML) and UCPN (M) over several issues as well as pertaining to allocation of the ministerial portfolios (Pandey and Delinic 2012). This has been a cardinal setback in maintain peace and drafting the constitution for making progress admirably. Thus theoretically the then situation appears to be in harmony (Upreti 2009).

The Turmoil: Unstable Government

At last, the election of constituent assembly was held on May 2008 after many postponements, and 601 members of constituent assembly extensively started a strenuous process of drafting the constitution of Nepal. The UCPN (M) won 36 percent votes in constituent assembly and invite to form the government. In this way, the first unstable government with a coalition of different political parties in the Constitution Assembly led by UCPN (M) and headed by Pushpa Kamal Dahal. He became chairman of elected parties as well as the new Prime Minister of Republic. Consequently, in the year 2008, the four major changes had been done by four Prime Minister differently.

Therefore writing successful constitution was an arduous task for this newly elected transitional government of Nepal. Since the abolition of the monarchical system and electing different governments from 2008, none of them had been capable of meeting the deadline for drafting the constitution. According to the schedule of constituent assembly, the first draft of constitution was released for public comments by January 2010. The government headed by Baburam Bhattarai had put strenuous efforts to speed up the drafting of the constitution but all efforts have been abortive because the constituent assembly was dissolved on May 27, 2012. Afterwards, the four unstable governments were formed during 2008 and 2012 just after the formation of first constituent assembly election and all were headed by Maoists. Therefore the Maoists leaders were responsible for the

failure as they could not provide a conducive environment for a stable government as well as writing the constitution of Nepal (Afful 2013).

The Wrong Doings: Misuse of Authority

The process of entire Constituent Assembly broke the trust of the people and repeated failure depicted that people who were given the responsibility for drafting the new constitution were neither capable enough nor very serious towards the Constitution. In addition, the lawmakers who were assigned such an important task of writing the constitution of the country were busy in their personal benefits, misusing the authority and also exploiting the political resources of the country. The Maoist's lawmaker Indramati Yadav was the example as she was arrested for using electricity illegally for water pumps. Similarly, another Maoists lawmaker Prem Bahadur Pulami appointed a proxy examinee for his SLC exam in Rautahat district. Not only this Bishwendra Prasad and Sanjay Kumar Shah threw a chair down from Constituent Assembly building and also broke a microphone. Later Sanjay Kumar Shah was suspended for a couple of days. One more accident came into existence when UML lawmaker Lhyarkyal Lama caught red handed by making passports of China, India and Nepal (The Kathmandu post-2012).

Some other examples of the members of Constitution Assembly, who crossed the limits of notoriety named as Saroj Kumar Yadav of Sadbawana party misbehaved with a doctors of Bir hospital in a drunken stupor, and UML lawmaker D. B. Karki was recognised as a corrupt politician. Later he was red handily arrested by a team of Commission for the Investigation of Abuse and Authority (CIAA). He was found guilty by taking the bribe from unemployed youths and promised them for a job in Nepal Police. Law makers Gayatri Shah and Biswonath Prasad Yadav were arrested allegedly misusing their diplomatic passports and a corruption case was filed against them. Two more lawmakers named as Naradmuni Rana of CPN-UML and Shiva Pujan Yadav of Madhesi Janadhikar forum also found their names in the list of passports seller-cum-lawmakers.

The Next Big Step: Second Constituent Assembly Election – 2013

Having expired the term of Constituent Assembly on May 28, 2012, the then government announced the second term election of Constituent Assembly (Citizen Survey 2013). The task of the drafting committee of the new constitution which was assigned to the first Constituent Assembly failed to resolve the disagreements on various key issues. Further, Supreme Court did not extend its mandate. The dissolution of the Constituent Assembly and failure to build up the consensus on the formation of a new Constituent Assembly among political parties pertaining to which party would chair the government during the election, lead to protracted political and constitutional crisis (Carter Center Report 2013).

After multiple efforts and between political instability, the leaders of major political parties succeed to build up a consensus on the establishment of a High-Level Political Committee (HLPC) in March 2013, and on a care-taker government, the Interim Election Council of Ministers (IECM), under the leadership of Chief Justice, Khil Raj Regmi, whose sole mandate was to hold the 2013 Constituent Assembly elections (EUEOM Report 2013).

On 13 June 2013, the Interim Constitution Council had announced the election for Constituent Assembly which was to be held on November 19, 2013. With the help of the results, it was evident that Maoists have defeated as compared to 2008 election, and they came down from number one to the third position. Now Communist Party of Nepal (Unified Marxist-Leninist) and Nepali Congress shared the lead with Congress Party ahead with slight margin (Gellner 2014). The results were surprising for Pushpa Kamal Dahal (World Elections 2013).

Unfortunately, the failure of the Constituent Assembly was caused by various factors: the fragmentation within the party, unstable government, the race of power, attendance issue, misuse of authority, and ideological differences within the parties. The members of Constituent Assembly did not become responsible for their role and functional activities individually towards the achievement of self-goal instituted together as members of the Constituent Assembly, focusing towards the fulfilment of goals of their great importance. Finally, Prime Minister Baburam Bhattarai had announced fresh elections for a newly Constituent Assembly.

Conclusion

In recent years, Nepal ended its civil war, abolished the monarchy system, and established a multi-party democratic republic. Nepal's journey from a constitutional monarchy to a republican state and constitutionalism has not been easy. Constituent Assembly election played an important role in constitution making process. This was the only way to overcome the political and constitutional impasse in Nepal. Due to its failure in drafting a new constitution the first Constituent Assembly was dissolved after its original and extended total tenure of four years. The unfortunate failure of the Constituent Assembly was a result of political and ideological differences amongst the members of the communist party as well as other parties. The entire tenure of the Constituent Assembly was marked by political turmoil. The failure of the Constituent Assembly of Nepal in promulgating new democratic constitution has sent the country back into political constitutional uncertainties. The setback has been particularly painful because the Constituent Assembly missed the historic opportunity of defining and designing a new constitution.

Notes

1. . There is no physical link between Maoists in Nepal and India. However, there is an ideological link. Nevertheless, there have been numerous reports on the nexus between the Nepalese and Indian Maoists. There is the direct connection between Naxalism and Nepal's Maoist, in terms of resource sharing, military training and ideological borrowing.
2. Before the launch of their people's war (Janandolan 1), the Maoists had submitted a 40-point demand to then Prime Minister Sher Bahadur Deuba. These all demands were related to the nationalism, democracy and livelihood, which have been raised in the past.
3. The Jana Andolan 1 is the democratic movement of 1990 against the Panchayat System which was a one-party system ruled by the king. This anti panchayat agitation began on February 18, 1990. Backed by the professionals, doctors, engineers, bureaucrats, civil servants and the small urban working class joined the Jan Andolan 1 and staged huge protest rallies and demonstrations.

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