

Prachanda-led Government-9: Celebrating the First Anniversary of People's Constitution
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Today, Aswin 3, 2073 (September 19, 2016) in their own ways, the Nepalese people are celebrating the first anniversary of the people's constitution promulgated on this day last year. During this one-year period, the Constitution has taken a deep root in the lives of the Nepalese people. However, some political parties and their leaders have not been happy with this constitution. Unlike in the past, Nepalese have been exercising the rights to oppose the constitution.

If anybody has read the history of the American Constitution promulgated more than 200 years ago, the then founding fathers had difficulties in making the majority accept it. Just a slightly more than 50% of the representatives of the States adopted it. Many leaders had the fear of the first President of the United States of America becoming the monarch. However, the Constitution became the strong document that the people protected and followed for more than two centuries.

So, it is not surprising that the Nepalese Constitution even though 91% of the members of the Constitution Assembly voted for it and passed it, and the then President had promulgated it even not liking it entirely, some leaders even burnt it down, others marked the day of the promulgation of the Constitution as a black day. The people's Constitution has been born in the environment of the Federal Democratic Republic of Nepal, and Nepalese have the rights to express their happiness and distress. Nepalis in general will surely protect it, honor it and make it grow to the maturity.

In the past, Nepalis did not raise any voices against any constitution, as those constitutions were not of the people's constitution, so, they could not do so, as they did not have fundamental human rights. The first constitution was of the Rana prime minister even though there was a king. Then, the second interim constitution was of the King Tribhuvan that did not know the meaning of 'ganatantra', which literally means a republic. Tribhuvan said that elections would be held to elect a Constituent Assembly that would craft a 'ganatantric sambhi-dhan' means a republican constitution. Then, his son Mahendra gave his own constitution, which he revoked after two years. He gave another constitution that lasted almost 30 years. Then the people's uprisings scrapped it in 1990, restored the democracy in the country and introduced a new democratic constitution: the fifth one. Again, the former King Gyanendra set aside the democratic constitution and took over the power from the democratically elected government, and dissolved the parliament. The people's uprisings overthrow Gyanendra, and restored the democracy and the parliament. Then, an interim new constitution the restored parliament introduced. Finally, the Constituent Assembly elected in 2013 passed the current Constitution, and the first president of the Federal Democratic Republic of Nepal promulgated it on September 20, 2015.

President of United States of America Barack Obama congratulated the Nepalese people on the occasion of the celebration of the first anniversary of the Constitution. "President of the United States Barack Obama congratulated the President of the Federal Republic of Nepal, Bidhya Devi Bhandari, and the Nepali people on Nepal's Constitution Day. Following is the message sent to the President of Nepal: <https://nepal.usembassy.gov/pr-2016-09-16.html>" (Source: U.S. Embassy, Nepal)

"President Obama Wishes Nepal on Constitution Day

September 18, 2016

Washington – President of the United States Barack Obama today congratulated the President of Federal Republic of Nepal Bidhya Devi Bhandari and the Nepali people on Nepal's Constitution Day. Following is the message sent to the President of Nepal:

Dear Madam President:

I am pleased to congratulate you and the people of Nepal as you commemorate Constitution Day on September 20. I am also honored to convey the best wishes of the people of the United States.

It has been more than a year since a devastating earthquake struck your country, and the American people continue to feel the grief of families who lost loved ones. Yet amid that grief, there is great hope for the future. We stand with you and all Nepalis who refuse to let tragedy overcome the desire for a better future. The United States will always admire the strength of Nepalis who have rebuilt their homes and their lives, and we will continue to do everything we can to support you in this effort.

On this auspicious day, I want to assure you that the United States remains committed to advancing our relationship and helping Nepal achieve a brighter future, including the growth of Nepal's hydropower potential, the development of its infrastructure, and the pursuit of justice for all affected by the tragic conflict.

Again, I congratulate you and all Nepalis on this special day. Democracies form natural bonds and we look forward to strengthening that bond in the years ahead.

Sincerely,
Barack Obama"

<https://nepal.usembassy.gov/pr-2016-09-16.html>

Indian Prime Minister Narendra Modi has already wished for the smooth implementation of the Constitution when Prime Minister Prachanda visited India from September 15-18, 2016. Almost all nations of the world including China had welcomed the Constitution last year when the president promulgated it.

