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**The Discourse of  
Dissent in the  
Nepali Media**

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RCSS Policy Studies 58

# The Discourse of Dissent in the Nepali Media

DAYA RAJ SUBEDI



REGIONAL CENTRE FOR STRATEGIC STUDIES  
COLOMBO



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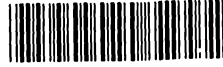
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# Introduction

Media houses in Nepal have currently received a boost due to the comparatively favourable political scenario and recognition of the right to information and press freedom in the national legal framework. In its one hundred and fifteen years of existence, Nepali media has faced a long struggle against the state and dealt with various political upheavals to ensure and safeguard its freedom of expression. If we look at history, we see that Nepali media was conceived with the objective of promoting Nepali literature—far removed from its current role as a symbol of political opposition. The foundation of Nepali media was laid by the autocratic regime of the Rana. In course of time, politically dissenting groups became active and made pleas for social and political reforms. Political opposition even mobilized the media to spread political awareness against the autocratic regime in the wider public. The media gradually gained an ‘opposition’ outlook. It was reinforced as a symbol of opposition after the establishment of democracy, which ensured freedom of expression and freedom of the press.

In the last sixty years, Nepali politics has witnessed several ups and downs and an array of regimes from absolute monarchy to multiparty democracy. The media suffered the most under the autocratic regime, with various repressive measures implemented against it, but experienced relative freedom during the democratic era. In the course of the democratic movement, the country saw people rising up to overthrow the absolute regime and strive to establish civilian rule in the country. At this juncture of history, the media itself was seen to be polarized—either in support of or against the regime. This polarization, as well as the fact that the ownership and financial sponsorship of some media houses was unclear, made it difficult to analyse and conclude what their roles were and how much they impacted on the regime change. Further, the difficulty was reinforced by the level of literacy among the people and the level of public trust in the press. Having said that,

it is relatively easy to analyse whether the non-conformist or conformist press is dominant, both in terms of numbers and readers. A cross-cutting analysis of academic writings on democratic history shows that the media has been mobilized by the political opposition to educate and warn the common people against the regime, such as the Rana and the Panchayat. More importantly, the media was used to prepare the ground for the revolution even though there was no freedom of expression in the country. However, there is a need for academic analysis to ascertain the tangible role the media has played in regime change.

The aftermath of the restoration of multi-party democracy in Nepal in 1990 included the rise of professional journalism with new laws governing the media; a changed climate of investment; and expansion of information technology. As the country headed into the process of institutionalizing the newly-born democracy, it faced another crisis—the beginning of the Maoist insurgency in 1996. Propelled by socio-economic factors and the nature of the terrain (mostly hilly areas), the insurgency rapidly spread across the country. Terror and violence became common phenomena. Frequent government changes became the norm at the centre. Instability and widespread violence became a real threat to multiparty democracy in the country. Since the media is an important element of society, it is essential to know how it responds to the overall political situation and what its position is on the insurgency and the state's response towards the insurgency.

Even as the country experienced vicious violence, attempts to establish peace were initiated. A highlight in this process was that the Seven Parties Alliance (SPA)<sup>1</sup> and the Communist Party of Nepal (Maoist) or CPN(M) agreed on the 12-point understanding in 2005. On the basis of this understanding, the country witnessed a massive People's Movement popularly known as April Uprising in 2006, aimed at ending absolute monarchy and reinstating peace and democracy. The decade-long insurgency concluded with the signing of the Comprehensive Peace Accord (CPA) by the Government of Nepal and CPN(M). The question is: how did the media, being the fourth estate, view the overall process of peace? What was its role in establishing peace in the country?

The media has, in fact, always been praised for its role in the political transformation of Nepal. 'Others tend to agree that our relatively young media system does exhibit some flaws; despite resource constraints and limited reach, it has historically played an important role in political change' (Adhikari 2013: 54). This historical role has been reinforced by many, and it is often heard that the media had adopted mission journalism<sup>2</sup> to overthrow absolute monarchy in the People's Movement II in academic and public circles. As Ghimire (undated: para 18) writes, 'The media, like the political parties, was more critical of the monarchy during the period it was under suspension and even after it was scrapped.' Analysing the division of media in support of and against the royal takeover, Thapa (2013: 178) argues that 'the media openly engaged in mission after the beginning of People's Movement II'. The question remains: why and how does the media carry out mission journalism?

Further, Shah (2008: 29) argues that 'perhaps no other sector played a greater role from within civil society than the media in putting the government on the defensive during the *janaandolan* II<sup>3</sup> (People's Movement II)'. 'Despite it being a historic year for Nepali politics, the country's media faced significant harassment and obstruction. However, it contributed enough in bringing the country back to democratic path by being a part of the 2006 April Uprising' (Adhikari 2013: 91). Moreover, Shah (2008: 30) notes the claims of an editor of a weekly paper that '*janaandolan* II was entirely a media campaign and that without media activism the political parties would not have been able to dislodge the king from power'. Is such a role sufficient for bringing about a regime change? How strong is its impact? Is it a necessary tool for the uprising? Was it the primary cause of the April Uprising? Did the media oppose only the repressive policies adopted against it by absolute monarchy? Analytical answers to these questions need to be sought to ascertain the role of the media in the revolution.

Instability in the Terai region was rampant as the country headed towards the Constituent Assembly (CA) election. The national media was criticized of being biased in the Terai case. Research about the media's role during the Madhesh uprising concludes

that 'the role of media during the movement was highly controversial. It is found that national media did not give priority to some locally important news which had increased public anger' (Freedom Forum 2007: 120). Journalists were even manhandled by the agitators for not giving priority to news of the protest. What are the factors that guide the mainstream media to pay less attention to an issue? The Terai agitation was successful despite weak support from the national media. Hence, the question: is media support necessary for triumph in such cases? The following comparative analysis will bring out the fundamental reasons behind the over-reporting in some context and the under-reporting in other scenarios. Finally, this study will analyse the role of the media in regime change and in establishing peace and democracy in Nepal.

The study sets out the following objectives:

- To conduct a media survey over the specific time series.
- To identify the line that the media adopted during the period.
- To analyse the role of media in the regime change.

The study comprises two basic arguments:

1. The media can play a substantial role in regime change.
2. The media can only fuel the death of an already dying regime.

Data was collected through media surveys conducted in three major Nepali national dailies—*Gorkhapatra*, *Kantipur*, and *Annapurna Post*. The criteria of the selection of the dailies were wide circulation and ownership: all three dailies are widely circulated across the country; as for ownership, *Gorkhapatra* is the government media house whereas *Kantipur* and *Annapurna Post* are private media houses. Moreover, both the government and the *Kantipur* publication house operate the print, electronic, television, and radio broadcast media in the country.

The editorial survey was carried out in three dailies. The logic behind the editorial review was that it highlighted important news as well as explicated the perspectives of media in the particular event or incident as filtered through the set objectives. The survey was undertaken for the time series from December 2004 to April 2007. The time period specifically included the period between

King Gyanendra dissolving the government on 1 February 2005 and the Madhesh uprising in January–February 2007. The selection of the editorials was done on the basis of the researcher's own judgement considering the objectives of the research. In addition, data was also collected through published and unpublished literature on media and politics. Informal discussions held with media researchers and journalists were also duly considered for this analysis.

Recognizing the media as a key component of the modern state, this study scrutinizes the cost of state neglect of the media and generates ideas and thoughts for mobilizing the media to secure state power. From the perspective of a strong state, the findings of the study will be significant in developing a roadmap on how to handle the media during an insurgency and emergency, with optimal protection of freedom of expression. South Asian states share more or less similar contexts; the findings of this research will be strategically important equally applicable across the region.

## NOTES

1. The Seven Parties Alliance consists of the following parties: (1) Nepali Congress; (2) Communist Party of Nepal (United Marxist–Leninist); (3) Nepali Congress (Democratic); (4) People's Front Nepal; (5) Nepal Sadbhavana Party (Ananda Devi); (6) Joint Left Front; and (7) Nepal Majdoor Kisaan Party.
2. Journalism is often characterized by its engagement with a mission. During the April Uprising, it is widely believed that the Nepali took up had the mission of criticizing absolute monarchy and publicly championing the cause of peace and democracy in Nepal.
3. *Janaandolan II* or 'people's movement' II refers to the agitation that overthrew absolute monarchy and reinstated the parliament in April 2006. It is often called the April Uprising. The earlier agitation that ended the Panchayat system and restored democracy in 1990 is known as *Janaandolan I*.



## CHAPTER 1

# Politics and Media in Nepal

The CPN(M) launched an armed insurgency, which lasted from 1996 to 2006 and claimed at least 17,000 lives in Nepal. The insurgency flourished in the rural areas with extensive support from the poor, marginalized, and disadvantaged groups. Various research studies show that the basic underlying causes that led to the rapid expansion of the armed rebellion within a short span of time were: socio-economic disparities in Nepali society; poverty and unemployment; political instability; ethnicization of the Communist movement; unpreparedness of the state to deal with the insurgency; widespread corruption; bad governance; and extraterritorial linkages.

The Maoist movement was not a new insurgency that the country had experienced. There had been armed struggles led by Nepali Congress (NC) and Communist groups in the past. The remarkable difference was that the Maoist insurgency was launched during a period of parliamentary democracy while the earlier ones were launched during eras of autocratic rule by the Rana and the Panchayat. Having said so, both cases also shared common a phenomenon—extraterritorial linkages.

The government and the Maoist<sup>1</sup> leaders held two peace talks (2001, 2003) but failed to reach any peaceful settlement. After the failure of the first peace negotiation, the Maoists attacked the Royal Nepal Army (RNA) barracks for the first time. King Gyanendra, who became King after the royal massacre in June 2001, deployed the RNA to combat the increasing atrocities by the Maoists across the country. The government failed to hold local as well as parliamentary elections due to the intense violent activities of Maoists in the hinterland. The inability to hold elections gave the monarch sufficient reason to dissolve the elected government in October 2002. The changed circumstances had engendered a

tripartite power struggle between the monarch, the peaceful political parties, and the Maoists. At this point, the monarch faced protests, both peaceful (by the Seven Party Alliance [SPA]) and violent (by the Maoists). In February 2005, King Gyanendra assumed executive power that further angered the SPA and, in fact, created a favourable ground for the SPA and the Maoists to build an alliance against the monarch. At this changed political juncture, the 12-point understanding was concluded between SPA and CPN(M) in New Delhi in November 2005. The understanding became a basis of a working alliance between SPA and CPN (M) to fight back the absolute monarchy. The 19-day-long April Uprising (People's Movement II) against direct rule of the King reinstated the dissolved Parliament in 2006. With the signing of the CPA in November 2006, the Maoists formally entered into the arena of peaceful politics and became the main democratic force in the country.

Action to restructure the state and ensure proportionate representation of indigenous nationalities, women, Madhesis, and other marginalized communities in every organ of the state was started in the late 1980s. It was better institutionalized after the restoration of multiparty polity in 1990; the newly promulgated Constitution enshrined Nepal as a multilingual, multiethnic, and multicultural society. Further, armed ethnic movements like the Khamnbuwan and the Limbuwan were launched in the respective ethnic-dominated areas to push federalism and proportionate representation. The Maoists were able to negotiate with these ethnic movements, which intensified the Maoist insurgency in respective areas. In the post-2006 scenario, with the CA election approaching, the agitation in Nepal's southern belt (Terai) led by the Madhesi Janadhikar Forum (MJF) erupted in January–February 2007. The MJF demanded restructuring of the state, proportionate representation of Madhesis in all organs of the state, redrawing of the constituency areas based on population, and the implementation of a proportionate electoral system in the CA election. The Terai agitation will always be remembered in Nepalese federalism history and debate. The first sitting of the CA in May 2008 finally declared Nepal to be a federal democratic republic.



## PROGRESS TOWARDS PEACE

Real progress towards peace has been made in the case of integration of Maoist army combatants (MACs); altogether, 1352 MACs were officially integrated into the Nepal Army as non-commissioned officers in July 2013 while 70 MACs got their commissions as officers and other ranks in August 2013. But the CA failed to agree on a new constitution in May 2012, and this threatened lasting peace and stability in Nepal. Meanwhile, critical transitional justice mechanisms like the Truth and Reconciliation Commission (TRC) and the Enforced Disappearance Commission (EDC) to deal with human right violations during conflicts are yet to be formed. Domestic as well as international pressure has repeatedly been put on the government to establish these commissions. On the domestic front, human rights activists, opposition leaders, as well as local people (often close aides of the victims) have time and again led protests and made demands to prosecute the perpetrators of the killings during the insurgency, such as the cases of Maina Sunuwar,<sup>2</sup> Balkrishna Dhungel,<sup>3</sup> Krishna Prasad Adhikari,<sup>4</sup> and Dakendra Raj Thapa.<sup>5</sup> At times, the opposition found the protest a 'good avenue' to overthrow the Maoist-led government; for example, the opposition, including NC and CPN (United Marxist–Leninist [UML]) announced a nationwide and decisive demonstration programme, launched from Dailekh to topple the Bhattarai-led government when local people sought justice for Thapa in Dailekh district in January 2013.

As for international pressure, the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) released a report documenting and analysing human rights violations that occurred during the decade-long insurgency. Further, the arrest of Colonel Kumar Lama of the Nepal Army in the UK (he was accused of two counts of torture during the insurgency) has given a new spin to the discourse. When Lama was arrested, a Maoist-led government was functioning in the country. Despite Lama being accused of torturing Maoist cadres, the government reacted responsibly and engaged in a diplomatic exercise to release Lama. Amidst debates and controversy over some provisions of the bill, the legislative parliament finally endorsed the bill on TRC and EDC

by a majority on 25 April 2014. The bill also included the formation of special courts dealing with cases related to the Maoist insurgency.

On the contrary, with the initial assumption that the integration of MACs would be the major stumbling block in the peace process, the debate over the federalist model in the new Constitution became harder to chew for political parties in the last round of discussion. An identity-based federal structure with priority rights was the major bone of contention. 'The opponents of identity-based federalism are sceptical that doing so will be dangerously divisive to Nepali society and it will weaken the state' (ICG 2012a: 4). The polity was increasingly polarized along ethnic lines as the discussion got more heated on the floor. On the other hand, the repercussion of the debate was seen vividly in the public sphere. 'As the discussion has spilled over from the assembly into society at large, local communities and groups have framed their demands in a variety of ways, including through appeals to different kinds of identity, including region and caste' (ICG 2012a: 5). Finally, negotiations broke down after the rival parties could not agree on the federalist structure under the new Constitution. On another note, the CPN (M) argues that the extraterritorial element is responsible for the CA's demise rather than the federal issue.

#### INTRA-PARTY RIVALRY AND IDENTITY POLITICS

The demise of the CA brought the intra-party rivalry to the surface. The Baidya faction, so-called hardliners of the Unified Communist Party of Nepal (Maoist),<sup>6</sup> split and formed the new party CPN (M). 'There had been sharp differences between the Baidya faction and the establishment over strategic moves like disbanding the party's army, the position vis-à-vis India, tactical alliances with other parties and compromising too much on party's agenda' (ICG 2012b: 3). The activities of CPN(M) were reminiscent of the pre-1996 scenario after the split. The party handed over a 70-point list of demands to the government led by Baburam Bhattarai (vice-president of UCPN [M]) and threatened to create a stir on the streets if the demands were not addressed urgently. Interestingly, Bhattarai had submitted a 40-point memorandum of demands to the then government in February 1996. The Maoists launched

the insurgency, blaming the government for turning a deaf ear to their concerns. The list of demands of the Baidya faction includes some of those 40 points as well. Further, the CPN(M) prohibited the screening of Hindi movies and the entry of vehicles with Indian registration plates in a bid to safeguard national sovereignty—an echo of activities in the pre-insurgency era. The party withdrew the prohibition after severe criticism within the country. Though the Baidya faction split, there are not many ideological differences between the two parties. However, top leaders often iterate that it is necessary to split to safeguard national sovereignty and withstand foreign expansionism and imperialism. The leaders are divided whether to initiate the next armed revolt. The domestic circumstances do not favour the launch of yet another armed revolt. Public in the rural areas are frustrated with any violent deed and are not in a mood to engage with another revolt. Further, the geo-political context is not favourable either. The question is: does Nepal need another insurgency? What would be the justification for a new insurgency? How long should the Nepali fight? However, the party has adopted the line of (peaceful) urban insurrection to accomplish the unfinished task of the People's Movement.

Meanwhile, influential Janajati and Madhesi leaders had quit the CPN(UML). Similarly, Janajati and Madhesi leaders walked out of the NC. Leaders who left the NC and the UML had blamed the party of being anti-federal and insensitive to the concerns and demands of disadvantaged and marginalized groups. New political development hints that collective identity is gaining currency as a political ideology in Nepalese polity. Critics argued that these leaders decided to split because they did not see a political future within the mainstream political parties, and not because of any identity-related cause. In another similar phenomenon, Madhesi leaders walked out of the mainstream parties during the period of filing candidacy nominations for the 2008 CA election, as they did not see a future within the party. Repeated splits in regional-based Madhesi parties, either in a bid to acquire government resources or as a result of personality clashes, are not a new phenomena. Analysts worry that such splits in political parties based on interest and opportunity rather than ideology is precarious. It will generate unnatural political equations.

## POLITICAL TRAJECTORY

In the history of the Nepali democratic movement, political parties have united and successfully overthrown regimes like those of the Rana, the Panchayat, and the monarch. However, political parties were unsuccessful in institutionalizing the achievements of such popular uprisings and building credible democratic institutions. Government changes were frequent and ubiquitous during the democratic era. Not a single party or political leader completed the full tenure in the government even though a single party won the majority of votes. Altogether, six governments were formed by various political parties in the period between 1951 and 1960 (first democratic era). After the restoration of democracy in 1990, 13 governments were formed until People's Movement II, excluding direct rule by the monarch. Likewise, the era after People's Movement II has seen seven governments within a span of eight years. N.N. Pandey, a well-known scholar, analysed the Nepali political trajectory persuasively:

Analysts and commentators of our political trajectory over the last half century need to be open-minded enough to admit the shortcomings of our leaders and the general lack of political culture and values in Nepal. Not a single parliament finished its full term after 1990. Not a single prime minister after 1950 has completed a full tenure in office as we successfully managed to adopt and abrogate five constitutions in a matter of six decades. Our political parties are only effective while in the opposition. Leaders have been skilful in producing revolutions, overthrowing regimes from the street, calling bandhas and strikes and using students for hurling bricks and burning effigies. They did not build credible democratic institutions and conventions, nor provide good governance once in the citadel of power. (Pandey 2013a: para. 3)

## BUREAUCRACY-LED GOVERNMENT

Since 2002, when the Sher Bahadur Deuba-led government dismissed elected local bodies, all village development committees (VDCs), district development committees (DDCs), and municipalities have remained vacant. Elected representatives were replaced by bureaucrats of the Ministry of Local Development. An all-party mechanism was formulated at the local level for the allocation of

budgets and planning and implementation of development programmes. However, 'the all-party mechanism, which is entrusted with overseeing local affairs in the interim period, has become an exclusive club of three powerful parties,<sup>7</sup> discredited for its lack of transparency and accountability' (Acharya 2011: para. 6). Further, the all-party mechanism was blamed for engaging in corruption in local development works. As Acharya (*ibid.*) argues, 'the absence of elected representatives at the local bodies has not only stalled the local development works, it has also bred corruption'. The government abolished the all-party mechanism after severe criticism accumulated against it.

The failure to promulgate a new Constitution created a political, constitutional, and legal vacuum in the country. The only way to break through the vacuum was national consensus but that was hard to reach as there was little trust between the major political parties since the last round of discussions on contentious issues of the new Constitution. Instead of evaluating and analysing what led to the demise of the CA, which also acts as the Parliament, the major parties blamed each other about who was more culpable for the demise.

