
Nepal's New Tryst with Democracy and the “India Factor”

Hari Bansh Jha

Nepal has been a feudal state in which authoritarianism dominated the political scene all through history. However, a breakthrough was made in 1951 when the centre for political power shifted from the 104-year old Rana regime to the monarchical institution led by King Tribhuvan and the democratic political parties. However, the monarchical institution was not very comfortable working with the democratic forces in the changed situation. Between 1951 and 1959, there was a tug of war between the monarchical institution and the democratic forces in the attempt to gain supremacy over each other.

In the general election in 1959, the Nepali Congress won with a landslide majority in the Parliament and by virtue of this fact, the party formed a government under the leadership of B P Koirala. But the Koirala government was dismissed in a military coup in 1960. Thereafter, the Panchayat regime under the direct control of the monarch ruled the country for three decades, between 1960 and 1990. In 1990, the executive power of the state again shifted from the monarchy to the political

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parties. Then in 2005, the monarchy withdrew all executive power from the political parties. In 2008, however, the monarchical institution was abolished altogether after the country was declared a republic and the state power returned to the democratically elected government in Nepal.

India's Support for Democracy

Nepal has figured prominently in India's foreign policy. For this, India has launched an extensive economic cooperation programme in this country. India is widely regarded as a partner in development rather than a threat to the country's security,¹ and, the growing people-to-people relations have helped rejuvenate the friendly relations between the two countries. All such activities have made India a principal power in Nepal. The Indian government had supported the monarchy in Nepal ever since the 1950s. But, at the same time, it did not lag behind in supporting the democratic forces in the country. This was in fitness with India's 'twin-pillar' policy towards Nepal, which intended to safeguard the monarchy and, at the same time, strengthen the parliamentary democratic structure of the country. In return, India wanted Nepal to remain sensitive towards its security interests.

After King Mahendra monopolised power in 1960, he started targeting institutions and individuals dedicated to the cause of democracy. He used all the state organs, including the judiciary, media and intelligence to promote the undemocratic Panchayat regime. No adequate effort was made to educate the people or launch development work in the country. The common people lived in abject poverty. Fearing that India's democratic policy may be a threat to the authoritarian political system in Nepal, all possible measures were adopted to keep Nepal at a distance

from India. Following King Mahendra's death in January 1972, Birendra became the King of Nepal. But he did not prove very different from his father. During his coronation ceremony in 1975, he put forward the idea of declaring Nepal a "Zone of Peace," which was first endorsed by China. Some 116 countries of the world, excluding India, supported this initiative. In the Indian diplomatic circles, there were doubts that the "Zone of Peace" proposal aimed at diluting the 1950 Treaty of Peace and Friendship with India.

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But soon Nepal was plagued by the Maoists' people's war in 1996, which was condemned by India. India's stand on the Maoists hardened when it put a terrorist tag on them in 2001. The Maoists wanted to replace

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the parliamentary form of democracy with people’s democracy. India was also hostile towards the Maoists because of their perceived links with the Indian Naxalites in India. In its bid to contain the Maoists, the Indian government provided all necessary equipment and training to the Nepalese Army. The political scenario, however, took a dramatic turn following the royal massacre in 2001 in which King Birendra and his family members were killed. Following this event, the

successor, King Gyanendra, took several steps to derail the democratic system and distance Nepal’s relations with India in a bid to gain China’s goodwill. Towards this end, he dissolved the Nepalese Parliament along with the local bodies like the District Development Committees, Village Development Committees and Municipalities in 2002. In 2005, he imposed direct rule in the country. Freedom of expression and people’s power was largely curtailed. He strongly advocated for China’s observer status in the South Asian Association for Regional Cooperation (SAARC) Summit held in Dhaka in 2005, to the great disappointment of India. And on top of all this, he imported sophisticated arms and ammunition from China to intimidate India. The Indian establishment perceived all those activities as a threat to India’s security.

