

~ Introduction ~

Assessing Nepali Transition

Pranab Kharel

A NEW/OLD BEGINNING

The changes of 2006 in Nepal were momentous in the sense that they not only transformed the nature of the state in auguring the federal, democratic and secular republic but also in consolidating the spirit and aspirations of many who had championed these ideals. These changes have also brought into motion new ideas/ideals to engage with for conceptualizing the state-society relationships. These changes, which can be considered as part of a major transition in the recent history of the country, have had far reaching implications. They have the ability, at least theoretically, to transform the power equations in both Nepali society and the corresponding state. The changes of 2006 came at the backdrop of a decade-long (1996–2006) Maoist armed conflict coupled with the pressure exerted by various rights-based social groups for their recognition and representation. Therefore, it is important to think about this particular transition.

Thinking about transitions in Nepal is a fascinating task. In reference to both the state and the cultural nation, Nepal has seen a multitude of changes in the recent decades. Some of these major changes have been characterized as a “transition.” The change of 1951 following the overthrow of the Rana oligarchy and the beginning of a multi-party system is considered a major transition in the history of twentieth century Nepal. A new set of actors emerged in the national

political landscape during the 1950s. New methods of conducting organized politics were also beginning to take shape during those years. Feudal structures began to be dismantled and modern state mechanisms were introduced. The 1950s was a decade “of social and political flux” (Liechty, Onta and Parajuli 2019: 6).¹

Similarly, the change of 1960—the takeover by King Mahendra in a coup in which he displaced a democratically elected government and the establishment of the partyless Panchayat system—began another transition in the sense that the form of governance was changed to one under the jurisdiction of an absolute monarch. The Panchayat system was marked by the absence of political parties. However, it expanded the scope of the (modern) state to spur development (*bikas*).² In fact, the Panchayat system tried to institute a mechanism to mobilize people, one akin to that done by political parties. King Mahendra introduced the Back-to-the-Village National Campaign (BVNC) in 1967 which was strengthened by his son King Birendra in 1975 by amending the original Panchayat constitution of 1962.³ However, the chasm between the state and society under the Panchayat system continued to widen, leading to a condition whereby Birendra had to declare a referendum held in 1980 in which the Panchayat system narrowly won.⁴

A decade later, the change of 1990 saw the overthrow of the three-decade old Panchayat system and the re-establishment of a multi-party competitive democracy as the “new” way of governing state-society relationship. The changes of 2006 followed assaults on that democracy by the Maoist insurgents and an atavistic autocrat in the form of King Gyanendra who had initially become a constitutional monarch after the royal massacre of 2001 in which Birendra and his

¹ For more on the long 1950s, see Liechty, Onta and Parajuli (2019).

² The notion of development has had many avatars in the 1950s/1960s and in the preceding Rana period. For subtle changes in the discourse of development during the 1950s, see Gyawali (2019).

³ For more on the BVNC, refer to Baral (1976), Shaha (1990) and Baral (2012).

⁴ For more on the referendum, refer to Baral (2021[1983]).

entire family were killed. Year 2006 then is only a recent addition to a long list of transitions. This book, *Reading Nepali Transition (2006–2015)*, attempts to make sense of some of the significant aspects of this transition.

So, what is a transition? The term is derived from the Latin word *transitionem* meaning going across or over. In popular parlance, transition refers to a period of makeover where the old structure has not been completely done away with and the new is yet to take shape. Even by that definition, we can argue that the relationship between the “old” and the “new” in terms of transition is one of continuity and change. For instance, the transitions of the 1950s and the 1960s were argued to have been marked by changes from a feudal mode of social and political arrangement to a modern one that is based on respect for individuality, the rule of law and the separation of private and public property.⁵ However, the experience of the said period offers a mixed impression. The new actors who came to the scene, for instance a section of the leaders of the new political parties were themselves members of the elite group in Nepal, having been part of the erstwhile landed aristocracy. Nonetheless, Nepal was slowly and steadily moving away from feudal social relations to industrial/service-based relations marking the arrival of a “modernizing state.”⁶

Similarly, the change of 1990 was important in bringing not just a new set of actors, but also in opening new avenues of livelihood for Nepalis who increasingly moved away from farm to non-farm activities.⁷ The liberalizing of the economy after 1990—which had already begun in the last years of the Panchayat system in the late 1980s—saw the coming of international finance to Nepal and this accentuated the service sector industry. Thereafter, Nepal (especially its urban centers) saw the rise of a new class of people who were rapidly making life around the global finance capital, instead of traditional

⁵ The Panchayat polity had a framework akin to that of a modern state.

⁶ For more on the politics of the 1950s and the early 1960s, see Joshi and Rose (2004[1966]).

⁷ For more on these changes, see Mishra (2067 v.s.).

agriculture. This change found continuity in the transition of 2006. The latter ushered in changes that had fundamental ramifications for the way we think of state-society relationships—federal, secular and republic.

So, do the changes in the mode of economy and the accompanying social and political formations indicate anything new? The answer is both yes and no. Yes, in the sense that the new characters of the state are indicative of the fundamental transformations that the society has undergone in the last thirty years. These changes have opened new ways of organizing society including its politics and economy as Nepal engages more with the global order. However, they may not appear new if judged against the transformations undergoing in Nepali society and the state in the last seventy years. The last seven decades have seen the oscillation between party-led transformation (the change of the early 1950s, although monarchy also had a role in that) and some form of authoritarianism such as the one in the Panchayat era as well as contemporary times where political parties are increasingly seeking to control all aspects of Nepali society. In between, the Nepali society and state have evolved in a way that when placed on a longitudinal analysis demonstrates improvement in many of the human development indices, although not always at a satisfactory level. Therefore, we have to understand political transition as a complementary process to the other social, economic and cultural transformations taking place in the society.

Now, moving on to the book itself, it centers on the larger political transition of 2006. Transition in this book broadly refers to the process of change in the form and to an extent the content of the state structures. Transition, here, is understood as state-centric process although it has wider ramifications for the societal dynamics. However, the latter is not covered by the chapters in this book.