Several speculations were floated in the academic arena regarding the political limbo. First, trust among political parties had been eroded, what with the Maoists often perceived as nurturing a state-capturing psyche, even as the Maoists perceived the opponents as having a status-quo psyche. Second, the parties could not go beyond party interests to focus on the national interest. The democratic movement has developed the party culture considerably but not a political culture or respect for political values in Nepal. Political parties prefer competitive politics to consensus politics. Third, the decade-long insurgency and the April Uprising abolished old structures and institutions in Nepal but there were no new structures and institutions constructed or proposed as substitutes. Finally, many believe that the political limbo is the result of a leadership crisis, that there is a severe need for statesmanship in the country.

Ending the 10-month-long marathon, four major political parties<sup>8</sup> inked a 14-point agreement to settle the political, constitutional, and legal crises in the country. The parties agreed to sort out the

constitutional and legal hurdles for the CA election. Chief Justice (CJ) Khil Raj Regmi became head of the interim election government as per the agreement to hold the election for CA II. The leadership of the CJ was sought when major political parties could not accept each other's leadership. 'Regmi headed the executive as well as judiciary and he even amended the interim Constitution and increased CA seats from 585 to 601' (Pandey 2013b: para. 4). Regmi's cabinet comprised retired top bureaucrats. The parties agreed to formulate a high-level political mechanism comprising top leaders of four parties; this body would play an advisory role to the interim government. For comparison, high-level political mechanism and bureaucrats in the cabinet reflect the national government's similarity with the local government.

However, the CPN(M), with support from other fringe parties, slammed the deal and termed the CJ's appointment as head of the interim government as an unconstitutional move, opposed to the norms of separation of the power. Also, the dissatisfied group termed the high-level political mechanism as a syndicate of four parties. The opposition led demonstrations and strikes across the country against this new interim government.

#### CONSTITUENT ASSEMBLY II ELECTION

Regardless of the controversy, the government decided to hold the poll slated for 19 November 2013 with support from the four major political parties. A series of dialogues was held to accommodate the dissatisfied groups. However, the high-level political mechanism failed to reach a conclusion with the CPN(M)-led 33-party alliance, though the agreement was made with several others to include them in the election. Finally, the CPN(M)-led alliance announced that it would boycott the election and even launched a campaign to do so in the areas where their presence was strong. As the election date drew nearer, the party announced 10-day-long strikes across the country. The protesters tried to disrupt the election campaigns of political parties by engineering bomb blasts, torching campaign vehicles, and manhandling the candidates. Unfortunately, these bomb blasts also damaged civilian vehicles and killed innocent bystanders.

As assumed, the positions of the major political parties on the contentious issues of the dissolved CA were the key highlights of their election manifestos. The major issues were federalism and forms of governance. Political parties had reverted to their earlier stands as the NC wanted the Westminster model, the UCPN(M) favoured the presidential form, while the CPN(UML) wanted a directly-elected prime minister (PM) with a ceremonial president. With regard to federalism, the NC and the UML favoured multi-identity-based federalism while the Maoists wanted single-identity-based federalism. In their manifestos, political parties vowed to own up to the achievements made by the dissolved CA and promulgate a new Constitution within a year. The future will prove the strength of their promises.

Despite the bomb blasts and strikes, Nepali voters took part enthusiastically in the election and registered a record turnout of over 70 per cent. In the final results, the NC emerged as the largest party, closely followed by the centre-left UML. As the preliminary vote count showed weak performance by the UCPN(M), it boycotted the election process across the country and protested that there were irregularities in it. Various Madhesi parties in the southern belt echoed this sentiment when the election results went against their favour. The result was shocking for the CPN(M), which was the largest party in CA but ended up being the third largest this time around, left far behind by the NC and the UML. The Maoists believed that a conspiracy was hatched to defeat progressive forces. That status quo came to dominate politics was, in Maoist thinking, a threat to the achievements of popular movements. Nevertheless, all the three major parties—NC, UML, and CPN(M)—included a firm commitment towards the republic, federalism, secularism, and inclusive democracy in their election agendas. In a way, the poor performance of regional and ethnic parties demonstrated that the electorate had regained faith in the mainstream parties.

The NC president, Sushil Koirala, had been elected as the new Prime Minister of the country by the CA cum legislature Parliament on 10 February 2014. His election as the PM, replacing a bureaucracy-led government, was a positive gesture for Nepal's polity. Yet, the political path ahead is risky. Public verdict went to two major parties as NC and UML got a clear majority of CA seats

but fell short of the two-third majority together. Neither had the clear majority. These two parties were also opposite forces and rivals in the politics of 1990. Many thought that the two would go together as the election agendas of both have commonalities. Also, both parties were seen to be united during the CA I proceedings. In democracy, it is usual that the opposition will be united but this would not be true if the two are also close contestants for power—in which case, there would be high chances of frequent government changes and political instability, which would be unfortunate for and a setback to democracy in Nepal.

Similarly, critical elements of the peace process, such as the new Constitution and commissions, are yet to be finalized. The major party of the process, CPN(M), should not be left out even though its position is weak in the CA II. The largest parties, particularly the NC and the UML, should demonstrate generosity to give the UCPN(M) and other fringe parties respectable positions in the framing of the Constitution. The Constitution-making process should not be limited to a two-third majority if all the parties really want a peaceful and prosperous Nepal. Likewise, the UCPN (M) should play a positive role in the process and provide constructive opposition. It is time to demonstrate responsible and ethical politics, with the largest political parties adhering to truly democratic norms. Also, the major parties should practise consensus politics, not competitive politics. It is the duty of every political party of the CA to seek ways to include the factions that boycotted the election, so as to promulgate a participatory, inclusive, and democratic Constitution. The Constitution is the future of the country and needs national consensus. Finally, the next five years, the mandate of current election, will be a litmus test for political parties.

#### MEDIA: TERRITORIAL AND EXTRA-TERRITORIAL OPPOSITION

The media made a late entry in Nepal in comparison to its counterparts in other south Asian countries. Media experts argue that the autocratic rulers had always seen the media as a threat to the regime. The autocratic regime often imposed heavy press censorship and



restricted media growth as best as it could. The press opposition saw more extra-territorial phenomenon during the Rana regime while it was more a territorial phenomena during the Panchayat period. In the latter, press censorship not only restricted press freedom but also strained the relationship between the government and the press. There were four characteristics of press opposition during the Panchayat era:

1. The opposition was the result of the relative freedom enjoyed during the 1951–60 period of multiparty polity, wherein some papers had been critical of the government; the criticism over the Panchayat system was just a continuation of the characteristic experienced during the period.
2. The press opposition was the outcome of rigorous measures adopted by the authorities through the Press and Publication Act that had irked them.
3. There were three lines of newspapers—for status quo, for reform, and for change.
4. Fourth, the relative press freedom after the national referendum in the 1980s had engendered mission papers, and 'these papers were necessary to whoever in the politics and the press world adopted mission journalism in 1980s' (Dahal 2013: 37–8; Thapa 2013: 171).

An important feature of Nepali media's history is that the media growth has been parallel to that of the democracy. History says that the promotion of Nepali literature led to the emergence of the media in the country. The key objective of most initial publications such as *Sudha Sagar*, *Gorkhapatra*, *Sharada*, *Sahitya Shrot*, and *Aankha* was the promotion of Nepali literature. The first newspaper published in Nepal in 1898/9 was a monthly named *Sudha Sagar*. 'The main objective of the publication was to improve Nepali language' (Devkota 2002: 28). The role of democratic feeling within a Rana ruler like Dev Shamsher who started the second newspaper in Nepal called *Gorkhapatra*<sup>9</sup> in 1901 was crucial in the promotion and growth of media. At that time, the content of newspapers was guided by the regime's interest, which was highlighted via essays, stories, poems, and other literary works. In the

Rana period, 'the publications carried only information on issues that did not raise any controversy so as not to incur the displeasure of the establishment and received some financial support from one Rana or another' (Kharel 2010: 225).

Meanwhile, through the media, the political protest against the ruler had crossed the national border during the Rana era. This was also because of lack of freedom of expression within the country. 'While making a plea for social and religious reforms and even indirectly spreading political awareness, Nepali language magazines published from different places in India often presented factual accounts of social conditions obtaining in contemporary Nepali society' (Baral 2006: 17). For the purpose, '*Gorkha Sansar* and *Tarun Gorkha*, weekly papers edited by Thakur Chandan Singh, were published in 1921 and 1923, respectively' (Devkota 2002: 47). Two weekly papers—*Yugbani* and *Nepal Pukar*—published from neighbouring cities of India were primarily motivated to make people aware and against the Rana's autocratic rule. '*Yugbani*, in 1947, had a clear mission to create fresh opinion against the Rana regime and well-known Nepalese figures like Laxmi Prasad Devkota, Narayan Prasad Upadhaya, Balchandra Sharma, and Krishna Prasad Bhattarai formed its editorial team' (Rai 2001: 107). Likewise, *Nepali Pukar* had the mission to garner support towards the armed struggle. '*Nepal Pukar*, appeared in 1948, took up the issue of armed struggle against the Rana regime, and captured the political imagination of the younger generation in Nepal' (Rai *ibid.*). Nevertheless, '*Yugbani* was affiliated to Nepali National Congress whilst *Nepal Pukar* to Nepal Democratic Congress and later to Nepali Congress' (Devkota 2002: 50). What was the readership demand of such papers over government-sponsored papers? 'The distribution of *Nepal Pukar* was banned within the country but it published even more copies than the national paper *Gorkhapatra*' (Devkota 2002: 51). This shows that the demand for politically dissident newspapers was higher during the politically charged environment.

'After the political change in 1951, King Tribhuvan in his royal address to the country had announced freedom of expression and press freedom in Nepal' (Devkota 2002: 33). 'As the period between

1951 and 1960 was of multiparty polity, various daily and weekly papers were brought out, including dailies published by private sector' (Kharel 2010: 225). 'The number of dailies rose from one to 31 dailies and 3 weeklies to 63 weeklies within a span of 9 years after the establishment of democracy' (Dahal 2013: 31). During this period, political parties and their sister organizations also published different weekly, bimonthly, and monthly papers. Likewise, papers were published in the different languages spoken in the country, such as Newari, Hindi and Maithali.

Until 1950, the Nepali media (published within the country) seemed to be more loyal to the regime because they were either funded or directly controlled by the autocratic rulers. With the political change, the position of the media saw a U-turn. Newspapers carried open criticism against the government. '*Halkhabar*, daily published in 1958, criticized government or ruling parties and its policies through a comedy column entitled 'Katumadhu' and *Halkhabar* was successful in garnering public attraction towards the column' (Devkota 2002: 35–36). Interestingly, the papers did accommodate the voices of the opponents even though they were inclined towards the ruling parties.

Meanwhile, the 'media continued to be constrained because of the absence of a systematic development of full democracy although the political change embraced press freedom' (Kharel 2010: 229). Baral (1975) pointed out that the strained relationship between the government and the press was because of apprenticeship in liberal democracy and ignorance of power to enhance the prospects of the press in Nepal:

The period between 1951 and 1960 was also one of the strained relationships between the government and the press not because the latter was under heavy pressure from the government but because it lacked sobriety or perhaps failed to comprehend the limits of rhetoric. Thus on, several occasions, many papers were brought to task and, as some of them were allegedly bent on jolting the public figures and institutions including the Monarchy. (Baral 1975: 171–2).

In the early 1950s, a culture of nexus between political parties and the media developed in Nepal. Some media houses became biased, influenced by a certain political ideology and partial to

certain political parties even though their declared policies were against such biases. For instance, '*Jagaran* weekly brought out in 1951 endorsed its policy as independent and impartial but shortly after its publication the weekly paper became loyal and partial to communist ideology and *Prjaparishad*' (Devkota 2002: 33–4). In a similar case, *Awaj* daily, the first daily after the political change, was influenced by the NC ideology and favoured the government, going against the policy adopted by its editor and its publisher. It had been seen that the phenomena of independent, fair, and impartial media was guided by the ideology and political inclinations of the paper's financier, editor, and team.

When the party-less Panchayat system was established in December 1960, it was the start of harsh days for the media. However, 'the positive lens of Panchayat system, the decades spanning 30 years from the 1960s to the 1980s saw the institutionalization of news agency and growth of daily and weekly newspapers' (Kharel 2010: 227). The regime adopted several anti-press measures to limit criticism against the new government. 'The government intensified its anti-press attitude by enacting the *Rashtriya Samvadh Samiti Ain* (National News Agency Act) in 1962 for the distribution of news through an official agency' (Baral 2006: 136). For this purpose, the National News Agency was established to collect and distribute news. 'Only a government nominee could become the chairman of the board of the National News Agency and the government enjoyed absolute power to deal with it if the agency did not function in consonance with its constitution, objectives and direction if the agency did not function in consonance with its constitution, objectives and direction' (Baral 2006: 62). As part of the rigorous measures against the anti-regime press, the government enforced the Press and Publication Act in 1963. As expected, the press expressed serious concern over Section 30 of the Act that reads: 'His majesty's government may issue an order directing the suspension of any news, criticism or publication in case it is deemed reasonable to do so in the public interest, no appeal or complain shall be entertained against such order' (*Nepal Gazette*, 12 January 1963, cited in Baral 2006: 136).

The press in Nepal increasingly showed frustration and expressed

dissatisfaction over the provision via comments and editorials. A weekly aggressively criticized it thus:

We do not have any new material on the basis of which we may write an editorial different from those which we have been writing every year since a decade ago on the occasion of democracy day. But the section 30 of the press act, which acts as a screen for all evils, notably the growing list of power, anti-popular measures, corruption and so on, prevents us from expressing these views. We can only say that during the past 19 years we have been moving backward every year instead of making progress. A country which is lagging behind in socio-economic field cannot be said to have attained progress and stability in the political field. (*Samiksha*, 19 February 1970, cited in Baral 1975: 174)

‘During the period, various cases of cancellation of registration of a number of newspapers, confiscation of press equipment, censorship and initiation of legal cases against journalists, including sedition charges, and punishing them were recorded’ (Kharel 2010: 229).

The continual anti-press measures adopted by the government had irked the press world, which responded aggressively; ‘many newspapers started publishing aggressive editorials and comments particularly at the gradual curtailment of press freedom due to section 30 of the press act and other harsh measures’ (Baral 2006: 137). With the tug of war between press and government intensifying, the latter implemented reconciliatory measures to improve the strained relations; this included the amendment of ‘section 30 guaranteeing judicial protection of the press’ (Baral 2006: 138) and a royal announcement of the National Communication Plan. However, the government continued to impose restrictions against any antagonistic press in other ways, such as cutting off financial subsidies. The financial imposition exacerbated the division of the press. ‘In the wake of growing differences between them, the government either temporized or contrived to divide the press into “nationalist” and “hostile” press to strengthen its own position’ (Baral 2006: 139).

Media analysts and researchers believe that the press enjoyed relative freedom after the national referendum on the system of governance that offered a choice between the party-less Panchayat system and the multiparty system. New laws were prepared and a

commission was formed to analyse the issues pertaining to the media. What first appeared was, 'freedom of expression and publication ordinance in August 1980 that provided the legal benefits towards the journalists' (Dahal 2013: 38). The Royal Press Commission was formed to study the issues that had created a new conducive environment for the press and boosted its morale. Rai explains the strengths of the new Press and Publication Act:

It was only when the Press and Publication Act 1982 was enforced following the results of the national referendum that most of the traditional restrictions on press freedom were abrogated; so also the provision of automatic cancellation of registration of newspapers by executive order on grounds of publishing objectionable matters. It also provided, for the first time, the right to appeal against the order banning publication. (Rai 2001: 108)

'Following the new press act and recommendations of royal press commission, the registration of new press was substantially increased' (Dahal 2013: 38). It is said that the rise of professional journalism was one of the aftermaths of the 1990 political change. 'The change of political situation in 1980 had significantly contributed to the professional journalism in Nepal which laid strong foundation in the growth of professional journalism after the political change of 1990' (Dahal 2013: 38).

Media opposition against the regime occurred both within the national border as well as across the border, during the Panchayat era. While locating the political orientation of the press, Baral (1975: 180) finds 'difficulty in establishing fixed and consistent orientation because of continuous tradition of personalistic and individualistic behaviour by individual owners of papers'. An individual is the overall in-charge of an individual paper: he is responsible for what the paper writes. Further, the financial support is detrimental as Baral (1975: 180) argues that 'the monetary help from other external quarters reflects the orientation'. Terming the press opposition as 'individual opposition'—since most Nepali newspapers have private owners—Baral (2006: 134) says: 'The press frequently highlighted frustrations with and opposition to the regime during the Panchayat era.'

During the Panchayat period, there were three lines of thought

seen in the published dailies and weeklies: for status quo, for reform, and for change. As Baral writes:

By 1973, three major lines of thought are seen in editorials on the Panchayat system. Some papers—*Naya Samaj*, *Gorkhapatra*, and a host of others—highlighted the contributions made by King Mahendra through party less Panchayat system, maintaining that the party system was incompatible and irrelevant. Some others, on the other hand, pledged allegiance to the Panchayat system but simultaneously stressed its shortcomings in various fields. Some others also blamed authorities occupying high positions for having indulged in conspiracies and added that the objective of the Panchayat system could not be attained only by praising it or by condemning as ‘anti-nationals’ those who failed to do so. (Baral 1975: 181)

‘In case of anti-status-quo papers, they were holding the view that the goal of an exploitation less society cannot be established without political freedom and seems to be critical of the present sterile political and economic conditions’ (Baral 1975: 180). Baral lists the anti-status-quo papers: *Nepali Times*, *Nabin Khabar*, *The Motherland*, *The Commoner*, *Dainik Nepal*, *Samaj*, *Swatantra Samachar*, *Samikshya*, *Rashtra Pukar*, *Matribhumi*, *Naya Sandesh*, and *Nepal Bhasa Patrika*. Despite their political orientation, there were remarkable shifts seen in the loyalties of these papers. ‘Ever since the fierce debate over status quo versus change got under way, they seemed to have sided with reformists’ (Baral 1975: 180). It can be said the line between reformist and change was blurred and the reason of the shift was the political and monetary high-handedness of the authorities. Had they strongly advocated the change, there might have been chances of severe restrictions and closure of the anti-status-quo papers. Likewise, ‘there were two lines of the press seen during the Panchayat system i.e. government side and comparative independent press’ (Dahal 2013: 34–5). Similarly, there were magazines published separately by the leaders and factions of the Panchayat who cleverly used the press in their favour.

With regard to weeklies, there were also three lines of thought during the Panchayat. In an article about weeklies, Pathak (2013: 58) writes: ‘Three lines of weeklies i.e. anti-Panchayat, pro-

Panchayat, and reforms in Panchayat were seen in the time series of 1960 to 1980'. After the referendum in 1980, the weeklies backed by banned political parties became dominant in the media world. 'Apart from two dailies owned by the government, many weeklies that were backed by various banned political parties constituted the main body of the press in Nepal during the 1980s' (Onta 2006: 33). Similarly, 'weeklies represented three lines after 1980 i.e. support of Panchayat, respect to democratic thoughts, and extension of communist thoughts' (Pathak 2013: 59).

In a parallel scenario, publications from neighbouring cities of India portrayed a negative image of the regime. As Baral writes:

The political activities of the Nepali Congress between 1963 and 1968 may broadly be characterized as steeped in disillusionment. This period was, by and large, marked by its doctrinaire approach to the royal regime. Activity was limited to the publication of its two organs, *Nepal Today* and *Nepal Avhan*, both from Calcutta, narrating accounts of the deteriorating conditions of the Nepali people in different fields and discrediting the Panchayat system. (Baral 2006: 77)

The anti-regime publication was not only limited to attacks on the NC—there was also the distribution of pamphlets discrediting the party-less system by the Communist factions. Further, 'the party started the publication of *Nepal Patra* from Varanasi, theorizing the Pushpa Lal model of people's democracy' (Baral 2006: 96).

The political change in 1990 restored multiparty democracy and the promulgation of a new Constitution guaranteed right to information and freedom of expression in the country. To safeguard the constitutional provision, several laws were enforced, with affirmative features: Two deserve mention here: Printing Press and Publication Act, 2048 V.S. and National Broadcasting Act, 2049 V.S. The first of these guarantees that the property of any properly registered press in Nepal will not be confiscated by the government (as was possible in the Panchayat era) because of what it has printed. The same act guarantees that except for specific topic or specified conditions, no a priori censorship will be exercised in the case of any printed matters. It also guarantees that the registration of a



newspaper or magazine will not be cancelled because of its contents (Onta 2006: 18).

