

The destabilization and abolition of the Shah monarchy of Nepal

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Background and context

Nepal is the oldest nation state in South Asia, mentioned in classical Hindu literature from the early years of the common era. However, the country owes its present geographical extent and much of its sociopolitical character to a period of territorial expansion that began in the mid-18th century, led by King Prithvi Narayan Shah, the ruler of the small hill state of Gorkha. Prithvi Narayan's ancestor, Drabya Shah, took control of Gorkha through the violent removal of its chieftain in 1559 and is now deemed to have been the founder of the Shah monarchy. He was the younger brother of the ruler of neighbouring Lamjung, which was one of a loose federation of some twenty four hill states that came into being after the break-up of a large unitary state in what is now western Nepal.

The kings of these petty states were probably of mixed ancestry. There is evidence to suggest that Drabya and Prithvi Narayan's ancestors included not only Hindu immigrants from the west but also members of the Tibeto-Burman speaking ethnic groups that inhabited these hills before they arrived, notably the Magar. However, this ancestry is now denied: the Shahs legitimated their status as rulers by claiming descent from Indian Rajput lineages that had been displaced by Afghan and Mughal invaders during the early medieval period. They claimed Thakuri caste status, practised a form of Hinduism, and spoke the Indo-European language that would later come to be called Nepali. The alliance between Hindu kingship and secular Brahminhood was maintained and developed in the hills even as it was destroyed in the plains (Sharma 2002: 24).

Prithvi Narayan Shah embarked upon his military campaign during the 1740s, making the conquest of the rich and fertile Kathmandu valley his first objective. By 1814, when the first of a series of clashes with the British East India Company checked its expansionism, Gorkha had succeeded in extending its territorial possessions to an area greatly in excess of present day Nepal. As a consequence, Prithvi Narayan Shah has long held iconic status for Nepali nationalists as the father or 'unifier' of the nation state of Nepal, and the Shah monarchy has provided a key element in the construction of a distinctive Nepalese identity.

In 1846, the Shah monarchy lost much of its political power following a coup engineered by Jang Bahadur Kunwar Rana, the head of one of the most powerful Gorkhali courtly families. For the next 105 years Nepal was governed by the Ranas and the monarchy was reduced to a purely ceremonial status: it reigned but it did not really rule. The Ranas established a national code of laws whose application and enactment was intermeshed with the codification of a complex national caste hierarchy. This incorporated all of Nepal's many castes and ethnic groups, including the many who did not even regard themselves as Hindus or as members of any caste. This reinforced the Ranas' construction of Nepal as a 'pure' Hindu kingdom, reigned over by a Hindu king and unsullied by rule or invasion by non-Hindus. It also set in place the exclusionary nature of the Nepalese state, in which Nepali-speaking higher

castes formed an elite and Tibeto-Burman ethno-linguistic groups and the Madheshis of the lowlands were marginalised.

The departure of the British from India, coupled with the emergence of a small educated class in Kathmandu that had imbibed notions of democracy and progress, undermined the Rana regime and led to an Indian-sponsored settlement in 1951 that restored power to King Tribhuvan. After the removal of the Rana administration in 1951, King Tribhuvan promised that there would be elections to a constituent assembly that would frame a new constitution, and that general elections would be held under this constitution. His son Mahendra, who succeeded him in 1955, saw dangers to the monarchy in this. Thus, when elections did eventually take place, in 1959, they were to a new parliament rather than to a constituent assembly. They were held under a constitution drafted in accordance with King Mahendra's wishes by a British constitutional lawyer, Sir Ivor Jennings, which was promulgated only six days before the general elections took place. The constitution stated that executive authority rested with the king and that it would be 'exercised by him either directly or through ministers or other officers subordinate to him'. It also contained articles that entitled the king to declare a state of emergency and override all organs of government except the Supreme Court.

The Nepali Congress Party won 74 of the 108 seats in the Lower House in the 1959 elections and its leader, Bishweshwar Prasad ('B.P.') Koirala, became prime minister. Koirala's government was able to initiate three major reforms: the abolition of the *birta* system of tax-free landholdings of which the Ranas and their favourites had been the main beneficiaries, the abolition of the *rajyauta* system whereby some of the formerly independent rulers of western and central Nepal had maintained local control of their territory in return for a fixed annual tribute to Kathmandu, and the nationalisation of Nepal's forests, some of which had been the private property of the king's brothers.