The State has celebrated the first anniversary of the people's Constitution for three days starting on September 18, and ending on September 20, 2016. The parliament celebrated the first anniversary of the Constitution at the parliament hall on September 18, 2016. The government held a special program on the celebration at the Army Pavilion called 'Sainik Manch' in Kathmandu on September 19, 2016.

CPN-UML leaders boycotted the State celebration of the first anniversary of the Constitution. This party held rallies at the district and at Basantapur in Kathmandu. Its Chairman KP Oli was not happy with the government, as he has to sit on the opposition bench because of his own misdeeds. Even then, he has not boycotted the State celebration of the Constitution Day. Its General Secretary Ishwor Pokharel held a press conference and informed the people that his party was to oppose the Madheshi leaders marking the Constitution Day as Black Day, and the party would mark the Constitution Day separately at Basantapur in Kathmandu. He has not said that Basantapur was the place where the Nepalis marked the Black Day on the anniversary of the Prithvi Narayan Shah when its leader Jhalanath Khanal marched from the Nepal Academy to Singh Durbar to pay homage to his lord Prithvi Narayan at his statute there.

Even the former President Dr Ram Baran Yadav said that the marking of the Constitution Day as the Black Day was wrong. These guys ignored the sentiment of the people that had marked the Black Day on the anniversary of the Prithvi Narayan Shah as the remainder of the sufferings the Shah-Rana dynastic rule Prithvi set up had inflicted on Nepalis for more than two and a half centuries. Now some people mark the Constitution Day as a Black Day because they feel the pain of some provisions made in the Constitution. They were against those provisions that discriminate certain section of the Nepalis.

Some people have said that the Madheshi and ethnic leaders needed to follow the democratic process peacefully protesting the unequal provisions made in the Constitution, and putting forward the just demands for amending the Constitution peacefully rather than blocking the border entry points that also with the assistance of the Indian establishments causing tremendous sufferings to the 30 million Nepalis.

To this point, Madheshi and ethnic leaders said that nothing had happened without putting pressure through forces if anybody were to take a look at the 70-year history of constitution writing. So, if they were to stay on the peaceful course the ruling political parties would never met their demand or it would take several decades to redress the unequal treatment of the some Nepalis. They had had enough sufferings enduring for the last almost three centuries.

Some people think that only nine percent of the members of the Constituent Assembly have not voted for the Constitution forgetting the Madheshi and ethnic Constituent Assembly members belonging to the major political parties could not boycott voting for the Constitution otherwise the Madheshi and ethnic people together comprise more than 50%. They have the rights to put forward the demand for justice in the republican setup. They had already suffered for centuries from the despotic Shah-Rana rule.

And some others boycotted the Constitution Day demanding the return of the despotic Shah rule. The party is the Rastriya Prajatantra Party-Nepal (RPP-Nepal). It has received about 5% of the votes in the last Constituent Assembly elections, and it boasts as a fourth largest party in the parliament. Its leader did not feel ashamed of joining the government and even holding the most powerful foreign ministry and having the title of the deputy prime minister of the government of the Federal Democratic Republic of Nepal at the same time boycotting the celebration of the Republic Day and the Constitution Day.

Other so-called political leaders such as Narayan Man Bijukchhe, Chitra Bahadur KC, and CP Mainali have been doing everything possible to stop Nepal being a federal state. All the political parties of these three political leaders had hardly received one percent of the total votes in the last Constituent Assembly elections. So, these politically naïve guys did not want the power going to the hands of the people's representatives at the Local Bodies and the States. They wanted the centralized powerful system as of the authoritarian Shah-Rana dynastic rulers. They wanted to push the country back. So, they represented the regressive forces.

CPN-UML leaders particularly its Chairman KP Oli opted to go alone or along with the regressive forces that had the negligible support of the people opposing the just demand of the Madheshi and ethnic people. Chairman Oli praised the repressive Prithvi Narayan Shah while he went to the Chandragiri Hill and he even wanted to set up a statue of Prithvi to demonstrate that this despotic king had won the Kathmandu Valley and ruled over the people barbarously. Probably, Oli wanted to follow Prithvi and rule over the common folks. Some of the Oli's eccentric traits matched with that of Prithvi. If Oli were to be the king three centuries ago he would be a copy of Prithvi in behavior. Unfortunately for Oli, the time is the 21st century when nobody could rule without the people's assent through the ballots.