... several factors that are responsible for the media growth which include change in the legal regime; increasing involvement of private parties and NGOs in both media production and education; cumulative growth in the advertisement market; growth in the number of Nepalis who consume media products; and imperative of the Nepali language. (Onta 2006: 17)

## NOTES

1. In this paper, the term 'Maoist' refers to the Communist Party of Nepal (Maoist).
2. Maina Sunuwar, a fifteen-year-old girl, was taken by the RNA from her home in Kavre district in February 2004. She died as a result of brutal torture at the detention centre.
3. Dhungel, a Constitution Assembly member representing the Maoists, was convicted of the murder of Ujjawal Kumar Shrestha in 1998 by the district court of Okhaldhunga. He was sentenced to life imprisonment and his property was confiscated. Despite the Supreme Court's order for prosecution, the government withdrew all cases filed against him.
4. Adhikari was allegedly abducted and killed by Maoists in June 2004 in Chitwan district. Since August 2013, his parents have been on fasts unto death until the culprits are booked and justice prevails. Nanda Prasad Adhikari, father of Krishna Prasad Adhikari, died on hunger strike for 11 months on 22 September 2014.
5. Thapa, a journalist working for Radio Nepal, was killed by Maoists in August 2004 at Dailekh district. For more information, see Chapter 3.
6. With the unification of the CPN(M) and the CPN (Unity), the former was renamed Unified Communist Party of Nepal (Maoist) in 2009.
7. The Maoists, the Nepali Congress and the CPN(UML)
8. The Maoists, the Nepali congress, the CPN(UML), and the coalition United Democratic Madhesi Front.
9. *Gorkhapatra* is still a state-owned newspaper, a leading national daily.

## CHAPTER 2

# Protection of and Respect for Human Rights: Call for Negotiation

### CHOOSING THE TERMINOLOGY

In referring to the non-state party of the conflict, the private media—*Kantipur* and *Annapurna Post*—had mostly used the term ‘Maoist’. In other instances, the phrase ‘rebel group’ had also appeared in texts. Maoism is a political philosophy, based on the axiom that ‘political power grows out of the barrel of a gun’, derived from Chinese leader Mao Zedong. Maoists are the followers of Mao’s political philosophy and guided by his political and military ideology. Recognizing the principles of Maoism, I believe that both the media houses accepted that the Maoists held this political ideology else the term ‘Maoist’ may not be appropriate to identify the group committing violence.

On the other hand, *Gorkhapatra* had mostly termed the non-state party of the conflict as ‘terrorist’. Also, it had linked ‘terrorism’ to the name of Maoism. In November 2001, the government declared a state of emergency with the increased atrocities by Maoists across the country and labelled the Maoists as a ‘terrorist group’. The event echoed the US’ changed position and discourse vis-à-vis the Middle East after the 9/11 incident. Also, the government attached price tags to the heads of Maoist leaders and announced rewards to informants facilitating the arrest of such leaders and the confiscation of their weapons. Unsurprisingly, the government media embraced the position adopted by the state. The choice of terminology was guided by the government nomenclature. Recognizing the political status, all media houses commonly used the term CPN(Maoist) immediately after the success of People’s Movement II.

There were also different approaches in choosing from two words: *prajatantra* and *loktantra*. The government media had widely used the term *prajatantra*. On the other hand, the private media had chosen either *loktantra* or full *prajatantra*. There are no distinctions between two words, *loktantra* and *prajatantra*, in English translation. Both words have the same meaning i.e. democracy. The differences arise from the roots of the words: *praja* and *lok* in Nepali. The literal meaning of *raja* is 'king' or 'ruler' while *praja* means 'ruled masses'. So, it is argued that there exists a relationship and a power hierarchy between the ruler and the ruled in a *prajatantra*. However, the literal meaning of *lok* is 'people' or 'mass of people', so *loktantra* means 'rule of the masses' and does not mean 'king's subject'. In a *loktantra*, it is argued, there is no power hierarchy and all are equal. Further, it is said that the term *loktantra* denotes inclusive democracy where rights and voices of gender, community, caste, ethnicity, region, and class are duly recognized and respected. The term 'full democracy' is basically meant to identify *loktantra*. Terming *loktantra* as a Hindi word, Shah argues that the word *prajatantra* is gradually being replaced by *loktantra* after the 2005 royal takeover by opposition groups to mark their ideological shift as well as to denote the opposition thrust as republican:

After King Gyanendra's takeover in 2005, the opposition groups had gradually begun to replace *Prajatantra* with its Hindi synonym to signal their ideological shift and to rally the diverse constituencies that were arrayed against the monarchy. The linguistic shift was telling: *Prajatantra* marked the epoch of constitutional monarchy and multiparty democracy, but *Loktantra* could be instituted without a king. Many of the political leaders and activists purpose-fully played upon this ambiguity when they deployed the *Loktantra* as a code word for a republic, even though there is separate word, *Ganatantra*, in Nepali for republic. It is astonishing how rapidly *Prajatantra*, perhaps the most dominant term in the Nepali political lexicon for the past eighty years, disappeared from public usage following the April uprising. (Shah 2008: 51–2).

No doubt, the private media used the word *loktantra* to denote the 'republic'. In Nepali democratic history from the 1950s through the 1990s, *prajatantra* was enshrined with constitutional monarchy and multiparty democracy. It was comprehended as the period of so-called partial *prajatantra* by private media. In this regard, full

*prajatantra* was meant to denote an ideological shift from constitutional to ceremonial monarchy or a *prajatantra* without monarchy. I believed the idea stemmed from the opposition groups and was adopted by the media.

QUOTATIONS: DEMOCRATIC MOVEMENT  
VERSUS MULTIPARTY DEMOCRACY

*Kantipur* had been highlighting quotes by several renowned democratic leaders and rulers, from across the globe. These were placed just above the editorial with the *Kantipur* logo to the left. The important message of the quotes was to create traction for peace and democracy in the country on the basis of recent events. Further, it reflects the position of the particular press along with the context analysis. *Kantipur* stopped printing these quotes from mid-July 2006, i.e. very soon after the success of People's Movement II. This corroborates that the use of the idea of the quotation was to garner public support against the state.

After the royal takeover in February 2005, the state adopted draconian and repressive policies towards the media. The government faced strong criticism against the policies within and across the country. Quotes highlighting the notion of a free press and in support of international criticism had been chosen. For example:

'Free press is the medium of raising the awareness about democracy. The press has immense role in safeguarding national interest.'—King Gyanendra<sup>1</sup>

'The freedom of speech and writing will also protect other freedoms.'—Thomas Jefferson<sup>2</sup>

'It is the international responsibility to fight for the freedom of speech.'—Haden Brown<sup>3</sup>

Interestingly, the citation of King Gyanendra's quote stressed the government's perspective towards the press and the gap between what it said and what it did. However, there is enough justification about the government's recent policies mentioning the role of the press in safeguarding national interest.

Another important purpose of the quotes was to educate the public about the democratic movement. On Democracy Day,

Falgun 7 (18 February), it cited the King's commitment towards multiparty democracy and constitutional monarchy:

'The future of Nepal depends upon constitutional monarchy and multiparty democracy.'—King Gyanendra<sup>4</sup>

Similarly, citing quotations by popular democratic leaders from outside the country was an attempt to attract public sentiment towards the global democratic movement and to focus attention on the growing political rivalry in the country.

'Democracy moves ahead with the continued process of referendum.'—Jawaharlal Nehru, India<sup>5</sup>

'I want complete democratic and free society. For this, I am ready to sacrifice my life.'—Nelson Mandela, South Africa<sup>6</sup>

An editorial entitled 'Resign Giri' was published, demanding the resignation of the Vice-President of the cabinet, Dr Tulsi Giri, who was blacklisted for not paying the loans of Nepal Bank. G. Arroyo's quote comparing corrupt people with criminal gangs appeared: 'There is no difference between corrupt people and international criminal gangs.'<sup>7</sup> The Maoists attacked a police post in the hinterland of the Kathmandu valley after the conclusion of the 12-point understanding between the SPA and the Maoists. The quote that appeared subsequently was by Samuel Butler: 'Little knowledge is dangerous. Another dangerous thing is not willing to learn little knowledge.'<sup>8</sup> The editorial below it explained the government's unwillingness to comprehend two clear messages from the incident: that (1) Maoists are capable of encircling the Kathmandu valley, and (2) there is a serious lapse of security and a situation of negligence. The clear link between the quote and content of both the editorials proved that the quote was chosen to justify and defend the claims of the press.

In *Gorkhapatra*, King Gyanendra's quotes appeared just above the editorial with the royal crown to its left. Most quotes were extracted from his proclamation to the nation on 1 February 2005, when he had assumed direct rule and dismissed the government led by PM Deuba. The motive behind including the quotation was to garner public support towards the royal move as well as to educate the public about the King's interests and commitment to constitutional monarchy and multiparty democracy, to cordial

relationships between people and monarch, and to a monarchy that would be guided by people's interest and would abide by the 1990 Constitution. Here are some examples:

- 'The main shield of Nepalese independence, national unity and sovereignty is the intimate relationship between King and people.'<sup>9</sup>
- 'We do not have any other interests than the reinstatement of sustainable peace and actual democracy for the welfare and progress of Nepal and Nepali.'<sup>10</sup>
- 'Our only wish is to guarantee our people's happiness through multiparty democracy, instil hope among the youth for a brighter future and ensure dignity for Nepal amongst the comity of nations.'<sup>11</sup>
- 'The monarchy is guided by the best interest and continued progress of Nepal and Nepali people not by cheap popularity.'<sup>12</sup>
- 'It is our common resolution and objective to protect and safeguard citizen's rights as provisioned in the Constitution, achieve social justice and security and economic prosperity through constitutional monarchy and multiparty parliamentary democracy.'<sup>13</sup>

After the success of People's Movement II, *Gorkhapatra* changed the style of citing the quotes. It removed the crown on the left and soon scrapped the tradition of using only the King's quotes by also using quotes by renowned persons within and outside the country.

These different ways of using and placing quotations clearly demonstrate two purposes: (1) they are meant to defend the media's plea for the democratic movement and to voice its objection towards every government's wrong moves, and (2) they are meant to defend the regime and clarify to the people the regime's interests and objectives.

#### COMMON AGENDA: PROTECTION OF AND RESPECT FOR HUMAN RIGHTS

The start of the armed conflict saw serious violations of human rights across the country. Both parties engaged in the conflict were

equally culpable for the atrocities. Freedom of movement and freedom of speech were restricted. Cases of forced disappearances, torture, threats, and extra-judicial killings were rampant. The lives of citizens were under threat because of increased killings, abductions, extortions, strikes, blockades, explosions, and gunfights. Private property was confiscated. Many people were disabled because of injuries sustained in the conflict era. Several people were killed in front of their family members and their children. Several people still live with bullets inside their bodies.

Women and children are disproportionately affected by the horrors of the violence. As seen in most such armed conflicts across the globe, most victims are women and children. The decade-long Maoist insurgency in Nepal saw children, women, and elderly people repeatedly becoming targets of violence and terror. Talking specifically about children, they were victims of improvised explosive devices (IEDs) planted by the Maoists. Regular classes in schools were disrupted because of the strikes announced by the rebel group. Also, schools across the country were used as security bases. Maoists forcefully recruited children as soldiers—to do so, children were abducted as they made their way to school or back home. In fact, the Maoists forced children to participate in their political programmes within and away from the school.

The media was anxious about the future of the country as children were increasingly becoming the targets of violence and terror. In an incident in Kavre district, a seven-year-old boy died and two others were injured when IEDs planted by Maoists exploded. An editorial in *Kantipur* questioned what social transformation the Maoists were fighting for by making children wield guns and bombs instead of pens!

‘Thousands of children across the country have become victim both physically and psychologically because of different kinds of violence. Joint efforts of all is sought to protect children and their lives and ensure physical, educational and psychological development of the children.’<sup>14</sup>

‘The deprived of education will have long-term effect as children are the future of the country. So, children shall not be kept away from education.’<sup>15</sup>

Maoist activities had severely affected the lives of normal civilians, as they had disturbed the supply of necessary items like food and medicines in the name of blockades and bandhs. However, both sides were responsible for the deaths of common civilians. Their houses were burnt and exploded. Their property was looted. Their livestock was forcibly taken away. The growing atrocities and the wave of violence across the country led to the internal displacement of a considerable number of civilians, who fled the terror-struck regions in search of safe havens.

With the increasing violence against children, the press asked the parties of the conflict to abide by the Geneva Convention and the United Nations Security Council (UNSC) Resolution and other UN instruments pertaining to children. In fact, the press asked both sides to obey these universally respected conventions because it believed that civilians would not stay silent for long and would retaliate when frustrated with the relentless violence. Moreover, the press cautioned that the continued atrocities against the civilians might damage the international reputation of the Maoists. Further, such activities would erode the very support base of Maoists and strengthen government action against them.

In a positive move, during the blockades and strikes announced by Maoists, the private media asked the government to make special arrangements for the effective supply of basic items and criticized the government's unwillingness to hear such pleas. On the other hand, *Gorkhapatra* praised the government's efforts for ensuring the supply of public goods even during blockades and bandhs! Further, it implied that such initiatives of the government had rendered the so-called blockades and bandhas futile. In reality, the government's efforts had been less effective.

Private newspapers asked both sides to respect, protect, and safeguard human rights as enshrined in national and international legal instruments. Instead of targeting civilians to express demands and dissatisfactions, both parties could hold negotiations to settle the deadlock. The protection of human rights would delineate the road to peace and facilitate a compromise.

The issue of human rights violations in Nepal was discussed in international forums as well. International watchdogs repeatedly



urged both parties of the conflict to stop committing human rights violations. Several reports were published about the situation of human rights in Nepal. On a visit to Nepal in January 2005, Louise Arbour, the UN High Commissioner for Human Rights, expressed deep concern about the blatant violations and urged both sides to respect human rights and international law. An editorial in *Kantipur* during this visit read:

Arbour warned, if human rights violations continued, that there will be hurdles in continued participation of RNA in UN peacekeeping force. It hints this will not only affect the participation in peacekeeping force but also the support Nepali government received from friendly countries. If violations continued, other countries may also put human rights protection as the pre-condition for the military support in Nepal like US did. So, government should be active to remove such possibilities.<sup>16</sup>

*Kantipur* advised that Nepal would do well to adopt a forward-focused vision since it is economically dependent on foreign aid. It was imperative for Nepal to implement the written commitment made towards the protection of human rights in dozens of treaties and conventions on human rights at the international level. It said that respect for human rights is the core theme in securing the international aid and funding; 'recently, the senate and Congress of USA had put human rights protection as the pre-condition for the military support in Nepal'.<sup>17</sup> Further, the 25-point commitment signed between RNA and the Nepal Human Rights Commission (NHRC) regarding visits to the detention centre in the army barracks was perceived by the activists as a move to meet the preconditions laid out by the USA. Earlier efforts of activists to claim their universal right to visit the centre were not heard by the RNA.

The government made every effort to save face at the international level in the context of the brouhaha over human rights and violations. The government released Deuba, President of the Nepali Congress (Democratic) just before the start of the high-level meeting of the UNOHCHR in March 2005, where the Nepal issue was the main agenda. *Kantipur* wrote that political analysts believed that Deuba's release was a strategic face-saving activity. It suggested

that the government release other political prisoners to disprove such speculation. All media houses were upbeat about an improvement in the human rights situation with the establishment of the UNOHCHR's country office in Nepal. Also, they were optimistic about the consequent restoration of peace.

Even as national and international human rights activists lobbied and urged the Nepal government to respect and safeguard human rights, *Gorkhapatra* tried to defend the government's position:

It is obvious that the international community should be concerned about the human rights situation in Nepal i.e. important element of democratic country. The government is fully committed to respect human rights as well as abide by the national and international human rights laws and provisions. The government has to clarify such commitments at the international forum since the wrong message about Nepal regarding emergency rules and provisions and human right violations might have been flown to the international community.<sup>18</sup>

*Gorkhapatra* also mentioned that human rights were being defined to meet the vested interests of some groups and individuals. Further, constructive comments and voices are always welcomed in democratic society. After the Maoist attack on Thankot police post in Kathmandu valley in January 2006, in which 11 policemen were killed while eating dinner, the *Gorkhapatra* editorial criticized human rights activists:

Human rights activists who raised minor security lacunas over the incident did not see the violations of human rights by killing unarmed policemen by terrorist. Why do the activists who are earning expensive dollar remain silence over criminal deeds of terrorist? Are human rights only applicable to the terrorist not to public? Are security forces not included in human rights criteria and definitions?<sup>19</sup>

#### SECURITY-CENTRIC BUDGET

In January 2005, Nepal's finance minister presented an interim budget through financial ordinance for the following six months of the fiscal year 2004–5. He allocated 3.6 billion Nepali rupees more than the earlier proposed budget. 'The additional allotment of 1.07 billion Nepali rupees was made for the defence ministry

whilst 0.26 billion Nepali rupees were allocated for the home ministry. Likewise, the additional allotment of 0.5 billion Nepali rupees was made for the relief and rehabilitation fund for conflict-affected victims.<sup>20</sup> The *Gorkhapatra* editorial defended the increase in the security budget:

Until and unless the Maoists quit violent activities, the state will emphasize security expenditure. No doubt this will directly or indirectly affect the people and their lives. Realizing the fact, the government time and again called the Maoists for peace talks. Declining the offer, the Maoists continued to dismantle democratic structure and weaken economy of the country. The State should not stop its attempt to counter the violent activities of the Maoists.<sup>21</sup>

The royal cabinet, formed on 1 February 2005, brought up the budget for the fiscal year 2005–6 for the first time in July 2005. *Gorkhapatra* said that the budget was sufficiently focused on establishing peace and security and building a democratic culture. Further, it said: ‘This year’s budget is focused on national interest of the country and hopes to contribute to nation-building. In the past, the primary focus of the budget was to serve the interest of particular political parties who were in power.’<sup>22</sup>

On the other hand, *Kantipur* wrote that the budget tried to seek alternatives to political parties and elected representatives at the local level. In substance, the budget announced special programmes in 14 districts on education, health, and agriculture extensions. These programmes were to be implemented by bureaucrats, thus bypassing political parties and elected representatives. Not surprisingly, *Kantipur* called the budget security-centric and suggested that security expenditure had been increased by reducing social expenditure.

Government believes that peace will be established by increasing security expenditure as 3 billion Nepali rupees increased security budget allotment made in comparison to last year. Security expenditure comprised 15 per cent of total budget whilst health sector consists of 5.95 per cent of total budget. This shows that the security expenditure is being increased while social expenditure is being cut off.<sup>23</sup>

The private media, specifically *Kantipur*, criticized the budget as being too security-centric even as the government-sponsored

media justified the security expenditure by exploiting the interconnect between peace and development. That investment in strengthening peace and stability is an investment in development in the long term was the justification given.

The common understanding in the media was that security expenditure is indirectly proportional to social expenditure. Further, it is directly or indirectly identified that the necessity of peace dialogue to reduce the security expenditure by both.

## NOTES

1. *Kantipur*, 7 February 2005, p. 6.
2. *Ibid.*, 23 May 2005, p. 6.
3. *Ibid.*, 19 October 2005, p. 6.
4. *Ibid.*, 18 February 2005, p. 6.
5. *Ibid.*, 19 January 2005, p. 6.
6. *Ibid.*, 25 April 2005, p. 6.
7. *Ibid.*, 4 June 2005, p. 6.
8. *Ibid.*, 16 January 2006, p. 6.
9. *Gorkhapatra*, 2 February 2005, p. 4.
10. *Ibid.*, 4 March 2005, p. 4.
11. *Ibid.*, 21 April 2005, p. 4.
12. *Ibid.*, 21 April 2005, p. 4.
13. *Ibid.*, 8 June 2005, p. 4.
14. *Ibid.*, 'Situation of Children' (editorial), 25 January 2005, p. 4.
15. *Annapurna Post*, 'Displaced Children' (editorial), 8 March 2005, p. 6.
16. *Kantipur*, 'Arbour's advice' (editorial), 26 January 2005, p. 6.
17. *Ibid.*, 'High-Level Meeting of Human Rights' (editorial), 13 March 2005, p. 6.
18. *Gorkhapatra*, 'Respect to Human Rights' (editorial), 14 March 2005, p. 4.
19. *Ibid.*, 'Double Standard towards Human Rights' (editorial), 23 January 2006, p. 4.
20. *Ibid.*, 'Financial Ordinance' (editorial), 16 January 2005, p. 4.
21. *Ibid.*
22. *Gorkhapatra*, 'Democratic Budget' (editorial), 18 July 2005, p. 4.
23. *Kantipur*, 'Security-Centric Budget' (editorial), 18 July 2005, p. 6.

