

Next Door Nepal: Reading the reprieve

Here's why you should binge-watch *Damaged*, India's first show about female serial killer

Thirteen years ago when India, the European Union and the US were trying to arrive at a common position in Nepal in the wake of the takeover by King Gyanendra, and ostensibly to contain the Maoists with the promise to return power to the political parties, a senior US diplomat said, "Monarchy is an authoritarian institution and can be transformed into a democratic institution, but the Maoists are totalitarian, and they can not be." While the EU endorsed India's lead role in mobilising international support in favour of bringing the Maoists to the centrestage of Nepal politics and abolishing the monarchy, the US said that it will engage with the Palace.

Nepal's political transition beginning then ended in early March this year when K P Oli became the prime minister. Oli, surely, can boast of being a democratically-elected communist prime minister; the Communist Party of Nepal (CPN) today has nearly two thirds majority in parliament. It is the first time in 25 years that any political party has absolute majority in parliament. And with it, some clear trends of authoritarianism, which the US diplomat had warned of in 2005, are becoming visible.

Last week, on Nepal's 11th [Republic Day](#), President Bidhya Devi Bhandari signed on a cabinet recommendation that sought pardon for 816 prisoners, including a Maoist leader serving a life term for murder. This Maoist leader, who was arrested less than a year ago, was to be pardoned and released for "good behaviour". Human right lawyers who moved the Supreme Court to restrain the government, are disappointed with the cold response from the judiciary. Incidentally, the apex court is packed with judges who are servile and friendly or committed to the ideology of the CPN.

A weak opposition, a pliant judiciary, an executive that refuses to follow SC guidelines on or against pardon to criminals, and above all, a president unwilling to carry out her duties as guardian and custodian of the constitution, together, provide the most suitable atmosphere for totalitarianism to gain roots in Nepal. The presidential pardon to Maoist leader Bal Krishna Dhungel is being seen as a precursor to granting immunity and amnesty to all the Maoist leaders convicted or accused of human right violations during the decade-long civil war.

Prime Minister Oli had claimed at the time of elections that the communists were the best guarantors of human rights, rule of law and democratic values. Even then, he had refused to speak on the speculation that the CPN-Unified Marxist Leninist and the CPN-Maoist Centre had agreed on granting general amnesty to all Maoist leaders, beginning with the release of Dhungel, as a pre-condition for the two parties to unite.

Oli, who headed the CPN-UML, has tried to justify the pardon to Dhungel as "a routine issue". But the impact of the release of Dhungel, in violation of the Supreme Court directive that no pardon should be granted to criminals, is already being felt in Nepal. Human rights activists and civil society leaders, who lobbied against Dhungel's release, have been "silent", apparently due to fear of reprisal. It is feared that the Truth and Reconciliation mission, mandated to investigating human rights cases, will now be rendered toothless. Upon his release, Dhungel, while addressing his supporters at the CPN office, claimed that he was a victim of conspiracy and campaign of "human right activists", who were busy in "dollar farming".

Meanwhile, Home Minister Ram Bahadur Thapa Badal has issued a public warning that contractors undertaking construction works for the government will be arrested if they do not work as per the government's schedule. This warning comes on the heels of the government confiscating the property of private transporters for striking against the government issuing

licences to new transport operators. A constitutional lawyer placed the developments in perspective: “Amnesty to a murder convict takes away the victim’s right to life and justice, while the government’s action in the transporters’ case comes as a threat to the right to property.” He added that the “visible servility of the Supreme Court makes the executive all powerful and authoritarian”.

An all-powerful Oli has reasons to smile. Between his visit to India in early April and that of Prime Minister [Narendra Modi](#) to Nepal a month later, Oli has been able to secure Delhi’s assurance of full cooperation. Hindu Swayam Sevak Sangh (the RSS’s counterpart in Nepal), with the help of friendly NGOs, has been preparing the ground for the two regimes to “work together”. The HSS had earlier been a vocal opponent of Oli, especially during the 2015 economic blockade, when he defied India and signed the trade and transit agreement with China.

Oli will be visiting China later this month. He knows that gaining China’s support and development assistance will make him a “hero” in Nepal. However, the fact remains that the political path Nepal adopted in 2005 was for peace, stability and the consolidation of democracy. It will require robust institutions, especially an independent judiciary, to realise this transformation. That’s the record on which Oli will be judged in the long run.

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