Subsequently, the Indian government began to enhance its engagement with the Nepalese political parties. Many of the Maoist leaders were provided safe havens in Indian territory.² Also, the Indian government stopped supplying arms and ammunition to the Nepalese Army.³ It facilitated coordination between the seven political parties of Nepal and the Maoists and a 12-point agreement was signed in New Delhi in 2005. India also supported the democratic movement

in Nepal, which aimed at restoring the people's lost power through the revival of Parliament. Soon, India revised its old 'twin-pillar' policy towards Nepal on account of the growing hostilities between the monarchical institution and the political parties. This resulted in the historic second people's movement in 2006 in which many people were killed. Estimates are that over 18,000 people were killed by the Maoists and the security forces. Ultimately, King Gyanendra was compelled to reinstate the Parliament in 2006 and much of his power was curtailed.⁴ Furthermore, India wanted the Maoists to participate in the democratic election in a bid to mainstream them. India also persuaded them to de-link their relations with the Indian Maoists. Surprisingly, the Nepalese Maoists, who had initially discarded parliamentary democracy, came to participate in the Constituent Assembly (CAI) (Parliament) election in 2008. The United Communist Party of Nepal (UCPN) (Maoists) emerged as the largest political party in the election. Consequently, the Maoist leader, Pushpa Kamal Dahal Prachanda became the Prime Minister of the country. Prachanda promised to introduce radical economic reforms with a view to making 'New Nepal', but to the dismay of India, the Maoists started developing their leanings towards China at the cost of New Delhi. Soon the CAI abolished the 239-year-old monarchical institution and declared the country a republic in 2008. It was hoped that under the new political dispensation, the CAI would write a new Constitution that would strengthen the democratic system.

India became more apprehensive when Prime Minister Dahal attempted to seize power with the help of the Army. It was apprehended that he would sign a treaty with China that would counter Nepal's 1950 Treaty of Peace and Friendship with India, which, in fact, was a security pact between Nepal and India. In view of this development, India had no option but to support the opposition parties and the Nepalese Army in its bid to safeguard the democratic system of the country. This move ultimately led Dahal to resign in May 2009. After

a gap of nearly two years, the UCPN (Maoists) again came to power, when Baburam Bhattarai became Prime Minister of Nepal on August 29, 2011. India hoped that a new democratic Constitution would be established during his tenure. But, again, to the dismay of India, the CAI failed to draft a new Constitution, despite its repeated extensions and so it was dissolved on May 28, 2012. Nevertheless, Nepal created a new milestone when the Maoist fighters who were living in the cantonments either took voluntary retirement or were integrated with the Nepalese Army.

A political deadlock prevailed in the country until the Chief Justice of Nepal's Supreme Court, Khil Raj Regmi was made head of the interim government of Nepal with the objective of conducting the election of the second Constituent Assembly (CA2). Regmi successfully conducted the election of CA2 on November 19, 2013. Thereafter, power was transferred to Nepali Congress leader Sushil Koirala when he was elected Prime Minister on February 11, 2014. But even several months after the election of CA2, it has not been able to take full shape as the requirement for nominating 26 members has not been fully completed⁵ and the controversial issues such as state restructuring and the form of the government have not been addressed. India's activism in favour of democracy is not without reason. Because of the open border system, and geo-strategic, socio-economic and cultural factors, India has special privileges in Nepal which it does not want to give up. India does not want Nepal to have the same level of ties with China or any other country as it has with India. Hence, it uses its 'democracy card' to sideline the hostile forces in the country, when required.

The emergence of forces hostile to India, which want to reduce India's influence in this country, has raised concerns in India. More than any other country, India is most concerned about the presence of the Chinese and their activities in Nepal's Terai region, bordering India. There have been occasions when India has had to compel Nepal to stop

Chinese involvement in certain development projects such as roads, bridges, cotton cultivation, etc in the Terai region of Nepal.

In recent years, India became uncomfortable when the Beijing-backed Non-Governmental Organisation (NGO) "Asia Pacific Exchange Cooperation Foundation (APECF)" signed a Memorandum of Understanding (MoU) with the Lumbini Development National Directive Committee to invest \$3 billion for the development of Lumbini in June 2011.⁶ As is well known, Lumbini is the birthplace of Lord Buddha and is only 25 km from the Indian border. But when APECF's plan could not materialise due to reasons unknown, the Beijing-based International Ecological Safety Collaborative Organisation (IESCO) announced a plan for the ecological safety of Lumbini. The Chinese are highly interested to link Lumbini with the Chinese border through the railway, which is likely to be connected to Shitagse in Tibet. The possibility of the involvement of Chinese military personnel and the operational control of the People's Liberation Army (PLA) in such a project cannot easily be ruled out.⁷ In the Indian strategic sector, however, it is feared that the growing Chinese interest in Lumbini could be a potential military threat to India.