## CHAPTER 3

# The Royal Announcement and its Aftermath

### ROYAL ADDRESS TO THE NATION

In his proclamation to the nation, King Gyanendra dismissed the cabinet that was led by PM Sher Bahadur Deuba that was formed in June 2004. He announced the formation of a new council of ministers under his leadership and declared a state of emergency in the nation. He said that the dissolution of the cabinet was made considering Article 27(3) of the Constitution of the Kingdom of Nepal. The justification for the decision was that the government was not able to hold elections at the stipulated time and maintain peace and stability in the country. During all this, the King demonstrated complete commitment towards constitutional monarchy and multiparty democracy.

The royal announcement in February 2005 widely criticized political parties and their activities after the restoration of democracy in 1990. The announcement stated:

Multiparty democracy was discredited by focusing solely on power politics. Parliament witnessed many aberrations in the name of retaining and ousting governments. Not a single House of Representatives was allowed to complete its tenure. Continuous confusion and disorder resulted in the obstruction of the democratic process. While the people's aspirations continued to be shattered and their trust trampled on, they became increasingly disenchanted with democracy itself. After being incapable of holding elections, there were conspiracies to form undemocratic governments, which would be responsible to no one. There was also a written consensus amongst all political parties on vacuuming the people's representatives out but they could not see eye to eye when it came to working together in filling this void.<sup>1</sup>

Similarly, he called upon the Maoists to join mainstream politics: 'We call upon all those who have gone astray, taking up arms against

the nation and people, and those who are engaged in criminal activities against peace and democracy to return to the mainstream of national politics peacefully.<sup>2</sup>

*Gorkhapatra* responded to the King's announcement in a very positive manner. Moreover, it sought the support and constructive comments of people from different walks of life, as those would be crucial in operationalizing the King's interest and objectives. *Anna purna Post* believed that the King's announcement would have long term impact on Nepali politics and that the new cabinet would usher in a programme of reforms to meet the people's aspiration towards peace, development, and democracy, as committed by the King in his address. *Kantipur's* editorial on 18 February 2005 mentioned that the King would seek broader national consensus—given that the royal announcement was committed to constitutional monarchy and multiparty democracy—and that would be a positive political development, propelling Nepal towards democratic peace.

Over a month earlier, the private media had already speculated that the King might make such a move. *Kantipur* reported speculations that the King's scheduled visit to India might be a threat to democracy. It cited the example of King Mahendra who visited India for consultations, before sacking the democracy and imposing Panchayat rule in 1960. King Gyanendra's official visit had been scheduled for 23 December 2004, on the invitation of the President of India, Dr A.P.J. Abdul Kalam. However, it was postponed indefinitely due to the death of India's former PM, P.V. Narasimha Rao.

Meanwhile, *Kantipur* mentioned that the goodwill of neighbouring countries is necessary to foster peace and democratic practice in Nepal but direct intervention should not be allowed. Similarly *Gorkhapatra* stated the necessity of India's moral support to resolve several internal problems and to strengthen Indo-Nepal relations

#### NEW CABINET: OLD WINE IN NEW BOTTLE

Immediately after sacking the Deuba-led government, the King formed a new council of ministers under his own leadership. This new council comprised prominent faces of the Panchayat. Fo

example, Dr Tulsi Giri and Kirti Nidhi Bista, who led the cabinet during the Panchayat era several times, were appointed as Vice-Chairmen of the council. Similarly, some of the ministers were unknown in Nepali polity and some quit mainstream parties to get entry into the new cabinet. Critics termed the new council as 'Shadow of Panchayat'. Meanwhile, the king reshuffled the cabinet three times but the Vice-Chairman remained unchanged. With the increasing number of familiar faces from the Panchayat, people started to wonder if this was the beginning of a royal takeover.

#### ARREST OF POLITICAL LEADERS

After the royal move, senior leaders of major political parties were kept under house arrest. Other leaders were detained by security forces. These arrests were widely condemned in the national and international spheres. The global community asked the Nepal government time and again to free the political prisoners as soon as possible to create a favourable environment for consensus and compromise.

The private media heavily criticized the government's intentions behind the arrests. Initially, the press raised the issue of basic rights of political prisoners. In one instance, the King informed the press that political leaders enjoyed greater facilities after arrest and were treated like political prisoners. However, *Kantipur* stated that the government did not allow the senior leaders of NC and CPN(UML) under house arrest to read newspapers. Similarly, political prisoners were not able to access medical facilities and this had caused their health to deteriorate, especially in the cases of those suffering from high blood pressure and diabetes. They had no access to communication modes like telephone, e-mail, or Internet. Moreover, political leaders could not meet their cadres regularly. *Kantipur* wrote of the potential consequences of such treatment:

No doubt, state has declared emergency in order to control terrorist activities in the country. Political parties did not stand against the move yet. These kinds of unfair treatment towards political prisoners would not create favourable ground for political dialogue. It is impossible to resolve national problems by bypassing the political leaders. State should not treat terrorism and constructive opposition in equal footage.<sup>3</sup>

The way political leaders were arrested was also criticized. Most leaders were arrested without warrants. They were arrested during the night as well as from hotels and restaurants, by policemen in civilian dress. Doubting the motives behind such arrests, the private media termed them 'dacoit style' arrests.

As a result of the intense criticism, Girija Prasad Koirala was released from house arrest in April 2005, after two months. The private media viewed his release as the beginning of political dialogue and national consensus. The release was considered to be a landmark in creating a favourable environment for compromise and conflict resolution. The press asked for immediate release of other political prisoners without any preconditions. After his release, Koirala also said that there were possibilities of consensus and collaboration if the detained political leaders were freed and citizen's rights restored.

Similarly, Deuba was released before the annual meeting of the UNOHCHR in Geneva in April 2005. The private media accepted Deuba's release as a strategic move to influence the high-level meeting as well as portray a clean image in the international forum. The issue of Nepal was indeed high on the meeting agenda.

In March 2006, the APF team conducted a search operation in the residence of Madhav Kumar Nepal, President of CPN (UML), who had been kept under house arrest since January 2006. The team confiscated communication equipment. *Annapurna Post* stated that it was illegal and irresponsible on the part of the government to confiscate private property. *Annapurna Post* raised a doubt: why does the government repeat such activities? Was the intention behind the search and confiscation in fact the disruption of communication between agitating parties and Maoists?

Academics and human rights activists were either arrested or barred from travelling within and outside the country. Prof. Bhupati Dhakal, President of Nepal Professors Association (NPA), was arrested from the Padma Kanya campus during a seminar on Nepal's contemporary political context in April 2005. In response, NPA announced pen down in campuses and research centres across the country. Similarly, Prof. Lok Raj Baral was arrested at the airport when he landed after attending a seminar in India. In the light



of extreme pressure from within and outside the country, Prof. Baral was released but Prof. Krishna Khanal and Prof. Krishna Hachetchu were barred from flying to India to attend an academic programme.

*Kantipur* stated that arresting professors and barring them from academic seminars and conferences were activities that went against democratic norms and values. Stating that there is a larger community rallying behind such academicians, *Kantipur* warned that irking a professor means angering the wider youth community. Further, *Kantipur* cited how activities against academicians had been counterproductive to the regime during the Panchayat era. It warned the government that disturbing academicians would increase protests against the rule.

Similarly, Sushil Pyakurel and Kapil Shrestha, members of the NHRC, were barred from travelling to conflict-affected areas like Kapilavastu and Biratnagar. Praising the NHRC's role in safeguarding human rights, *Kantipur* highlighted the fact that Nepal is party to several international treaties and conventions on human rights. Such restrictions on the movements of activists severely violate human rights and this would create tremendous pressure on the government.

Whatever the government's justification, the arrests and restrictions on the freedom of movement of political leaders, academicians, and human rights activist had irked the political, civil, and academic circles. This directly impacted on the public at large. Whatever the intentions or motives, such undemocratic activities of the government had widened the gap and further eroded the trust between government and political parties and civil society. Undoubtedly, this was a huge setback to national consensus and unity, ironically at a time when they were needed the most.

#### ROYAL COMMISSION TO CONTROL CORRUPTION

Corruption, which has been continuously spreading its tentacles, has not only cast a shadow over politics and administration, but has also obstructed the nation's march towards progress. Corruption has struck at the very core of our society, the result of which the common man's confidence in the laws of the land

has been shaken. Therefore, in keeping with the popular will and to fulfil the main criterion of good governance, effective measures will be adopted to curb corruption, while ensuring that the principles of justice are not infringed upon.<sup>4</sup>

As promised in his address to the nation, King Gyanendra established a powerful body called the Royal Commission for Corruption Control (RCCC) in February 2005. Set up in accordance with Article 115 (7) of the Constitution of Nepal, the RCCC was meant to crack down on the widespread corruption in the country. The royal statement read:

The commission will enjoy all powers of the court and can investigate and take action against any person on the basis of complaints or information received from any source in connection with smuggling or tax evasion, involvement in the dealing of illegal contracts and other actions defined as corruption by the existing laws (BBC 2005, para. 6).

Since its very inception, the RCCC faced criticism from legal and political circles. Political leaders, legal experts, and representatives of the civil society urged the legal and political fronts to unite and fight against the RCCC since the beginning. The RCCC was labelled unconstitutional and extra-legal, a body formed to take political revenge.

The press, however, sounded very positive in the initial phase of the RCCC. *Gorkhapatra* had denounced the widespread corruption in political, economic, and social spheres as an underlying cause of terrorism. Praising the work of the Commission for the Investigation of Abuse of Authority (CIAA) against corruption, *Gorkhapatra* had already stated that people want more action against corruption.

*Annapurna Post* perceived the RCCC to be more powerful than the CIAA but added that there were lots of challenges and obstacles ahead of the RCCC. Citing that past initiatives to control corruption had been passive, the press cautioned the RCCC against aligning itself with the motive of political revenge and urged it to work in a transparent manner.

*Kantipur* editorials were silent on this issue in the beginning. As the RCCC began its work, the private media became vocal in its critique. *Kantipur* reminded readers that there was already a constitutional body called the CIAA, charged with countering corruption

by following due legal process. Despite that, a parallel and more powerful commission was established in the form of the RCCC, which was therefore an extra-legal body.

The RCCC's most controversial and publicized action was the case of Sher Bahadur Deuba, former PM of Nepal and President of NC (Democratic), who was arrested by policemen in civilian dress from his house on the midnight of April 2005. The RCCC accused Deuba of financial irregularities in the Malamchi water project tender and in the PM's Relief Fund. Earlier, Deuba had refused to appear in front of the RCCC to defend himself. The RCCC charged other officials, including former minister and Deuba's political associate Prakash Man Singh, in connection with the project irregularities. Not to forget, the king had already dismissed the Deuba-led government.

Deuba's arrest at midnight was widely condemned by private media and dubbed as a 'terrorist style' act, hinting at the government's malafide intentions. The private media also termed the arrest 'political revenge'. The media had been suggesting to the government that the RCCC should not be the means of taking political revenge earlier. On other side, the government media welcomed the arrest of Deuba. Both Deuba and Singh were convicted over the irregularities in Malamchi water project in September 2005 and given the punishment of two years' imprisonment and a fine of NRs. 45 million. Similarly, other senior officials were also convicted over the issue.

With increasing controversy towards the RCCC, the Supreme Court (SC) passed a verdict to abolish it in February 2006. The SC stated that the RCCC was illegal and its formation and continuity were against the spirit of the Constitution. The SC's order rendered entire actions of the RCCC invalid. *Annapurna Post* welcomed the SC's decision, which had established civilian supremacy and increased judicial reputation. The decision proved that the SC was firmly committed to establish rule of law in the country and was considered to be a breakthrough in the constitutional crisis. Further, the verdict created moral pressure on the monarch towards the royal move and to review the political roadmap of the government.

With the SC's verdict, Deuba and Singh were released from custody. After the release, Deuba said he was committed not to let democracy be compromised. The verdict was warmly welcomed by political and legal leaders, who called it an important step towards restoring the rule of law. Further, the agitating parties said that the SC's verdict had proved that the royal move of February 2005 and subsequent actions were illegal and unconstitutional. Further, the king had lost the moral ground to stay in power.

#### KING'S SPEECH AT THE ASIAN–AFRICAN SUMMIT, 2005

King Gyanendra attended the Asian–African Summit held in Jakarta, Indonesia, in April 2005. This was his first official foreign visit after the royal move. His speech at the summit tried to justify the royal move and blamed Nepal's polity for being unable to combat the challenge of terrorism:

Terrorism and the self-induced inability of the political parties and various governments to rise to the challenge of ever-emboldening terrorists were driving the country to the edge of a precipice. The nation, left with little choice, was compelled to take a decisive course. The decision we took on the first of February this year was in response to the call of our Constitutional duty to prevent the nation from further sliding down to chaos and anarchy.<sup>5</sup>

He reiterated his commitment towards multiparty democracy and constitutional monarchy at the international forum. Claiming that terrorism in Nepal was a threat to south Asian regional security and stability, he urged the international community to support Nepal in its fight against terrorism:

Our commitment to multiparty democracy, human rights and rule of law is total and unflinching. We appreciate the understanding and support of the international community for the people of Nepal in these difficult times. We strongly urge the international community for greater understanding and support in our fight against terrorism and for the restoration of peace, stability and the strengthening of democratic institutions in the country, sooner than later.<sup>6</sup>

While highlighting the gist of the King's speech, the Nepali press also covered the high-level meeting between King Gyanendra

and Dr Manmohan Singh, Indian PM, also held in Jakarta. *Kantipur* stated that India had openly criticized the royal move and asked Nepal to restore the democratic process, stressing how constitutional monarchy and multiparty democracy were indispensable to the establishment of peace and stability in the country. The press predicted that the high-level meeting would mark a new beginning to improve eroded trust and strengthen cooperation. The King also met with the Premier of China, the PM of Pakistan, the Secretary-General of the UN, and other international leaders.

In April 2005, shortly after this visit, the king called off the emergency, a move that the press welcomed. However, *Annapurna Post* stated that Nepal was facing criticism nationally and internationally for its failure to protect and respect human rights—the emergency had suspended basic citizens rights even though it was initially targeted against terrorists. *Kantipur* endorsed how the international community was ceaselessly pushing for democracy and citizens' rights. *Gorkhapatra* justified that the three-month-long emergency was called off since peace and security across the country had considerably improved. Definitely, the strikes and bandhs were less effective in the Kathmandu valley during the emergency. Outside the valley, violence and terror were prevalent like before. *Gorkhapatra* believed that the withdrawal of the emergency would improve relations with the international community and ensure international support in the future.

Sections of the press also suggested the role of the international community in the withdrawal of the emergency. Foreign leaders may have advised the King to restore citizens' rights and democracy by calling off the emergency. It did not seem that the high-level meeting at the summit and the withdrawal of the emergency came together by chance.

#### ADMINISTRATIVE REFORMS

While expressing our unflinching faith in multiparty democracy, we would like to mention that economic and institutional reforms will continue. Efforts at reforms in the utilization of public expenditure and public service delivery will be made more effective.<sup>7</sup>

In his proclamation to the nation, the King promised to make public service delivery effective. The public had criticized the service delivery of government offices for being very sluggish and for malfunctioning. The widespread politicization of the administration had not only created obstructions to effective service delivery but also led to erosion of public faith in the administration. Further, this had made the administration vulnerable to corruption. A root cause of public frustration—seen across the country and appreciated by the new government—was the malfunctioning administration. Realizing this fact, the new government identified the need for administrative reforms to detach politics from the administration. This would be crucial in establishing good governance in the country.

To improve services, the government appointed regional administrators in five regional offices as well as zonal administrators in 14 zones across the country. These appointments were widely criticized by the polity as well as civil society. Critics perceived this as a new initiative to revive the Panchayat era structure in the administration. *Aanchaladhis* (zonal administrators) had been appointed to look after particular zones in the Panchayat era.

The cabinet promulgated a new directive in 2005 to improve public service delivery. The main aim of the directive was to reduce bureaucratic hassles and barriers faced by the public while approaching government offices. Also, it aimed to improve coordination among government offices. According to the directive, government offices would be mandated to submit weekly and bimonthly progress reports to the line department. Also, monitoring and emergency surveillance would be carried out. *Annapurna Post* responded positively and said that the directive was very timely and contextual. However, it doubted that there would be any change in the administration until and unless there was a change in individual character. Similar initiatives in the past had brought in zero change, literally.

The Civil Service Act (1993) was provisioned to form an organization of civil employees. It allowed the formation of a trade union of civil employees at the national level. The union is meant for the welfare of the employees and conveys their professional demands to the concerned institution. Not to forget, the union has increas-

ingly been aligned with the political ideologies of mainstream political parties. The government believed that the Act catalysed the politicization of the administration, which faced instability as a result. The government amended the Act through an ordinance in July 2005. The amendment barred civil employees from forming a trade union. Instead, it allowed the formation of a professional assembly for the welfare and professional development of employees. This irked the employees who had earlier enjoyed the right to form unions, and they initiated protests to coerce the government to withdraw the ordinance.

*Kantipur* stated that the amendment was against the Constitution and democratic norms. Further, it had violated the norms of the UN declaration and the International Labour Organization (ILO) treaty. It accused the 'professional assembly' of being nothing more than a group of 'ruler-friendly' entities. Further, it fully supported the protests but cautioned the civil employees not to disrupt public services in the name of protesting.

*Gorkhapatra* was optimistic that the amendment would end the politicization of the administration and improve public service. It said that the protest programme announced by civil employees was nothing more than protest for the sake of protest.

After the success of People's Movement II, another amendment restored the right of civil servants to form trade unions by civil employees of the post of section officer and below in 2007. New amendments include the promotion of civil employees who served the office for sixteen to twenty years in the same post of *Kharidar* to under-secretary if certain requirements were met. Critics viewed the provisions as rewards to civil employees for participating in the movement against the monarch, and warned that it would mar professionalism in the civil service. Recently, the government decided to integrate civil employees who got promotion under this provision.

#### CODE OF CONDUCT FOR SOCIAL ORGANIZATION

In Nepalese society, traditional forms of non-state associations like *guthi*, *dhikur*, *parma*, *rodi*, and *kipat* exist from historical times.

These traditional forms of associations worked towards the welfare of society. However, Aditya (2011: 7) states that the '4th five-year plan (1965–70) laid the official foundation of volunteerism and civil society in Nepal'. Further, the Social Registration Act (1960) provisioned the association registration in the district administration office and the Act ensured full authority to chief district officer in this regard. This shows that the Panchayat contributed substantially towards policy development about NGO formation and registration. However, the major achievements came after the restoration of democracy in 1990. Some policy initiatives in the liberal democracy era include the establishment of an umbrella federation of pan-India NGOs at the national level in 1991; the promulgation of the Social Welfare Act (1992) that established a social welfare council; and the promulgation of the Local Self-Governance Act (1999) to encourage NGO activities. The restoration of democracy in Nepal and the changed power balance in world affairs after the collapse of the Soviet Union saw rapid growth of NGOs in Nepal. Aditya stated:

The ballooning phenomenon was noticed in the nineties in a number of East Europe Countries and the former members states of the Soviet Union as also in Nepal between 1990 and 1999, the number of registered NGOs grew from 372 to 9935, that is, 27 times. (Aditya 2011: 8)

Despite their positive intent, NGOs were criticized due to lack of transparency on financial matters. More specifically, NGOs were accused of being biased in the allocation of the funds. Likewise, it was also said that NGOs rarely publish financial records and sources of funding. 'NGOs are limited to car, computer, seminars, conference, report, foreign visit, new buildings and bank balance in Nepal.'<sup>8</sup> *Gorkhapatra* also questioned the transparency of financial matters: In recent days, NGOs have been launching several programmes through the monetary support from foreign agencies. Question remains how the funding is secured. Who is it brought? How much is its effectiveness? Have the money and programmes reached target group and area?<sup>9</sup>

NGOs were also criticized of being elite-controlled and having a family-focused leadership. Limited people would have lifetime presidency as well as executive membership. These key post holders



were earning good sums in the name of volunteerism. There was a weak coordination mechanism between the government and NGOs as well as within the NGO network. Significantly, it is difficult to delineate boundaries between political parties and NGOs in the context of Nepal. NGOs have been safe places for employing party cadres as well as practising political activities. Most NGOs in Nepal are aligned to this or that political ideology of mainstream political parties.

