

# CHAPTER I

## INTRODUCTION

### 1.1 Background

A constitution is the fundamental law of the country which governs the country' state affair. The entire system of government is guided by the constitution. All the rights and responsibilities of the people are secured by the constitution. A constitution embodies the legal frameworks of a nation. Not only this, it constitutes and establishes the high institution of the national life and does structuring of the government of the state. It establishes the frameworks, organizations and system of government lays down the principal organs of the state, the government and its agencies, authorities and instrumentalities, the executive, the legislative and maps down their powers, spheres of their activities and interrelations.

Constitutions have been enacted, adopted and given to themselves by the people in many countries. It has been done by the people in their name acting through a convention or constituent assembly. When it is an act of the people, it expresses the sovereign, democratic constitutional character of the state built upon the rock foundation of popular will. Undoubted sovereignty of the people and their unquestioned right to provide for the common defense, promote the general welfare and secure the blessing of liberty establish a sovereign democratic state.<sup>1</sup>

The constitution must command the obedience and allegiance of the different sections of the people, inhabiting various regions and belonging to various ethnic, cultural, racial and religious groups. If any citizen refuses to obey to it, it is violated, it loses the ownership of the people. In absence of which the constitution cannot work properly and the

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<sup>1</sup> M.C. Jain Kagzi, **The Constitutional Law of India**, vol. 1, Metropolitan Book CO. Pvt. Ltd., New Delhi, p. 6.

constitutional deadlock appears. The best way to command such an ownership of the people by the constitution is an inclusive and representative ways of making constitution. One of the best and most democratic ways of making constitution is the formation of a constituent assembly through the representatives elected by the people either in direct or indirect means.

Constituent assembly is a body elected by the people with the objectives of drafting a new constitution of the country. In a democratic period, a constitution is regarded as a document of the people's aspirations and will. It is anticipated that constitution should be made through the people's participation. The participatory constitution making process only can reflect the real will of the people in the constitution. Constituent assembly poll is a most popular and democratic way of making constitution.

All the previous constitutions were made without the participation of the people in Nepal. None of the previous constitutions became able to command the faith and ownership of every citizen of the country due to the failure of accommodating different aspirations and interests of ethnic, cultural, linguistic, indigenous groups of people. As a result, the constitutions were violated frequently not by the citizen but by the king. Constitution assembly poll is accepted as a process of making constitution and anticipated that will be able to bring the insurgents back to democratic political process to address the emerging identities in the nation.

Nepalese people including the intelligentsia need to take part in the dissemination of information regarding constituent assembly. After the national consensus on it, several discourses have been taken place on the topic of constituent assembly. But these discourses are not sufficient to

make the subject clear on its theoretical basis, practical impacts and its needs, relevancy and appropriateness in Nepalese context. In this juncture, a comprehensive analysis of its theoretical and practical aspects needs to take place. Several studies have taken place in connection with the constituent assembly poll. But those studies are not enough to mention every aspect of it. Constituent assembly poll, the potential tool of political settlement of the crises, has been the major concern of this study. This sort of research may certainly be helpful to generate a public initiation about the concept, percept and aspiration towards CA poll. This research has been conducted with the hope of providing necessary information to the representatives of the common people.

These issues relating to the CA poll has inspired the researcher in the topic "Constituent Assembly Poll: A Case Study" (Special Reference: Gulmi District). At this juncture, this study has tried to explore a broad spectrum of constituent assembly poll in Gulmi district and its essentiality and importance in strengthening the Republic in Nepal, through a new constitution.

## **1.2 Statement of Problem**

While doing a research on "Constituent Assembly Poll: A Case Study (Special Reference: Gulmi District) has traced out some of the significant questions.

- What are the constitutional principles of the constituent assembly?
- What are the facets of the constituent assembly developed at the international level and how it supports in Nepalese context?
- How the CA poll in Gulmi district went?
- What sort of means did the political parties adopt to win in the CA poll in Gulmi district?

### **1.3 Objectives of the Study**

The main objectives of the study are:

- To analyze the constitutional principles, basis and requirements for constituent assembly poll.
- To trace out the role of CA poll in sustaining peace and security in Nepal.
- To explore the strategies of the political parties to win the CA election in Gulmi district.
- To provide appropriate suggestions to be taken into consideration by the concerned parties in relation to constituent assembly in Nepal.

### **1.4 Literature Review**

Though the issue of constituent assembly came into existence in 2003, it was not heard by the ruler. The concept of CA poll came in the mind of the common people by the Maoist. There have been a lot of discourses, debates and discussion on CA poll in Nepal only after successful uprising of April 2006, specially after the negotiation of Maoist and Seven Party Alliance, CA dwells in the mind of the common people. In this juncture, various scholars have written articles, books and papers on this very subject. Some of the major literatures are given below:

Krishna Khanal, *Nepal's Discourses on Constituent Assembly: An Analysis*, June 2005. The book has highlighted on the meaning, need and importance of constituent assembly. Different modalities of constitution making, international experience and historical background of CA in Nepal are also described. However it lacks fundamental constitutional principle of constituent assembly and its role to stabilize democracy in the country.

Kashi Raj Dahal, *Sambidhan Sabha ra Sambaidhanic Vikas (Constituent Assembly and Constitutional Development)* 2006. This book is written on several aspects of constituent assembly including election procedures and international experiences. The writer has mainly focused his attention to the agendas of constituent assembly and international process and present need of constituent assembly in Nepal.

Dr. Gopal Sharma, *Nepalma Sambidhan Sabha (The Constituent Assembly in Nepal)* 2063. In this book, the author has dealt about the meaning, introduction, objectives and functions of constituent assembly in Nepal. He has also described the historical background of constituent assembly in Nepal. But he has not dealt on its basic philosophy and international experience, present need of it in Nepal, its role in strengthening democracy in the country.

Bhimarjun Acharya, *Making Constitution Through Constituent Assembly* (2063). The author of this book has focused his attention mainly on the constitution and its patterns. However, he has dealt about the meaning of constituent assembly and its international experiences, but lacked to deal on the basic philosophy, process, mechanism, sources of authority and role of constituent assembly to strengthen democracy.

Rabindra Adhikari, *Sambidhan Sabha, Loktantra ra Punarsmrachana (Constituent Assembly, Democracy and Restructuring)* 2063. In this book, the writer has dealt a brief introduction and historical background of constituent assembly in Nepal. He also fails to find out the constitutional basis of constituent assembly.

Dr. Surendra K.C., *Nepalko Rajya Punarsamrachana ra Sambidhan Sabha (Nepal's Restructuring of the State and Constituent Assembly)* 2063. The writer has given the needs of state restructuring in this book rather the concept of constituent assembly.

Dr. Rajendra Gautam, *Sambidhan Sabha : Sworup ra Prakriya (Constituent Assembly Structure and Procedure)* 2063. This book also gives a simple meaning of constituent assembly and its international experience, however, lacked to make a clear knowledge and constituent assembly and its relevancy in strengthening democracy.

Dr. Prem Sharma, *What is a constituent Assembly?* The Rising Nepal, May 1, 2006. The writer, in this article, has given general meaning, necessity and inclusive representation of constitution making process through CA. However, he lacked to mention basis of constituent assembly.

Prof. Dr. Surya Prasad Subedi, *Sambidhansabha Chunavka Chunarharu (Challenges of CA poll)* Kantipur, July 31, 2006. In this article, the author has described the need of constituent assembly and immutable constitutional principles to be included in the new constitution. He also lacked to mention the basic philosophy of constituent assembly.

Yuba Nath Lamsal, *Constituent Assembly Poll, Issues and Challenges*"The Rising Nepal, 28 Nov., 2006. In this article, the writer has paid his attention towards the hurdles of constituent assembly poll in Nepal. He has not given concrete idea about the constituent assembly.