The book is divided into three broad sections. The first section is titled “Claim Making: Contestation and Remolding for Identities” which delves into claim making by the various groups on the state and the latter’s strategy to cope with those claims. The second section is

called “Constituent Assembly: A Space for Transformative Politics or Power Aggrandizement?” The chapters in this section deal with the intricate processes within the two Constituent Assemblies (CA) such as the workings of the various thematic committees and the issue of attendance of senior leaders indicating their commitment (or lack thereof) to the deliberations within the CAs. The third section is entitled “A Long Wait: The Issue of Transitional Justice and the Future of Former Maoist Combatants.” The chapters in this section deal with the issues of managing the former Maoist combatants and the complexity of disarming, demobilizing, and reintegrating those combatants. Likewise, other chapters in the section cover the issue of transitional justice focusing on aspects of reactions from the families of the disappeared (by the then state) and the discrepancy of the usage of the concept of human rights and associated ideas in the field practices in Nepal.

This edited volume brings together the aforementioned three themes which are important to understand the 2006 political transition, the first phase of which ended with the promulgation of the new constitution in 2015. Most of the chapters in this volume have been reprinted. Two chapters—by Ujjwal Prasai and Mukta S. Tamang—are being published for the first time. It is hoped that this book will facilitate a good overview of the three aspects of the 2006–2015 political transition in Nepal mentioned earlier, especially to young readers who are not veterans of Nepali politics or Nepal Studies. This reader, however, does not cover some of the areas of the post-2006 developments. There are no chapters on *Janajati* and women caucuses in the CA. Likewise, the role of non-government organizations in shaping the discourse of the period is also absent.

There are, however, other works that engage with themes covered in the reader. Two books related to that period (2006–2015) with the word “transition” in their titles include *Nepal in Transition: From People’s War to Fragile Peace* (Einsiedel, Malone and Pradhan 2012) and *A Difficult Transition: The Nepal Papers* (Sharma and Tamang 2016). The former, in terms of the time period covers some aspects

of the political developments up to 2011, but has a different focus. Chapters in that edited volume look at the Maoist insurgency, the involvement of the United Nations and international actors in Nepal's peace process, the CA, and discuss transitional justice. Likewise, the second book, also an edited volume, has chapters that talk of sexual impunity prevalent in Nepal with legal, political and social implications including in the period of the armed conflict (1996–2006) and afterwards. Similarly, two edited volumes *Participatory Constitution Making in Nepal: Issues of Process and Substance*. Vol. I: *Post Peace Agreement Constitution Making in Nepal*. (Karki and Edrisinha 2014a) and *The Federalism Debate in Nepal: Post Peace Agreement Constitution Making Nepal*. Vol. II (Karki and Edrisinha 2014b) also bring to light some of the important facets of constitution making through the CA and aspects of the discussion on federalism. In fact, focus of some chapters in this reader, especially dealing with transitional justice and peace process overlap with chapters in the aforementioned two edited volumes by Karki and Edrisinha. Additionally, two books provide important details on the working of the CA and its associated politics. *Federal Nepal: Trials and Tribulations* (Jha 2018) documents the working of the CA, especially from a Madhesi perspective focusing on issues such as citizenship and federalism. Likewise, *Ganatantrik Nepalko Samvidhan: Nirman Prakriya, Patra ra Antaryastu* (Khanal 2018 v.s.) makes a concerted effort to delve into the very nitty-gritty of the workings of the CA, including some of the work that was done by the various thematic committees.

Apart from these, there are a number of books in Nepali language that delve into related themes. Some of the themes include state restructuring and inclusive democracy with recognition for identity of the marginalized groups such as the *Janajatis*, Dalits and women (Tamang 2065 v.s.; Khanal, Subedi and Tamang 2065 v.s.; Shrestha 2066 v.s.; Baral and Hachhethu 2070 v.s.; Hachhethu 2070 v.s.). Likewise, there are works in English that cover the broader dynamism of the period including the impasse in CA-I (Adhikari

2012). Similarly, some other works focus on the Maoists as the center of political mobilization and change (Adhikari 2014) and the Madhesi forces (Jha 2014).

Therefore, when viewed in light of all these texts, the current reader brings together three important aspects of political transition—identity-based claim making, the peace process and transitional justice, and constituent assembly. In fact, the section on identity-based claim making could be considered a unique characteristic of this book as this issue has not been discussed at great length in any of the previously published books.

YEAR 2006: A WATERSHED MOMENT

The change in the basic political and administrative character of the Nepali state was one of the major outcomes of the mass movement of 2006. The immediate cause for the movement was the autocratic rule of the then King Gyanendra who had usurped power from the hands of the political parties in February 2005. A massive mobilization of civil society had taken place against this move of the king. The civil society movement invigorated the *Nagarik Andolan* that intended to resist the move of the monarch and was instrumental in shaping not just the mobilization of the masses, but also in giving it a proper direction (see Basnet 2022 and in this volume). The movement, which came to be understood as the proximate cause for the change in the character of the Nepali state, had brought together the seven political parties represented in the then dissolved parliament and the Maoist party which had been waging a military campaign against the then system. Apart from the political parties, the movement (rather the uprising of 2006) had brought to fore new ideas and actors in the Nepali political landscape that championed the agendas seen in its aftermath. The Nepali state was declared a federal secular republic. This marked a tectonic shift in the nature of the state which was unitary in both form and substance and had adopted Hinduism as its official creed with constitutional monarchy as a major state power and character.

Therefore, when the Nepali state acquired new characters and nomenclatures it was a watershed moment. It provided a new point of departure for Nepalis to imagine a re-structured Nepali state and nation. I am aware that the stated or intended broader objectives of the 2006 movement have not yet been realized to a full extent. Even though certain political idioms and concepts such as federal, secular and republic have been inserted into the state mechanism including the constitutional arrangement, the spirit of these are yet to take shape. Therefore, in this introduction I will try to focus on the conceptual framings of the new political lexicons, rather than identify the pros and the cons of the political arrangements.

A major impetus for the realization of these ideas was the push from “below” in that a varied cross-section of the national population participated in a multitude of ways to bring out these changes. These populations are those “subalterns” who have traditionally been excluded from the “national mainstream.” These are generally clubbed as Madhesis, Dalits, *Janajatis*, women, Muslims and the poor.⁸ These categories of people employed a variety of means to achieve these goals. These means varied from participation in the political parties (advocating both violent and non-violent methods to achieve these objectives) and social movements (both relatively autonomous ones and those that had close ties with various political parties) as well as using legal and constitutional arrangements.⁹ The twice-elected CA was supposed to be a major platform where the factors that led to the change of 2006 were to be debated, contested,

⁸ These classifications are accepted in the academic and popular writings in/ on Nepal. However, one has to also examine the formulation and cross-sections of these categories. Such an exercise, however, is beyond the remit of this text.

