

Timeline of Constitutional Development in Nepal

Pre-Constitutional Period [1768 – 1854]

- 1768:** State of Nepal formed. Royal edicts and key Hindu scriptures formed the law of the land. Key advice sought from the traditional Consultative Court, *the Bhardari Shava* (Assembly of Lords) on issuing Royal edicts.
- 1846:** Massacre of almost all members of *Bhardari Shava* by the Rana brothers led by Jung Bahadur. The infamous event known as the *Kot Parba* (Court Massacre) wiped out an entire generation of Nepal's traditional courtiers, making the Rana family with the command of Army, most powerful in Nepal. Shah family loses its grip on power.
- 1856:** The Shah King Surendra forced to grant a *Panja Patra* (Royal Seal) to vest henceforth sovereign power on the ruling Rana Prime Ministers, to be exercised on behalf of reigning Shah Kings. The *Panja Patra* traditionally formed the ultimate instrument of delegating sovereign power claimed on tradition and divinity by the Shah dynasty.
- 1851:** Re-establishment of *Bhardari Shava*, mostly composed of Rana family members and some civil servants, and essentially to act as rubber stamp of decrees issued by the ruling Rana Prime Minister, which essentially formed the law of the land.
- 1854:** Proclamation of *Muluki Ain* (Law of the Land), the first codification of traditional laws in common practice commissioned by Rana, Jung Bahadur.

Three Early Constitutions [1947- 1959]

- 1947:** Rana Prime Minister Padma Shamsher forms *Constitution Reform Committee* to draft *first constitution of Nepal*. Indian Constitutional experts invited.
- 1948:** *Government of Nepal Constitution Act, 1948* proclaimed by Padma Shamsher, which laid out the framework of a parliamentary system with a bicameral legislative body. However the entire membership of one house and a majority of the other were to be selected by the prime minister who was vested with power to reject any measure that the legislature might pass.

However, the more conservative Rana, Mohan Shamsher ousted Padma Shamsher and suspended the promulgation of the Constitution.

- 1950:** Rana, Mohan Shamsher promulgates the *1948 Constitution* (effective September 1950 – February 1951) as a last measure to curb rising opposition to his rule led by Nepali Congress. King Tribhuvan's flight to India helps unite opposition forces against the Rana rule in support of the return of power to the sovereign.

“Delhi Compromise” between King and the Ranas facilitated by the Nehru Government in India ended the Rana rule.

1951: King Tribhuvan returns and addresses people of Nepal on his interest to have a new system of rule under a “Republican Constitution” passed by “a legislative parliament formed by adult suffrage”, the *Constituent Assembly (CA)*. Cited in *Sudha Nath Panta (2006: 134) Nepal ko Kanuni Byabastha ra Prajatantra ko Bikas ko darpan* (Nepal’s Legal System and the Democracy’s Development Mirror)

The Interim Constitution, entitled *Interim Government of Nepal Act 1951*, drafted with the help of Indian experts and to a considerable extent based on the Constitution of India, asserted King’s executive, legislative and judicial powers.

However, the election to the CA is not held. King Tribhuvan appoints multiple interim governments until his death in 1955. King Mahendra continues with the experiments by appointing various governments stalling the election to CA.

1959: *Royal Constitution of 1959* proclaimed by King Mahendra citing traditional and divine sovereignty vested on him, on February 12, 1959 replacing the interim act of 1951. The constitution provides expansive power for the King.

In less than a week, on February 18, 1959, first legislature elected in Nepal’s history by adult franchise. B.P. Koirala becomes first democratically elected Prime Minister of Nepal.

Return to Autocracy I [1960- 1989]

1960 King Mahendra dismisses Prime Minister Koirala government, enacts emergency rule and suspends the 1959 constitution.

1962: Proclamation of Constitution of 1962 by King Mahendra establishing the *Panchayat* system. The traditional village council system of five (*Panch*) elders prevalent in the Indian sub-continent expanded to the national level in a four-tier system. Political parties banned.