Also, India is concerned about the presence of 109 armed groups operating in Nepal. Most of these armed groups are reported to have been operating in the Terai region of Nepal, just across the Indian border. Most importantly, there are nearly 1,900 *madarsas* in this region and many of them are feared to have been supported by countries hostile to India. There are fears that Pakistan's Inter-Services Intelligence (ISI), Indian Mujahideen, Al-Qaeda, Lashkar-e-Tayyeba (LeT), Punjabi secessionists, United Liberation Front of Asom (ULFA), Kamtapur Liberation Organisation (KLO) and National Democratic Front of Bodoland (NDFB) are all present in the Terai.⁸ India is also concerned about its investment projects in Nepal, and does not want its investment, in general, and its investment in the hydropower sector, in particular, to be threatened either by strikes or any other subversive activities. Any

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possible sabotage attack on the costly Indian installations in Nepal could invite massive chaos in India.

Challenges of Nepalese Democracy

Ever since the 1950s, there has been a continuous power struggle between the authoritarian powers and the democratic forces in Nepal. The authoritarian forces created obstacles in the smooth functioning of the democratic parties in the 1950s. Political parties like the Khukuri Dal and Gorkha Dal were established to destabilise the democratic forces. Even after the people's movement in 1990, certain forces which were not reconciled with the democratic forces, overtly or covertly supported the Maoist movement. Without the support of a traditional power base, it would not have been possible for the Maoists to spread their influence throughout the country in a short period of eight years. It cannot be denied that the Maoist insurgency movement was a great setback to democracy in Nepal. Much of the resources of the nation that could have been spent on development, were diverted to maintain the security of the country.

Recently, Nepalese Prime Minister Sushil Koirala stated that the development of Nepal was not possible in the absence of democracy. He also said that 60 precious years were lost simply because there was no democracy, peace, stability and appropriate political system in the country. But he hoped that the promulgation of the new Constitution would go a long way to stabilise the political system and promote development of the country.⁹

Non-performance of the democratic system and lack of a democratic culture in the political parties is also a problem. Since the 1990s, corruption has become institutionalised. There are few income generating opportunities for the poor people. As per the Nepal United Nations Development Programme (UNDP) Human Development Report, 2013,

Nepal ranks at 157th among 187 countries in the world. Over 30 per cent of the Nepalese people eke out a living on US \$ 14 per person per month. The poverty level in Nepal was 42 per cent in 1995-96, which came down further to 25 per cent in the recent years. Yet, the poverty level is as high as 45 per cent in the mid-western region and 46 per cent in the far western region.¹⁰ Infrastructure facilities are yet to be adequately developed.

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Most parts of the country do not have access to electricity. There is load shedding for as long as 14 hours a day. The share of manufacturing in the national economy is only 6 per cent. Air pollution is rampant. Over 80 per cent of the country's population depends on subsistence farming for their livelihood, and a majority of rural households all across Nepal have very little access to primary health care, education, safe drinking water, sanitation and other basic services.

In 2011, nearly 800,000 people were found to be stateless people, without citizenship.¹¹ The government gave citizenship certificates to 2.6 million out of 3.4 people without citizenship in 2007-08, but the remaining 800,000 people are still denied this right. Most of the stateless people are the Madheshis in Nepal. The Madheshis who constitute over one-third of the total population in the country are badly discriminated against, which is a potential threat to long-term peace, stability and democracy in the country. Many people still wrongly confuse democracy with voting rights. The political forces display pictures of Marx, Lenin and Mao even in the remote parts of the country, but they hardly ever show pictures of Gandhi, Hobbes, Locke, Rousseau and Rauls. People, thus, are more acquainted with Marx's ideology than with democratic values. This makes democracy unstable. Since 1990, the government has contributed very little to strengthen the democratic values in the society

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through good governance, non-violence and rule of law. This has resulted in a trust deficit in the political system.¹²

Making of Democratic Constitution

Ever since the end of the Rana regime, Nepal had made five Constitutions: including in 1951, 1959, 1962, 1990 and 2007. India supported Nepal in drafting the first Constitution of Nepal (1951).

But there was no intervention in the Constitution-making process thereafter from India, when Nepal had developed its own capacity to do so. Since 2008, Nepal has been in the process of promulgating an inclusive and democratic Constitution. CA1 failed to draft the Constitution for two important reasons: one was the delineation of the states under the federal structure and the other was the issue of empowering either the President or the Prime Minister. But now, CA2 has agreed not to address each issue from scratch, but to make a beginning from the issues that were left unresolved.