Realizing these impediments, the government introduced a code of conduct in 2005 to regulate NGO activities. Bhatta summarizes:

In February 2005, when the King took over the power, the government introduced a new code of conduct for social organization stipulating the people working in the NGOs should not participate in party politics, could not head any organization for more than two terms, had to make public their audited financial and yearly progress report and submit them to the District Administration Office (DAO) and District Development Committee (DDC), were not to receive monthly salaries, and had also to get prior permission from the Social Welfare Council (SWC) to receive foreign assistance. (Bhatta 2011: 136–7)

The introduction of the code of conduct increased tussles between the council of ministers and NGOs. The latter claimed that the new code was meant to impose restrictions on them while the former iterated that the code was not meant to control or restrict but to encourage discipline, accountability, transparency, and effective management.

In trying to find a via media in an atmosphere of swiftly eroding trust between NGOs and the government, the private media seemed to be positioned against the code of conduct. Stressing the need for accountability and transparency of NGOs, *Annapurna Post* stated that the government should not impose restrictions and controls on NGOs. Any tussles on policy should be sorted out through dialogue and discussion. *Kantipur* agreed that the government introduced the code to control NGOs and strengthen the regime; in fact, it predicted that the first victim of the code would be human rights activists and humanitarian agencies. Did *Kantipur* perceive the code as the government's revenge on activists who were pushing it to abide by global human rights standards? Did

the government intend to disrupt humanitarian initiatives in conflict-affected areas? Going a step further, it asked the concerned bodies to defy the code of conduct.

On the other hand, *Gorkhapatra* praised the substantial contribution of NGOs in the areas of education, health, environment, infrastructure, social empowerment, and human rights in the country. It said that the code should not be misread as unnecessary interference by the government, as it is intended to help NGOs overcome their challenges and impediments. It advised the government to be cautious and not demoralize NGOs who were doing good work.

As the government's position did not change, NGOs started agitations against the code of conduct. The private media welcomed this protest. *Gorkhapatra* questioned the justification of the protest since the code was formulated on the basis of in-depth discussion and brainstorming. Bhatta, in his article on the NGO movement against the code, wrote:

Rights-based NGOs, who were against these provisions, launched their own movements in solidarity with the agitating SPA. The NGO federation and the Association of NGOs in Nepal also rallied against the state to roll back the code. CSOs, which were opposed to the King's rule, regarded the state as illegitimate. Therefore, much of their advocacy involved them in efforts to overthrow the royal regime. The government, for its part, questioned the transparency, accountability and performance of the CSOs, whereas civil society leaders argued that the government was all set to weaken them. (Bhatta 2011: 137)

Undoubtedly, the introduction of the code of conduct had irked the NGOs and that subsequently saw the protest against the King's rule.

#### PRESS AND CENSORSHIP

An independent press serves as the medium for raising the level of democratic consciousness. It plays a crucial role in the promotion of national interests. We believe that the press will make effective contributions in ensuring that democratic norms and values inspire our way of life as well as governance. We are confident that, with this in mind, all those who have faith in multiparty democracy will discharge their duties from their respective places and the people's aspirations

along with the country's requirements will be realized through the shared efforts of all the countrymen.<sup>10</sup>

Since the beginning of the Maoist insurgency, press and press freedom had repeatedly been victims of both the government machinery and Maoist insurgents. Journalists faced threats, torture, and violence from both sides. They were arbitrarily arrested and interrogated. They were manhandled, attacked, abducted, and subjected to extortion. Several journalists were harassed and intimidated, some even disappeared. There were instances of obstruction of free flow of information. Newspapers were burnt. Media houses were attacked and set afire. Press equipment was stolen. T.V. Channels were forced to halt broadcasts.

Despite the King's promise of a free and independent press, the government adopted draconian and restrictive policies towards the press world. 'As the king was delivering his televised address, in a pre-planned military operation, armed personnel entered media organizations to prevent all radio and television news broadcasts and to censor newspapers' (IFJ 2006: 2). This should have been hint enough that the cabinet formed under the leadership of the King would take stringent measures against the press. In fact, the Ministry of Information and Technology (MOIT) was proactive in taking action against the press.

MOIT issued separate notices to print and broadcasting agency on 2 February 2005 barring the publication of interview, article, news, notice, reading materials, opinion and individual view that directly or indirectly encourages or promotes or supports terrorism and terrorist or destructive activities against the spirit of Royal announcement (Dhungel 2007: 33).

It was evident that action would be taken in accordance with the existing laws, no matter who violated the order. 'After one month, a single notice referring to both print and broadcasting media with similar contents was published in *Gorkhapatra* as a reminder call and to threaten the media world' (Dhungel 2007: 35).

The ministry's notice fuelled the tug of war between *Kantipur* and *Gorkhapatra*. *Kantipur* stated that the notice did not enshrine the principle of free and independent press and was contrary to the King's announcement. Further, the so-called censorship im-

posed by the MOIT was a major stumbling block in the dissemination of fair and reliable information. Labelling this a national crisis, *Gorkhapatra* urged the media to circulate information with greater responsibility and duty towards state and people. It cited Tanka Dhakal, newly appointed minister of information and communication, saying that he would take action against the media for circulating news that went against national interest. This proved that the government media indirectly urged other media to obey the notice.

'Editors and senior journalists of the country's largest circulating Nepali daily were summoned and told that if they did not follow the official directives, no one could guarantee their safety' (IFJ 2006: 2). Likewise, the RNA and the local administration directly controlled news reportage; in fact, the news would be published or broadcast only after verification by the RNA and the local administration.

As mentioned earlier, the King lifted the state of emergency but the withdrawal did not change the press control policies imposed by the government. *Kantipur* stated that the people could not feel the relief of withdrawal of emergency because of the persistence of draconian policies towards media even after the emergency. Further, the continuity of the policies proved that government was not sincere in its expressed commitment towards national consensus and reconciliation.

The government also went on an offensive against FM radio channels operating across the country. The MOIT issued directives pertaining to FM radio time and barred the broadcast of news, notices, articles, op-eds, and views other than entertainment programmes. Whoever violated the directives would be punished in accordance with the National Broadcasting Act (1993).

Condemning the restrictions on FM radio placed by the government, *Kantipur* stated that it is essential to broadcast news programmes to counter one-sided news being circulated among the wider public. *Kantipur* repeatedly asked the government to allow broadcast of news through FM radio channels. On the other hand, *Gorkhapatra* justified the government's stand, by reiterating the provisions of the National Broadcasting Regulations (1995), which

were meant to stop the broadcast of any news programmes on FM radio that encouraged anti-national propaganda in Nepali society. Further, it said that FM stations were meant to broadcast entertainment programmes only. Government-owned media stated that FM stations had been broadcasting the news without any respect for nation, nationality, or social values and norms.

The government not only issued these directives but also threatened to cancel the licences of FM channels. Also, FM stations were attacked and their communication equipment confiscated. For example, 'MOIT sent a confidential letter to Communication Corner, organization for the production and distribution of radio program, urging to close the Corner because it was running illegally in May 2005' (Dhungel 2007: 40). However, the Corner is registered in accordance with existing laws. In October 2005, blaming it for not following the government directive and new provisions in laws, security forces entered the Corner studio at night and confiscated the communication equipment by threatening the staff. Similarly, security forces cordoned off the radio station of Sagarmatha FM in November 2005 and confiscated communication equipment. Moreover, five staff members were arrested. The government accused Sagarmatha FM of preparing to broadcast an interview of Prachanda, President of the Maoists, via the BBC Nepali service. The airing of the interview was advertised a day earlier. *Kantipur* and *Annapurna Post* described the relentless attack on FM channels as the manifestations of the state's 'dacoit character'. *Gorkhapatra* tried to defend the attack, particularly in the case of Sagarmatha, saying that it is indeed against the law to broadcast the interview of a terrorist.

As a result, the Broadcasting Association of Nepal, the Community Radio Broadcasters Association, and the Broadcasters Forum of Kathmandu Valley FM started protests against the government, demanding the withdrawal of the draconian policies and a halt to the repeated attacks. The protest programmes included 'awareness raising about the repressive policies, meetings with key officials of the government including security officials, seeking solidarity of senior journalists, civil society and political leaders, submission of the memorandum to the government, halt of broadcasting, rallies and demonstrations' (Dhungel 2007). The agitating parties, pro-

fessional organizations, civil society, Nepal's print and electronic media, and the international community expressed solidarity with the protests.

The government tried to impose indirect censorship by banning government advertising spend on the non-cooperative press. In a press conference on 20 June 2005, Dhakal declared a policy related to one-door system of government advertisement. The press termed the policy as 'unannounced blockade on government advertisement'. It is said that the policy was formulated on the basis of reports prepared by several commissions, such as the Press Commission and the Royal Press Commission, formed at different times. According to the policy, a central coordination committee would be formed to evaluate the press and distribute the government's outlay on advertisement. 'One of the main considerations of the evaluation was the expression of respect towards Monarchy, as the constitution of Nepal 1990 has kept the Monarchy—a symbol of nation, nationality and national unity in respected position, by the press' (Dhungel 2007: 63). The first condition for government advertisement was complete commitment towards nation, nationality, and monarchy. The MOIT issued directive to implement the advertisement policy on 26 September 2005.

Welcoming the government's initiative, *Gorkhapatra* stated that the policy aimed to end the money laundering through investment in the media and, thus, curtail widespread corruption in the media. *Kantipur* stated that the policy was a tactical attempt to divide the press into 'nationalist' and 'anti-nationalist' factions. Claiming the press' right to advertisements, it mentioned that the policy was clearly aligned against the principle of liberal economy. *Annapurna Post* warned that the tug of war between government and press would intensify if the contradiction of government commitment to free and independent press continued.

The government had also planned to amend the existing press-related laws via an ordinance, news of which was leaked. '*Janaaastha* weekly was the first to publish the news about government preparation for the ordinance in May 2005 and *Kantipur* daily covered in depth news about the ordinance three days after' (Dhungel 2007: 47–8). The news further irked journalists who were pro-

testing against the state and demanding the restoration of press rights. Time and again, the government interfered with peaceful demonstrations organized by the journalists. When the news leaked and protests increased, the government could not table the ordinance on time. It was five months later, on 9 October 2005, that the government issued the ordinance for the amendments of some press-related laws. The ordinance was tabled on the day of Fulpati, the first day of the Dashain festival holiday, and labelled a 'gift of festival'. In this way, the government tried to escape the possible protest that would ensue. As indicated, journalists had already started demonstrations to restore press rights as well as democracy in Nepal.

Some of the controversial provisions of the ordinance related to strict punishment measures and issuance of licences. Not more than two licences or certificates among radio, TV, and print media would be issued to an individual or organization at a time. Further, any individual or organization that had already got licences of all three media (radio, TV, print) would be allowed to select to operate any two for a year and transfer the third licence to another individual or organization. If they did not select or transfer, the government would cancel the licence for either TV or radio. Many were of the view that this provision was especially targeted against *Kantipur*, the only private media house running radio, TV, and print at that time.

The ordinance drew the attention of national political circles and international diplomatic agencies. Press-related international organizations issued press releases asking the Nepal government to lift the ordinance. Mainstream political parties, lawyers, and civil society were deeply concerned about it. Seven parties announced a valley bandh in protest against the ordinance, which they claimed was against the notion of the Constitution and freedom of speech.

The government's repressive policies had irked the press world and led to demonstrations against the state to restore press rights and democracy in Nepal. The state's attempt to restrict the press backfired and forced them to portray the state negatively among the public. What's more, it provided justification for the press to join hands with the agitating political parties on the streets. It

ruined the government's reputation in the international arena. Some of the repressive measures were reminiscent of the Panchayat era, when the state had tried to divide the press into nationalist and hostile factions—a similar division had been attempted by the one-door system on advertisement spend. Before imposing controls against the press, the government should have reviewed how similar control measures during the Panchayat era became counterproductive for the regime.

#### MAOIST ATROCITIES AGAINST JOURNALISTS

*I call journalists around the world to produce a new revolution against the information imperialist.*—President Prachanda (Kasaju 2006: 22).

The start of the insurgency was the beginning of black days for journalists across Nepal. They repeatedly became targets of Maoist rebels in the hinterland. Regular news reporting and collection was noticeably disturbed. Maoists threatened, abducted, manhandled, beat up, and tortured journalists blatantly during the insurgency. Journalists were also forced to pay huge ransoms and coerced to leave their workplaces and hometowns. A considerable number of journalists fled for the sake of security. 'Because of intense atrocities of Maoists, Federation of Nepali Journalists (FNJ) had even reached in the situation that they would halt news coverage about the rebels at some point' (Kasaju 2006: 22). Neither did the government provide sufficient security for the journalists nor did the journalists have faith in a government that repeatedly imposed repressive measures against their ilk. Instances of culprits being prosecuted by the government were, unsurprisingly, rare.

Maoists killed several journalists across the country. 'According to Nepal Federation of Journalists, altogether 24 journalists were killed during 1996–2006. Out of which, seven journalists were killed by Maoist insurgents' (Thapa 2013: 173). Dakendra Thapa, correspondent of Radio Nepal (government-sponsored radio channel) in Dailekh district, was murdered by Maoists in August 2004. Thapa's case was highlighted at the national and international level. 'The Committee to Protect Journalists, or CPJ, reported that five



suspects (all linked to ruling Maoists) were arrested in connection with the killing of Thapa in response to complaints filed by the wife of the deceased on January 2013' (Ghosh 2013, para. 9). Further, one suspect even admitted to kidnapping and burying Thapa alive. Why did the Maoists kill Thapa? In a chat with *Spotlight*, Gopal Budathoki, editor of *Sanghu* weekly, said: 'Thapa was a popular journalist and social worker. Maoists hated Thapa for his reports about their killing of people. That is why they murdered him' (Vagenende 2013, para. 6). Ostensibly, the Maoists blamed Thapa—who was the president of a local water supply project—for financial irregularities whereas, in truth, Thapa was in a dialogue with Maoists because they had disrupted water supply in the district headquarter. Thapa was also accused of spying against the party. The Maoists put him on their target list when he facilitated King Gyanendra's visit to the district. In response, 'FNJ issued open letter to Maoist headquarter asking public apology over the incident and prosecution of the culprit with the commitment not to repeat such incident in the future' (CEHURDES 2005: 42). In reply, Maoists did admit to the killing. 'In a letter to FNJ, Krishna Bahadur Mahara, spokesperson of the Maoists, wrote the murder of Thapa was against the policy of the party and the party was firmly committed not to repeat such an incident' (CEHURDES 2005: 42). Despite this commitment, Maoists continued to perpetrate atrocities against journalists.

The Maoists attacked and pillaged media stations and equipment across the country. In one instance, 'Maoists attacked and destroyed thousands worth of property at regional broadcasting centre of Nepal Television (government-sponsored broadcasting media) in Kohalpur of Banke district in February 2005' (CEHURDES 2005: 109–10). Regular broadcast of Nepal TV came to a complete halt. Media stations were severely affected by the Maoist offensive.

Maoists also tried to use the media in their favour. As Thapa (2013: 173) writes, the Maoists used the media by allowing some journalists 'guided tours' in its base area. The purpose of such tours, no doubt, was to disseminate positive messages about Maoists. And yet, these very Maoists threatened and attacked journalists who published news against them, and warned them against doing

so. 'Maoists used to condemn true news through political words; they threatened the journalists who unhide their weakness and publish news against its interest; and they had even devalued freedom of writing of journalists' (FNJ 2003/4: 13). Rajendra Dahal, editor of a weekly, wrote in an article that 'he had questioned the looting of a bank following which a senior rebel leader wrote a piece in response that they would "bury" the editor in the same grave as they would dig to bury a senior NC politician' (Bhattarai 2004: 4).

Most targets of Maoists were journalists from government media, such as correspondents of National News Agency, *Gorkhapatra*, Nepal Television, and Radio Nepal, and some local correspondents of mainstream private media like *Kantipur*, *Rajdhani*, Space Time Network, and *Nepal Samacharpatra*. This does not mean that the local media was spared. There were three major reasons for Maoist atrocities against journalists:

1. Journalists were victims because of their profession. Maoists wanted them to only disseminate positive news that did not defame their own support base.
2. Journalists who became victims were affiliated with ideologies or thought processes other than Maoist.
3. Maoists accused most of the victims of being spies of the security forces, though some of the murdered journalists were also social workers in the district.

The major motive of the rebels was to promote war propaganda. In other words, the atrocities were the part of their strategy to manipulate the media in their interest.

#### LOCAL ELECTION: LEGITIMACY CRISIS

Meaningful multiparty democracy is possible only by reenergizing representative institutions through free and fair elections. Therefore, to honour the collective wisdom of all enfranchised Nepalese, everyone with faith in multiparty democracy must contribute to its consolidation by participating in the forthcoming municipal elections. We have commanded the Election Commission to conduct elections to the House of Representatives within the year 2062

B.S. (2005/2006 AD) by further strengthening the favourable environment created with the holding of the municipal elections. We also call on the international community, which believes in democracy to actively assist in ensuring that the electoral process is dignified, free, and fair.<sup>11</sup>

Delivering a message to the nation on the Nepali New Year (14 April 2005), the King announced a municipal election within 2062 BS (AD 2005/6) to restore the stalled democratic process:

Peace and security has considerably been improved across the country. So, it should not be done late to restore democratic process in the country. In order to strengthen multiparty democratic system, I command election commission to hold the municipal election within this year.<sup>12</sup>

The media responded positively to the announcement of municipality elections, hoping that the election would help restore the democratic process and strengthen national consensus. However, *Kantipur* and *Annapurna Post* doubted the possibility that people would be able to cast their votes in a free and fair manner.

As mentioned, the posts of local elected representatives—including metropolitan, sub-metropolitan, and municipalities across the country—had been vacant since 2002. The government was silent on the issue of holding elections for VDCs and DDCs. The King's declaration had given a new spin to the discourse. Some considered it to be the government's move to divert the attention of the Nepali polity. However, the political context saw another turnaround when, immediately after the King's announcement, seven mainstream political parties entered into an understanding to protest against the government and demand that the dissolved Parliament be reinstated by the King. The possibility of successful completion of local election was remote when the SPA decided to boycott the upcoming election. Similarly, the 12-point understanding between the SPA and the CPN(M) clearly urged the public to render the election a failure.

Point 9 of this understanding states: 'The announcement of municipality is backed by the ill-motive of deluding people and the international community and vowed its complete boycott in respective ways by two parties' (ASPECT 2011: 3). Even the private media, which was positive towards the election in the beginning, then felt

that the political environment was unfavourable for the local election. Increasingly, the press stated that the election would not fall into the grey area between boycott and support. In a democracy, an election is considered to be a conflict resolution tool. The press, however, stated that the election would polarize politics and may precipitate a political crisis.

*Gorkhapatra* termed the SPA's decision to boycott the election as 'usual practice', 'a kind of attraction of the election', and 'political bargaining strategy'. It assumed that mainstream parties would participate in the election later. Maoists announced violent campaigns to disrupt the election. Despite the impending boycotts and violent campaigns, the government attached highest priority to the election and vowed to take stringent action against those who interrupted the election process.