King Mahendra found himself faced by a strong willed prime minister bent on reforms on the one hand and an alarmed elite on the other. Taking as his pretext some incidents in which localised clashes took place between Congress cadres and supporters of the main opposition party, the Gorkha Parishad, and in which aggrieved Tamang farmers drove a number of landlords and moneylenders out of their villages with Congress backing, Mahendra invoked his emergency powers and arrested Koirala and his colleagues on 15 December 1960. All of Nepal's political parties were banned the following month. For King Mahendra, 'Nepal was an idea and none but he could realise what it was destined to be' (Chatterji 1967: 110, quoted in Whelpton 2005: 99). For the king the very existence of Nepal depends upon the relationship between the monarchy and the people. The people are simple, humble and loyal; the king knows what is best for them, and he ensures that conditions in his realm are conducive to the maintenance of *dharma* (religion, righteousness) and the proper social order of things (see Burghart 1984).

In 1960, Jawaharlal Nehru saw Mahendra's move as a recipe for instability in Nepal. With Indian backing the Nepali Congress and the Gorkha Parishad (the second largest party in the disbanded parliament) combined to launch a guerilla war from across the Indian border, in the first year of which approximately 130 persons died. India imposed an economic blockade in September 1962, but Mahendra was rescued by the

outbreak of the India-China war in October: India now needed his cooperation, and the armed campaign was called off. India soon accepted the reality of royal rule in Nepal and its development aid to Nepal was not reduced.

Mahendra set about building a system that included individual commoner politicians on certain terms but excluded political parties. His 1962 constitution enshrined the system of guided 'Panchayat' democracy that lasted until 1990. This provided for directly elected village or town councils (*gaun panchayat*, *nagar panchayat*) whose members then elected from amongst themselves to form district councils (*jilla panchayat*) and also the majority of the membership of the national council (*rastriya panchayat*). The remainder of the members of the Rastriya Panchayat were either royal nominees or members of state-sponsored 'class organisations'. Although the increasingly elaborate Panchayat ideology had few dedicated adherents, no serious challenge was mounted to the system until 1979. This was partly because only a small middle class minority was truly committed to democratic party politics, and partly because in its early years the system actually delivered some of the reforms that the Congress government had promised. While the expression of dissent in private was largely tolerated and it was generally known that the parties continued to be active underground, public opponents of the system were often treated brutally.

This was especially true of the later years of the regime, which saw monarchy develop into something close to a cult of personality. Nepal's main newspapers (*Gorkhapatra* and *The Rising Nepal*) were government owned, as were Radio Nepal and Nepal TV (established in 1986) and the various doings of members of the royal family were always their first item of news. I have described one example of the required sycophancy elsewhere:

'The compromises that Nepali academics had to make under the Panchayat regime were clearly evident in the affair of Chandani Shah. This was the pen-name adopted by Queen Aishwarya, whose romantic and patriotic lyrics were published in 1987 and entered a second edition the following year. The second edition consisted of 27 pages of poetry followed by 323 pages of laudatory essays commissioned by the editor from thirty leading scholars' (Hutt 1993: 89).

Mass mobilization against the monarchy

Four instances of significant mass mobilization against the monarchy, or against the political system instituted by the monarchy, can be identified since 1962.

In **1979** a series of student demonstrations took place in the Kathmandu valley. Two Congress activists had been hanged in February of that year for an attempt on the life of King Birendra five years earlier. Students on the university campuses around Kathmandu were already disgruntled, and on 6 April they marched on the Pakistan embassy, ostensibly to protest at the execution of Pakistan's former prime minister, Zulfikar Ali Bhutto, but also with the recent executions very much in mind. Police brutality provoked growing protests in a number of towns, and the government quickly entered negotiations with student representatives allied to the Congress and two of the more moderate Communist factions. Concessions (including automatic

entrance to university for all students who passed the School Leaving Certificate) were made and the protests were called off, but this 'sell out' angered some of the other Communist parties, who launched a new protest of their own, setting fire to government newspaper offices on 23 May. The very next morning, unnerved by this escalation, Birendra announced that there would be a national referendum on the future political system in May the following year. The political leaders were thus given license to campaign for the unbanning of political parties and the re-establishment of a multi-party democratic system. The vote was won by the Panchayat side, and the 1962 constitution was retained with minor reforms. However, it had won by only 2.4 million to 2 million votes, with all major towns in the multi-party camp, and the referendum itself had required the Panchayat leaders to fight a campaign against the collectively organised parties. Thus, 'the Panchas became effectively a political party of partyless people and Nepal was transformed from a partyless democracy to a one-party state that was run by the partyless party' (Burghart 1993: 11).