### **1.5 Significance of the Study**

This study reveals the broad spectrum of the concept, need, importance and appropriateness of constituent assembly to make a new constitution in the country. Most of the people of Nepal are uneducated, they cannot easily understand the basic philosophy and need of constituent assembly as a democratic way of making constitution. In this context, this study may provide a basic and clear concept about the

constituent assembly. This study provides the knowledge to the people about how constitution making process came in Nepal through constituent assembly poll. This study also provides knowledge how the political parties went to the people for vote and strategies they adopted. This study also provides conceptual background of different models of constitution making and constitutional and the theoretical basis constituent assembly as an inclusive way of making a constitution. Equally it reveals the international experience, historical background, present need and importance and its role in consolidating and sustaining democracy in the country. This study would be useful not only for the students but also for law teacher, researcher and equally beneficial for the concerned authorities.

### **1.6 Limitations of the Study**

Though the subject matter of this study is very wide, it is fiddle to cover all sectors of the constituent assembly poll within a paper. No doubt it is the study which must be more systematic and confined to the burning issues of the subject. Especially this study is focused on the concept, international experience, the impact of CA poll in Nepal. This study reveals the concrete idea and the relevancy of CA Poll in Nepal as a means of national consensus and constitutional crisis resolution. This study is concentrated within the Gulmi district about the CA poll.

### **1.7 Methodology of the Study**

This study is based on doctrinal method of research. All relevant literatures have reviewed as the source of information. Direct observation by the researcher and interviews have taken to the people from different VDCs. Both primary and secondary sources of data have been used to make study more concrete. The sources of information have been taken

mainly through various libraries, some of the websites, Central Bureau of Statistics and Election Commission.

This study has been divided into five chapters. Each chapter is designed in such a way to make the readers comfortable to understand each aspect of subject matter without any confusion.

The first chapter deals with the general introduction of the subject matter, identifying the problems, setting out the objectives and the methodologies that adopted during the research.

The second chapter deals with the meaning and concept about constituent assembly. It gives a conceptual framework of CA and its different aspects. This provides the concept of CA as one of the best ways of making constitution.

The third chapter deals with the general background of Gulmi district, political consciousness and participation of the people. Not only that it talks about the system and contribution of the political leaders.

The fourth chapter deals with the present CA poll in Gulmi district. It talks about how the CA poll in Gulmi district went. How many people participated in the poll? What kind of strategies the political parties adopted in the poll? It also talks about whether the CA poll is completed being free, fair and transparent or not. The same chapter deals with people's will and aspiration in CA poll. What kind of expectation do the people have through the means of CA poll?

The fifth chapter deals with the further suggestions that what should be done and finding of the study.



## CHAPTER II

### CONSTITUENT ASSEMBLY

#### 2.1 Concept

Constituent assembly is a group of people which is elected and in some cases nominated to write a constitution. Constituent assembly means a national level organ formed for the purpose of drafting and ratifying a constitution for a nation. Literal meaning of these two words are: constituent means people living in a particular area of a nation. Assembly means a meeting of a group of people for a specific purpose. Hence, constituent assembly means meeting of a group of people living in a nation for the purpose of making constitution for their own country. Constitution assembly means an assembly that has the power to make or alter a political constitution.<sup>2</sup> In political-constitutional context, the word 'constituent' means people's representative to voice the interest of people living in a particular area. Constituent assembly is a process of making a constitution and considered as a most democratic and most inclusive one. A constitution, made through the process of constituent assembly, is regarded as most democratic constitution. In a specific term, constituent assembly can be defined as a body of elected or nominated representatives of people with the purpose of drafting a new constitution. Constituent assembly poll is the outcome of democratic revolution. Constituent assembly refers to an extra-parliamentary body convened for a specific period of time whose primary purpose is to draft a constitution.

Constituent assembly is the body constituted for constitution making comprising the members elected by the people. By the term 'constituent assembly' we also mean the process of making constitution. The process can be varied according to the situation of the country. CA is

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<sup>2</sup> Jonthan Crowther (ed.), *Oxford Advanced Learner's Dictionary*, OUP, 1966, p. 247.

the most democratic and most inclusive process of making constitution. It is a process based on the belief that the massive participation of people is possible while making a constitution which governs the people. If the constitution is to be made through a participatory process, the constitution assembly is one of the best ways of ensuring people's participation in this process. It commands the obligation and ownership of the people. It also commands the adherence of the people and reflects the will of the people.

If the existing constitution does not reflect the will of the people or if it does not command the support or faith of people, it cannot be remained as a living document rather, the constitution made without consent, participation and inclusion of the people it governs, becomes a paper constitution. If any constitution fails to address the will of the people, people will have the right to overthrow such constitution. In modern era, people are the ultimate source of sovereign authority, people can revolt against the undemocratic or non-inclusive constitution and change it. People are free to choose their future way of life through their meaningful and active participation in the political process. For this, they deserve to a democratic revolution against any despotic government and political system. If people overthrow the old regime, naturally the process of new constitution making comes at first. In this juncture, people are free to participate in constitution making through CA poll. In this way, the ultimate authority of CA is derived from the people through the medium of democratic revolution. Democratic revolution is one of the various ways of deriving authority to form a CA.

The existing constitution may also be the source of authority of forming a constituent assembly. If existing constitution empowers the people with sovereign power and source of state authority then the people are able to alter or make a new constitution in a peaceful manner. In such

a way, the sources of authority of constituent assembly are democratic revolution of people, international covenant on civil and political rights 1966, under which the right to self-determination is the most important one and last but not least, the constitutional premise that declares people as the source of sovereignty.

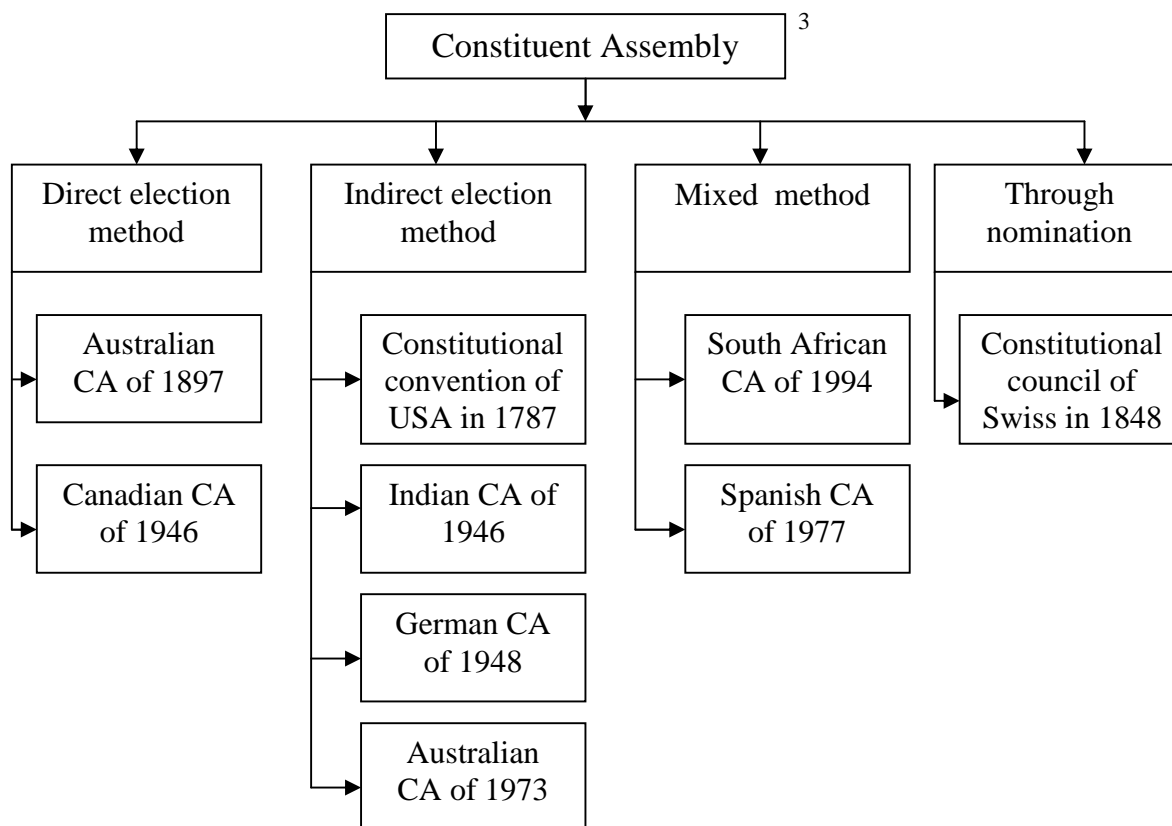
## **2.2 Objectives of the Constituent Assembly**

The basic objective of CA poll is to frame a new constitution of a state. It is expected that a CA should make a constitution according to the people's aspirations. A constituent assembly is formed for the following purposes.