Although the constitution provided for a unicameral legislature, the *Rastriya* (National) *Panchayat*, this has no meaningful power. The constitution consolidated the King’s power in governance.

1967: First Amendment of *Panchayat* Constitution. *Partylessness* emphasized as the defining character of the system. King given added power to appoint to key administrative positions.

1975: Second Amendment of *Panchayat* Constitution. Seeks to covert the country into soviet style single party state with political and quasi judicial agencies like “Back

to Village National Campaign” and “Panchayat Policy and Investigation Committee” invested with wide ranging power to monitor and implement the “*Panchyati* norms and values”.

1979: Nationwide student protests demanding democracy

1980: National Referendum (May) held on the question of return to multi-party democracy or continuing the *Panchayat* system with reforms.

The allegedly rigged referendum result favour reform in *Panchayat* system with a small majority –55% against the 45% support registered for multi-party system.

Third Amendment of *Panchayat* Constitution (December) provides for the direct election of the representatives of the national legislature, the *Rastriya Panchayat* and other local bodies like *Nagar* (city) *Panchayat* and *Gaun* (village) *Panchayat*.

1981: First direct election of *Panchayat*. One third voted in are members of banned Nepali Congress Party.

1986: Second direct election of *Panchayat*. More members of the banned parties elected to the national legislature. Growing rift among Royal supporters.

Second Democratic Experience [1990- 2001]

1990: People’s Movement for the restoration of multi-party democracy (April). King Birendra bows to popular pressure after 55 days of protests nationwide, lifts ban on political parties, abrogates various *Panchyat* bodies including the *Rastriya Panchayat* (April)

Formation of interim government led by Nepali Congress leader K.P. Bhattarai announced with representation by Communist Party and the civil society. King subsequently vests executive and legislative authority in the interim government.

Nine member Constitution Reform Commission announced with representatives from the Nepali Congress, Communist Party and Royal representatives (May).

Constitution of Kingdom of Nepal 1990 promulgated by King Birendra (November)

1991: First general election held under the new constitution (May 1991).

Girija Prasad Koirala of Nepali Congress (NC) forms the majority government.

1992: *First case of judicial review* under new constitution. King’s royal prerogative re-asserted with the Supreme Court ruling King’s appointment of ambassador not subject to question in the court.

1994: King advised to dissolve the parliament and election date set by Prime Minister Koirala after a period of factional fighting in NC. Opposition parties file writ petition in the Supreme Court to annul the decision.

Second case of Judicial Review. Supreme Court rules in favour of Prime Minister's power to dissolve the house and call for early election as a leader of majority.

Early election held. Man Mohan Adhikary of CPN – UML becomes the first communist Prime Minister in a Monarchy heading a minority government in the hung parliament (November).

1995: Man Mohan Adhikary government of CPN-UML advises King to dissolve the Parliament and set election date in a bid to ward off vote of confidence demanded by the opposition parties. Opposition parties file writ petition in Supreme Court to annul the decision.

Third case of Judicial Review within a year. Supreme Court rules that Prime Minister *Man Mohan Adhikary's* recommendation in June to have parliament dissolved for re-election was unconstitutional (August). This decision is in contrast to the 1994 decision in favour of Prime Ministerial to advise dissolution.

Minority Adhikary government defeated in a vote of confidence. Sher Bahadur Deuba of NC forms coalition government of NC, National Democratic Party (*Rastriya Prajatantra Party – RPP*) and Nepal Sadhbhavana Party (NSP).

1996: *Communist Party of Nepal – Maoist submits 40 points demand* to the government with ultimatum to launch war if the demands not met.

People's war launched by CPN – Maoist (February)

1997: Sher Bahadur Deuba government loses vote of confidence in parliament. Second time a NC government collapses due to the infighting (March).

Lokendra Bahadur Chand of RPP forms government with backing of CPN – UML's Bam Dev Gautam faction. NSP remains another coalition partner.

Chand government is replaced by the Surya Bahadur Thapa faction of RPP in coalition with NC and NSP.

1998: Surya Bahadur Thapa is pressured by Girija Prasad Koirala to resign.

