

Corruption Friendly Constitution Siddhi B Ranjitkar

The new constitution must have surely disappointed the martyrs that had spilled the blood for ending the elite ruling class. Not only the martyrs but also the rationally thinking people perceived the new constitution as the corruption friendly. The new constitution instead of integrating the people marginalized for 240 years would continue to discriminate them. The new constitution got itself burned down, and it also had been burning the fires of protests elsewhere in Nepal and in the minds of the people so much marginalized even after achieving the republican setup. The old mindset of the ruling class and the ruled people had not gone out of this new constitution. Would the people accept the constitution crafted by the people with such a mindset? Surely not, the fight for rights would continue. In fact, it has been ongoing. It was only the question of time for the people's victory over the discriminative constitution.

Hundreds even thousands of martyrs that had given their lives for the just rule in Nepal must be cursing the three leaders such as Prachanda, KP Oli and Sushil Koirala that had played a villainous role in crafting the discriminative constitution even denying the rights given by the Interim Constitution of Nepal of 2007. Nepalese did not elect the CA for crafting such a constitution that had provoked a storm of protests from the ethnic and Madheshi people across Nepal.

Nepalese had fought for ending the ruling class. They ended the autocratic family rule of the Ranas that had shamelessly stolen the state treasury for their luxurious lives and kept the people destitute. Then, the Shahs took over from the elected government and promised the just administration only to force the people to accept their unjust rule. They also indiscriminately expropriated the people's land for building the houses of not only their siblings but also of their pets. Now, the new constitution would make a new ruling class that would again impose the unfair rule. The injustice continued even in the 21st century but the people would not tolerate such injustice anymore. They would fight for justice.

The new constitution had made a plenty of space for the ruling people to make money. So, the new constitution had been highly corruption friendly. For example, the parliament would elect a prime minister that would be accountable to the parliament that would have only the corrupt politicians.

None of the sincere politicians would get elected to the parliament. As often it so happened sincere politicians would not have money. The corrupt politicians could spend money in a massive scale on garnering about 15,000 votes to get elected. Once they got elected they would go for making money. Some of the most fortunate ones that could pay for the office of minister would become ministers; others would simply go for securing the large state contracts for their companies.

Any person to be a prime minister needed to buy the majority of the parliamentarians. S/he needed to buy them for their votes. Once s/he got elected to the office of a prime minister then s/he even would not be accountable to the parliament but to making money for the next election.

The first thing such a prime minister would do would be setting the price of each ministerial office, and each other office of political appointees. So, the people got appointment to ambassadors, to chiefs of the state-owned corporations, and even to the high offices of civil administration, police and the army, paying the prices. Anybody having sufficient money could buy the politically appointed offices. That was why the most corrupt persons got the most lucrative offices in other words the most moneymaking offices.

The current minister for energy and the minister for commerce and industry had publicly acknowledged and hinted at making money at the behest of their party leader. The energy minister had indiscriminately awarded and cancelled the contracts on large hydropower projects. The minister for commerce and industry had stated that he had spent Rs 100 millions for getting his boss elected to the party chairman.

The new constitution made the provision for the center collecting the revenues and then awarding certain revenues to the provinces. The central leaders could bargain with the provincial rulers, and even ask for commission on revenues they would share with the provinces. Moneymaking businesses would prevail even among the central and provincial rulers. Consequently, the state revenues would be first distributed among the elected officials and then only trickled down to the benefits of the voters.

What the municipalities and the village councils would do. The locally elected officials knew that having a large amount of money could make them parliamentarians and even a prime minister or ministers. So, what they would do would be making money rather than doing something for municipality or a village council. That was why even the Kathmandu metropolitan city had no streets-name signs, and no home numbers except for the few houses and the streets even today. That was not because they did not have the money and resources but because they did not have the wish for doing so.

Out of 334 (275 of the house plus 59 of the national assembly) members of the parliament, only 165 member would be directly elected to the house of representatives, political parties would appoint 110 to the members of the house of representatives following the votes each parties had received, 56 members of the national assembly would be elected indirectly, and three members of the national assembly would be the appointees of the president. The national assembly was almost the copy of the panchayat legislature called 'rastriya panchayat' except for not mentioning the candidates from among the electorate that comprised the members of the provincial assemblies, chiefs and deputy chiefs of the village councils and municipalities.