⁹ One of the strategies used by these groups is to avail the provision of public interest litigation to secure their respective rights. This provision allowed the groups to engage with the state which in turn adopted a new approach. The Nepali state has signed many human rights treaties in the post-1990 period, and has therefore expanded its own responsibilities. These groups, in order to remind the state of its responsibilities, repeatedly invoked these very international commitments made by the Nepali state.

and put into some constitutional framework.¹⁰ But, the changes in power equation among the concerned actors in the wake of the elections of the first CA (hereafter CA-I) eclipsed the actual workings of the assembly. The CA fell hostage to the negotiations and compromises among the top leaders of the major parties that took place outside the elected assembly.

Coming back to the issue of 2006 as the marker of change, one has to be mindful that many of the issues raised in the post-2006 political and social landscape were being discussed and to some extent practiced in the decade after the restoration of the multiparty competitive democratic framework in 1990. One of those issues included rights-based identity politics with multiple formations such as ethnicity, language, religion and gender. One of the major actors in the process of identity-based claim making that begun in the early 1990s was the Nepal Federation of Indigenous Nationalities (NEFIN). NEFIN is an umbrella organization of various ethnic groups in Nepal that advocates for cultural, linguistic and political rights of the affiliate groups (Onta 2006).

However, the policy of the then Communist Party of Nepal-Maoist (CPN-M) to engage with ethnic identity changed the dynamics. The Maoists vigorously campaigned along the issue of identity to the extent that in the early 2000s the party reorganized itself along ethnic formations by proposing various ethnic autonomous regions. In fact, the Maoist party's campaign for social change and transformation ran parallel to the earlier mentioned efforts by other groups.¹¹ These processes were crucial in bringing about a change to the existing political structure along with the fact that issues of

¹⁰ Nepal witnessed elections for two Constituent Assemblies. CA-I was elected in 2008 whose term ended in 2012 without producing a constitution despite extending the original two years' mandate by another two years. The second CA (hereafter CA-II) was elected in 2013 and it came up with a constitution in 2015.

¹¹ The then Maoist party had presented a formidable challenge to the state in a way that no other force had done in the recent past. For more on this argument refer to ICG (2010).

identity, inclusion, recognition and representation came to occupy central place in the political discussions. Likewise, the agenda of secular, federal and republic as the characterization of the state came to fore in a major way.

First, I will take up the republic theme. One of the major issues at the heart of change of 2006 was doing away with the institution of monarchy that had prevailed in various forms for much of Nepal's existence. The last of these monarchs were part of the Shah dynasty that ruled over Nepal for 238 years.¹² The 1940s saw new forms of mass politics with political parties emerging to contest for power along with traditional political actors such as the members of the Rana aristocracy and Shah monarchy.¹³ The role of King Mahendra was important in shaping the direction of democratic politics, which he nipped in the bud in 1960 just over a year and half after Nepal had its first ever popularly elected government in mid-1959. The next three decades saw the imposition of the partyless Panchayat system led by the king for all practical purposes. The Panchayat, however, witnessed its own contradictions, one of which was the creation of the middle class, albeit a nascent one.

Members of this middle class (especially those coming from non-aristocratic background) were influential in mobilizing support against the regime. As a result, the political change of 1990 saw the abolition of the Panchayat system and the re-establishment of the multi-party system.¹⁴ The relative opening up of the polity created new opportunities including economic ones. The change of 1990 most importantly ended up creating a new class of people as new avenues of livelihood opened up. These were accompanied by the expansion of the private sector, where new graduates from various

¹² 238 years is a period starting with the conquest of Kathmandu Valley by Prithvi Narayan Shah. The history of Shah dynasty is, however, longer than that.

¹³ For more on the workings of the political parties and other groups in the 1940s, refer to Uprety (1992).

¹⁴ For more on the panning out of the 1990 movement, refer to Hoftun and Raeper (1992) and Hoftun, Raeper and Whelpton (1999).

new Nepali universities were employed.¹⁵ As the private sector grew, it offered an alternative to the situation under the Panchayat system, where the state was the mainstay of the economy. This meant that people no longer relied only on the state for employment. Hence, people had a new set of options and opportunities before them.

In comparison, the change of 2006 did not alter the life of a common person drastically in the way the change of 1990 did. This change was not followed by the creation of new economic opportunities for the population. Still, the changes that occurred were significant in that they altered the structure, and to an extent, the content of the Nepali state as described earlier. All three characteristics that define the post-2006 Nepali state—federal, secular and republic—have strong linkages to the development of the 1990s. For instance, the expansion of the middle class in the post-1990 period ensured a creation of a new class of professionals who took up non-agriculture/farming jobs, especially in the service sector.¹⁶ These groups of people were different from their preceding generation which had relied on agriculture as their means of subsistence. The new class of people, coming out of the university education, had aspirations and connections that were global in nature. Therefore, they were not obliged to kowtow to the institution of monarchy. This class of people identified very little with the monarchy and could not be counted as the base for the institution.¹⁷ This led to the foundation for the republican set-up.

¹⁵ For more on these changes, refer to Mishra (2015).

¹⁶ For more on the Nepali middle class in the post-1990 period, see Liechty (2008[2003]).

¹⁷ For more on these dynamics, refer to Mishra (2007 v.s. and 2015). In his latter work Mishra offers a framework that led to the establishment of the republic and other allied changes. There are five components in the said framework: 1) Weakening/demise of the pre-capitalist feudal forms; 2) expansion and intensification of capitalist form; 3) successive and increasingly successful democratization, individualization, capability enhancement and empowerment; 4) royal coup; and 5) popular resistance, collaboration between civil society, traditional parliamentary parties and the Maoist rebels.

Second, the secular characteristic attributed to the post-2006 Nepali state is also linked to the 1990s. A deeper history of the idea of secularism in Nepal (which is not possible here) would take us to years much earlier than the time when the *Janajati* movement took off in the early 1990s.¹⁸ The demand for secularism has been around, albeit in passing since the 1950s (Gautam 2075 v.s.). From the early 1990s, the *Janajati* groups demanded vociferously that Nepal be made a secular state. They maintained that there was a need to recognize the multiethnic/religious character of the Nepali society by the state which had largely adopted Hindu values. One of the major contentions of the *Janajati* groups had been their classification within the Hindu fold by the *Muluki Ain* of 1854, the national code promulgated during the premiership of Jang Bahadur Rana.¹⁹ Likewise, the constitution of 1962 promulgated by the Panchayati state had declared Nepal as a Hindu state for the first time. This constitutional declaration led to the consolidation of the Hindu character of the state which found continuity in the constitution of 1990. Ethnic assertions had been a major way for the *Janajati* groups to challenge the Hindu attribute of the Nepali state. Therefore, sustained efforts by the *Janajati* groups paved the way to declare Nepal a secular state.²⁰

Third, as the *Janajati* groups campaigned for a secular state, calls for devolution of power and recognition of the cultural diversity in the Nepali society by the state grew louder. The federal debates that gained currency after 2006 could be considered a reaction to the debates on decentralization during the Panchayat era, which also included the issue of cultural representation and recognition,

¹⁸ For more on the panning out of the secularism idea, refer to Gellner, Hausner and Letizia (2018).