In **1990** the Nepali Congress and a left front of seven communist parties launched a successful Jan Andolan ('People's Movement') for the restoration of multiparty democracy. This was sparked off by a dispute between the Nepali and Indian governments over trade and transit treaties that led to severe shortages across Nepal of essential imported commodities such as kerosene, and was also inspired by the wave of democracy movements across eastern Europe. Street demonstrations took on an increasingly anti-monarchy tone, with crowds shouting 'Thief Birendra leave the country' and on 6 April police opened fire and killed demonstrators at the gates of Narayanhiti Palace. After two days of curfew, the king announced that the Panchayat system would be abolished and political parties unbanned. An interim government was appointed, and immediately there were calls for the establishment of a constituent assembly. However, the Congress leadership, along with that of the more moderate left parties, decided that this would produce an unwelcome delay during which the palace would try to manipulate affairs to serve its own interests. Thus, a drafting commission was appointed and a new constitution was promulgated in November 1990. Throughout the drafting process, the palace attempted to secure concessions for itself, and even produced its own alternative draft at a late stage. As a result, the constitution that was eventually promulgated represented a compromise. The king retained some powers of discretion with regard to the dissolution of parliament and the declaration of a state of emergency, and also retained effective control of the Royal Nepalese Army. Against the wishes of religious minorities and many urban intellectuals, who pressed for Nepal to be declared a secular state, Nepal retained its identity as a Hindu kingdom. General elections were held in May 1991 and were won by the Nepali Congress, which was strongly committed to a constitutional monarchy.

The Maoist 'People's War', launched in **1996**, represented the most extreme articulation of a more general disillusionment with the new democratic dispensation, which failed to deliver the social justice, economic growth and political stability it had promised. The insurgency and the state's response to it led to at least 13,000 deaths, and also to the progressive shrinkage of the middle ground between two extreme positions: Maoist insurgents on the one hand and the monarchy, backed by the Royal Nepalese Army, on the other. The destabilisation of the monarchy was only hastened by the massacre of King Birendra and his family on 1 June 2001 and the subsequent installation of Gyanendra. Even today, a large section of the Nepali

population (possibly a majority) believes that Gyanendra was either directly or indirectly responsible for his brother's death. Five days after the massacre, the leading daily newspaper *Kantipur* published an opinion piece by the Maoists' leading ideologue, Baburam Bhattarai, an act that saw the editor and the managing director imprisoned on charges of treason. Bhattarai equated the 2001 palace massacre with the 'Kot massacre', i.e. the Rana coup of 1846, and quoted Prithvi Narayan Shah in his peroration *sabailai chetana bhaya*:

We must also deny legitimacy to the beneficiaries of this new Kot massacre, because this is 2001 not 1846, and during this interval, not only an enormous amount of water but also an enormous amount of blood has flowed down the Koshi, Karnali and Gandaki rivers. Despite differences on many issues, an important contribution of the Shah Kings (from Prithvi Narayan Shah to King Birendra) has been to preserve Nepali independence and sovereign status from the hands of British imperialism and later from Indian expansionism. But now, if any Shah dreams of establishing a new Rana rule by staging a Kot massacre with the help of expansionists, then there is no question of giving legitimacy to his rule by the Nepali people. The contribution made by kings—from Prithvi Narayan Shah to King Birendra—will be valued highly by the Nepali people for ages, but at no cost will they accept the new Jigme Sigme who has come to power by staging a Kot massacre. In this context, the RNA (Royal Nepali Army) whose main duty is to serve the King and the country, should re-assess its role after its failure to save the King. It is time for the army to think of new ways to save the country. We sincerely request that the army joins hands with the patriots born in small huts across Nepal, instead of joining hands with the puppet of expansionist forces in the palace. The country is in crisis, and it is very important for all the nationalist forces to come together....*sabailai chetana bhaya*—may everyone understand this... (Bhattarai 2001).