Surya Bahadur Thapa advises King to dissolve Parliament and set date for election.

King seeks Supreme Court's opinion on the issue citing the preceding contradictory rulings by the court. Supreme Court advises Prime Minister does not have power to dissolve the Parliament.

Surya Bahadur Thapa resigns.

A coalition government under Girija Koirala with UML and NSP as partners formed to hold approaching quinquennial election.

1999: Third general election held under 1990 Constitution brings back NC majority in the parliament. Krishna Prasad Bhattarai, a rival of Girija Prasad Koirala in NC becomes Prime Minister.

2000: Girija Prasad Koirala replaces Krishna Prasad Bhattarai as Prime Minister.

2001: Royal Massacre in June 1. All family members of King Birendra are killed.

Prince Gyanendra becomes new King.

Girija Prasad Koirala resigns due to opposition from his party. Sher Bahadur Deuba becomes Prime Minister again.

Peace negotiation started with Maoists.

Maoists walk out of the peace process with attack on the Army barracks. Emergency rule declared.

Return to Autocracy II [2002- 2006]

2002: King dissolves Parliament on the advice of Prime Minister Deuba (May). Date for new election set for November.

2002: Prime Minister Deuba advises King to defer elections by a year citing worsening security situation (October) after consultation with major political parties.

King removes Prime Minister Deuba from office and proclaims assumption of executive power.

Lokendra Bahadur Chand named new Prime Minister by King.

2003: Second round of negotiation with Maoists.

Chand resigns. Against the counsel of political parties, King appoints Surya Bahadur Thapa as Prime Minister.

- 2004:** Surya Bahadur Thapa resigns. King appoints Sher Bahadur Deuba as Prime Minister, the man he had sacked in 2002 for alleged incompetence to hold election on the announced date.
- 2005:** King removes Deuba from office second time in less than two years (February). Proclaims himself as the chief executive and head of the council of ministers.

Twelve point agreement on the “Road Map of Peace and Democracy” reached between the Seven Party Alliance (SPA) – the parties represented in the dissolved parliament, and CPN-Maoists to launch joint struggle against King Gyanendra’s direct rule (November).

Return to democracy

- 2006:** Massive demonstration against the King’s rule leads to the King reinstating dissolved parliament, the House of Representative, first elected in 1999.

Proclamation of King Gyanendra, reinstating the dissolved parliament (April).

Interim government of seven party alliance (SPA) sworn in (April).

House of Representative issues proclamation 2006, removing most royal prerogatives. Government of Nepal replaces His Majesty Government of Nepal (May)

Twenty Five point cease fire code of conduct signed between Government of Nepal and CPN- Maoist (May)

Eight Point Agreement reached between SPA and Maoists on implementation of *Twelve Point Agreement* and *Twenty Five Point cease fire agreement* (June).

Interim Constitution Draft Committee formed (June)

Comprehensive Peace Agreement signed (November)

- 2007:** *Interim Constitution of Nepal 2007 (ICON-2007) promulgated* by the House of Representative. After which, it dissolves itself (January 15).

Later on the same day 330 member Legislature Parliament as provided in the interim constitution is convened with 83 members representing CPN-Maoists.

The legislature parliament unanimously passes the ICON-2007 (January).

ICON-2007 fixes date for holding election by June 20, 2007 under *article 33* under the heading, “State Responsibility”.

Madhesi activists object to the ICON-2007. Terai unrest flares up (January).

Prime Minister Koirala's first address to the nation. Calls for talks to resolve issues raised by ethnic and regional groups (January)

Second address to the nation by Prime Minister Koirala. Promises to amend interim constitution to re-structure the state into a federal system and to hold election to CA by proportional representation as demanded by ethnic and regional groups (February)

First Amendment to the Interim Constitution of Nepal 2007 passed by parliament (March)

Maoists join the interim government under ICON-2007 (April)

Eight Party meeting fixes new date for holding election of CA by third week of November, 2007 (May)

Second Amendment to the Interim Constitution of Nepal 2007 passed by the cabinet