¹⁹ For more on the *Muluki Ain* of 1854, refer to Höfer (2004[1979]). Additionally, refer to Gellner, Pfaff-Czarnecka and Whelpton (1997) on the interface between the ideas of nationalism, ethnicity and the Hindu character of Nepali state.

²⁰ See Gautam (2078 v.s.) to further understand the relationship between secularism and the 2006 popular uprising.

raised especially in the 1990s. The decentralization debates struck chords across caste, class, ethnic, gender and regional formations. Centralization of power by the state had created many layers of people who felt excluded from what is termed as the Nepali mainstream. Exclusion owing to geography also played its part in centralization of power. As a result, even people belonging to high caste groups like Brahman and Chhetri from geographically excluded areas found themselves on the receiving end of the exclusion by the central government.

One of the major groups that suffered from the process of cultural centralization and exclusion have been the Madhesi.²¹ The Madhesi were construed by the state to be a different cultural group speaking different languages other than the dominant Nepali and perceived to be following other cultures that were closer to North and East India than the so-called mainstream Nepali culture. Therefore, the Nepali state had a suspecting eye for the Madhesi caste groups and thereby largely excluded them from the important institutions of the state.²² The suspicion was not just confined at the state level, but also

²¹ Madhesi is now an established political category. However, there are significant aspects to consider. The category of Madhesi has to be understood at two levels: One, the use of Madhesi as a category to denote those that negotiated with the power establishment in Kathmandu in the aftermath of the 2006 popular movement that was followed by the 2007 Madhesi uprising. Second, the category of Madhesi is both multi-layered and internally differentiated. The social and cultural relations between different Madhesi groups arranged along the caste hierarchy calls for a more nuanced examination. For more on the exclusion of Madhesi, refer to Gaige (2009[1975]) and Gautam (2064 v.s.).

²² The provision of affirmative action has facilitated mass entry of Madhesi in the state institutions. Following the adoption of a provision in the Interim Constitution, 2007 (Article 33[d1]), to secure proportionate representation of various marginalized groups such as Madhesi, Dalits, *Janajati* and women, among others, the government amended various acts concerning the public offices to include a provision of affirmative action in the form of reserved seats for the said groups.

manifested in the social interaction between the hill members and those of the Madhesi caste groups.²³

The call for cultural and political recognition by the Madhesis goes back to the 1950s when Vedananda Jha floated Nepal Terai Congress and demanded that Hindi be used as medium of communication in the Tarai.²⁴ Likewise, in the 1980s and afterwards a Nepali Congress (NC) member Gajendra Narayan Singh broke ranks with his party and formed Sadbhawana Parishad, the organization that advocated for cultural recognition for Madhes. In the period after 1990, the Madhes witnessed transformations at political and cultural levels. Nepali Congress that dominated the political proceedings of the period saw a steady loss in its hold over the Madhes. Not only the NC, but also the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) saw many of their mid-ranking leaders join organizations advocating for Madhesi rights, especially cultural and political. One such organization was the Madhesi Janadhikar Forum (MJF), an NGO.²⁵ The MJF drew members from both NC and CPN-UML and created a forum to further the discussion on Madhesi marginalization. This very non-governmental organization under the leadership of Upendra Yadav led the protest as the Interim Constitution (IC) 2007 failed to incorporate the term federal in it.

Following the burning of the IC by Yadav and his supporters in 2007 in Kathmandu, the Madhes was outraged. It took two addresses by the then Prime Minister Girija Prasad Koirala for the protest to subside. Following the addresses by PM Koirala, an agreement was signed between the MJF, other Madhes-centric parties and the

²³ There are interactions such as celebration of festivals and rituals between both Madhesi and hill community members (except for those *Janajati* groups that are non-Hindu) especially in Madhes, as both belong to same religion, Hinduism. However, those interactions are also governed by certain boundaries, which make social formations such as marriage between the two communities a difficult proposition.

²⁴ For more on the churning in the Tarai during the 1950s, refer to Gaige (2009[1975]).

²⁵ MJF was initially registered as a non-government organization (NGO).

government that led to the incorporation of the term federal in the constitution.²⁶

The political developments after 2005, following the takeover of the executive power by King Gyanendra, including the popular uprising of 2006 and the Madhes revolt of 2007 (Gautam 2064 v.s.) showed that Nepalis were pitching claim making on the state in a big way. The process, which was set in motion in the 1990s, found new direction after 2006. The next section of this introduction engages with the processes of the claim making as asserted by various groups. It also focuses on how civil society was mobilized as the then King Gyanendra exercised authoritarian control.

CLAIM MAKING: CONTESTATION AND REMOLDING OF IDENTITIES

Claim making is an important feature of asserting oneself as a citizen. In order to do so, citizens take up various methods. One of them is to regroup as civil society and assert the collective identity of a citizen. Nepalis did resort to such a process when the then King Gyanendra assumed direct control in 2005. In order to wrest power from a king who had repeatedly violated the constitutional agreement of 1990, citizens contested his political authority by resorting to peaceful protest against his authoritarian rule. Chapter One by Chudamani Basnet shows how citizens mobilized themselves to resist King Gyanendra's regime. In particular, Basnet focuses on the Citizens' Movement for Democracy and Peace (CMDP). He argues that to be a citizens in a democracy "was to fashion a new way of being; a new relation with the state, society, and each other; and a new mode of action."

Even as Nepali people staked claim as citizens in the 2005–2006 uprising, claim making upon the state by various cultural groups who are also considered marginal, emerged as one of the important markers in the post-2006 period. The desire and the intent on the

²⁶ For more on these developments refer to Gautam (2064 v.s.) and Jha (2014).

part of these groups to seek both representation and recognition by/in the state proportionate to their population catapulted these groups into mobilizing themselves along the identity axis and secure themselves a constitutional recognition.