- Constituent assembly is formed with the objective of drafting a constitution. As a democratic and inclusive method of making constitution, constituent assembly performs its prime task of drafting a constitution.
- The constitution drafted by the CA can be approved in different ways but there is no uniformity of approving a drafted constitution. But CA approves the constitution drafted by itself in almost the cases.
- Another step in the constitution making is to promulgate the drafted constitution approved by the people through constituent assembly.
- Constituent assembly also determines the modality of the government while drafting a constitution shows the future model of political system.

We can see different methods of forming CA in different countries. Some countries adopted direct election method, some adopted indirect

election method, some mixed method and some formed CA through nomination as well. These are listed below:



### 2.3 Election System

There are different methods of election regarding constituent assembly. It depends upon the political consensus and geo-political, regional, cultural, ethnic and linguistic situations of a state to determine the method of election in terms of CA. Some of the different electoral systems are presented in brief.

#### a. First Past-the Post (FPTP)

In first past the post system, a candidate is declared to be elected on the basis of relative majority. A candidate who gains the large number of votes is elected irrespective of the promotion of vote casted. A candidate who has gained a little bit lower number of votes is defeated with the

<sup>3</sup> Kashi Raj Dahal, 2006, **Sambidhan Sabha ra Sambidhanik Bikas**, 1<sup>st</sup> ed., Nirantar Prakashan, Kathmandu, Nepal.

majoirtarian candidate. So, in it, a candidate who becomes first in getting votes is called elected candidate and candidate near by him is defeated. This system is applied mostly in those countries where parliamentary form of government is formed and the political party who obtains a large number of seats in the parliament is known as majoritarian party. For constituent assembly poll, this method only is not considered as a useful method because there is lesser chance of representation in this system on the basis of caste, sex, ethnicity, backwardness and geographical grounds.

### **b. Proportional Representational (PR)**

In it, a political party can share the representative seats to constituent assembly in proportion to the total number of votes, it gets in the national level. People cast their votes not in the name of a candidate but in the name of a political party. If a party gets 30% of total casted votes, it should win approximately 30% seats of CA and minor party wins 20% of total casted votes should also gain 20% seats.<sup>4</sup> In this system, every political party submits the list of its candidates and they are elected on the basis of proportion of votes gained by the political party on merit basis. There are two types of proportional representation system, they are:

- i. Hare system
- ii. List system

In hare system, candidates are ranking ordered and the voters cast their votes to the candidate. It is already fixed that minimum vote is necessary to be elected and rest of the votes are transferred to the second ranked candidate. But the total number of candidates to be elected are fixed on the basis of total party has gained. It is also known as single transferable vote system.

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<sup>4</sup> Bhimarjun Acharya, **Making Constitution Through CA**, Pairavi Prakasan, 2006, p. 166.

In List system, voters are free to choose the candidates in listed in the list and the political party. It has three alternatives i.e. open, closed and independent lists. The practice in List system shows that the closed list is mostly applicable. In closed system, voters can choose only political party not candidates. The political parties share the seats in proportion to the gained votes among the candidates of different caste, creed, sex, ethnicity, economic and social background on the basis of the list already determined.

### **c. Mixed**

We know what mixed system is by its name. The mixed system is the combination of first past the post system and proportional system. Voters cast their votes for both the system according to the seats that are allocated for FPTP and PR system. In this system, the total seats of candidates are divided for FPTP and PR system on the basis of consensus. Candidates are elected by both the system. Mixed system has its two aspects:

- i. The two systems are equally and independently applied for the election of members of CA. That's why it is also called a parallel system.<sup>5</sup>
- ii. If there is less or no representation and minorities or small party in FPTP system, they are compensated by proportional system.

### **d. Nomination**

In some cases people are nominated by the government after having comprehensive political consensus to take part in the CA whose prime concern is to draft a constitution for the nation.

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<sup>5</sup> Kashi Raj Dahal, **Sambidhansava ra Sambaidhanik Bikas**, Nirantar Prakashan, 2006, p. 144.

## **2.4 Constitution through CA**

To complete CA poll is not sufficient for a constitution making. It is equally important to lay down a procedure for its well functioning through comprehensive political consensus. The formation can be based on the majority votes of political parties despite a few representation of the different sectors of society on the basis caste, creed, ethnicity backwardness etc. The political party which obtained majority of seats in CA poll plays a vital role in constitution making. So it is important to make constitution in a more representative, democratic and inclusive way.

### **2.4.1 CA Poll Includes the Following Steps in the Process of Making Constitution**

#### **Initial Phase:**

- After completion of CA poll, the summoning of constituent assembly is done by the government i.e. an interim government. The date of summoning is fixed by the comprehensive consensus made among the political parties.
- The next step is the election of the chairperson and vice-chairperson of the constituent assembly. The election of them is held on the basis of voting.
- Last step in terms of initial phase comes then the formation different committees within the CA including the drafting committee. Under this step, the formation of the advisory group can also be equally important. Different other committees can be made in this step. The Rule of Procedures of the CA is passed in this step which is the important legal mechanism of the functioning of it. The Rule of Procedure legalizes all the functionaries within

the CA including drafting committee and subject committee and other sub-committees.

### **Second phase**

- After completing the initial phase, the second phase-drafting process begins. It is conducted by the drafting committee. If political parties have made basic policy guidelines for the future constitution through consensus, these guidelines become the milestone to the draft of the constitution.
- The basic policy guidelines to the future constitution became the basis of future constitutional principles. The first draft of the constitution is prepared by the technical advisory group constitutional experts being based on the policy guidelines. In the absence of consensus on the basic guideline principles on the future constitution, it becomes difficult to determine the constitutional basis of the future constitution.
- For the well functioning of CA, the basic guidelines provide the future destination of the state to be included in the draft constitution. In absence of such a guiding principle, CA process becomes uncertain and people cannot be relied on it since there is great possibilities of confrontation among the people having different interests. In absence of these guidelines, the CA cannot perform its task of drafting a new constitution within a certain time.
- The technical committee prepares the first draft of the constitution and submits it to the full house of the constituent assembly. In the drafting process, all the recommendations submitted are forwarded



to the drafting committee to include necessary recommendation in the draft.

The draft of the constitution prepared by the technical committee is presented before the drafting committee for its approval and adoptions and it forwards it to the full house for further discussion. For this purpose, the drafting committee firstly conducts massive discussion on the draft of the constitution and amends in the draft if necessary. The drafting committee submits it to the full house of CA. After the submission to the full house, discussion on the draft begins. The full house takes various recommendations submitted before it by different committees as the reference of discussion. It becomes specific to every articles and chapter of the draft constitution as to how far the draft has been inclusive and participatory. After the massive discussion the full house adopts the draft as the first draft of the constitution.

After it, collection of feedback and incorporating process take place through concerned political parties, civil society, constitutional experts, pressure groups and public. If the feedback report is approved by the full house of CA, the first draft is revised by the drafting committee.

### **Final voting for draft constitution**

After the revision of the draft, the discussion, deliberations and amendments to the draft begins among the whole members of the constituent assembly. For the purpose of discussion in the full house, the chairperson of the CA can give specific period of time to the members for their recommendations of the draft. The discussion and debate among the members of the CA may take long time. The course of long time debate is so valuable that ht actual participation and representation of the entire citizens is reflected in the constitution making process through discussion and deliberation. If any problem comes, such problems can be settled by

the comprehensive consensus. After the settlement of major constitutional issues the final draft of the constitution is prepared. Then it is tabled before the full house of CA for the final acceptance. The final draft is accepted through voting of all members of constituent assembly. It is accepted as per the procedures prescribed by the interim constitution or Rule of Procedures of CA. Generally the acceptance of the draft of the constitution is made by 2/3 majority votes. Once the draft is accepted, it is promulgated by the head of the state or by the CA itself. The day when the constitution is promulgated can be celebrated as the 'constitutional day.'

