

India and Nepal's Constituent Assembly

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The Indian government is duty-bound to prevent the criminal-militant nexus from using Bihar and Uttar Pradesh as a base from which to threaten the Constituent Assembly process in Nepal.

The citizens of Nepal go in for Constituent Assembly elections on April 10, to put in place a 601-member House that has the dual responsibility of drafting a new constitution and serving as Parliament during the interim. The Constituent Assembly is a necessary condition for the country to achieve political stability, sustainable peace and a return to pluralism, nine years after the last general elections. In between, the population has suffered the Maoist "people-217;s war," a dirty reaction by the state, the autocracy of Gyanendra, an unprecedented people's movement that rejected royal autocracy and Maoist violence, and heightened identity-based assertions that continue to this day. The hope is that the Constituent Assembly will define a democratic constitution that will simultaneously address the many conflicting and complementary demands of marginalised minorities and, at long last, provide stable politics as a platform for economic progress.

India too seeks stability in this country that runs along the northern frontier of Uttar Pradesh and Bihar, and it has done its bit as an interlocutor in the recent past. Having facilitated the discussions in New Delhi in the autumn of 2005 that brought the Maoists to an understanding with the parliamentary parties, New Delhi is now asked, specifically, to rein in militants who have been engaged in bombings and targeted killings in Nepal's Tarai plains while taking refuge across the open border. These militants - most importantly the one known as the Janatantrik Mukti Morcha-Jwala Singh - hold the ability to destabilise the country as it goes in for elections.

Meanwhile, the Indian intelligentsia should be

alert to attempts by Hindutva forces, especially political elements along the borderland, to force their agenda on the Nepali people. This January, L.K. Advani of the Bharatiya Janata Party launched a blistering attack on the UPA's Nepal policy and advocated a Hindu monarchy, while exaggerating links between Nepal's Maoists and Indian naxalites.

To be sure, there are more than enough extremist threats to the polls from within Nepal. Having come to open politics barely two years ago, the Communist Party of Nepal (Maoist) is capable of widespread intimidation during its first electoral exercise, to try to stave off humiliation at the ballot box. The polls could also be destabilised by a welter of violent newborn groups. Many of these are receiving encouragement, if not support, from the royalists, who believe (correctly) that the political parties will use the Constituent Assembly to do away with the monarchy once and for all.

While the Maoists, militants and arch-conservatives within Nepal are to be tackled domestically, it is the responsibility of the Indian authorities to halt the ongoing activities of the JTMM-JS, which over the past two years have operated with impunity from Indian towns such as Sitamarhi, Raxaul, Darbhanga and Gorakhpur. The State governments in Patna and Lucknow must not allow local politics to wreck Nepal's return to normalcy. It must also insist that the Madhesi militants lay down arms and talk to Kathmandu, or at the very least submit to a ceasefire. New Delhi has the clout, and should put it to good use when so much is at stake. Madhes rises

The mass upsurge of the People's Movement of April 2006 sought peace and pluralism, and mandated the writing of a new constitution to redraw state-society relations. What is known as the Madhes Movement of last winter was a spontaneous uprising by the people of Tarai-plains origin who have long felt excluded amidst the highlander identification of the nation-state. 'Madhesi' is an amorphous term referring to caste categories of the eastern Tarai in particular, but the movement represented

a historic demand of plains people for inclusion in the national mainstream. And indeed, the mass mobilisation of the Madhes Movement has changed the face of Nepali society, and new political forces have emerged to take advantage of the space that has opened up.

Prime Minister Girija Prasad Koirala was unable to countenance the identity-led nature of the agitation in the Tarai, heretofore a docile vote bank for his Nepali Congress party. He was therefore slow in addressing the Madhesi demands, which referred to recognition and compensation of those killed during the previous year's agitation, proportional representation in state organs (including the army), changes in electoral laws to enhance Madhesi participation, and so on. As the government procrastinated, the demands became more strident and even unrealistic, including self-determination and the declaration of the 500-by-20 mile Tarai plains as a single province - "Ek Madhes, ek Pradesh."