Such a process was initiated by the Madhesi groups in the wake of the non-inclusion of the term federal in the IC 2007, which they considered a non-compliance of the then major parties—NC, CPN-UML and the Maoists—to the principles of the political constellations agreed in the aftermath of the 2006 popular movement. But, the contestation by the Madhesis was a marker that the social/cultural group would no longer be content with mere representation and therefore, demanded recognition. Chapter Two by Bhaskar Gautam brings to light the panning out of the movement and some of the aftereffects of it. Gautam goes on to argue that after the 2007 uprising, there is less of a coherent call for providing equal opportunities to Madhesis despite the differences. Rather, he points out that the Madhesi parties sought to “legitimize the difference” between the Madhesis and the Pahadis as a way of participating in governance.

But, another group, the Tharus, contested the identity mobilization by the Madhesi groups in the southern plains. Both these “non-hill” groups contested each other for recognition of their distinct identities. As the Madhesi caste groups of eastern and central Tarai controlled the political narrative of the Madhes, the Tharus challenged the “increased Madhesization of Madhes” that excluded them. In Chapter Three Krishna Pandey raises these arguments and goes on to portray the changing dynamics among the two non-hill groups—Madhesis and Tharus—in the Madhes. He shows how the Tharus who had “enthusiastically participated” in the Madhes uprising of 2007 went on to oppose the blanket label of “Madhesi” being heaped at the group by the Madhesi leaders just two years later, pointing to the internal churning in identity politics of the Tarai in the process.

The claim making by the cultural/marginal groups also pertains to citizenship dynamics. The idea and practice of citizenship in Nepal has been exclusionary. Nepal's rulers seek to define "Nepali" in terms of ideas constructed around a narrow state-centric understanding of cultural groupings. Towards that end, ethnicity and gender emerge as a major rallying point to exclude who constitutes Nepali citizens. The Madhesi cultural groups which have extensive cultural linkages in India are looked upon with suspicion for their "loyalty" toward the Nepali state. Likewise, women, from the vantage point of patriarchy, are considered second class when it comes to the practice of citizenship. Surabhi Pudasaini has dealt with these issues from the perspective of activism in Chapter Four. Pudasaini examines the debates over citizenship during the constitution making process (end of 2014 to September 2015) in a number of institutions: courts, bureaucracy and policy/legislation. She also delves into the underlying concerns about citizenship from the perspective of lineage and Nepaliness, referring to women and Madhesi groups.²⁷ Pudasaini also demonstrates the tactical alliances played out among these groups to secure the citizenship provision, highlighting in process the possibility of "inter-marginal alliance." She makes an effort to put different groups with interests linked to each other under the category of the marginalized. In so doing, Pudasaini demonstrates the potentialities and limitations of putting these groups together through the act of activism.

The *Janajati* groups also known as indigenous nationalities had made a major mark in the constitution making and claim making process upon the state. They had made a concerted effort to secure constitutional recognition of their identity and the corresponding rights. In Chapter Five, Mukta S. Tamang details the efforts of the *Janajatis* in the CA to secure their recognition for political rights. Tamang goes on to show the key issues raised in the CA and constitution making pertaining to the indigenous rights such as

²⁷ For more on citizenship dynamics pertaining to Madhes with special reference to women, see Lal (2019). Also see Jha (2018).

representation, the delineation of the provinces and their naming. He also engages with the limits of the process arising from the backlash of the dominant cultural groups which led to the non-accommodation of the demands of the indigenous groups.

The backlash against the demands of the *Janajati* groups by the dominant Bahun-Chhetri group both within and outside the CA had been a major contestation for power restructuring during CA-I. In fact, there was a strong sense of “otherization” in the Bahun-Chhetri group in the run up to the demise of CA-I. Such a sense of alienation led one of the groups, Chhetris (particularly of western Nepal), to reassert themselves. In Chapter Six, Ujjwal Prasai documents the mobilization of an organization, Chhetri Samaj Nepal (CSN), against that sense of “otherization.” The Pokhara-based group reinvigorated itself to offer a “push back” against the assertion of Gurungs’ claim for ethnic identity based federal arrangement in what is now the Gandaki Province. The contestation, which at times turned into animosity, was indicative of the major fault line in the constitution-making process through the CA. Prasai goes on to show how CSN organized the Chhetri community, particularly “educating” them to position themselves against identity-based federalism. The chapter also showcases how Chhetri leaders and scholars propagated ideas in public that supported the CSN to emerge as an effective organization.

In the list of claim making in the CA, the Dalits also had their share. In Chapter Seven, Yam Bahadur Kisan brings to light the three sets of discourses concerning Dalits and federal arrangement both within and outside the CA. The first set of discourse concerns anti-federal discussion led by Jatiya Samata Samaj affiliated with the Rashtriya Jana Morcha, a formation which was against the idea of federalism. The second set of discourse was a pro-federalist one led by the Nepal National Dalit Liberation Front affiliated with the Unified Communist Party of Nepal-Maoist (UCPN-M). The third one was led by a group of activists and academics which Kisan titles as Dalit-centric federalism. He also discusses both territorial and non-territorial claims for Dalits in the provincial delineation and

the arrangement of power structure.²⁸ Kisan goes on to show the strength and weakness of each discourse including how the ideas being proposed panned out in the federal set-up in addition to the reservations being expressed for territory-based federalism for the Dalits.

Even as varied cultural groups have made many claims off the Nepali state in the post-2006 period, the state itself has been “clever” in negotiating with them. As the state was confronted with the prospect of multiple and at times overlapping claims for recognition by different groups, it employed a policy of forging vaguely worded agreements with these groups. Elaborating the process, Lokranjan Parajuli in Chapter Eight goes on to show how the state in those crucial years of negotiations attempted to formulate a “win-win” situation for the groups by recognizing their competing claims. Therefore, the state was able to weather the process of contradictory claim-making instead of wilting away under their heat. The strategy employed by the state to get through the turbulent period also “tired” out the various movements.

CONSTITUENT ASSEMBLY: A SPACE FOR TRANSFORMATIVE POLITICS OR POWER AGGRANDIZEMENT?

Nepal witnessed two elections for the Constituent Assembly (CA)—first on April 10, 2008 and the second on November 19, 2013. The much awaited CA when elected for the first time generated hopes for a peaceful transformation of Nepali society and polity in the backdrop of a decade long civil war that ended in 2006. The CA was expected to come up with a constitution that would provide a framework to consolidate the political and social transformation ongoing in the country. CA-I did a lot of work toward generating a new constitution but could not promulgate one by the time its extended tenure ended in May 2012. CA-II began by taking ownership of the issues agreed in CA-I. CA-II was able to come up with a constitution in September

²⁸ For another discussion on Dalits and federalism in Nepal, refer to Bishwakarma (2019).