Gyanendra quickly began to justify his reputation as an autocrat. The House of Representatives was dissolved in May 2002. Elections to local government bodies were cancelled in August 2002. In October 2002 Gyanendra dismissed the prime minister for his inability to conduct general elections and during the next 28 months he appointed three different governments, while most of the major parties took to the streets in protest at this 'regression'. Finally, on 1 February 2005, Gyanendra took all executive power to himself, declared a national emergency, placed all Nepal's leading politicians under house arrest, shut down the country's phone system, internet servers and FM radio stations, diverted international flights, and imposed strong press censorship. He assumed the chairmanship of a handpicked ten-member Council of Ministers and announced that he would produce a plan for restoring basic freedoms within 100 days, but would exercise direct rule for three years.

Gyanendra's move drove the Maoists and the parliamentary parties into each other's arms. On 22 November 2005 the leaders of the seven main parliamentary parties and the Maoist leadership announced a 12-point agreement after a meeting in Delhi. This stated that they would establish absolute democracy by ending autocratic monarchy and would form an interim government to hold Constituent Assembly elections. On 8

February 2006 the king's government attempted to conduct municipal elections in 43 of Nepal's 75 districts but this was boycotted by the parties, with the result that just over half of the seats had no candidates at all, while many others attracted only a single contender. The king then attempted to forge ahead with a programme of reinstating what looked increasingly like a new Panchayat system, even including discredited ex-premiers in his cabinet. The leading journalist Kanak Mani Dixit identified him as the main obstacle to the restoration of peace in Nepal:

'Over the autumn and winter, the insurgents have given ample indication of their desire to submit to the people's will. The Maoists must perforce be tested in their announced willingness to join multiparty politics, but today it is the royal chairman who is the stumbling block to peace and democracy: by not responding to the Maoist ceasefire of four months' standing last autumn, by continuing to snub the very parliament-abiding political parties who could save his throne and his dynasty, and – the unkindest cut of all – by militarising the Nepali state.

The entire national superstructure is crumbling around Chairman Gyanendra, and yet there is no indication that he understands the gravity of the situation. The destruction of the state structure and economy over a single year leads to the inescapable conclusion that Chairman Gyanendra has neither the aptitude nor acumen to be a head of government, which he has been since he appointed himself chairman of the Council of Ministers following the royal coup d'état of 1 February 2005' (Dixit 2006: 17).

Widespread crackdowns and preventive detentions of political leaders and civil society activists provoked a second Jan Andolan involving millions of citizens in every town and city of Nepal. This reached its climax on April 22 **2006**, after the king offered a limited transfer of authority. This was rejected outright, and two days later he reinstated the House of Representatives. At its first full meeting on 18 May the House of Representatives issued a proclamation that removed the words "His Majesty's" and "Royal" from every body of the state, and placed the army under civilian control. It also announced that the private property of the king would be taxed as per the law, that acts performed by the King could henceforth be questioned in the House of Representatives or in courts, and that the National Anthem would be changed.

Finally, Nepal was declared a secular state. It had been invested with a Hindu religious identity during the period of Gorkhali 'unification' and this was used to assert Nepal's distinctiveness vis-à-vis India, or 'Muglan'. Nepal was declared a Hindu state by the 1962 and 1990 constitutions but as Sharma (2002: 22) points out, it is difficult to locate this Hinduness when the laws of the land are not derived from the *dharmashastra* and the state no longer supports or sanctions a caste hierarchy. Nepal's symbolic Hinduness is enshrined in symbols such as the ban on cow slaughter, the promotion of hill Hindu religious festivals such as Dasain and a ban on proselytising, but 'there has been a weakening of these elements and now it is only the kingship that remains the core Hindu institution' (ibid.) The government's attempts to promote a more sanskritised form of Hinduism during the last years of the

Panchayat regime alienated minority ethnic hill groups, with the result that Nepal's status as a Hindu kingdom became a contentious issue in the aftermath of the 1990 Jan Andolan. It is significant that Gyanendra sought to shore up the institution after 2002 with visits to India, where he was lauded by right wing Hindu organisations as the last Hindu monarch (see Ghimire 2004, Lal 2004), and that one of the first acts of the reinstated House of Representatives was to declare that Nepal would henceforth be a secular state, even before a new constitution was drafted.