As decided, major political parties did not register with the election commission for the municipality election. Smaller, fringe parties registered, and most candidates contesting the election were independent. In some instances, some candidates were unknown because of the Maoists' announcement of violent action against the candidates. No candidacies were filed for some seats. As the election approached, some candidates withdrew from the fray, citing security threats. Outside the valley, contestants were under heavy security. Such drama was seen so many times prior to the election date that *Kantipur* termed the overall phenomenon a 'comedy of election'.

As the election drew nearer, Maoists attacked police posts in the suburbs of Kathmandu. Citing the reason as possible infiltration of Maoists in protest of SPA, the government banned political assemblies and programmes in the valley. It also imposed curfew in major cities across the country. The ban and curfew directly affected the election campaigns of those few candidates who were contesting the election.

Finally, the government held the municipality election across the country amidst high security arrangements on 8 February 2006. Civil society and major political parties boycotted the election; slightly over 20 per cent votes were cast. Immediately after the election, the mainstream parties labelled the election a 'failure'

that did not have any validity. Terming the election a failure, *Kantipur* stated that it did not represent the public verdict and did not aim to strengthen local bodies. *Annapurna Post* stated that the election did not garner political legitimacy or a breakthrough. *Gorkhapatra*, meanwhile, claimed that the election was successful and stated that the successful completion of the election would have historical importance in facilitating the institutional development of democracy. Not surprisingly, the king in his message on Democracy Day claimed that the municipality election was successful.

As Nepal headed into history's most contested election, the international community was deeply concerned about the possible impacts. 'European Union (EU) put serious concerns about the unproductive election and believed the election will polarize Nepali polity. Further, EU showed its commitment of every support towards the steps of sustainable peace in Nepal'.<sup>13</sup> Citing the EU's comments—'the upcoming election will benefit the regressive forces'—*Gorkhapatra* stated that the response of the geographically distanced EU would not have much impact in Nepal.

'India, USA, Japan, UK and some member countries of EU did not recognize recently held election. International community described the election as malpractices to legitimize the regime'.<sup>14</sup> In response to the international community, the government warned it not to interfere in the internal problems of a sovereign state. 'Ministry of Foreign Affairs (MOFA) responded that the objective of holding the election is to restore democracy in Nepal and the international community should have praised government's efforts instead of putting negative criticism'.<sup>15</sup> *Annapurna Post* termed MOFA's response as diplomatic immaturity. On the other hand, *Gorkhapatra* called it timely and necessary, adding that the response of international community was nothing more than unnecessary concerns and interventions in internal matters of a sovereign state.

By overlooking the boycott by mainstream parties, the King's game of municipal election was indeed proven to be counter-productive to the regime. The outcome of the election created moral pressure on the government. The international community termed it a failure. That only 20 per cent of the electorate voted

demonstrated the low level of public support for the government. The decision to hold the election despite the SPA's plea for withdrawal proved to be a huge setback to national unity and consensus. Further, it intensified the rivalry between the government and agitating parties. The failure of the election ultimately created a conducive environment for SPA's street demonstrations against the government. It also gathered public and international support for the protest programme.

## NOTES

1. Proclamation to the nation by King Gyanendra, 1 February 2005 (online), available at [www.satp.org/satporgtp/countries/nepal/document/papers/05emergencyking.htm](http://www.satp.org/satporgtp/countries/nepal/document/papers/05emergencyking.htm), last accessed on 2 August 2013.
2. Ibid.
3. *Kantipur*, 'Behaviour to Increase Doubt' (editorial), 17 March 2005, p. 6.
4. Proclamation to the nation by King Gyanendra, op. cit.
5. Address by His Majesty Gyanendra Bir Bikram Shah Dev, King of Nepal, at the Asian–African Summit 2005, Jakarta, 22 April 2005 (online), available at [www.mofa.gov.np/en/news/detail/201](http://www.mofa.gov.np/en/news/detail/201), last accessed on 10 August 2013.
6. Ibid.
7. Proclamation to the nation by King Gyanendra, op. cit.
8. *Annapurna Post*, 'NGO Code of Conduct' (editorial), 22 September 2005, p. 8.
9. *Gorkhapatra*, 'Code of Conduct in Social Service' (editorial), 13 September 2005, p. 4.
10. Proclamation to the nation by King Gyanendra, op. cit.
11. Message by His Majesty King Gyanendra Bir Bikram Shah on the auspicious occasion of Bada Dashain, 12 October 2005 (online), available at [www.mofa.gov.np/en/news/detail/203](http://www.mofa.gov.np/en/news/detail/203), last accessed on 12 August 2013.
12. *Annapurna Post*, 'Speech of Shree 5' (editorial), 15 April 2005, p. 6.
13. *Annapurna Post*, 'Concern of European Union' (editorial), 30 January 2006, p. 8.
14. *Kantipur*, 'Cold War in Shital Niwas' (editorial), 12 February 2006, p. 6.
15. *Annapurna Post*, 'Immature Diplomacy' (editorial), 13 February 2006, p. 8.

## CHAPTER 4

# Conclusion of Comprehensive Peace Accord

The regressive forces can be defeated and it is possible to build a highway of progression if the press is protected. There is no disagreement in this universal truth. Everybody knows the importance of the support of the press in the success of People's Movement II.<sup>1</sup>

The King repeatedly expressed firm commitment towards constitutional monarchy and multiparty democracy in his messages to the nation. He reiterated the commitment in international forums, such as the Afro-Asian summit in Indonesia. On the other hand, his speech seemed to be offensive towards mainstream political parties and tried to portray a negative image of these parties in the national and international arenas. He blamed the parties for fuelling terrorism, for failing to hold elections, for being focused on power politics, and for causing aberrations in the Parliament proceedings. Moreover, time and again, the government overlooked the concerns of the political parties. The King's hypocrisy had irked the opposition and forced them to unite against the government. After the royal move, there was a tripartite power struggle between (1) government, (2) mainstream political parties, and (3) the Maoists. The two-facedness of the King alienated him from the mainstream political parties and rendered any dialogue and reconciliation impossible. Instead, binary opposites—mainstream political parties who believed in peace politics and Maoists who were poised to launch an armed rebellion to capture state power—came together in his scenario.

### FORMATION OF THE SEVEN PARTY ALLIANCE

In May 2005, seven political parties,<sup>2</sup>—constituting over 90 per cent seats of the dissolved Parliament—signed an understanding

to begin street demonstrations against the government. The main aim was to reinstate the dissolved Parliament. Summarizing the pact, *Kantipur* stated that the understanding kept open the option of CA while it took the restoration of Parliament as a point of departure. Further, it included the option of referendum over critical issues. It can be apprehended that one of the critical issues is the status of monarchy in the new Constitution but the point of referendum never saw any agreements between the SPA and Maoists later.

Divergent responses were seen in the media. Private newspapers called for strong unity within the SPA while government newspapers pushed political parties to accept the leadership of the King. Citing the earlier tough struggle to overthrow the Rana regime and the Panchayat, *Kantipur* called for strong unity in the SPA as that was the basis for the demonstrations to succeed, and also urged the heads of political parties to fulfil their responsibility of garnering support from the civil society and international community. *Annapurna Post* perceived that the political parties did have faith in and respect for the existing Constitution and asked the government to immediately initiate a dialogue between constitutional powers. On the other hand, *Gorkhapatra* stated that the political parties had dissolved the Parliament by themselves. It urged the political parties to accept the King's leadership and focus on establishing peace and stability in the country, instead of indulging in street demonstrations.

Nevertheless, as the protests gathered momentum, a team of Indian leaders under Sitaram Yechury, politburo member of Communist Party of India (Marxist), arrived in Kathmandu in September 2005 to express solidarity with the SPA. The cadres and leaders of hardly-heard-off pro-monarch parties, such as Rastriya Jana Ekta Parishad and Rastrabadi Milan Kendra, greeted the Indian delegation with black flags at Tribhuvan International Airport.

*Gorkhapatra* termed the visit an unnecessary interference in the internal problems of a sovereign country, as well as a violation of international laws and norms. It mentioned that Nepal had never adopted the policy of interference in the internal affairs of other countries. It raised questions for Indian leaders and authorities:



Is the politics of India free of challenges? Indian people showed their anger and frustration towards the emergency announced by different rulers in various time series. At that time, Nepal believed Indian people were able to sort out the internal problems by themselves. Nepal did not adopt the policy of interference during the ethnic/religious riots in India. Why are Indian officials responding towards internal problems of Nepal?<sup>3</sup>

### CONCLUSION OF THE 12-POINT UNDERSTANDING

As a result of a series of formal and informal discussions between Maoists and the SPA, the 12-point understanding was arrived at in New Delhi, India, on 21 November 2005. This formally ended the tripartite power struggle in Nepal. It labelled autocratic monarchy as the main hurdle in Nepal's aspiration for democracy, peace, prosperity, and social advancement. It called for the end of absolute monarchy:

We have and clear opinion that the peace, progress and prosperity in the country are not possible until full democracy is established by bringing the absolute Monarchy to an end. Therefore, an understanding has been reached to establish full democracy by bringing the autocratic monarchy to an end through a nationwide democratic movement of all the forces rising against the autocratic monarchy from their respective positions. (ASPECT 2011: 1)

It clearly expressed the Maoists' willingness to join peace politics. Further, it stated the role of the UN during the CA election after the end of autocratic monarchy:

An understanding has been reached to keep the Maoist Armed Force and the Royal Army under the United Nations or a reliable international supervision during the Constituent Assembly election to be held after the end of the autocratic monarchy, to conduct the election in a free and fair manner and to accept the result of the election. (ASPECT 2011: 2)

It mentioned the commitment of Maoists towards multiparty democracy, civil liberties, fundamental rights, human rights, and rule of law. It also upheld the commitment to fully respect principles of human rights as well as press freedom. It called upon the

civil society, professional organizations, media, intellectuals, and all Nepali people to actively participate in the People's Movement.

*Kantipur* welcomed the understanding and stated that it had eased the monarch's job. It clarified that the understanding had left space for ceremonial monarchy, since it only specified the end of autocratic monarchy. Terming the understanding as a positive step towards peace and development, *Annapurna Post* stated that the monarch's position would determine the future politics and appreciated the Maoists' commitment to multiparty democracy, press freedom, human rights, and rule of law.

On the other hand, *Gorkhapatra* was critical of the understanding and reminded its readers that the mainstream political parties had termed Maoists as a 'terrorist group' (and attached price tags to the heads of Maoist leaders) when they were in government. It raised several questions about the alliance between Maoists and the SPA: 'What is the reason behind changing perspectives and behaviours against the terrorist by political parties? How does yesterday's terrorist become today's coalition partner? What are the changes seen in the Maoists' present character, behaviour, thought in comparison to the past?'<sup>4</sup>

Recognizing the public's willingness for peace and stability, *Gorkhapatra* stated that it is not acceptable to initiate a peace process through an unholy alliance. It suggested that there was foreign involvement in the conclusion of the understanding.

#### APRIL UPRISING

The agitating SPA announced general strikes across the country, effective from 6 to 9 April 2006. The Maoists announced the halt of all types of military operations inside Kathmandu valley, considering the SPA's peaceful demonstration. The announcement came in response to the government's propaganda of armed Maoist infiltration during strikes.

The general strikes saw massive waves of public sloganeering against the government and voices raised high to demand the end of absolute monarchy. On a positive note, the demonstrators chanted slogans of sustainable peace and stability in the country. There

was active participation by civil society, human rights activists, political parties, industrialists and businessmen, professional groups, and mediapersons. Looking at the massive public support, the SPA extended the general strikes indefinitely. The public came out into the streets to defy the curfew. Clashes between public and security forces became normal. Security forces shot bullets, charged with batons, fired tear gas shells and rubber bullets to disperse the demonstrators. In some instances, security forces barred the movement of ambulances, mediapersons and human rights activists. Almost 18 people lost their lives and hundreds were injured during People's Movement II.

During the movement, the media was divided—in support of and against the movement. Not surprisingly, *Kantipur* and *Annapurna Post* immediately asked the government to resign on moral grounds. *Gorkhapatra* spoke of large-scale armed Maoist infiltration in the movement and called for unity among constitutional and democratic forces to settle the ongoing crisis. *Kantipur* noted that the government's propaganda of armed Maoist infiltration in peaceful protest was meant to justify the use of excessive force against the demonstrators. It added that the government had deployed security forces as 'vigilantes' in the camps of demonstrators.

When the government restricted the movement of journalists during the strikes, *Kantipur* and *Annapurna Post* condemned the ruling and demanded the journalists' right to move about. Stating that a national crisis was imminent because of the so-called general strikes, *Gorkhapatra* blamed the press for exacerbating problems instead of resolving them.

Under mounting pressure from within the country and abroad, the King broke his silence and delivered an address to the nation on 21 April 2006. His proclamation included, yet again, an unflinching commitment towards constitutional monarchy and multi-party democracy. He offered the post of PM to a person nominated by the SPA, but the SPA turned down the offer and rejected the royal address, claiming that the proclamation had devalued the people's will. It vowed to continue People's Movement II.

*Kantipur* mentioned that the people had rejected the King's address and wanted the political parties to govern them, and that

the People's Movement would end if the proposal to restore the Parliament and assure the CA was addressed. *Annapurna Post* wrote that political parties had doubt in exercising executive rights under the king and felt that the new government as called by the king will prone to be a failure to decision-making on special matters. *Gorkhapatra* dared the political parties to utilize the opportunity, as the King has thrown the ball into their court. Could they act responsibly to protect citizens' rights?

The royal address further provoked the public, and huge masses came into the street chanting slogans against the address. The King addressed the nation again and restored the dissolved Parliament. Further, he summoned a meeting of the reinstated Parliament on 28 April 2006. The important aspect of the message was the King's recognition of People's Movement II. Also, he agreed to resolve the violent conflict according to the SPA's demand.

There was divergence on procedural agenda between the SPA and the Maoists but the proclamation of the king approved the procedural agenda of the agitating SPA: restoration of Parliament, formation of an all-party government, and negotiation with the Maoists to hold the CA election. Finally, the agitating parties declared the People's Movement II successful. All media stressed that cooperation between both parties would delineate the road to the CA election and sort out future challenges.

On 18 May 2006, the Parliament unanimously approved the Parliament declaration 2006, which announced Nepal to be a secular state. The declaration vested all executive power in the council of ministers, which was accountable to the House of Representatives. *Shree Panch Ko Sarkar* ('His Majesty's Government') was to be referred as the Government of Nepal. Likewise, the RNA was to be referred to as the Nepal Army, and was to be kept under the House of Representatives. It cut off excessive power of the monarch. It cancelled the provision of a royal council. Also, it declared the replacement of the national anthem.

In a special editorial on 19 May 2006, *Annapurna Post* said that the declaration—the biggest achievement in the history of Nepal and one in accordance with the spirit of People's Movement II—had established civilian supremacy in the country. *Gorkhapatra*

echoed the sentiment, also in a special editorial, and proposed that the date of approval of the declaration be remembered as Liberation Day for posterity.

Before the success of the People's Movement II, there was a tug of war between *Gorkhapatra* and the other two dailies, *Kantipur* and *Annapurna Post*. Interestingly, after People's Movement II, all three stated a common position and interest.

#### CEREMONIAL MONARCHY VERSES DEMOCRATIC REPUBLIC

'Multiparty democracy' and 'constitutional monarchy' had been the King's buzzwords during his direct rule. After the success of People's Movement II, contradictory views were expressed over the status of monarchy. There was intense debate over whether monarchy should be retained as a ceremonial status or there should be an immediate declaration of the democratic republic. *Kantipur* and *Annapurna Post* were of the opinion that the terminology 'end of autocratic monarchy' left room for ceremonial monarchy. On 15 May 2006, the editorial of *Kantipur* stated that the movement had established a second level democracy in Nepal—the loktantra. It believed that the People's Movement I of 1990<sup>5</sup> had established the first level of democracy. Further, it mentioned that there is guarantee of democracy in loktantra but no guarantee whether monarchy would remain. It hinted that there was no relevance of monarchy in the changed political context of Nepal.

*Kantipur* noted from the speech of Girija Prasad Koirala, PM and NC President, that there might be another insurgency if the King, the Maoists, and the smaller parties did not get any political space. Koirala had hinted that the NC was willing to accept ceremonial monarchy. In response, Babu Ram Bhattarai, senior Maoist leader, said that Koirala was trying to disrupt the peace talks. Clearly, there was a division between the NC and the Maoists over the monarchy issue.

In light of the much-hyped debates over the monarchy issue, the promulgation of the interim Constitution provisioned that the final decision on monarchy would be made by simple majority

in the first meeting of the Constitutional Assembly. Earlier, on 8 November 2006, top SPA and Maoist leaders had decided the provision of simple majority. In those decisions, the CPN(UML) registered a dissident opinion—the decision on whether to maintain monarchy or not should be determined through a referendum conducted along with the CA election. However, such a referendum never occurred. The interim Constitution cut off the political rights of the King in favour of the PM. This provision formally limited the monarchy to a ceremonial status. On the occasion, *Kantipur* wrote that the interim Constitution clearly mentioned that there is no relevance of monarchy in the country and the political parties decided to fix the issue through public opinion.

On 19 February 2007, while publishing the findings of a nationwide opinion survey<sup>6</sup> on the monarchy issue, *Annapurna Post* noted that the monarchy had been unpopular in the country. The survey showed the King's unpopularity among Nepal's youth and educated community vis-à-vis his popularity among the uneducated people on the basis of traditional and cultural beliefs. (There is a cultural belief in the country that the King is the reincarnation of Lord Vishnu.) *Annapurna Post* stressed that the monarchy should be justified on the basis of logic, knowledge, and scientific analysis in the modern age. Further, the survey showed that the King's royal move on 1 February 2005 had substantially contributed towards his unpopularity among the public.

Meanwhile, the CA's first sitting abolished monarchy in Nepal after 240 years. This, many believed, was the mandate of People's Movement II. Nepal was declared a federal democratic republic on 28 May 2008.

#### UN-MONITORED WEAPON MANAGEMENT

The issue of MACs and their weapons had been a hot and contentious issue in Nepali polity after People's Movement II. Political parties, civil society, media, and the global community showed deep concern over the issue. Further, the media showed its profound concern over the continuation of violence, human rights violations, and the threat posed by Maoist arm proliferation even after the April

Uprising. Weapon management was an urgent need. The 12-point understanding clearly stated that MACs and the Nepal Army would be kept under the supervision of the UN or another reliable international agency so that a free and fair CA election could be held.

The *Kantipur* editorial on 11 June 2006 noted that PM Koirala was able to assure Indian government of the UN-monitored weapon management in his first-ever international visit after resuming the post of PM. The media suggested that Nepal needs India's consent for international supervision. This was warmly welcomed by Indian authorities, and India showed its flexibility in releasing senior leaders and cadres of Maoists like Mohan Baidya and C.P. Gajurel who had been detained during the conflict in a bid to create a conducive environment for the peace process.

On 16 June 2006, a meeting between top leaders of the SPA and Maoists concluded an eight-point agreement to speed up the peace process. Prachanda, Maoist president, made his first-ever public appearance. One of the points agreed on was to request the UN to support the management of armies and weapons of both parties and to monitor them to ensure a free and fair election. The agreement was considered to be landmark in ensuring the UN's facilitation role in the Nepalese peace process.

The PM delivered the official letter to Kofi Annan, UN Secretary-General, requesting UN support, as indicated. The unilateral delivery of the letter was highly contested. The Maoists openly expressed dissatisfaction, and delivered another letter to Kofi Annan, recording their discontent! The issue of transparency of the letter was debated in the Parliament. *Annapurna Post* asked: 'Why did the government not consult with Maoists before delivering the letter?' It stated that the peace process would not move ahead without consensus between the two parties. *Gorkhapatra* wrote that Maoists were not dissatisfied with the UN's role but with the letter delivery.