2015, although it was contested by Madhes-based parties, a key constituent to the process.

Both the CAs showed some common features. The functioning of the full house of the assembly was dictated by the top leadership of the major political parties. The intricate negotiations between and among the political parties and a select groups of leaders influenced the functioning of the CA. Likewise, the workings of some of the committees also gave little indication of consensus as a working spirit among the committee members. Similarly, the functioning of various caucuses and their relationship to the donor community also constituted a major issue in the workings of the CA. The issue of attendance and regularity of (senior) leaders in the CA proceedings were regularly flagged both inside and outside the assembly. The chapters in this reader, however, only focus on the issue of attendance (Chapters Nine and Ten) and the process of the CA (Chapter Eleven).

Coming to CA-I, following the agreement with the MJF and other agitating Madhesi parties in 2007–2008, the conditions to hold the elections for CA were finally realized. All the major parties contesting the election had premised themselves on consolidating the basic character of the state—federal, secular and republic—through the yet-to-be elected body. Additionally, it was also expected that the CA would set the constitutional and legal frameworks for a more just and equitable society addressing many of the historical injustices along with creating a democratically functioning and accountable re-structured state.

The elections for CA-I in April 2008 were historic as it was the first time when the people of Nepal got to elect a body that would draft a constitution.²⁹ The previous constitutions had been handed down by

²⁹ King Tribhuvan Shah had promised to hold elections for the Constituent Assembly following the change of 1951. However, that promise never materialized. In fact, he had approved of the proclamation made by the then Prime Minister Mohan Shamsher Rana where the latter had announced the holding of elections for CA no later than 1952 (Joshi and Rose 2004[1966]).

the monarchs and had seen no meaningful public participation in their making.³⁰ The size of CA-I was fixed at 601 members who were to be elected from a mixed electoral system. Of the 601 members, 240 were to be elected from single-member constituencies following the first-past-the-post (FPTP) system. Likewise, another 335 members were to be elected under the proportional representation (PR) system. The remaining twenty-six were to be nominated in the CA by the Cabinet. CA-I was one of the most inclusive elected bodies in the history of Nepal. Its formation provided, at least in theory, an opportunity for some of the most underrepresented communities to make themselves heard during the process of making the new constitution.

CA-I saw former Maoist rebels emerge as the largest party by securing 120 seats in the FPTP system and hundred seats under the PR method. NC obtained thirty-seven FPTP seats (and 73 PR seats) whereas CPN-UML obtained thirty-three FPTP seats (and 70 PR seats). The CA elections saw the rise of Madhes-centric parties. The MJF secured thirty seats under the FPTP (22 PR seats) and the Tarai Madhes Loktantrik Party (TMLP) got nine seats (11 PR seats). Sadbhawana Party secured four (5 PR seats).³¹ Following the election results, it was clear that the CA was headed for some heated sessions as the major parties in the elected body were themselves divided on crucial issues. The Madhes-centric parties had aligned themselves with other three major parties based on their proximity on contentious issues of constitution drafting. The MJF which advocated for a directly elected president was more close to the Maoists. TMLP and Sadbhawana were close to NC and CPN-UML in advocating for a parliamentary system. Likewise, the Madhesi

³⁰ The 1990 constitution was drafted by a committee comprising members of the erstwhile banned parties, representatives of the palace and some “independent” members. The committee did seek inputs from the public while working on the draft of the constitution (Hachhethu 1994; Hutt 1994).

³¹ For details, refer to Phuyal (2070 v.s.).

parties were close to the Maoists on the issue of federalism, especially on the issue of cultural recognition.

The contentious issues in CA-I included the role of ethnicity in restructuring the state, particularly the idea of providing priority rights to the dominant group in a province. The form of the government to be adopted—directly elected president or a prime minister chosen by the parliament or a directly elected prime minister—was another contentious issue. The process and the basis for state restructuring remained contentious in CA-I to the extent that the major parties including the Madhes-based ones decided to go for the formation of a State Restructuring Commission (SRC). The Commission, ultimately, was divided into two camps reflecting the political divisions within CA-I and gave two separate reports in January 2012.

Identity and capability were considered as the basis for federating the country. However, there was considerable difference among the parties as to which of these factors should be prioritized. In fact, the parties differed on the number of provinces citing these two conditions. The Maoists had advocated for more provinces emphasizing identity while the NC and CPN-UML were for a fewer number of provinces citing the elements of capability and viability of the proposed provinces especially along economic lines. In CA-I, the Maoists had initially proposed a fourteen-province model which also included autonomous and protected areas. But, the party later went for an eleven-province model along the lines of recommendations made by the majority members of the SRC. Similarly, both NC and CPN-UML had pitched for a seven-state model in CA-I. Unlike the Maoists, they had not suggested any names for the proposed provinces.

Just as in the content of the constitution, the dynamics of power sharing also affected the workings of CA-I. The Maoists emerged as the largest party contrary to the expectation of the NC, CPN-UML and their associated sympathizers. Thereafter, all sides including the Maoists started renegeing on the promises of cooperation with each

other. This soon forced CA-I, which also acted as the parliament, to engage in power equations. The delicate balance needed between constitution drafting, power sharing and the issue of cantoned former Maoist combatants started to weigh in favor of power sharing.

The CA-I, however, could not come up with a constitution owing to contention about some of the major issues of the statute mentioned earlier. The term of the CA expired as per the verdict of a Supreme Court which had placed a one-year term cap on the elected body in May 2011. Following the expiry of CA-I in late May 2012, the elections for CA-II were held in November 2013 under a technocratic government led by a sitting chief justice of the Supreme Court. The result of that election altered the power equation as NC and CPN-UML emerged as the major actors with 105 and ninety-one seats respectively under the FPTP with the Maoists securing third position, albeit in a depleted condition with mere twenty-six seats. The Madhes-centric parties also lost a significant number of seats with the original MJF split into MJF-Nepal, MJF-Loktantrik and MJF-Ganatantrik. The first two managed to obtain mere two and four seats respectively under the FPTP system while the latter one blanked out.³²

The numerical alteration in CA-II also had its corresponding effects in the ways some of the issues were negotiated. The considerable weakening of the Maoists and the Madhesi parties meant that the question of ethnicity in the overall process of constitution-making lost its salience. These parties were in a significantly disadvantageous position in CA-II. In CA-II, NC and CPN-UML argued for a north-south division of the provinces. The Madhes-based parties, on the other hand, had always campaigned for a single, and autonomous, Madhes province. But, they had to concede some grounds to another non-hill group, the Tharus. The Madhesi parties in CA-II had also pitched for locating the local governments under the purview of the provincial governments in the new constitution.