Mr. Oli needed to know that having an alliance with Narayan Man Bijukchhe, Chitra Bahadur KC, CP Mainali, and Kamal Thapa of the RPP-Nepal, and installing the statue of Prithvi and worshipping it would lead him nowhere but to downfall. He has already experienced it, as he could not keep the job for more than nine months after taking the office of prime minister. Nepalis would not forgive them that continued to honor the atrocious Prithvi and did not support the just demands of the Madheshi and ethnic people.

The Constitution has dissatisfied leaders on both sides. On one side are leaders that do not want the federalism, secularism, and the power given to the States, and local bodies, Kamal Thapa even want the dead monarchy back on the Constitution, which has been impossible, and the newly emerged CPN-UML leaders oppose the amendment to the Constitution to accommodate the just demand of the Madheshi and ethnic people. On the other side are the Madheshi and ethnic people that have been demanding nothing but the most fundamental rights to the justice. They just want to live as any Nepalis not as the ruled ones. The current coalition of NC, Maoist-Center, and RPP has been for amending the Constitution to meet the just demands of the dissatisfied people.

The anti-federalists and the monarchists could not make any dent in the Nepalese politics any more but the CPN-UML disregarding the just demand of the Madheshi and ethnic people and not supporting the amendment to the Constitution for providing the sufferers with justice could provoke another people's movement, as in the 21st century nobody would silently tolerate the injustice done to them.

The Constituent Assembly members have overlooked one thing that is the federal capital. The federal government needs a capital that is what the Constitution has lacked. When the amendment to the Constitution is done in the near future, the Constitution needs to make a clear provision for the federal capital, too.

During the last one year, the implementation of the Constitution has moved fast if anybody wants to look it positively. Following its provision for having a woman as a president or vice-president, and a Speaker or a deputy Speaker, Nepal has now the woman president, and the woman speaker. On top of that Nepal has the woman Chief Justice of the Supreme Court of Nepal.

The parliament has already elected two prime ministers, as the first prime minister elected after the promulgation of the Constitution did not follow the people's aspirations for the fast enforcement of the Constitution rather followed the advices of the anti-federalists, and anti-republic elements delaying the enforcement of the Constitution.

Following the provision made for setting up high courts within a year of the adoption of the Constitution it has been done just within the deadline. The parliament has passed the Nepal Act Amendment Bill amending 193 laws in one shot. A Constitutional Bench has been set up at the Supreme Court of Nepal under the Chief Justice to hear on the constitutional cases. The parliament has passed 14 bills to pave the way for smooth enforcement of the Constitution, and eight bills are in waiting in the parliament, the news on the 'gorkhapatra' of September 19, 2016 stated. Let us be hopeful that the Constitution would have a smooth sail on the unpredictable political environment.

Addressing a special ceremony held at the Nepal Army Pavilion, Tundikhel in Kathmandu on the occasion of the Constitution Day on September 19, 2016, Prime Minister Prachanda said that the government was seriously working to make the country's main law acceptable to all and expedite its enforcement meeting the demands of the people unhappy with its some

provisions through fresh amendment(s), the news on Therisingnepal.org.np stated on September 19, 2016.

"The constitution has established Nepal as a Federal Democratic Republic country, guaranteed people's fundamental rights, periodic elections, press freedom, independent judiciary and the bases for a rule of law paving the way for the achievement of social justice, durable peace, good governance, development and progress," the news quoted Prime Minister Prachanda.

Stating that the adoption of a decentralized and federal governance system was one of the major achievements of the constitution, the PM said it had conceptualized the establishment of a federal ruling system being based on the principles of cooperation, co-existence and collaboration, the news stated.

"Nepal's constitution had to be promulgated in a special hour of the history and some of the genuine demands of the Madheshi, Tharu and ethnic people and their aspirations are yet to be met," the news quoted the prime minister.

<http://therisingnepal.org.np/news/14495>

September 20, 2016