## **CHAPTER III**

### **ABOUT GULMI DISTRICT**

#### **3.1 Background**

Gulmi district is one of the 75 districts in Nepal. It lies in western part of Nepal specially it comes under Lumbini zone. It has six neighbouring districts – Syangja, Parbat, Pyuthan, Palpa, Arghakhanchi and Baglung. Syangja and Parbat are in east, Pyuthan in west, Palpa and Arghakhanchi in south and Baglung in north. Gulmi district covers from 27<sup>0</sup>55" to 28<sup>0</sup>27" northern latitude and from 83<sup>0</sup>10" to 83<sup>0</sup>35" eastern longitude. This district is extended in 1149 sqkm of land.

##### **3.1.1 Political and Administrative Division**

Region	: Western development region
Zone	: Lumbini
District	: Gulmi
VDCs	: Seventy-nine
Regional area	: Thirteen
Constituency no.	: Three
District headquarter	: Tamghas

##### **3.1.2 Educational Status**

If we see the history of education in Gulmi district, it was started in ancient time and was transformed from Gurukul system. Formal education was started by the educational development of Dev Shamsar. Ridi Sanskrit school, the first school in Gulmi, was established in 1959 B.S. After the political change in 2007 B.S., many schools started opening upto 2020, among them three were high schools. Due to the political change in 2047, people became aware of the fact that almost everything is guided by the education that is why they sent their children

to school. Many community schools, private schools were established by the consciousness that arose in the mind of the public. The followings are the number of educational institution in Gulmi district:

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|----------------------------|-----|
| 1. Primary school          | 434 |
| 2. Lower secondary school  | 54  |
| 3. Secondary school        | 68  |
| 4. Higher secondary school | 32  |
| 5. Campus                  | 7   |
| 6. Technical institute     | 2   |

We get 66% literacy rate in Gulmi district whereas 78% are of male and 53% are of female. VDC wise literacy rate can be seen through the table below:

S.N.	Name of VDC	Literacy %	Male %	Female %
1	Aglung	58	79	36
2	Amararathok	71	83	59
3	Amarpur	56	63	38
4	Aanpachaur	79	82	56
5	Arbeni	62	73	51
6	Arjai	66	80	52
7	Arkhabang	63	74	51
8	Arkhole	72	81	63
9	Arlankot	62	71	53
10	Aslewa	69	79	60
11	Baletaksar	81	92	659
12	Balithum	58	72	43
13	Bamgha	60	70	50
14	Bhanbhane	60	74	45

15	Bhanjakateri	60	77	42
16	Bharse	74	90	58
17	Bhurtung	71	84	58
18	Birbas	75	87	62
19	Bishukharka	53	70	36
20	Bandagaun	59	71	46
21	Chhaphile	55	6	44
22	Darbar Debistan	78	90	66
23	Darlamchaur	49	62	35
24	Darling	52	65	39
25	Daugha	51	76	46
26	Dhurkot Bastu	61	77	45
27	Dhurkot Rajasthal	61	75	47
28	Dibrung	69	81	57
29	Digam	76	87	64
30	Dohali	61	72	49
31	Dubichaur	75	87	62
32	Gaudakot	75	87	62
33	Ghamir	57	69	44
34	Gwadi	76	88	64
35	Gwagha	57	71	42
36	Hadhade	69	86	51
37	Hansara	72	83	60
38	Hardineta	76	83	69
39	Harewa	72	84	59
40	Harmichaur	65	78	54
41	Harrachaur	71	83	58
42	Hastichaur	56	69	43

43	Hunga	73	82	63
44	Ismarajasthal	56	74	48
45	Jaisithok	66	80	52
46	Jayakhani	62	74	50
47	Jubhung	68	82	55
48	Juhang	73	83	64
49	Junia	66	75	57
50	Khadgakot	60	74	46
51	Kharjyang	68	80	55
52	Kurgha	64	78	50
53	Limgha	70	80	59
54	Malayagiri	66	84	48
55	Marbhung	53	68	38
56	Musikot	59	72	46
57	Myalpokhari	51	67	35
58	Nayagaun	54	69	38
59	Neta	58	70	45
60	Pallikot	73	84	63
61	Paralmi	61	74	47
62	Paudiamarai	67	81	53
63	Phoksing	71	82	60
64	Pipaldhara	67	81	53
65	Purkotdaha	71	83	58
66	Purtighat	68	81	44
67	Rimuwa	65	77	52
68	Rupakot	64	74	54
69	Ruru	81	91	70
70	Santipur	62	72	52

71	Simichaur	61	72	50
72	Sirseni	58	70	45
73	Tamghas	80	90	69
74	Thanapati	71	83	59
75	Thulolumpek	72	84	59
76	Turang	67	78	56
77	Wagla	57	69	44
78	Wamitaksar	69	79	58
79	Whangdi	54	68	37

(Source: DEO, Gulmi.)

### 3.1.3 Economic Scenario

Normally Gulmi is an agricultural district where 82% people depend on agriculture and farming. We get 21,182.6 hector arable land whereas only 25.41% land has the facility of irrigation. Specially two paddy field are famous all over Gulmi-Chaurasi of Amarpur and Majuwa of Rupakot. Almost all the parts of the district are sloppy. The goods that produced in the very district are not sufficient for the people throughout a year that is why people are obliged to import goods from Tarai. We get cottage industry but not other industrial institution. So that most of the people are unemployed and semi-employed. Many of the youths have interest to go abroad for earning foreign currency. If we see the data of youths, we get, youths have gone Japan, America, Malaysia, Australia and some are joined in Indian and British Army. The money that they sent is the main income source of the district. People export some cash crops like orange, coffee, ginger, cardamom, junar etc. Minerals are another source of income of the present district. Different types of minerals can be found in different places in the district.

**Copper:** Possibilities of getting copper in the special areas of the district like Dharbung in mid-eastern part, Malkhani and Pandav mine in mid-northern part.

**Cobalt:** In Samarbhamar and Tamghas

**Iron:** In Khadikot, Arangkot and Balegaun

**Lead:** In 5 Km radius of Tamghas

**Nickel and Silver:** It is said that in the mine of Cobalt of Tamghas, Nickel and Silver can be found.

**Gold:** In the bank of Kaligandaki river and Rudrabeni pieces of gold are found.

Not only above mentioned things but raw materials of construction are also found in Gulmi. In the verge of Kaligandaki river, precious stones-saligram are found which have religious importance.

### **3.1.4 Social and Religious Status**

If we see Gulmi district from social point of view, we get the data that most of people speak Nepali language and some of the people speak their own languages like Magar, Gurung and Newar for the communicative purpose. Although different people having different social status live together, they do not have envious relationship. They live in a harmonious way.

Different people having different religious beliefs have lived together in the district. 95.57% people believe in Hindu religion<sup>6</sup>

### **3.1.5 Tourism**

Tourism is something by which income source of not only the people of local areas but also the country have increased. If the concern

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<sup>6</sup> CBS 2058



authorities have given importance to such places from where we get good amount of money that could be used in the undeveloped or developing areas. The government should be given importance for the better income source of the government itself. Points of attraction for tourism are the ancient and artistic temples, roaring falls, snowcapped mountains, caves etc. There are ample possibilities of tourism in Gulmi District.

Recently a research is carried out throughout Gulmi district to promote tourism. According to its report tourism can be extended up to the places like Resunga, Ruru, Rudrabeni, Shringha, Thaple and Madane Hill, Dibrung Daha, Bichitra Cave and Badighat River. Badighat River can be used for rafting more than these. Other famous places and fairs from the point of view of religion and tourism are such as; Ruru, Resunga, Tamghas Choyaga/Chhatradevi, Arjai, Wamimaidan, Purkotmayal Pokhari, Dibrung Ashram, Aanpchaurkoteswar, Bastu Bichitra Gupha, Rudrabeni Mandiv, Baletakshar.