An interim constitution was promulgated in January 2007. Part 7 of the constitution states the interim government's commitment to the election of a Constituent Assembly which will draft a new constitution within two years, and sets out the rules under which the Assembly will be elected and conduct its business. Article 159 declares that Nepal 'shall be a federal democratic republican state' and that the 'implementation of the transition to the republic shall be made at the first meeting of the Constituent Assembly'. The elections for a Constituent Assembly took place on 10 April 2008 and, contrary to every prediction, the Maoists emerged as the largest party, with 220 of the 601 seats. The fate of the Shah monarchy therefore appeared to be sealed, and it was abolished at the first meeting of the Constituent Assembly, on 28 May 2008. All that remains now is for the future status of members of the Shah family to be decided: will the king retain any 'cultural rights', as rumoured in some quarters, and will he be able to resume his previous existence as probably the richest businessman in Nepal?

Economic, demographic, social and geopolitical factors

Nepal's population more than doubled between 1954 and 2001 and the urban literate class has burgeoned in size. In 1954, only 5% of 8.4 million was recorded as literate, but by 2000 this had risen to 40% of 20 million. By 1990, half a million students were enrolled in higher secondary or tertiary education, compared with a mere 2000 in 1950 (Whelpton 2005: 137). However, neither the material poverty of the majority of the population nor the profound inequality of Nepali society were tangibly ameliorated over these years, despite Nepal receiving the highest level of development aid per capita of any South Asian state (US\$ 5.2 billion per annum by 2000) (Whelpton 2005: 128). Nepal has now produced two whole generations in which relatively educated people form a significant and geographically concentrated minority, but has failed to provide many of them with opportunities for social, material or professional advancement. Many see emigration as the only means of bettering their lot; the rest are easily persuaded that Nepal needs radical change. They are encouraged in this view by items such as the following:

'Dear Nepali citizens and foreign lovers of Nepal, you might be wondering why Nepal is still poor when its countries of equal economic status has reached the sky with booming economic development. Let me try to answer – this is one of the reasons, I have recently found. Nepal is one of the poorest countries of the world but Nepal's king is the highest paid king of the world. The income of Nepali king Gyanendra Bir Bikram Shah Dev is 2,426 times higher than that of the Chinese president, 318 times higher than that of the Indian president, 301 times higher than that of the Pakistani president, 173 times higher than that of the Russian president, 57

times higher than that of the French president, 15 times higher than that of the British prime minister, 10 times higher than that of the American president.....the Nepali king earns Rs 61,91,00,000 (per capita income is Rs 16,560=US\$ 230). This means the Nepali king earns Rs. 19,878 times more than a citizen. Last year it was 37,385 times higher. Thus a citizen can earn as much as the king earns in a year only after working for 19,000 years or in 316 lives. Ho la!’

(Shyam Thapa, in *Mulyankan* Nov-December 2005; taken from internet posting)

Both of the surviving Himalayan monarchies, the Shah and the Wangchuck, have had to face the same dilemma as their realms have opened up to the outside world and as the people dwelling within those realms have turned from humble illiterate tribute paying subjects into literate citizens who demand their rights. As Huntington (1968) says, a political system must promote reforms if it is to cope with modernization. It must also be able to assimilate the social forces produced by modernization, which demand a dispersal of power and wealth. Mahendra attempted to create a system in which commoner politicians were admitted some right to participation, but which required them to subscribe to a royally-ordained order of thing, and thereby controlled and circumscribed their activities. The failure of Mahendra’s system of limited democracy can be attributed to its failure to assimilate the ‘social forces produced by modernization’, and to a consequent loss of legitimacy:

‘The legitimacy of the reforms depends on the authority of the monarch. But the legitimacy of the political system in the long run depends upon the participation within it of a broader range of social groups. Elections, parliaments, political parties are the methods of organizing that participation in modern societies. Yet the modernizing reforms of the traditional monarch require the absence of elections, parliaments, and political parties. The success of the reforms, on the other hand, undermines the legitimacy of the monarchy’ (Huntington 1968: 167).