Though riding a wave of anti-Kathmandu sentiment across the Tarai, the most critical weakness of the Madhesi leadership was perhaps that it tended to represent the eastern-Tarai caste categories. It would be difficult to maintain the pan-Tarai momentum for long, because, like the country taken as a whole, the plains too are divided by language, faith, caste, class, religion, indiginity and point of origin.

As time went on, it became clear that quite a few among the Madhesi leadership were seeking consortium with the royalists of Kathmandu, as well as the Hindutva forces across the border. Hindu-right organisations in Nepal have a limited base, and for long drew their influence and power by proximity to the royal palace. But combine the Indian fundamentalists, sections of Madhesi militants, royalist politicians and the criminal gangs of Bihar and Uttar Pradesh acting in loose concert, and you suddenly have quite a vicious brew to upset the election cart.

At the Narayanhiti royal palace, Gyanendra seemed energised by the turn of events, which included strikes across the plains over the month of February and what amounted to an economic blockade of Kathmandu Valley by the Madhesi activists. He sent emissaries to meet with

Hindutva and BJP stalwarts in India in a bid to revive the flagging fortunes of the monarchy. For a while, a couple of weeks ago, it suddenly looked as if the Constituent Assembly would be held hostage by the BJP-Congress rivalry within India, with the former all set to loudly proclaim the restoration of the Hindu monarchy in Nepal as a political plank.

Fortunately, while the role of other Indian entities and organisations cannot be vouched for, at this stage the Foreign Ministry in South Block played its card in favour of a pluralistic, representative evolution in Nepal. By extending the tenure of Indian Ambassador Shiv Shankar Mukherjee until after the April elections, the Manmohan Singh government also sent a message committing its own agenda and standing to the holding of elections on schedule in Nepal.

The polls having already been rescheduled twice before, the polity would have been unable to sustain another postponement, which would in all likelihood have led to a right-wing, militarist shift in government. With the Koirala government becoming suddenly flexible in negotiations, the Madhesi leadership known to favour a poll postponement had no option but to call off the agitations in the Tarai. By the end of February, all the credible political forces had been dragged and cajoled into election mode, and the people of hill and plain alike were finally certain of being able to exercise their franchise. Towards April 10

The sovereign, elected Constituent Assembly is as close to a magic wand as the Nepali people can hope for. It is certainly one that they deserve, to deliver them from the extreme instability, political violence and the democracy deficit of the last decade. The economy is currently at a standstill, even while the northern and southern neighbours grow at near double-digit rates. The people of Nepal have not had a whiff of the so-called peace dividend, nor any post-conflict rehabilitation to speak of, almost two years after the "people's war" ended.

For the 601-member House, the challenges of constitution-writing, as well as government formation, will be enormous. To begin with, the legislators must rise above the extreme populism

that has gripped Nepali politics like a malignancy over the last two years, and the lists of party candidates are not inspiring. Besides, the modalities of the Constituent Assembly's functioning have not been discussed and there is the possibility of great confusion and anarchy immediately after the elections. That is clearly an urgent matter to be discussed in the days ahead, but for the moment the job is to protect the elections from two quarters: those parties inclined to participate but influence the polls through fear and intimidation, and those forces within and without who will try to disrupt the elections through killings, kidnappings and bombings.

Fortunately, we know the potential spoilers. The Nepali intelligentsia and civil society must keep an eye on the domestic forces - royalist politicians, militants, criminals as well as the unruly ranks of the CPN (Maoist) - to prevent an election derailment. India's opinion-makers can help Nepal in its return to normalcy by watchdogging the Hindutva-inclined monarchists so that they have no scope to interfere in the affairs of a neighbour. The Indian government, meanwhile, is duty-bound to prevent the criminal-militant nexus from using Bihar and Uttar Pradesh as a base from which to threaten the Constituent Assembly process. A peaceful, prosperous Nepal will reverberate in the Ganga plains as well.

P.S.

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