³² For more on the election results of CA-II, refer to Khanal (2078 v.s.).

The animosity generated by ethnicity among the various political parties in CA-I had considerably subsided as both the Maoists and the Madhesi parties, the supporters of the idea, had failed to perform well in CA-II. The Maoists had lost significant steam and were ready to let go of their army, the People's Liberation Army, which had been, although cantoned, a major bargaining tool for the party. Therefore, they were dragged into the agendas set by NC and CPN-UML. Likewise, the Madhesi parties also could not make themselves significantly heard resulting in some of their crucial agendas such as citizenship being sidestepped. The political landscape saw drastic change following the earthquake of April 2015, which allowed enough space for NC, CPN-UML, the Maoists and the Madhesi Janadhikar Forum-Loktantrik (MJF-L) headed by Bijaya Gachhadar to come together to sign a sixteen-point agreement in June 2015 to "fast track" the statute writing (Hutt 2020). Additionally there was border obstruction by the Madhesis, followed with a blockade by India in the same year. These events gave opportunity for the signatories of sixteen-point agreement, except MJF-L, to promulgate the constitution in September 20, 2015. Madhesi parties including MJF-L represented in the CA, however, staged a walkout from the CA protesting the making of the constitution.³³

In addition to the aforementioned equation, the tendency of senior leaders of major parties to ignore the CA (both CA-I and -II) at times turned the elected body into a rubber stamp held hostage by negotiations among the leaders in the forums outside the CA that neither the elected body nor the IC 2007 recognized. As a result, the historically marginalized were robbed of an opportunity to make the CA a proper platform to redress their problems. The parties had decided among themselves to form a high-level political mechanism to resolve contentious issues. This cross-party mechanism did not have any legal or constitutional validity. In fact, this mechanism was used to resolve the contentious issues and its outcomes were

³³ For more on the dynamics of constitution-making in CA-II, refer to Khanal (2078 v.s.).

imposed on the CA. The purpose here is not to criticize the attempt of the parties to hold dialogues among each other, but the intent is to show how the senior leaders bypassed and ignored the deliberative space of the CA. This undermining resulted in a top-down approach, contrary to the consultative and dialogic spirit of the CA where in principle every member should get a chance to voice his/her point of view.³⁴

The fact that senior leaders ignored the proceeding of the CA can be gleaned from their abysmal attendance record which is discussed in Chapter Nine of this book. Published earlier as a policy brief by Martin Chautari (MC), it points out the apathy shown by the senior leaders towards the workings of the CA. When it came to attending the sessions of CA-I, Sher Bahadur Deuba of NC fared at the lower side with less than three percent attendance while Pushpa Kamal Dahal, an ardent champion of the elected body, clocked a mere 6.5 percent. In fact, the contempt for CA proceedings by the senior leaders continued in CA-II as well with the attendance record of KP Sharma Oli of CPN-UML and Deuba and Sushil Koirala (both of NC) fairing at the bottom end. An analysis of the attendance in the CA-II sessions between January 22, 2014 and June 30, 2014 done by MC indicates that the leaders failed to correct their past mistakes of ignoring the elected body (Chapter Ten).

The process of constitution drafting was itself important and needed careful documentation. Chapter Eleven by Krishna Khanal brings to light different layers of the processes involved in drafting the constitution in both CAs. He has demonstrated how the CA worked as a process. In addition, Khanal has provided details of how the committees in both the CA performed their tasks. He details the making of the preliminary draft of the constitution and the ways many of the disputed issues were negotiated.

The process involved in both the CAs was a casualty to the majoritarian mindset. Power equation, especially sharing of governmental power was the main obstruction coupled with the fact

³⁴ For more on the politics of CA, refer to Jha (2018).

that multiple sides of the negotiation in the process were suspicious of each other's intent. This robbed the chance for both the CAs to be a forum of deliberation. This also affected the workings of the thematic committees where the real work of the constitution drafting happened. The two CAs were converted into space for aggrandizing power by the main political parties. The fact that state power arrangements were made as bargaining chips for the constitution writing process demonstrated that fluid situations could well be used as a card to enhance one or the other party's interests. The process also demonstrated the need for sincerity, especially regularity, among senior political leaders in the deliberations. However, their neglect of the process within the CAs raised doubts on the commitment of the senior political leaders across the major parties to the CA process itself.

However, it is not just the CA that was unable to perform its desired task. The "settlement" of the former Maoist combatants became a vexing issue. The future of cantoned combatants remained in limbo as they became a bargaining chip for the political parties. Another issue that was used for bargaining was transitional justice. What to do about the excesses committed during the ten-year conflict by the rebels and state forces constituted a complex issue waiting to be resolved by the political parties. Instead, the families of the missing and the dead were considered mere ploys by the political leadership. The next section will deal with both these important issues.

A LONG WAIT: THE ISSUE OF TRANSITIONAL JUSTICE AND THE FUTURE OF FORMER MAOIST COMBATANTS

Transitional justice (TJ) has remained one of the most contentious issues in the post-conflict period. The end of the armed conflict brought to attention the fate of those killed or disappeared during the insurgency. The war had affected the Nepali society in a multitude of ways. There was and still is a demand for the "truth" and "facts" about those disappeared by both sides involved in the conflict. Likewise, the uncertainty over the future of former Maoist

combatants hindered political progress during the constitution writing process in CA-I. But, the issue that riled the entire political process during both the CAs was the question about the “justice” for the victims. However, victims of both the state and the Maoists were used as a major bargaining tool by parties during the constitution writing process in both CAs. The Maoists would not give up on the former combatants for the party considered them as their best bet against NC and CPN-UML who the Maoists thought had the support/sympathy of the Nepali Army. Likewise, the NC and CPN-UML thought that they would press the Maoists hard on the issue of the integration of the ex-combatants to exact concessions in the constitution-writing front.

This section will, however, focus on the process and the politics of TJ in Nepal, especially regarding the victims of the state’s security forces (Chapter Twelve). Likewise, another chapter (Chapter Thirteen) deals with how the global dynamics of TJ changes its meaning when it encounters a local context. Finally, a chapter (Chapter Fourteen) will discuss the process of the integration of former Maoist combatants. The major parties had agreed in principle to form bodies to investigate the issues of those killed and disappeared during the war. According to the Comprehensive Peace Accord (CPA) signed between the then CPN-M and the Government of Nepal in November 2006 to end the conflict, both parties had agreed to set-up a high-level mechanism to investigate about people who had committed violations of human rights. Likewise, they had also agreed to make public the names of people either killed or disappeared during the war within sixty days of the signing of the CPA.³⁵ Both these tasks have taken longer than expected and have remained unfulfilled even in May 2022.