Shringeshwar Tapobhumi, Purkotdaha Kankideurali, Digam, Purtighat Gupteshwar, Jayakhani Gupha, Jayakhani Hile, Bastu Kalikasthan, Limgha Budhi Satyabati, Kurgha Malika, Mardung Malika. Another Striking feature of Gulmi district is about Sarai Mela-specially it is famous in western part of Gulmi-Arjai, Ghamir, Bastu, Isma, Amarpur, Sarai Mela is organized in Dashain festival. It started after the tenth day of Dashain. Out of the mentioned name above Sarai Mela is more famous in Amarpur. People dance in a circle with the tune of music. Musical groups also dances in a circle to make audience active. Musical group plays Panchebaja. Some people say Sarai Mela is a good junction to meet relatives and friends. People take it in different way. Whatever it is, it has cultural and religious importance.

## Political Consciousness and Participation

Most of the people of Gulmi district are not conscious about politics because we know from its poor literacy rate. Though 66% people are literate, all 66% people are not able to use their own conscience. people can easily be twisted. There are some reasons behind it. Poverty plays vital role on it, most of the gentlemen have gone abroad to meet their family expenses. People of Gulmi played their role in restoring the democracy in 2046 B.S. We can see the people's participation after 2046 Bs from the table below:

### Election 2048:

After the restoration of democracy in Nepal in 2046, National election was held in 2048 Baishak 20. Gulmi district is divided in three constituency and thirteen regional areas.

Constituency No. 1 – 25 VDCs.

Constituency No. 2 – 26 VDCs

Constituency No. 3 – 28 VDCs.

### Constituency No. 1:

It covers four regional areas & 25 VDCs.

Total Voters	:	55098	percent
Cast vote	:	33288	60.42
Valid vote	:	3246	97.52
Invalid vote	:	827	2.48

S.N.	Name of candidate	Pol. party	Vote obtained	Percent
1	Jhak Bdr. Pun	NC	16767	51.65
2	Kamalraj Shrestha	CPN (UML)	14153	43.60
3	Shree Prd. Budhathoki	RPP(Thapa)	763	2.35
4	Him Bdr. Chhetri	CPN(Amatya)	351	1.08
5	Karunanidhi Sharma	RPP(Chand)	271	0.83
6	Rajendra Sapkota	Swatantra	153	0.48

(Source: DAO, Gulmi )

**Constituency No. 2:**

It covers five regional areas and 26 VDCs.

Total Voters	:	73935	percent
Cast vote	:	45935	62.13
Valid vote	:	44185	96.19
Invalid vote	:	1750	3.81

S.N.	Name of candidate	Pol. party	Vote obtained	Percent
1	Bhagawat Gnawali	NC	22364	50.61
2	Jibraj Aashrit	CPN (UML)	21011	47.55
3	Ashok Shrestha	RPP (Chand)	378	0.86
4	Purna Bdr. Khatri	RPP (Thapa)	360	0.81
5	Dal Bdr. Kauchha	Swatantra	72	0.16

(Source: DAO, Gulmi)

**Constituency No. 3:**

It covers four regional areas and 28 VDCs.

Total Voters	:	55171	percent
Cast vote	:	33324	60.40
Valid vote	:	32164	96.59
Invalid vote	:	1160	3.41

S.N.	Name of candidate	Pol. party	Vote obtained	Percent
1	Rudramani Bhandari Sharma	NC	15288	47.53
2	Tanka Pd. Pokhrel	CPN (UML)	14953	46.49
3	Baikuntha Bdr. Chand	RPP(Chand)	1660	5.16
4	Prem Bdr. Kauchha	RPP(Thapa)	263	0.82

(Source: DAO, Gulmi)

From the above data, we come to the conclusion that more than 60% people were participated in the election. That is why peoples participation is satisfactory.

### **Election 2051:**

It was held in 29 Kartik 2051 B.S. In the election of 2051, the following candidates had given candidacy.

#### **Constituency No. 1:**

Total voters	:	58473	Percent
Cast vote	:	34803	59.52
Valid vote	:	34224	98.33
Invalid vote	:	579	1.67

S.N.	Name of candidate	Pol. party	Vote obtained	%
1	Ramnath Dhakal	CPN (UML)	17485	51.08
2	Jak Bdr. Pun	NC	14573	42.48
3	Nar Bdr. Budhathoki	RPP	1446	4.22
4	Netra Bdr. Phunja	RJMP	271	0.79
5	Khem Chanda Kopila	Swatantra	449	1.31

(Source: DAO, Gulmi.)

#### **Constituency No. 2:**

Total voters	:	81595	percent
Cast vote	:	49465	60.62
Valid vote	:	48165	97.37
Invalid vote	:	1300	2.63

S.N.	Name of candidate	Pol. party	Vote obtained	%
1	Kamal Raj Shrestha	CPN (UML)	25651	51.85
2	Bhagawat Gnawali	NC	19872	40.17
3	Ashok Shrestha	RPP	1260	2.54
4	Megha Bdr. Mahat	RJMP	712	1.43
5	Dal Bdr. Kauchha	Swatantra	597	1.20

(Source: DAO, Gulmi)

### Constituency No. 3:

S.N.	Name of candidate	Pol. party	Vote obtained	%
1	Tanka Pd. Pokharel	CPN (UML)	14753	42.32
2	Rudramani Bhandari Sharma	NC	13968	40.07
3	Bharat Bdr. Chand	RPP	3128	8.97
4	Gobinda Singh Thapa	RJMP	1159	3.32

(Source: DAO, Gulmi)

By seeing the data of the election of 2051, people's participation in politics is less satisfactory in comparison to the election of 2048.

### Election 2056 :

It was held in 20 Baisakh and 3 Jestha 2056. In the election 2056, the following candidates had given their candidacy:

### Constituency No. 1:

Total voters	:	63331	percent
Cast vote	:	38329	60.50%
Valid vote	:	37579	98.04%
Invalid vote	:	750	1.96%
No. of candidate	:	7	

S.N.	Name of candidate	Pol. party	Vote obtained	%
1	Phatik Bdr. Thapa	CPN (UML)	18672	48.71
2	Jhak Bdr. Pun	NC	16496	43.04
3	Rup Singh Thapa	RPP (Thapa)	1039	2.71
4	Jaman Singh Thapa	RJM	640	1.67
5	Hem Bdr. Chhetri	CPN (ML)	408	1.06
6	Netra Bdr. Punja	RJMP	292	0.76
7	Tek Bdr. Tandan	RPP (Chand)	32	0.08

(Source: DAO, Gulmi )

**Constituency No. 2:**

Total voters	:	86122	percent
Cast vote	:	52039	60.42%
Valid vote	:	50838	97.69%
Invalid vote	:	120	12.31%
No. of candidate	:	7	

S.N.	Name of candidate	Pol. party	Vote obtained	%
1	Pradip Gyawali	CPN (UML)	24345	46.78
2	Chandra Bdr. K.C.	NC	23669	45.48
3	Tej Pd. Kandel	CPM (ML)	1640	3.15
4	Chhabilal Sartungi	RJM	498	0.9
5	Baikunda Bdr. Chand	RPP (Thapa)	466	0.89
6	Bhim Bdr. Regami	RJMP	177	0.34
7	Kabiraj Kandel	RPP (Chanda)	43	0.08

(Source: DAO, Gulmi)

**Constituency No. 3:**

Total voters	:	65249	percent
Cast vote	:	41641	63.81%
Valid vote	:	40653	97.63%
Invalid	:	988	2.37%
No. of candidate	:	7	

S.N.	Name of candidate	Pol. party	Vote obtained	%
1	Gokarna Raj Bista	CPN (UML)	18020	43.27
2	Trilokya Nath Sen Oli	NC	15764	37.86
3	Bharat Bdr. Chand	RPP (Thapa)	5178	12.43
4	Tanka Pd. Pokharel	CPN (ML)	741	1.78
5	Ram Bdr. Khatri	Swatantra	643	1.54
6	Ratan Kumar Shrestha	RPP (Chanda)	232	0.56
7	Dhrubaraj Panthi	Swatantra	75	0.18

(Source: DAO, Gulmi )

In the election of 2056, people were more participated in relation to two previous elections. From this point, we come to conclusion that people became more conscious that the percentage of involvement of people in the election was increased.

