



Election Commission of India

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An election deal is the only way

Nepal does not have a legislature. The executive's legitimacy is contested, with a caretaker government commanding limited authority and a ceremonial President flirting dangerously with constitutional limits. Its judiciary is operating at less than half strength since there is no Parliament to confirm new appointments. The five-member Election Commission (EC) has only two commissioners left, who are also retiring in a week. The interim constitution did not envisage the current situation where the Constituent Assembly (CA) would fail to draft a statute. Elections for a new CA could not be held in November and prospects for holding them in April-May are diminishing. There is no agreement in sight over the nature and composition of the government, the electoral system, voter roll disputes, EC appointments, and a mechanism to clear the constitutional hurdles for elections. With President Ram Baran Yadav saying he will not pass election-related ordinances till there is a 'political consensus,' each major party has a veto. As the ruling party, the Maoists will have to bear their share of the blame. Chairman Prachanda has constantly shifted positions. He and Prime Minister Baburam Bhattarai are engaged in an intra-party battle which has hardened their respective positions in inter-party talks. But the attitude of the opposition — particularly the Nepali Congress (NC) — has been destructive and undemocratic. It first rejected the Maoist idea of reviving the old CA to promulgate the constitution. The Maoists then invited the NC to join the current government, take key ministries, and appoint its nominee as the Chief Election Commissioner to ensure free and fair polls; but this was also turned down.

The NC's sole demand is that the PM must go and it should be given government leadership. In any democracy, the government last elected on the floor of the house remains in-charge till polls are held and then transfers power, but Nepal's opposition wants power before polls. The Maoists and Madhesi parties in government said they were open to NC leadership, if the party owned the work done in the last CA and joined the current government temporarily to end the 'politics of untouchability.' The NC, however, wanted power unconditionally. The PM's latest proposal is to hand over power to a neutral civil society figure, with the limited mandate of holding polls. This could serve as a compromise formula if such an arrangement has the sincere support of all parties. If they want to redeem themselves, Nepal's parties must arrive at a deal in the next fortnight and hold elections by May to restore constitutional order and political legitimacy.