A high-level UN team led by Stephen D. Mistura visited Nepal, held consultations with related stakeholders, and planned to submit its report to the Secretary-General. Later, both parties agreed to deliver the letter to UN separately. On 9 August 2006, the govern-

ment and the Maoists delivered separate but similar official letters to the UN. The letters requested the UN to support the process of monitoring the code of conduct of the ceasefire, continue human rights monitoring, assist in management of armies and arms of both sides, and provide election observation. *Kantipur* stated that UN monitoring of both armies would not decrease the prestige of both armies but strengthen trust between the two. *Gorkhapatra* said that the letter delivery had increased the hope for peace and stability in the country.

Even as management of armies and arms was under way, the Maoists were increasingly recruiting combatants. They were blamed for forcefully recruiting schoolchildren into their cadres. The Maoists justified that they merely recalled combatants who had returned home after the ceasefire, and insisted that they were not recruiting children. However, the media reported that Maoists persuaded families and children by saying that lucrative remunerations of 5000 to 7000 Nepali rupees per month would be paid by the government for those that joined the cadres. Further, a job in the Nepal Army would be secured for them after the integration process if they joined the MACs rightaway. The recruitment campaign was further proved by a leaked video of Prachanda addressing MACs in April 2008. In the speech, the Maoist supremo claimed that the party had multiplied the numbers of MACs by five-fold to capture state power. The video was leaked after the UN completed the verification process and the UN was seriously criticized. The press responded that the recruitment campaign was intended to interrupt the peace process, and the recruitment of children severely violated international norms.

Amidst controversy, the agreement on monitoring and management of arms and armies was concluded between the SPA and the Maoists, under the observation of UN representatives on 28 November 2006. The agreement guaranteed the UN's role in the peace process. Similarly, the UNSC approved the proposal to assist the peace process of Nepal on 1 December 2006. The press responded positively and stated that the agreement increased hope for sustainable peace and stability and that the continued mutual trust between both parties would delineate future paths.



Expressing dissatisfaction towards the provision of integration of MACs into the Nepal Army, *Kantipur* stated:

Prachanda and members of civil society have been emphasizing the downsizing of Nepal Army (NA) because the existing size is not necessary for the country. But the provision of possible merger of MACs into NA in the agreement will rather increase the size. The increase in NA size means increase in expenditure in NA. Such investment will reduce expenses in education, health and development sector. Any kind of militarization in democratic country and society is just unnecessary and counterproductive investment.<sup>7</sup>

#### CONCLUSION OF COMPREHENSIVE PEACE ACCORD

The base for the CPA was prepared by the 12-point understanding, second understanding, People's Movement II, 8-point agreement between the SPA and Maoists, the 25-point code of conduct of ceasefire between the Nepal government and Maoists, and all other decisions and agreements in between. The 12-point understanding is considered to be point of departure towards the establishment of sustainable peace in the country.

On 21 November 2006, the CPA was signed between the Government of Nepal and the CPN (M). This ended the armed conflict and established permanent ceasefire. It reads: 'We hereby declare that the armed conflict ongoing in the country since 1996 has been brought to an end and that the current cease-fire between the Government and the Maoists has been made permanent.' (ASPECT 2011: 63)

Society expressed joy at the signing of the CPA. The international community including India, China, the US, Japan, the UK, and the EU countries warmly welcomed the CPA and expressed readiness to support the peace process. 'The King also expressed his happiness on the occasion and said the CPA as need of the country and want of people'.<sup>8</sup> Eight political parties<sup>9</sup> launched a joint rally to celebrate the historical conclusion of the CPA.

*Kantipur* noted that the CPA had allocated two important responsibilities to political parties: ensuring full democracy and guaranteeing a peaceful environment. It identified the need for

unity and mutual trust among political parties for effective implementation. *Annapurna Post* stated that the CPA showed the path of peace and progression in the country. Further, the seed to end armed conflict was sown in New Delhi a year earlier. The CPA was possible because of the political parties' willingness to operationalize the spirit and mandate of People's Movement II. Recognizing that the conflict management of Nepal could become an example for the rest of the world, the paper called for unity among the political parties to implement the CPA. *Gorkhapatra* wrote that the CPA was a mark of respect towards the spirit and mandate of People's Movement II. It called for strong unity among political parties to face upcoming challenges and reach the destination of a successful CA election. It cautioned the political parties against continuing the politics of votes and power acquisition.

The CPA had brought happiness and joy to every sector of the country, and had increased hopes for a successful CA election. The press also expressed joy on the occasion, while also identifying various challenges ahead that had to be met for the effective implementation of the pact.

## NOTES

1. *Annapurna Post*, 'Dignity of the Press' (editorial), 28 March 2007, p. 8.
2. Nepali Congress, Nepali Congress (Democratic), CPN (UML), Nepal Workers and Peasants Party, Nepal Goodwill Party, United Left Front, People's Front.
3. *Gorkhapatra*, 'Hope of Nepali People' (editorial), 30 September 2005, p. 4.
4. *Gorkhapatra*, 'Alliance Against National Interest' (editorial), 25 November 2005, p. 4.
5. The people's agitation in 1990, which had overthrown the Panchayat rule and restored multiparty democracy, is popularly known as People's Movement I.
6. *Annapurna Post* conducted an opinion survey on issues related to the monarchy across 96 village development committees and twelve municipalities of 56 districts of Nepal in the period between 9 December 2006 and 12 January 2007. For more details on the results of the survey, please see *Annapurna Post* of 18 and 19 February 2007.

7. *Kantipur*, 'Agreement on Management' (editorial), 30 November 2006, p. 6.
8. *Kantipur*, 'Duty after Agreement' (editorial), 23 November 2006, p. 6.
9. After signing the CPA, newspapers denoted eight political parties instead of Seven Political Parties and CPN(M) separately.

## CHAPTER 5

# Madhesh Uprising: Quest for Inclusive Participation

As mentioned in Chapter One, one of the factors of the swift extension of Maoist support base in Nepal was the rapid ethnicization of the insurgency. The Maoists increasingly formed state committees along ethnic lines, and brought to the fore the problems of the poor, the marginalized, and the disadvantaged. The insurgency raised the consciousness of these suppressed groups. When it came to People's Movement II, the second understanding between the SPA and the Maoists appealed especially to the people from oppressed castes and areas to participate actively and make the movement successful.

As the interim Constitution was promulgated, there was a wave of dissatisfaction in the Madhesh region over reservation for them in the Constitution; huge numbers of Madhesi people came out to protest. Scholars and academicians perceived that the dissatisfaction over the Constitutional provisions was just a trigger. Mathema (2011) identified the root causes of Madhesi movement as issues of citizenship; migration debate between Pahadis (hill people) and Madhesis; language issues; development disparities; under-representation in the state apparatus; insensitiveness of mass media towards the grievances of Madhesis; and the inspiration of the successful People's Movement II.

### RESOLUTION OF THE HOUSE OF REPRESENTATIVES

The reinstated House of Representatives had taken important decisions with regard to the issues and problems of women, indigenous nationalities, Madhesis, Dalits, and other backward communities. As part of an inclusive bureaucracy, the Parliament approved the bill to amend the civil service act. The new provision allocated 45 per

cent of the seats for women, indigenous nationalities, Dalits, Madhesis, and disabled people in the vacant posts of the civil service.

The Madhesi citizenship issue has always been a contentious topic in Nepal. Added to this was the issue of votes in the mainstream political parties and Madhesh-based political parties. To ensure greater participation in the CA election, various organizations based in Madhesh urged the government to sort out the issue of citizenship. The MJF raised the issue of citizenship to ensure representation of Madhesis while writing the new democratic Constitution. *Annapurna Post* stated that the MJF's demand was valid and should not be overlooked; it would help strengthen national unity and communal tolerance.

Considering grievances and dissatisfaction about citizenship, the meeting of top leaders of SPA and Maoists on 8 November 2006 agreed on the following:

All Nepalese citizens who are deprived of citizenship shall be issued citizenship certificates before the election to the Constituent Assembly. Provision shall be made for streamlining the distribution of citizenship certificates to all Nepalese citizens born before mid—April 1990 who have been living in Nepal continuously. (ASPECT 2011: 47)

Finally, the House of Representatives approved the citizenship related bill on 26 November 2006. The bill was developed in line with the above-mentioned decision and was targeted at women and Madhesis. According to the bill, the citizenship would be issued on the basis of birth; the cut-off date was fixed at April 1990. Undoubtedly, the bill and the amendment of citizenship laws were attempts to address the grievances of Madhesis but they were not sufficient as the citizenship issue was only one factor. The central leaders at Kathmandu perceived that settling the issue of citizenship would resolve all the problems of Madhesis but the perception was wrong and Madhesi people protested in large numbers.

#### PAST AGREEMENTS: STATE RESTRUCTURING AND ELECTORAL SYSTEM

The demand for state restructuring was not a new phenomenon in Madhesh-based politics. It started with the establishment of the

Nepal Sadbhawana Parishad, later called Nepal Sadbhawana Party (NSP), led by Gajendra Narayan Singh in the early 1980s. The core agenda of the Parishad was to restructure the state and ensure proportionate representation of Madhesi in all state organs. In a similar tone, the issue of state restructuring and election system was the main reason behind the Madhesi movement in 2007. The issue was included in the agreements between the SPA and Maoists as well. The eight-point agreement between the leaders of the SPA and the Maoists (concluded on 16 June 2006) had incorporated the issue of state restructuring, but was to be decided by the CA election: 'to carry out progressive restructuring of the state so as to resolve the class-based, ethnic, regional and gender based problems through the Constituent Assembly election'. (ASPECT 2011: 20)

Similarly, the decision of the meeting between top leaders of the SPA and the Maoists on 8 November 2006 included the mandate of state restructuring:

In order to end class, ethnic, linguistic, gender, cultural, religious and regional discriminations, the centralized and unitary structure of state shall be ended, and the state shall be restructured as an inclusive, democratic and progressive one. A high-level commission shall be formed to offer recommendations on the restructuring of the state. The Constituent Assembly shall make the final decision regarding the restructuring of the state. (ASPECT 2011: 48)

Likewise, the CPA did not forget to include the provision:

In order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, *Dalit*, indigenous people, ethnic minorities (*Janajatis*), Terai communities (*Madhesis*), oppressed, neglected and minority communities and the backward areas by deconstructing the current centralized and unitary structure, the state shall be restructured in an inclusive, democratic and forward looking manner. (ASPECT 2011: 55–6)

Past agreements between the SPA and the Maoists had duly recognized the restructuring of the state. Moreover, the end of the centralized and unitary system was aimed to end all discriminations based on class, ethnicity, language, gender, religion, and region. It was believed that state restructuring would address the problems of the disadvantaged, marginalized, and backward communities.

The agreements allocated authority for the final decision to the CA.

Regarding the electoral system, the meeting of top leaders on 28 November 2006 adopted a mixed system for the CA election:

The Constituent Assembly election shall be held on the basis of mixed electoral system. Altogether 205 members shall be elected through the 'First-Past-the-Post' system and 204 members shall be elected through the proportional representation system on the basis of votes received by the political party. While making a list of candidates, the political parties shall ensure proportional representation of all classes, including oppressed communities, regions, Madhessi, women and Dalits. A total of 16 members shall be nominated from among distinguished personalities in national life by the Interim Council of Ministers on the basis of [political] understanding. The total number of the Constituent Assembly members shall be maintained at 425. (ASPECT 2011: 47)

However, the CPN(UML) registered a dissident opinion that a proportionate system would be the most democratic method to adopt for the CA election.

The mixed electoral system included both first-past-the post as well as proportionate system. The decision urged political parties to make the list of candidates inclusive. The critique believed that the nomination of distinguished personalities in national life would be a reward to civil society, which played a crucial role in People's Movement II. However, the personalities were chosen along political lines after the CA election. Moreover, most influential and active members of civil society did not appear in the CA.

#### PROMULGATION OF THE INTERIM CONSTITUTION

Immediately after the finalization of the interim Constitution by the Parliament on 15 December 2006, the Nepal Sadbhawana Party (Anandadevi) or NSP (A) protested against the provisions of the draft interim Constitution. Its demands included that the constituency areas be redrawn according to the changed context for the CA election; and that state restructuring be based on a federal and inclusive democracy. Despite the commitment to state restructuring in earlier agreements by top leaders of the SPA and Maoists, the draft interim Constitution excluded the provision. Also, the

Constitution included 205 constituency areas adopted in the 1990s.

On 25 December 2006, the NSP (A) announced a Madhesh bandh to highlight its concerns and demands. *Kantipur* stated that since the NSP (A) was a coalition partner, it had peaceful options, such as the Parliament, to express disagreement. Such behaviour by a coalition partner would make it difficult to distinguish between government and opposition! The bandh was very effective in the Terai region.

On 26 December, violent clashes between bandh opposers and enforcers resulted in communal riots between Pahadis and Madhesis in Nepalgunj, Banke district. 'The video recording of the riot showing policemen giving protection to the Pahadis and actively participating in the anti-Madhesi attack was distributed throughout the Terai that ultimately infuriated the Madhesis' (Mathema 2011: 10). To alleviate communal tension, political parties and civil society jointly organized a peace rally on the following day. The press reacted sensitively and praised the peace rally. It asked the government to maintain communal tolerance. Subsequently, a commission was formed to investigate the incident.

Meanwhile, the Nepal Federation of Indigenous Nationalities (NEFIN) burnt some provisions of the draft interim Constitution in Mandala of Maitighar, Kathmandu, to express dissatisfaction towards provisions like Nepali as medium of instruction, electoral system, and constituency areas. The main disagreement was over the electoral system and the delineation of constituency areas. Responding to the situation, *Kantipur* stated that the interim Constitution would remain active for not more than three years as the deadline of the new Constitution, to be promulgated through the CA, was two and a half years. Further, it noted that state restructuring would also be determined by the CA. So, political parties would be able to guarantee proportionate representation of class, caste, community, ethnicity, and region, and thus establish sustainable peace in the country.

Despite such drama of dissatisfaction and disagreement against it, the draft interim Constitution was implemented on 16 January 2006. The reinstated Parliament issued the interim Constitution, which was unanimously approved by the interim Parliament. (On



the same day, the reinstated Parliament was dissolved and the new interim Parliament formed with members from CPN[M].) With this, the CPN(M) formally entered parliamentary politics. Nevertheless, there were 73 members of CPN(M) nominated to the House of Representatives—equal to the size of the main opposition, CPN(UML)—when the Parliament was dissolved. Newspapers welcomed the entry of the Maoists and the promulgation of the interim Constitution. Both *Annapurna Post* and *Kantipur* stated that the introduction of the interim Constitution had formally placed the King in a ceremonial position, in accordance with the mandate of People's Movement II. *Kantipur* termed the day as the beginning of the era of republic in Nepal as the Constitution mentioned that the decision about the monarchy would be taken by a simple majority of the CA. Responding to the Maoist entry into the Parliament, *Kantipur* stated that this would set an example in the international arena, and that peace and stability of the country would depend on the Maoists' ability to transform into a parliamentary force. In a special editorial, *Gorkhapatra* stated that the new Constitution had raised the hopes of Nepali people to write the Constitution by themselves—something they had demanded for four decades. (The issue of the CA was being raised since the 1950s!) *Gorkhapatra* mentioned that the new political scenario formally ensured people control over state power and that unity among political parties and mutual trust would be landmarks in the implementation of the interim Constitution.

In sum, the press accepted that there were loopholes in the interim Constitution. It emphasized that any dissatisfaction should be expressed through peaceful means and sorted out through the dialogue and consensus. Also, it was noted that the interim Constitution would be active only until a new Constitution was promulgated through the CA.

#### MADHESI MOVEMENT

As soon as the interim Constitution was implemented, the MJF burnt a copy in a protest against some provisions. This also happened at Mandala, Maitighar, on 16 January 2006. Security forces

arrested the MJF leaders and cadres, and planned to file a public case against them. Protesting the detention, the MJF announced a bandh throughout the Terai region. The incident was just a point of departure for the Madhesi movement. The MJF's key demands were that the Constitution should include a federal system, should delineate constituency areas based on population, and should ensure a proportionate electoral system for the CA election.

In response, *Annapurna Post* mentioned that the MJF had adopted 'might' as its political working principle rather than any specific ideology. It reiterated that the Maoists' path of armed conflict had been proved to be wrong, as the Maoists later joined peace politics. In this regard, the MJF should learn that the public will not support any party that negatively impacts their lives. *Kantipur* stated that it was a violation of citizens' rights to peaceful protest, as ensured in the interim Constitution. *Kantipur* briefed the MJF's demands:

No doubt, the issue of citizenship is the major concern of Madhesi people. It is not correct to infer that the amendment of citizenship act as panacea of all the problems of Madhesh. In other side, Madhesis are considered to be second class citizens in their own motherland. State apparatus is not inclusive. At this juncture, the demand of proportionate representation in state apparatus is necessary from the perspective of right based approach. Similarly, the selection of public representatives on the basis of population in the international practices should not be overlooked.<sup>1</sup>

The amendment of the citizenship act and policy is being implemented to achieve inclusive bureaucracy; *Gorkhapatra* urged the concerned bodies to resolve remaining problems through dialogue. It warned that regressive forces might benefit from the violence in Terai to fulfil their vested interests and derail the political change.

The protest announced by the MJF saw lower Madhesi participation in the beginning. The turning point came when the clash between the MJF cadres and the Maoists resulted in the death of one MJF worker, Ramesh Kumar Mahato, in Siraha district on 19 January 2007. The clash started when two convoys of vehicles carrying Maoist cadres were stopped by MJF activists in Lahan, Siraha district. The Maoists, always ready for war, fired bullets

into the crowd and instantly killed Mahato. In response, irate MJF activists reacted violently. 'The next day Maoist entered Lahan town and seized the body of the deceased and took it away' (Mathema 2011: 27). The incident of seizing the body proved to be a public relations disaster for the Maoists. Also, the situation angered the Madhesi public.

Following the incident, there was unrest in the Terai region, and Madhesh dwellers came out into the streets in large numbers. Rallies and demonstrations were held. The state struck back violently, killing around 30 people and injuring hundreds. The tolls were greater than those in the April Uprising. The press was attacked by the protesters for not giving priority to the movement. Human rights activists monitoring the situation were attacked as well. The protesters repeatedly attacked the Maoist office and local cadres. Because of the demonstrations, the flow of basic services and items in the valley was disrupted as Madhesh is the entry point from the Indian border.

When the movement sparked across the Terai, *Kantipur*, *Annapurna Post* and *Gorkhapatra* increasingly highlighted the issue. All three urged the government to be sincere and asked both parties to initiate a dialogue towards consensus immediately. Further, they cautioned that the continuation of violence across the region would disturb communal tolerance and encourage the elements that were already unhappy with the political change in the country. *Kantipur* urged the state to address the demands of the movement immediately instead of taking the problem simply as a problem of law and order.

*Gorkhapatra* seemed busy in proving the infiltration during the movement. It stated that the protest in Terai was a conspiracy plotted by regressive forces that wanted communal tension across Nepal, and it called for a united effort by all parties involved to resolve the crisis. The position of *Gorkhapatra* was in line with the government's position: 'The leaders of NC and Maoist originated from Terai Madhesh have been blaming that the ongoing movement is the conspiracy of palace and extra-territorial elements who want instability in the country'.<sup>2</sup> *Annapurna Post* stated: '... the briefing of K.P. Sitaula, home minister, in the meeting of senior leaders of

eight political parties included that ministers and authority of royal cabinet are hatching conspiracy in the movement'.<sup>3</sup> Soon after, Kamal Thapa, then home minister of the royal cabinet, and Badri Prasad Mandal, then minister of the royal cabinet, were arrested by the government. 'Many Maoist leaders blamed royalist and Hindu fundamentalist elements for the Madhesi Uprising' (Mathema 2011: 29).

On 31 January 2007, PM Koirala addressed the nation and invited the MJF for negotiations. He promised to work towards federalism and delineate electoral seats on the basis of geography and population. His address could not assure them about when the Constitution would be amended to incorporate his promises, such as federalism and electoral seats. Interestingly, on 1 February 2007, *Gorkhapatra* stated that the PM urged the civilians to be alert to the possible conspiracy being plotted by regressive forces. The address did not talk about the dead and injured during the uprising. *Kantipur* placed doubts regarding the absence of coalition partners and senior ministers while the PM spoke and said that the address was prepared in haste, without consulting within the eight political parties.