By seeing all the data of the election held in 2048, 2051 and 2056 B.S. , we draw the conclusion that in the election 2048, people were not more conscious about the politics. They did not give full importance to the election. People did not know everything is guided by politics. They cast their votes for the sake of votes. They did not know that they were delegating their authorities through the means of election. But by the changes of time, they became conscious about their rights and responsibilities due to the cause of education. After the restoration of democracy in Nepal, educational status of the people of Gulmi district was increased. So that almost all the people could find out what is wrong and what right. So that election of 2051 and 2056 went to in favour of CPN (UML) but it was not in 2048. It means CPN (UML) was elected in all constituencies of Gulmi. Elected candidates had given high allurements to the people, they tried their best to meet such allurements. It means that most of the people became satisfied by the activities of their representatives in the parliament. People start saying developmental work is running smoothly. Specially old people who crossed 75 of age and widow became more satisfied by their representatives because of getting even small amount of money. These people take it as the respect.

### **Local Election in Gulmi District**

In the election 2049 B.S., the followings are the elected candidates. That election went in favor of Nepali congress. NC has got victory in president, vice-president and nine regional members and three regional members were elected by CPN (UML)'s side. Among 79 VDCs, 54

chairpersons, 43 vice-chairpersons and 301 members were elected from Nepal Congress whereas 32 chairpersons, 33 vice-chairpersons and 275 members were elected from CPN (UML)'s side The followings are the elected body of District Development Committee.

Total Voters: 867

Cast Vote: 859

Percent: 99.08

S.N.	Post	Name of candidate	Pol. party	Vote obtained	Remarks
1	President	Chandra Bdr. K.C.	NC	485	elected
		Kausal Pokhrel	CPN (UML)	368	
2	Vice-president	Mrs. Suwarna Jwarchan	NC	477	elected
		Janga Bdr. Shris	CPN (UML)	377	
3	Member-1	Durga Bdr. Rana	Swantantra	46	elected
		Giri Prasad Aale	NC	20	
4	Member-2	Bishnu Bdr. Khatri	NC	40	elected
		Pitambar Khatri	UML	37	
5	Member-3	Bishnu Bdr. Khatri	Swatantra	36	elected
		Tej Bdr. Shris	NC	29	
6	Member-4	Buddhi Pd. Kharal	NC	46	elected
		Gangadhar Aryal	ULM	17	
7	Member-5	Nilkantha Gautam	UML	59	elected
		Tek Raj Gnawali	NC	7	
8	Member-6	Dilip Raj Pant	ULM	33	elected
		Ravi Gnawali	NC	32	
9	Member-7	Khadka Bdr. Shris	NC	14	elected
		Kashinatha Upadhyaya	UML	10	



10	Member-8	Padam pani Panthi	NC	34	elected
		Purna Lal Shrestha	UML	20	
11	Member-9	Rana Bdr. Singh Thakuri	NC	30	elected
		Jhajhal Bdr pemi	UML	14	
12	Member-10	Hari Bdr. Thapa	NC	41	elected
		Shiva Raj Aryal	UML	25	
13	Member-11	Taka Pd. Pokherel	NC	54	elected
		Bhes Raj Bhandari	UML	31	
14	Member-12	Chakra Bdr. Kunwar	NC	54	elected
		Om Prakash Bhusal	UML	31	
15	Member-13	Chankanta Aryal	NC	41	elected
		Om Pd. Gautam	UML	33	

(Source: DAO, Gulmi).

Second election was held in 2054 BS; the followings are the elected candidates of District Development Committee.

S.N.	Post	Name of candidate	Pol. party	Remarks
1	President	Kausal Raj Pokherel	UML	elected
2	Vice-president	Paramnanda Bhandari	UML	elected
3	Member-1	Bhagiratha Pradhan	UML	elected
4	Member- 2	Tika Ram Pandey	UML	elected
5	Member- 3	Rajendra Sharma	UML	elected
6	Member- 4	Chetan Basnet	UML	elected
7	Member-5	Nilkantha Gautam	UML	elected
8	Member-6	Madhau Krishna Pant	UML	elected
9	Member-7	Ashok Thapa	UML	elected
10	Member-8	Tul Bdr. Raskoti	NC	elected
11	Member-9	Hari Narayan Sapkota	UML	elected
12	Member-10	Rit Bdr. Thapa	NC	elected
13	Member-11	Krishna Ghimire	UML	elected

14	Member-12	Surya Bdr. G.C.	UML	elected
15	Member-13	Laxman Parajuli	UML	elected
16	Member	Kamal Sharma	UML	nominated
17	Member	Ganesh Sharma	UML	nominated

(Source: DAO, Gulmi).

In the second local election 2054, the followings are number of elected candidates from different political parties.

S.N.	Post	CPN (ULM)	NC	RPP	Swatantra
1	Chairperson	46	31	1	1
2	Vice-chairperson	50	27	2	
3	Members	2078	1325	116	37
Total		474	1386	119	38

(Source: DAO, Gulmi).

From the data mentioned above, we come to the conclusion that people become more conscious in the second election than the first election because more people were participated in the second local election. People understand the fact that election is the most democratic way of representing the people in the concerned places.

## CHAPTER IV

### CONSTITUENT ASSEMBLY POLL-2064

#### 4.1 Need of CA

The discourses of constituent assembly came along with the constitutional history and development in Nepal. There are various reasons to move the present Nepalese politics to be focused on and competing to prove the need of CA to frame a new constitution. All the constitutions were drafted by the government appointed representatives, not by representatives elected by the people. Though the concept of CA election raised in the time of late king Tribhuvan, it was suppressed. Such suppressed voice was once again raised by the radical left wing. Due to the constant pressure of radical left wing, CA poll is held. Previous constitution making process certainly has contribution to reveal the need of a most renounced and democratic process of constitution making in Nepal at present through constituent assembly poll.

Jana Aandolan II was led by the Seven Party Alliance and the CPN (Maoist) which was involved in a decade long armed insurgency. The participation of the people's uprising was praiseworthy. The aspiration of the people in terms of constituent assembly was taken as the manifestation of the sovereignty of the people which was chosen as the means to lay the constitutional foundation to of this transformation. So the political consensus for holding an election to constituent assembly became immutable need of the country to resolve the existing political, economic, social, religious, ethnic and linguistic problems which previous constitutions could not address. So, the coming constitution should be inclusive to incorporate all the things.

## 4.2 Election System

In the history of Nepal, constituent assembly poll was held 28<sup>th</sup> Chaitra 2064 B.S. Our country has adopted the mixed type of election system. According to interim constitution, which was enacted 1 Magh 2063 has the provision of representing in two ways: (i) 205 will be elected through first past the post and (ii) 204 will be elected through proportional representation system. The review committee of the constituency has changed the previous provision and adopts that 240 will be elected from first past the post and 240 from proportional representation and 17 from nomination. It was declared that it would be held 6<sup>th</sup> Mansir 2064 by the amendment in the interim constitution. Later this provision also got changed and 240 representatives will come from direct election, 335 will come from indirect election and 26 will come from nomination.

Constituent assembly election was held in Gulmi district without any obstruction. But the people from different constituency have said that people were not able to cast their votes without any fear Specially the active members of radical left wing have given a threat to people. By such threat, people cast their votes in favour of radical left wing. If we ask question about CA poll, they say that it was held being free, fair and transparent. The followings are the number of voters in Gulmi district.

Name of District	Constituency no.	Male	Female	Total
Gulmi	1	36972	37098	74070
	2	52886	52002	104888
	3	42147	40564	82711
	Total	132005	129664	261669

(Source: Election Commission, Nepal)

Out of three constituencies, two went in favour of CPN (Maoist) and one went in favour of CPN (UML). We can see it through the table below.

Name of District	Constituency no.	Elected candidate	Sex	Age	Pol. Party
Gulmi	1	Sudarshan Baral	M	31	CPN (Maoist)
	2	Pradip kumar Gyawali	M	46	CPN(UML)
	3	Chandra Bdr. Thapa	M	33	CPN (Maoist)

(Source: Election Commission, Nepal)

Though two women had given their candidacy, none of them were elected.

According to the constituency, the followings are the valid and invalid votes in terms of FPTP.