However, the players in CA2 are different from those of CA1. In CA1, the Maoists and the Madheshi parties that were dominant, advocated an identity-based federalism, like in India. In contrast, in CA2, there is dominance of moderate political parties like the Nepali Congress and the Communist Party of Nepal [Unified Marxist Leninist (UML)]. These parties are not so much in favour of ethnicity-based federalism.¹³ They want to maintain *status quo* by restructuring the federal states more on the north-south axis and they are, by and large, against the formation of ‘One Madhesh, One Pradesh.’ While India has not yet opposed ethnicity-based federalism, China has expressed its reservations against it. The Chinese are apprehensive that the ethnicity-

based federalism might help the Sherpas and Tibetans in Nepal's northern region to set up separate federal states because they are in a majority there. And the formation of ethnicity-based federations might encourage certain Western powers to instigate Tibetan nationalism against the Chinese.¹⁴

Importantly, this time, there is another issue for the CA2 to decide on: whether the country should be declared a Hindu state or remain secular. Nepal was declared secular in 2008 at the initiative of the radical forces. This was as far back as in the 18th century that Prithvi Narayan Shah, the King who unified Nepal, called Nepal the real 'Hindustan' In a significant move, King Mahendra formally declared Nepal a Hindu state in the 1962 Constitution because over 80 per cent of the population in the country comprised Hindus.

Nevertheless, as a friend of Nepal, Indian Prime Minister Narendra Modi, in his landmark speech at CA2 in Kathmandu on August 03, 2014 made the humble suggestion to the Nepalese parliamentarians to draft a Constitution that could ensure long-term peace, prosperity and stability in Nepal. Furthermore, on the occasion of the 68th Indian Independence Day on August 15, 2014, Narendra Modi, from Delhi's Red Fort, further lauded the role of the Nepalese youth who gave up the path of violence in favour of peace for which they were in the process of writing a new Constitution for the country.¹⁵ However, the task of Constitution making is not that easy in Nepal, which has a population of 27 million, with 125 ethnic groups, 127 spoken languages, dozens of castes, and three different eco-systems.¹⁶ The 601-member CA2 is yet to take full shape. Absenteeism among the law-makers in CA2 is most pervasive, which has made a mockery of Nepalese democracy. Usually, not even one-fourth of the total number of CA members are present.¹⁷ And on top of all this, the executive head of the nation, Prime Minister Sushil Koirala, suffers from cancer and is widely known for his indecisiveness, inaction and lack of accountability.

Sadly, a number of Nepalese political leaders, including of the Madheshi parties, want to opt for agitation as their demand for ‘One Madhesh, One Pradesh’ is not likely to be addressed. The UCPN (Maoists) and some other political parties are also unsatisfied that their demand for ethnicity-based federalism is not being properly considered. UCPN (Maoists) leader Pushpa Kamal Dahal is highly sceptical about the promulgation of the Constitution within the scheduled time. There are elements within the ruling Nepali Congress itself who don’t want Prime Minister Sushil Koirala to succeed in promulgating the Constitution within the given deadline of January 22, 2015, for their own vested interests. Nepali Congress leader Sher Bahadur Deuba’s comment makes this clear:, “It will not invite a political disaster if the final draft of the Constitution is not ready by the January 22 deadline.”¹⁸

In a recent development, the Constitutional Political Dialogue and Consensus Committee of CA2 submitted its report to CA2 Chairman Subhas Chandra Nembang on September 07, 2014. The report has given a list of both the settled and unsettled issues in the new Constitution.¹⁹ But what is most striking is the fact that there has not been any consensus on such crucial issues as the federal structure, form of government, judiciary and election system of the country. CA2, thus, seems to have failed to meet the deadline of resolving the outstanding issues by September 06, 2014, which could be a major setback in promulgating the new Constitution by January 22, 2015.²⁰

Costs of Supporting Democracy

The Nepalese democratic movement seems to have been closely tied up with India. Be it the 1951 democratic movement against the Rana system, the 1990 movement against the 30-year-old Panchayat system, or the 2006 movement targeted against the 239-year-old monarchical institution, India strongly stood for initiating, promoting and strengthening the

democratic system in Nepal. In the past, China and Pakistan, overtly or covertly, supported the authoritarian regimes in Nepal. Other power blocks like the USA or European countries either supported the authoritarian regime in Nepal or they stayed out of the internal political developments in the country. When India strongly pushed the cause of democracy in Nepal in 1951, 1990 or 2006, none of the external powers including China or Pakistan came to the rescue of the authoritarian regimes in Nepal. All the democratic movements in Nepal, thus, seem to trace their roots to Indian democracy.