The PM's address had less impact in the Terai area. The MJF rejected the address and offer of negotiation. Surprisingly, Prachanda, the Maoist president, said that his party vouched full support for the ongoing movement across Terai and for the demands of Madhesis. Identifying the need to be alert towards possible infiltration by regressive forces, he said that the movement was empowered to establish the demand of decade-long insurgency. Prachanda's speech had seen U-turn shift from the earlier Maoist position towards the movement. A similar position was iterated by senior leaders of CPN(UML). Also, it hinted that there was dissatisfaction over the PM's speech by other members of the eight political parties. Local leaders and cadres of mainstream political parties were also increasingly taking part in the demonstrations.

Finally, on 7 February 2007, the PM delivered a fruitful address to the nation in the presence of Prachanda and M.K. Nepal, General Secretary of CPN (UML). The address was prepared on the basis of consensus among the eight political parties and promised to

fulfil the demands of protesters though Constitutional amendments. He expressed condolence at the loss of civilians during the movement and promised compensation to the surviving families. Welcoming the address, *Annapurna Post* stated that there was room for doubt over the conspiracy plotted towards the disruption of the CA process because of the activities seen during the movement and the way movement was extended. This showed that the *Annapurna Post* finally believed the movement of Madhesi voice rather than conspiracy plotted. Praising the address, *Kantipur* called upon the government to address the concerns of indigenous nationalities and Tharu welfare council. *Gorkhapatra* welcomed the speech and stated the regressive elements may be a threat to upcoming CA election. Finally, the MJF welcomed the address and halted the movement for 10 days.

On 9 March, the interim legislative Parliament approved the first amendments to the interim Constitution. The core amendments were about the federal governance system, electoral seats, and proportionate representation. Similarly, Upendra Yadav, convener of the MJF and Ramchandra Poudel, representative of the government, signed the 22-point agreement on 30 August 2007.

One month after the MJF announced the halt of the protests, there was a clash between Maoists and the MJF in Gaur of Rautahat district. Almost 21 people were killed and 40 injured, as of 20 March 2007. Most of the fatalities were Maoist cadres. A political assembly after the rally was organized by the MJF and Maoist sister wing, the MNLF, in the same place at the same time on the same day. The relation between two had been eroded during the decade-long insurgency and more since the Lahan incident. The authorities announced a curfew in the district to control the situation. The incident proved to be a public relation disaster for Maoists in Madhesh; it eroded the Maoist support base from the middle-class.

Responding to the incident, *Kantipur* pinned blame on security weakness as the factor in the Rautahat case. The police had already sensed possible tension in Rautahat as two rival forces had scheduled the power demonstration programme in the same venue at the same time on the same day. So, it is negligence of security forces

not to take preventive measures. In this regard, *Kantipur* reiterated the importance of police reform and capacity enhancement programme of Nepal Police. Also speaking of the security weakness in the event, *Annapurna Post* stated that there is no place for revenge, violence, or jealousy in ethical politics. Finally, the government formed a high-level commission to investigate.

In March 2007—two and half months after the establishment of the interim legislative Parliament—an interim government was formed with Maoist ministers. The historical government was formed on the mandate of People's Movement II. This had formally brought the Maoists into mainstream politics. The press welcomed the interim government with Maoist inclusion. The press identified the responsibility of eight political parties to create a favourable environment for CA election, which would resolve all the problems and issues.

## NOTES

1. *Kantipur*, 'Demand of Madhesh' (editorial), 19 January 2007, p. 6.
2. *Annapurna Post*, 'Sit in Dialogue' (editorial), 25 January 2007, p. 8.
3. *Annapurna Post*, 'Infiltration in the Movement' (editorial), 31 January 2007, p. 8.

## CHAPTER 6

# Findings and Conclusions

The Nepali media nurtured an outlook of opposition since its very inception. During the Rana regime, press opposition saw extra-territorial phenomena—Nepali magazines published from neighbouring cities in India pleaded for social and political reforms in Nepal. Among the magazines were *Gorkha Sansar*, *Tarun Gorkha*, *Yugbani* and *Nepal Pukar*. However, there was almost zero opposition shown by the media published within the country because of restrictive measures adopted by the ruler, the presence of a ruler-friendly press, as well as their tiny numbers. During the Panchayat era, press opposition seemed to be more territorial highlighting frustration with and opposition to the regime. There were three causal factors of press opposition during the Panchayat era:

1. It was the result of relative freedom enjoyed during the 1951–60 democratic era.
2. It was the outcome of rigorous measures adopted by the ruler that irked the press.
3. It benefited from the prevalence of mission papers.

During the armed conflict, the media repeatedly condemned the violent activities of both parties and expressed serious concern over the increasing human rights violations. The concern was directed more towards unnecessary sufferings faced by normal civilians whether in the form of blockades and strikes or killings and injuries. The media urged both parties to protect and respect human rights, and to abide by UN conventions and mechanisms. Further, it asked both sides to be cautious in ensuring zero sufferings to the normal civilians. Reputed journalist A. Dhakal clearly elaborates the line of media in a video appearance on 2013 as ‘the mainstream media never agreed to subscribe violent methods of

change and kept on building pressure that Maoists should give up arms and come to mainstream politics'. Similarly, another journalist explains the line of media as:

After all, despite politically divergent editorials and opinion Nepali media may have pursued during different phase of the conflict, most of the media were one on prescribing the ways, bringing the voice of conflict victims to visibility, highlighting the cost of conflict and benefits of peace. Their view was clear: neither side can win the war, nor it should be settled peacefully and through dialogue, consensus and compromise. This is something that both sides took cognizance of much later. (Ghimire undated)

However, the government media criticized the advocacy of human rights activists as being a 'dollar farming' initiative. The line adopted by it reflects the government's stated position.

After the royal takeover in February 2005, time and again, the King spelled firm commitment towards multiparty democracy and constitutional monarchy at the national and global level. On the other hand, he used offensive language towards mainstream political parties and accused them for fuelling Maoist insurgency, for failing to hold an election, and for indulging in power politics. What kind of multiparty democracy did the monarch want to establish by offending mainstream political parties? Were there any alternatives to the mainstream parties? Similarly, time and again, the King directly or indirectly called Maoists for negotiations. His intention was one of surrender. He made no attempt at a peaceful settlement, respecting the growing public aspiration towards peace and stability, but rather the government reacted militarily. Such hypocrisy shown by the King irritated not only the political parties but also larger private media who were placing pressure for multiparty polity and calling for Maoists to join mainstream politics. Similarly, it had increased the level of doubts in international sphere. The two-faced behaviour of the King was considered to be a huge setback to the national consensus and unity when it was needed the most.

Immediately after resuming power, the newly formed government initiated populist actions. However, the actions became counter-productive to the regime, as it began with arrests of political leaders,



cadres, academicians, and student leaders, and restricted the movement of academicians and human rights activists. Such undemocratic behaviour did not send out a positive message to the public. The establishment of the RCCC, which was meant to attract a public fed up with rampant corruption, faced serious criticism from political and legal circles that termed it as unconstitutional and extra-legal. When the Supreme Court issued its verdict to dissolve the RCCC, the King lost moral ground to continue the regime and also faced a constitutional crisis. The formation of regional and zonal administration structures were perceived as a revival of Panchayat-era mechanisms. Similarly, the government introduced an ordinance to amend the Civil Service Act for effective service delivery. The amendments barred the formation of trade unions, and this irked the civil employees who already enjoyed the greater right to membership of trade unions. It gave good justification to civil employees to start protests against the state and show solidarity with the agitating political parties.

Likewise, the government brought in a code of conduct to regulate the NGO sector. The introduction was abruptly rejected by NGOs and provided good reasons to go against the state. The new government officially put restrictions and regulations on the media. However, the regulations did not seem effective. As of, 'the weak state had no effective enforcement capacity, once the initial shock of the royal takeover wore off, the press began its passionate campaign against the government' (Shah 2008: 30). But the regulations imposed became counterproductive towards the regime because it further irked the media world and increased the campaign against the government. Explaining the tug of war between press and the state because of anti-press measures adopted during the Panchayat, Baral concludes that the media opposed any government action detrimental to its growth:

What is most striking about the press in Nepal is that it has always opposed any government action considered detrimental to its growth. Although it lacked cohesiveness to resort to extreme action to pursue its objectives, it has been playing a significant part in functioning as a part of the opposition, a role that included giving expression to non-conformist political values (Baral 2006: 141).

In a final game plan, the government held municipal elections in an attempt to restore stalled democratic practices. The municipal election boycotted by mainstream political parties and Maoists had seen low voter turnout. This led to a legitimacy crisis to the government both at the national and international arena.

The discussion was meant to prove the fanciful activities of royal government created conducive environment for the political protest of opposition and to explain that the regime was dying. Shah (2008: 14) explained how the activities of royal government led to the unification of political parties, 'the mounting actions and omissions of the royal government served as a catalyst for the fractious political parties to bury their differences and come together to wrest back power from the ambitious monarch'.

Further, explaining the less public participation in initial days of political protest led by SPA, Shah argued the fanciful activities of the king result into the favourable environment to improve the support base, as of, 'as public patience soured into cynicism and frustration with the fanciful activities of the royal government, the environment for the opposition forces gradually improved' (Shah 2008: 15).

Moreover, the opinion survey conducted by *Annapurna Post* showed the royal takeover and its subsequent activities had substantial contribution in the establishment of republic in the country. In the editorial published by the *Annapurna Post*, showing the findings of the survey, stated 'the king wanted to be autocratic by impeaching democracy that the conclusion of the 12-point understanding between SPA and Maoists, which delineated the roadmap of People's Movement II'.<sup>1</sup>

During the entire dramatic period, private media adopted the line of restoration of peace and democracy. Reputed journalist A. Dhakal elaborated in a video appearance:

We continued to maintain a line that king should concede power back to the elected political parties and Maoist should give up arms and come to the mainstream political process. We said that there is no alternative to democracy whether it is King's autocracy or whether it is Maoist rebel's autocracy.

He believed the line of the private media created favourable

ground for People's Movement II that forced Maoists to give up arms and violence and the king to concede power.

In the above-mentioned activities of the royal government, the private media criticized every attempt of government and adopted the line in support of agitating parties. On the other hand, the government media praised and defended every action of the government. The division between private media and government media was very clear during the entire period.

At this juncture, it is important to mention two initial arguments of the research i.e. media can play substantial role in the regime change and media can only fuel the death of a already dying regime. It can be said the regime was dying and media had fuelled the death of dying regime. In other words, among others media was one of the factors in the regime change.

Initially, the wider public showed positive gesture towards king resuming the executive power and were in position of 'wait and see'. The frustration began to emerge when the cabinet formed under the leadership of the king was composed of Panchayat faces. Likewise, revitalization of zonal administration structures made public believe Panchayatization of king's direct rule. People had already experienced the autocratic Panchayat rule and felt threats to democracy. More and more, the fanciful actions had further increased frustration level among wider public towards the regime and increased aspiration towards democracy. No doubt, the media was able to fuel those frustrations and remained one of the factors. At this point, it is important to mention the Lucian W. Pye argument:

The countries (where the authority put heavy press censorship) where the political class has not been able to establish the effective basis of a competitive party but in which there has been considerable sympathy for democratic ideals the press has indeed been able to perform a uniquely constructive function by adhering to its professional standards and serving as a temperate critic and oppositional force (Pye 1963, cited in Baral 2006: 133).

However, the government-sponsored *Gorkhapatra* was seen supporting government activities and protesting against agitating political parties. This showed government-sponsored media was trying to cool down the revolution.

People were fed up with the widespread terror across the country because of the decade-long Maoist insurgency. With increased suffering, public aspiration towards peaceful solution of the armed conflict was heightened. Rural areas saw atrocities of both sides since the inception of the conflict. Repeated attacks on major cities across the country after the conclusion of the 12-point understanding had increased security threat in urban dwellers. The society, at large, comprehended that neither side would win the war but would intensify public suffering. Such fears, threats, and comprehension contributed substantially in preparing the grounds for People's Movement II and in establishing peace and security across the country. Not surprisingly, people chanted the slogan of peace and stability in the country during the People's Movement II.

Shah analysed the critical role played by 'Nepal Engineers' Association, NBA, Nepal Medical Association, NFJ, National University Teachers' Association, NGOs federations, human rights groups, civil servants union and the Artists' Association in mobilizing masses and creating discursive environment during People's Movement II' (Shah 2008: 29). Further, he claimed the April uprising as a movement of the civil society. In his definition of civil society, media was one of the important elements. Shah termed the media as 'mission journalism' during People's Movement II. Further he states 'most of the major private sector newspapers, radio stations, and television channels had adopted a highly critical stance against the royal government and their combined effort swayed public opinion in favour of regime change' (Shah 2008: 29).

With the explanation, it is argued that media role is one of the factors in the regime change. The media had important impact in accelerating the protest. This said, it does not mean its role was not crucial. Its role was confined to fuelling the People's Movement II and eroding public opinion towards the regime. Hence, media can fuel the death of already dying regime.

People enjoyed greater democratic practices with the restoration of multiparty democracy in 1990. The political change had substantially increased the level of political consciousness in the country. Another inference is that any efforts towards impeaching the

democratic norms and values and attempts of ruler moving in the direction of authoritarianism would be counterproductive towards the regime in the situation where people already enjoyed the democratic process. Moreover, the king should have conducted critical analysis about the increased political consciousness among people before initiating ambitious plan.

The findings of the study about the role of social media during the recent Arab Spring would be an important case to compare. After the Arab uprising, the role of social media in regime change was widely debated in academic circles and media sphere. The longstanding demonstrations had toppled the dictators in some Arab countries whilst it threatened the authoritarian dictators in other countries. Some of the findings of the study conducted about the role of social media in the regime change in Arab spring are dealt with below.

In a comparative study by Florian (2013) about the role of social media in toppling the longstanding dictators, Egypt served as a case of regime change while Syria was not considered as such. His research findings stated:

The protest history in Egypt which developed prior to the public uprisings against the authoritarian regime of Hosni Mubarak in spring 2011 had a positive impact on the latter's success in effecting regime change, while the prospect of the current protests in Syria to effect regime change is lower as a similar protest history is missing there. (Florian 2013: 26)

Analysing and comparing the public uprising in Egypt and Syria through the perspective of model of information cascades, he concluded 'that the number of protests before an uprising, i.e. the protest history, has a greater relevance for the success of an uprising to effect regime change than the degree of social media use' (Florian 2013: 26).

Likewise, 'social media help to provide space for the formation of networks as well as to globalize domestic movement for the democratic change in Egypt's oppositional movement' (Sheedy 2011: 45; Lim 2012: 244). Further, Sheedy (2011: 45) argues

there are people behind the tools for the social change to occur. Similarly, in a study about the social unrest in Middle East and North Africa, Dewey et al.

concludes that 'political and socio-economic issues were the underlying causes of the social unrest and social media is a useful but not necessary tool for mobilizing protest activity during the Arab Spring'. (Dewey et al. 2012: 50)

On the other hand, 'the use of social media can be dangerous as the dictators can use the tool to suppress the demonstration' (Sheedy 2011: 46; Dewey et al. 2012: 50). Moreover, social media acted as the catalyst that enabled the protest to spread quickly.

The media widely celebrated the success of People's Movement II. Subsequently, several agreements and decisions were concluded between seven political parties and CPN(M) to accomplish the following tasks: CPA, management of arms and armies, interim Constitution, interim Parliament, interim government, and road-map of CA election. The media had praised every effort of the seven political parties and the Maoists. At this period, the media continuously urged for unity and strong mutual trust among political parties to conclude peace process logically. The role of the private media saw a U-turn shift after the success of the People's Movement. The shift is seen in its opposition outlook to pressure group. The pressure group meaning that the media was continuously conducting monitoring of the effective implementation of code of conduct of the ceasefire, implementation of agreements and decisions and human rights situation across the country. Similarly, the media particularly paid attention to the violent activities of Maoists in post 'People's Movement II like extortion, arms proliferation, and violence. Also, the media time and again reminded parties of the peace process about the spirit and mandate of People's Movement II. However, media expert believed that media failed to be critical to the changed regime in post People's Movement II, as Ghimire (undated) states:

In fact, the moments of euphoria lasted too long in the life of the nations in the aftermath of king's handing over the power to the political parties. This was also a phase when media stopped being critical to the changed regime. It refused to make critical analysis of Comprehensive Peace Agreement (CPA)—that gave power to the government to withdraw cases of human right violation as well as for the non-implementation of its clauses and non-adherence to the code of conduct by the two sides who signed CPA.

The shift in its opposition outlook happened because there was no remarkable presence of opposition in the country. An all-party government was formed and Maoists planned to gain entry into the government. Neither did they support the defeated power (monarchy) since media was one of the factors in ousting the regime. In the post-People's Movement II scenario, both private and government media adopted more or less a common line.

As the media was busy with praising the efforts towards the peace process, the Madhesi people's discontent towards the state seeking federal systems to be marked in interim Constitution and delimitation of electoral seats on the basis of population began. 'The media was insensitive towards the grievances of Madhesis before the Madhesi uprising and media had portrayed the negative image of Terai-like dowry-related abuses, women being accused of being witches, and so on' (Mathema 2011: 56-7). Mathema identified the insensitive nature of media was considered to be one of the important causes of Madhesi uprising. Importantly, media were seen busy in explaining the issues and problems of Madhesis when the bases of uprising were prepared. Nevertheless, the media reacted sensitively during the uprising because regressive forces and extraterritorial elements might benefit from the growing turbulence and instability in the Terai. Moreover, the sensitive reaction was adopted to maintain communal tolerance between Pahadis and Madhesis. Similarly, as Dixit argues:

Prominent members of civil society and political parties expressed the view that the uprising was that of the ordinary people of Terai but feared that religious and rightist groups with power allies in a rabidly anti-Maoist, Bihar government across the border could exploit the situation. (Dixit 2007, cited in Mathema 2011: 29-30)

However, private media repeatedly asked government to address the demands of the Madhesis claiming the demands of Madhesis valid. On the other hand, government media was seen to be busy in proving the role of regressive forces behind the scene. Again, the division of private and government media was seen. The division came when the wider public began spewing frustration and discontent towards the state. The divergence was marked when there

was remarkable differences which occurred between people's aspiration and state willingness.

In summary, political and socioeconomic issues are the underlying causes of the regime change in Nepal. More specifically, the public quest for peace and democracy led to the downfall of direct rule of monarchy that ultimately brought Maoists into mainstream politics and helped conclude the CPA. Initial arguments of this research were *media can play substantial role in the regime change and media can only fuel the death of already dying regime*. It is concluded that media can only fuel the death of an already dying regime. Media's role was that of facilitation and acting as catalyst. To fuel the revolution, media needs public grievances and frustrations against the state. Also, there needs to be sufficient public aspiration towards democratic ideals. As some of the findings of Arab spring, social media is a useful tool for sharing the stories of state repression and can accelerate movement quickly, are equally applicable in the Nepali case. Any efforts towards impeaching the democratic norms and values and attempt of ruler being auto-cratic will be counter-productive towards the regime in the situation where people had already enjoyed the democratic process. The line adopted by private media and government media is diametrically opposite during the protest, i.e. government media is supporting or defending government attempt whilst private media is condemning the attempt and supporting the line of opposition.

#### NOTE

1. *Annapurna Post*, 'Future of Monarchy' (editorial), 19 February 2007, p. 4.



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It attempts to uncover the differential position adopted by state owned media and private media in the critical juncture of the political history of Nepal. It critically analyses the fanciful activities launched by absolute monarchy to gain popularity for the regime. Also, it explores how media suffered due to state's repressive policies after the royal takeover and how it was targeted by the Maoists. Is the media's role sufficient for bringing about a regime change? How strong is its impact? Is it a necessary tool for the uprising? Did the media oppose only the repressive policies adopted against it by absolute monarchy? How did the media view the overall process of peace? What was its role in establishing peace in the country? The present monograph provides answers to all these questions.

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