Name of district	Constituency no.	Total voters	Cast Vote	Cast%	Valid vote	Valid %	Invalid vote	Invalid %
Gulmi	1	74070	37376	50.46	35739	95.62	1637	4.38
	2	104888	56054	53.44	53886	96.13	2168	3.87
	3	82711	45514	55.03	43631	95.86	1883	4.14

(Source: Election Commission, Nepal)

Gulmi district is divided in three constituencies; three candidates are elected through first past the post system. The followings are the candidates and the votes they obtained.

### **Constituency No. 1**

Total voters : 74070  
 Cast vote : 37376  
 Valid vote : 35739  
 Invalid vote : 1637

Number of candidate : 9

Name of district	S.N.	Name of candidate	Age	Sex	Pol. Party	Vote obtained	%	Remarks
Gulmi	1	Sudarsan Baral	31	M	CPN (Maoist)	14165	39.63	elected
	2	Subarna Jwarchan	62	F	NC	9701	27.14	
	3	Maina Kumari Bhandari	49	F	CPN (UML)	9067	25.37	
	4	Jaman Si. Rana	39	M	Rastriya Janamorcha	1784	4.99	
	5	Bhim Prakash Thapa	49	M	CPN (United)	436	1.22	
	6	Karna Bdr. Sinjali Thapa Magar	37	M	Rastriya Janamukti Party	138	0.39	
	7	Bhim Bdr. Rana	59	M	RPP	369	1.03	
	8	Bal Bdr. Kunwar	40	M	Swatantra	41	0.11	
	9	Rup Sigh Thapa	48	M	RPP(Nepal)	38	0.11	

(Source: Election Commission, Nepal)

### Constituency No. 2

Total voters : 104888

Cast vote : 56054

Valid vote : 53886

Invalid vote : 2168

Number of candidate : 11

Name of district	S.N.	Name of candidate	Age	Sex	Pol. Party	Vote obtained	%	Remarks
Gulmi	1	Pardip Kumar Gyawali	46	M	CPN (UML)	23253	43.15	elected

	2	Chandra Bhandari	46	M	NC	21101	39.16	
	3	Nim Bdr. Pandey	46	M	CPN (Maoist)	7321	13.59	
	4	Chhabi Lal Saturngi	39	M	Rastriya Janamorcha party	861	1.60	
	5	Yagya Pd. Acharya	38	M	Janamorcha Nepal	553	1.03	
	6	Megh Raj Panta	66	M	RPP	405	0.75	
	7	Nanda Ram Rana	59	M	CNP (united)	196	0.36	
	8	Man Bdr. Thapa Magar	64	M	Rastriya Janamorcha party	79	0.15	
	9	Yam Bdr. Kunwar	59	M		56	0.10	
	10	Chhabi Lal Pandey	30	M	Swatantra)	38	0.07	
	11	Lal Bdr. Thapa	56	M	RPP(Nepal)	23	0.04	

(Source: Election Commission, Nepal).

### Constituency No. 3

Total Voters : 82711

Valid vote : 42631

Invalid vote : 1883

Number of candidate : 9

Name of district	S.N.	Name of candidate	Age	Sex	Pol. Party	Vote obtained	%	Remarks
Gulmi	1	Chandra Bdr. Thapa	33	M	CPN (Maoist)	16581	38.00	elected
	2	Gokarna Raj Bista	42	M	CPN (UML)	14543	33.33	

3	Suresh Chandra Bhusal	58	M	NC	9132	20.93	
4	Bharat Bdr. Chand	54	M	RPP	1496	3.43	
5	Omprakash Aryal	37	M	CPN (ML)	1023	2.34	
6	Khimananda Bhandari	34	M	Rastriya Janamorcha	527	1.21	
7	Pashupati Bhandari	38	M	CPN (United)	231	0.53	
8	Chuda Bdr. Thapa	37	M	RPP (Nepal)	54	0.12	
9	Krishan Prd. Parajuli	49	M	Swatantra	44	0.10	

(Source: Election Commission, Nepal)

By seeing the tables above, people of Gulmi did not have keen interest an election because, people become faded by the behaviour of political leaders, in one sense and in another sense, people are not conscious about election that election is the most democratic way of selecting their representatives.

According to provision that we get in interim constitution, our country has adopted proportional representation system of election as well. Constituency wise cast vote, number of voters, valid vote, %, invalid vote % are as follows:

Name of district	Const. no.	Total voters	Cast Vote	Cast%	Valid vote	Valid %	Invalid vote	Invalid %
Gulmi	1	74070	38121	51.47	36836	96.63	1285	3.37
	2	104888	57748	55.06	55957	96.90	1791	3.10
	3	82711	46259	55.93	44955	97.18	13.4	2.82
Total		261669	142128	54.32	137748	96.92	4380	3.08

(Source: Election Commission, Nepal)

Different political parties have got different number of votes in Gulmi district. Some parties have got higher number of votes in proportional representation system of election in relation to first past the



post system and vice versa. The following table shows the record of votes that the party obtained in proportional representation system of election 2064 BS.

S.N.	Name of Pol. Party	Const.1	Const.2	Const.3	Total
1	Nepal Communist Party (Maoist)	11961	9313	15858	37132
2	Nepali Congress	10135	19730	9845	39710
3	Nepal Communist Party (UML)	9675	22316	14460	46451
4	Madhesi Jana Adhikar Forum, Nepal	11	11	14	36
5	Terai Madesh Loktantrik Party	11	17	13	41
6	Rastriya Prajatantra Party	297	416	1275	1988
7	Nepal Communist Party (ML)	686	695	710	2091
8	Sadabhawana Party	6	3	6	15
9	Janamorcha Nepal	243	489	368	1100
10	Nepal Communist Party (Unified)	413	590	456	1459
11	Rastriya Prajatantra Party (Nepal)	37	39	16	92
12	Rastriya Janamorcha	1857	982	653	3492
13	Rastriya Janashakti Party	101	155	108	364
14	Nepal Majdur Kisan Party	20	36	17	73
15	Sanghiya Loktantrik Rastriya Manch	26	28	22	76
16	Nepal Sadbhawan Party (Aa)	10	24	30	64
17	Rastriya Janamukti Party	283	145	27	455
18	Nepal Janta Dal	156	175	261	592
19	Nepal Communist Party (United)	323	107	130	560

20	Dalit Janajati Party	4	5	7	16
21	Nepa: Rastriya Party	15	28	22	65
22	Samajbdai Pra. Janta Party, Nepal	94	151	157	402
23	Churebhavar Rastriya Ekta Party Nepal	20	30	18	68
24	Nepal Loktantrik Samajbadi Dal	10	18	19	47
25	Nepal Pariwar Dal	14	6	6	26
26	Nepal Communist Party (Marxist)	38	21	50	109
27	Tamsaling Nepal Rastriya Dal	35	36	50	121
28	Rastriya Janata Dal	15	28	27	70
29	Nepal Communist (Unified Marxist)	17	24	26	67
30	Lok Kalyan Janata Party, Nepal	60	37	27	124
31	Nepal Janabhawan Party	11	14	7	32
32	Rastriya Janta Dal Nepal	5	5	5	15
33	Nepal Janta Party	16	18	17	51
34	Mangol National Organization	4	7	9	20
35	Nepal Santi Chhetra Parishad	8	8	10	26
36	Santi Party Nepal	13	22	19	54
37	Rastriya Bikas Party	10	14	20	44
38	Nepal Sukumbasi Party(Lok)	36	28	34	98
39	Nepal Rastriya Bikas Party	12	9	12	33
40	Nepal Dalit Sharmik Morcha	26	18	17	61
41	Samajbadi Party Nepal	16	13	18	47
42	Muskan Sena Nepal Party	18	12	8	38
43	Nepali Congress (Rastrabadi)	11	7	13	31

44	Nepal Samyabadi Dal	3	8	11	22
45	Nawa Janabadi Morcha	3	39	7	49
46	Hindu Prajantantrika Party	14	11	9	34
47	Rastrabadi Yowa Morcha	10	16	5	31
48	Nepal Samata Party	2	8	10	20
49	Lig Nepal Shanti Ekta Party	3	5	3	11
50	Rastrabadi Ekta Party	5	7	9	21
51	Sa-Shakti Nepal	10	4	12	26
52	Janamukti Party, Nepal	12	5	3	20
53	Nepal Rastriya Loktantrik Dal	12	9	12	33
54	Nawa Nepal Prajatantrik Dal	3	15	7	25

(Source: Election Commission, Nepal)

Normally, people of Gulmi district cast their votes for the sake of their benevolence. Some people of constituency no. 1 and 2 said that they cast their votes without any compulsion. They use their voting right in their own ways whereas it is not constituency no 3. Because relatively people of constituency no 3 were suppressed by the member of the radical left wing and by candidate himself. They say that they set CCTV in the hill by which they see whether people cast their votes in favour of them or not. If not, they would be punished. That is why, people cast their vote to Maoist. Specially, there are two reasons of it, aged people cast their vote in their favour by the threat and they thought that it is better to give a key to the thief. But it is not in constituency no. 1 and 2, candidates of 1 and 2 were elected by the massive support of the people. People's expectation is not more only to see all people from the same eye. People want to safeguard such thing in the coming constitution by which all the people can use their rights without any obstruction.