³⁵ For details on the provisions mentioned in the CPA, refer to https://peacemaker.un.org/sites/peacemaker.un.org/files/NP_061122_Comprehensive%20Peace%20Agreement%20between%20the%20Government%20and%20the%20CPN%20%28Maoist%29.pdf, accessed July 31, 2021.

In fact, despite the formation of two separate commissions on truth, reconciliation and enforced disappearances in early 2015, there is very little for the victims to cheer about. The issues and the process of TJ were enmeshed in the power equation between the parties. TJ is a sensitive issue for the former Maoist rebels, security forces and the NC that led the governments for most of the time during the conflict period. The Maoists fear that other parties will use the issue of TJ against them as a strategic advantage to eke out political mileage. Therefore, they have been adamant about a reconciliation approach rather than a prosecutorial one. The Maoist leaders believe that if prosecution were emphasized, then a good number of them would end up behind bars. The top brass of the NC also harbors similar fears.

The senior ranks of the Nepali Army and other security forces of Nepal share similar sentiments. They argue that the rank and the file of the security forces were carrying out orders and were not acting on their own. This common approach towards the acts committed in the past between the then rebel party, the party leading the governments and the security forces means that the two commissions—Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons—formed to address the issue of crimes committed during the conflict have been feeble in their operation and effects. The fact that former bureaucrats or those close to the political leadership have been chosen to lead these mechanisms clearly indicates the lack of will to create robust independent bodies to tackle the issue of past crimes.

These workings of the TJ mechanisms indicate that they are thought of and conceived from the perspectives of the “perpetrators” and not the “victims.” The situation was compounded as the perpetrators have emerged as the dominant political elite in the post-2006 period. Therefore, the victims—be the ones afflicted by the rebels or the security forces—have been left in the lurch. Ruth Marsden raises this point in Chapter Twelve. Marsden goes on to show how a group of victims of the state led by the mothers and wives

of those missing built a pressure campaign to know about the fate of their dear ones.³⁶ Another important dimension of the TJ is that the experts and brokers that include non-government actors (Selim 2018) rather than the victims have determined the discourse and the process of the said mechanism.³⁷ The victims, who should have had substantial voice, have been sidelined in the discourse, a point made poignantly by Simon Robins in Chapter Thirteen. Robins also shows how the global discourse of TJ undergoes change upon interacting with the Nepali context. The local need of the victims, Robin argues, is not necessarily expressed by the global jargons of TJ.

Even the category of victims has to be understood in a broad spectrum. As “victim” comes to acquire a political categorization, it tends to develop its own protocols and hierarchies. Further, there is competition of sorts between the members of the “victims” to lead the group. As a result, few individuals come to acquire prominent positions because of a host of factors: their ability to articulate interests clubbed as those of the entire group, and their interconnections with the international and national organizations helping them acquire additional capital to enhance their position (Kharel and KC 2019). On the other hand, the victims’ organizations are themselves a category requiring further probe. The victims’ organizations could be clustered as those affected by the then state and another group of those that have been afflicted by the rebel party. Most of the writings on the victims have concentrated on

³⁶ Also refer to Massage and Sharma (2018) for the case of Kumar Lama, a colonel of the Nepali Army, who was arrested in London in January 2013 on charges of torturing Janak Raut by invoking universal jurisdiction. Lama was charged for torturing civilians accused of being Maoists while commanding an army unit in Kapilvastu district during the conflict period. We could not include the article by Massage and Sharma in this book due to our inability to get permission to reprint it.

³⁷ Although victims have their own organizations—NGOs—to articulate their interest, I am referring to those individuals who are not part of such groupings. Victim as a category requires careful examination, something I emphasize a little later.

those afflicted by the state, whereas those that suffered at the hands of then rebels are few in number.³⁸

Another important issue was the trajectory of the Maoist combatants who were camped in seven different cantonments following the signing of the CPA in 2006. As per section 4.1 of the CPA, former Maoist combatants were to be stationed at seven locations and additional “sub-cantonments will remain at the rate of 3 each around the main cantonments.” However, the future of the cantoned combatants was subject to a larger political churning where they served as major bargaining chips from the perspective of the Maoist leadership and a sticking point for the other parties. The leadership of the Maoist party thought of the cantoned combatants as their last resort to negotiate either on key constitutional issues or in terms of power sharing. The former combatants were subject to disarmament, demobilization and reintegration (DDR) program.

As DB Subedi illustrates in Chapter Fourteen, the DDR program was “extremely politicized” to serve the conflicting needs of the political actors. He goes on to argue that the inability or the failure to forge a common understanding on the outcome of the DDR program between the main actors was one of the major hindrances for the desired outcome. Likewise, the absence of clarity in various peace negotiation documents regarding reintegration and rehabilitation of the combatants was another obstacle. Similarly, the “minimal will” of the Maoists to participate in the DDR program also exacerbated the problem.

Even as we try to understand the complexities surrounding the TJ, issues of means-ends relationship vis-à-vis violence in politics demands attention. The question of who begets violence and who suffers or benefits from it remains a perennially important one. The issue of transitional justice raises these questions in important ways.

³⁸ There are some autobiographical accounts of those that describe the sufferings at the hands of the then rebels. Narayan Subedi’s *100 Din Maobadi Kabjama* (2012) is one such account of a teacher kept in captivity by the then Maoist rebels.

The TJ process invites us to ponder over the ethical commitments from the actors concerned on bringing “truth” and “justice” to fore. But, as the Nepali case demonstrate, once foes-turned friends (former Maoist combatants and the Nepali Army) make it difficult for both truth and justice to come to fruition as politics remains highly power centric, catering to the needs of only those in power and choosing to ignore those affected by it.

This reader, *Reading Nepali Transition (2006–2015)* has come at a time when Nepali politics is taking a major turn following the implementation of the 2015 constitution. The country is headed for its second federal and provincial elections in late 2022 which are going to be a test of the performance for the major actors responsible for the transition of 2006. Identity-based claim making, contentious issues in the 2015 constitution and unresolved transitional justice are surely going to be important themes in the immediate future of Nepali politics. This reader could serve as a handy guide as Nepali society traverses those years.

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