The legitimacy of the Shah monarchy has also been undermined by the falling calibre of successive kings. Mahendra was revered, Birendra was seen as avuncular but ineffectual, and the Nepali public’s dislike of Gyanendra (who is still widely blamed for the palace massacre of 2001) is matched only by its hatred of the crown prince, Paras.

In their opinion poll survey, Hacchethu et al (2008: 49-53) found that 59% of the 4089 ordinary citizens in their sample were in favour of a republic, while 41% wanted to retain the monarchy. The data reveal a radical shift in public opinion against the monarchy since 2004, when only 15% of those interviewed favoured a republic. This is presumably explained mainly by Gyanendra’s attempts to take back power in 2005 and by the emergence of a unified and credible political opposition; an earlier poll conducted by Himal magazine had already found that a majority disapproved of royal rule (Sharma 2006).

Hacchethu and his colleagues' analysis of their data is revealing. They found that enthusiasm for a republic was much more prevalent among the young (68%, compared with 38% among the old), the educated and the 'aware' (71% and 72% respectively) and those with high media exposure (74%). There was somewhat more support for the monarchy among the Madheshis than the Pahadis, though 62% of 'ethnic' Madheshis were republicans. Surprisingly, the support for a republic was higher among rural populations (60%) than in urban areas (49%). The authors of the survey argue that republican sentiment was more prevalent among the relatively advantaged, while the excluded and disadvantaged favoured the monarchy, with the exception of urban dwellers. It is not explained why the urban poor were found to be more pro-monarchy than the rural poor.

The most common reason given for supporting the idea of a republic was that people 'wanted a government ruled by the people' (50%). Only 24% said they wanted an end to the monarchy because they suspected the king of involvement in the 2001 royal massacre, and only 9% because they disliked Gyanendra and Paras. 17% said that monarchy was 'not necessary in the present era'.

The key international players are having to reassess their position on Nepal. The Indian government's is complex and hard to read. Even as it was training and equipping the Royal Nepalese Army (as it then was) in its attempts to quell the Maoist insurgency through military means, the Indian government was tacitly allowing the Maoist political leadership to operate from safe houses in Indian cities. Even as Hindu organisations feted the king on his tour of India in 2004, Indian agents were attempting to bring about a rapprochement between Nepal's parliamentary and Maoist leaderships. Gyanendra's coup in February 2005 lost him many friends in Delhi. Meanwhile, the US armed the Royal Nepalese Army for its fight against the Maoists, who were placed on its list of terrorist organisations, and all foreign missions in Kathmandu urged political leaders to accept a compromise with the king in April 2006, but were completely ignored.

The end of monarchy in Nepal?

In the run up to the meeting of the Constituent Assembly that was to establish Nepal as a republican state, rumour and speculation were rife. In the issue of *Nepal* magazine dated 13 April, Sarojraj Adhikari sets out a possible royal strategy. First, the king attempts to persuade the Maoists and the other parties to secure a place for the monarchy in the new constitution. If he fails in this he then attempts to influence the Congress party and other international forces so that a situation is created in which the proposal to establish a republic is not put before the Assembly. If this also fails and the proposal is ratified by the Assembly, he refuses to leave the palace until the new constitution is complete, and then attempts to create misunderstandings between the parties and increase his role over the two years of the drafting process. He might also make public an agreement that is rumoured to have been reached between himself and the seven party alliance when he relinquished power and reinstated the House of Representatives in April 2006; this is said to contain promises about the future status of the monarchy. If all of this fails, and there is a majority in favour of a republic, then it is likely that he will accept the decision and leave the palace peaceably. However, Adhikari believes that there is still some possibility of the king refusing to accept the decision of the Constituent Assembly and trying to stay on in

his palace. In this case, he predicts that demonstrators will surround the palace, that the king will order his private guards to act against them, and also attempt to encourage the army to stage a coup.

None of this has yet come to pass. There were minor bomb explosions in various parts of the capital on the day the Constituent Assembly met, but the '240-year' Shah monarchy has been given fifteen days to vacate its palace, and so far (only 24 hours later!) it seems to have accepted its fate.

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