## CHAPTER V

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Summary

A constitution is the supreme law of the country which governs the country's state affair. The whole government system is guided by the provision of the constitution and the laws acted under it. The constitution guarantees the citizens, their fundamental rights and security. To make a constitution, a national consensus of different ideologies and interests should be made by the people themselves. A constitution made without the people's participation cannot live longer. In this relation, a participatory constitution making process should be applied to make a constitution more representative and inclusive. This research work has tried out to find out some fundamental aspects of constitution making process. The findings of this research working are as follows:

- ) Constitution is the supreme law of the country. It is understood basically in two aspects, firstly, it is a document describing the entire system of the country, which is known as legal rules secondly, it is also a combination of extra-legal rules known as usages, understanding customs and conventions.
- ) Constitution can be defined as an organic which establishes the basic principles organizes the government and its agencies. It prescribes the basic guidelines of the functioning of the government. It also provides the basic structure to the state and authorizes the entire legal regime of a nation.
- ) Constitution can be made in different pattern as it is composed of different ideologies. It can be composed of fundamental rights as a code of a nation, as a manifesto of revolutionary change, as a norm of practice and usages.

- ) Constitution can be made through different methods such as direct from the king, from the people themselves, from foreigners, from experts etc. But the most popular and democratic method of making a constitution is through constituent assembly.
- ) Constituent assembly is elected body of people with the objective of drafting and adopting a new constitution in the country. It commands the authority of sovereign people through their active participation by their representatives.
- ) Political consensus and sovereignty of the people provides the legitimate basis for the formation of constituent assembly. It has mainly three objectives i.e. the draft, accept and promulgate a new constitution in the country.
- ) Constituent assembly can be formed on the basis of election which may be direct or indirect or through nomination. The most important factor in this regard is to make election of it more participatory and representative.
- ) Constituent assembly has different processes i.e. preliminary process, drafting process and adoption process.
- ) The international experiences show that constituent assembly is the most democratic process of representative and inclusive constitution making. It is a process which requires political consensus, conciliation, co-ordination and matured behaviour of the political leaders and parties.
- ) The model of making a constituent assembly is different from nation to nation. It can be adopted according to the need of the country. Its formation is determined through the comprehensive political consensus of a country.

- ) Political vision and commitment is to make sure about the future destination of a state through constituent assembly. Country should make clear cut vision to resolve the political problems.
- ) Though the issue of CA was raised time and again it was subdued but a faction of radical left wing continued to raise the demand of constituent assembly in Nepal and this demand became a strong agenda of peace talks between the government and the Maoist.
- ) Constituent assembly has become a national consensus of resolving socio-political and constitutional crisis from the country.
- ) There are several challenges to be faced by the constituent assembly i.e. the accommodation of different interest, state restructuring, resolving problems not only of the Maoist but also of different ethnic, tribal cultural and linguistic groups.
- ) It has to finalize the fate of 238 years old monarchy. Equally, it has to settle the issues relating to restructure of the state, federal issues, Madhesi issue, women, dalits and marginalized groups etc. Constituent assembly has been entrusted by the people to make democracy stable in the country by providing authorship, ownership of the people to the constitution. It also makes people sovereign by the new constitution.
- ) There is lack of clear vision about the guiding principles for future constitution to be made through constitution assembly. Without such guidelines, the constituent assembly will not be able to make consensus on the future destination through a new constitution.
- ) There is a need of a constitutional mechanism to look into whether those guiding principles are incorporated in the new constitution or not.

## 5.2 Conclusion

Constituent assembly is the body of representatives which is elected through direct and indirect means of election and in some cases through nomination to write a constitution for the nation. Constituent assembly is the democratic and most popular process of making constitution. Whatever constitution the constitution should command the faith and ownership of the citizen. If the people are excluded in the constitution making process various interests and aspirations of people cannot be included in the constitution. In such a situation, people easily ignore to obey the constitution, the organic law then becomes defunct. The most popular model of constitution making is bringing participation of the people through constituent assembly.

Different country has its own history of making amending and introducing new constitutions. We can take the example of United States of America, India, South Africa is the recent example is constitution making through constituent assembly. But our country Nepal does not have coherent experience ever since it got the first constitution in 1948 BS. Out of the five constitutions enacted in Nepal, none of them have commanded popular support. Each of the constitutions either got promulgated by the king or through an absurd agreement between the king and the political parties.

The idea of constituent assembly was raised in 1950s for the first time in Nepal. Due to the frequent changes in government, the ideas of constituent assembly were overshadowed. Until 1958 the demand for it was potent but king Mahendra's announcement of the date for parliamentary election in 1959 dampened the hopes of the people since then the issue constituent assembly remained in depth until the Maoist raised it a new following the 1990 movement and later in 2001 when they

held dialogue with the government. The royal took over October 4, 2002 and February 2, 2005 contributed a massive lose of trust to the monarchy ad republican agenda got popularity among people. SPA and Maoist launched a popular uprising in April 2006 against the royal regime and overthrow it. After the successful uprising, the SPA and the Maoist made several agreements to end the armed insurgency and make a new constitution through constituent assembly. That is why constituent assembly has become a poplar discourse and a political consensus.

The formation of constituent assembly and constitution making through it is really a complex process. Every group of people formed of different ethnicity, culture, religion, caste, language etc aspire to get a proportional share in national polity. It is only possible through meaningful representation of these groups in constituent assembly.

To make constitution through constituent assembly is the best way of making democracy sustainable and strengthened. It provides authorship, ownership and adherence of the people to the new constitution. It also transfers state authority from the king

### **5.3 Recommendations**

This study gives a conceptual framework of constituent assembly as well the strategies that the political parties adopted in a CA poll to win the election in Gulmi district. Not only it analyzes the historical background of constituent assembly but also observes the international experiences. It also traced out the challenges and problems that the country has faced during CA poll. This research work is carried out with the following suggestions.

- ) A peaceful, fair, free and fearless environment is the basic need of the common people that is why government and constituent assembly should are about it.



- ) Constituent assembly should be impartial to address the various problems raised by different groups of people while making constitution of the county.
- ) Coming constitution should safeguard the rights of ethnic group, untouchable, Madhesi and marginalized group.
- ) Extortion, intimidation and other several unlawful activities from different groups are mostly required to stop for helping the constitution making process.
- ) There should be mutual understanding, faith, respect and co-operation with all the political parties for the smooth functioning of constituent assembly.
- ) Comprehensive political consensus should be made by the major political parties on the decision making process of constitution assembly in relation to the representation of different groups of people.
- ) To draft a constitution, constitutional experts should be hired according to the suggestions provided by the different committees in the constituent assembly.
- ) To make a new constitution more representative and inclusive, there should be massive discussion, deliberation and accommodation among people.
- ) A serious attention should be given to the models and their applicability in Nepalese context while restructuring the state.
- ) Regional or local governments should not be made on the basis of caste and creed as proposed by radical left wing because if it is, it may invite racial or ethnic conflicts and national disintegration.

That is why different factor should be taken into consideration while creating federal structure of the country.

- ) Media including government and private should give more emphasis to make CA member alert while making constitution.
- ) The international communities including the UN agencies should provide essential technical, financial and other assistance while drafting a new constitution.
- ) The media, civil society, national and international intelligentsia should play a role while making a new constitution more representative and inclusive in the country.

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