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However, the cost of supporting the democratic movement was huge for India. The support extended by India to the democratic movement in 1951 against the Ranas was tactically against India's long-term interest. Never did the Ranas during their 104-year rule go against British-Indian interest. Visualising the change in favour of freedom fighters, the Ranas established diplomatic relations with India on June 17, 1947, i.e. nearly two months prior to India's independence on August 15, 1947. Even after India's independence, the Ranas tried to maintain amicable relations with the Government of India. At the request of Jawaharlal Nehru, Mohan Shamsheer Rana, the then Prime Minister of Nepal, immediately dispatched the Nepalese Army to India to help settle the problems in Hyderabad and Kashmir. More importantly, the Ranas did not hesitate to enter into a security pact with India in their joint bid to check any possible threat from the north after the PLA entered Tibet in 1950. Nevertheless, India played a key role in supporting the democratic forces in Nepal, which were targeted against the Ranas. This, ultimately, led to

the collapse of the Rana regime in 1951. After the end of the Rana regime in Nepal, India never got as trusted a friend as the Ranas.

In yet another move, Indian Prime Minister Jawaharlal Nehru strongly opposed King Mahendra for toppling the democratically elected government of B P Koirala in 1960. As if this was not enough, the Indian government also gave asylum to all the Nepalese political leaders in India. Some of those activities antagonised the King to such an extent that he sought China's help to counter balance India. This was one of the reasons why King Mahendra sought Chinese support to construct the Kodari Highway that linked Kathmandu to Lhasa, the capital city of Tibet in the 1960s. Strategically, this was to the great disadvantage to India.

Furthermore, India backed the first people's movement in 1990, which resulted in King Birendra losing his position of absolute monarch. It would not have been possible for Nepal to restore multi-party democracy after the lapse of 30 long years without the backing of India. But, again, it was at a great cost to India. Recently, Nepal's former Home Minister Khum Bahadur Khadka has revealed that the Royal Palace in Nepal gave birth to the Maoists.²¹ The Maoist insurgency which began in one of the small pockets in the western underdeveloped region of the country in 1996, soon engulfed the entire length and breadth of the country. It then began to percolate to the Indian soil. Though the growth of radicalism in India is not entirely due to the radicalism in Nepal, the fact cannot be overlooked that the Indian Maoists got support from the Nepalese Maoists.

Subsequently, the UCPN (Maoists) planned to capture power by sacking the Nepal Army Chief Rookmangud Katawal. The Maoists could not succeed because of the intervention made by the President of Nepal, Ram Baran Yadav. But the Maoists had the impression that their plan was foiled by the Indian bid to save democracy. This was why they declared India as their 'principal enemy.' In addition, another faction of the Maoists headed by Mohan Vaidya put a ban on the entry of Indian registered vehicles and also the screening of Hindi movies and music in

Nepal in 2012.²² They are also opposed to the 1950 Treaty of Peace and Friendship with India, as well as all the Indian investment projects in Nepal.

Conclusion

Over the years, India's primary interest in Nepal has been governed by its security considerations. Whenever needed, the 'democracy card' was used as a tool to promote India's security interests in Nepal. For a long time, India wanted to keep the monarchy and democracy together as per its two-pillar policy. But when occasions arose to make a choice between the monarchy and the democratic forces, India curbed certain activities of Nepal's democratic parties, including the Nepali Congress, during their exile in India. However, finally, India gave up its link with the monarchy in favour of democracy when its security interest was at stake. In promoting its own security interests, Delhi wants to have a stable and cooperative government in Nepal. India backed only those political parties in Nepal which ensured political stability, realised the sensitivity of India's security and helped reduce foreign influence in Nepal. However, at times, its passion for safeguarding democracy proved costly for India.

In order to promote democracy, it is necessary to educate the people about democratic values, on the one hand, and improve the governance system in the country effectively, on the other. In order to sustain democracy, it is necessary that the new Constitution meets the expectations of each and every section of Nepalese society and all the contentious issues related to federalism, form of government, judiciary or election system are resolved soon. As long as Nepal and India have an open border, and there is democracy in India, authoritarianism cannot prevail in Nepal for long. The open border between the two countries has helped to enhance people-to-people relations to such an extent that the Nepalese cannot remain aloof from being influenced by Indian democracy.

Notes

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