The panchayat system had been infamously corrupt for its life of 30 years because of such an electoral system. Then, the house of representative was the relic of the parliamentary system the constitution of 1990 introduced. The parliamentary system had given birth to the incredibly corrupt politicians in Nepal. The governance system the new constitution was going to build was the hybrid of the two the most corrupt systems (panchayat legislature plus the parliamentary system of 1990) the country had experienced in the recent past. What anybody could anticipate from such a parliament was nothing but the corruption.

The same parliamentary system, the same expensive and not transparent election expenditure, massive expenditure even in electing a party chairman, prime minister elected from the parliament, he needed money to get elected to the parliament, and then to the prime minister, all ministers are the members of the parliament, everybody needed money to get elected. The corruption enhanced.

The new constitution was a new bottle filled out with old wine. For most of the people, federalism, and republican mentioned in the new constitution did not make any sense, as they did not have the voices in the state affairs even in the provinces not to mention the center, and they did not have the rights to claim any share in the state affairs. Practically, the ruling elite would not be much more different from the Shah-Rana despotic rulers that corrupted Nepal and Nepalese for 240 years. Nepalese would continue to struggle for their rights to live humanely.

Prachanda called for riding bicycles if India were to stop supplying fuel to Nepal. He might be a neo-jung bahadur not only in his party but also in the nation. He had deceived all the Nepalese particularly the ethnic and Madheshi people in the sense that he managed to relegate them to the second-class-citizen status in the new constitution. He might not need to ride a bicycle he could use the army helicopter that he had used during the election campaign and got waived the bills for the helicopter ride amounting to Rs 6.3 millions he needed to pay. What a shame on the national leader of Prachanda's stature not pay the bills for the helicopter ride?

Even those that had the first class status would not enjoy better lives either because the new constitution was not development friendly. The new constitution would corrupt the Nepalese leaders even more than what had happened in the past. Surely, corruption would rot those leaders and they would fall down with their shady activities but the victims would be the poor Nepalese that had been denied of the living like humans for 240 years would need to live like that for some more years. The new constitution did not give the opportunity of economic development to the people. That was for sure.

The new constitution sowed the seeds of perpetual dissent. People would claim their own provinces, and they would fight for that. The protests would continue no matter what the leaders would do at the center. Nobody would accept the provinces the new constitution had set up. The new constitution would be in the name only nothing more, said some dissident leaders.

The constitution was tailored to the need of the three major leaders. Prachanda could build up his party and would claim one-third of everything the state could afford. KP Oli would probably be the next prime minister. He would behave like a mad elephant if he were not to be the next prime minister. Sushil Koirala could have whatever he wanted.

Every person having a little bit knowledge of the Nepalese history knew that the common folks in general and the ethnic and Madheshi people in particular had been marginalized for 240 years. The then rulers had reserved the state offices for their family members, relatives and for their clans. The Ranas had gone so far that the son of a prime minister got the office of an army general at birth. Even high army officials had to salute a toddler general. The rulers had denied some ethnic groups serving with the army even at the bottom level except for serving as the porters.

The new constitution instead of ending such an unfair rule and giving a new opportunity to the people marginalized for 240 years had continued to discriminate them. The ethnic and Madheshi people even at the provinces would not have any chance of being elected to the offices of chief ministers not to mention at the center. Consequently, the new constitution instead of integrating all the ethnic and Madheshi people would deprive them of being equal partners in the state building. What the common folks would gain if the ruling people had to have everything while the common folks in general nothing.

So, it was natural that some Nepalese burned down the new constitution that had lighted the fires of protests elsewhere in Nepal and in the minds of the people so much marginalized even after achieving the republican setup. The new constitution was burned down even at the birth. The fires of discontent had been intensifying everywhere.

Indian ruling leaders had not been happy with the protests provoked by the new Nepalese exclusive constitution. They did not want to see the political uprisings once again particularly at the bordering areas. They wanted peace only the inclusive constitution could ensure. So, Indian Prime Minister Narendra Modi had repeatedly insisted on making an

inclusive constitution but the three Nepalese notorious leaders had not only ignored the most appropriate advice but also challenged such advice.

These three leaders had been in the quixotic mission. They believed that they had promulgated the new constitution. They were victorious. Nobody could challenge them. Standing on the unrealistic constitution, they believed that they could crush the dissidents. Prachanda said that some people had opposed a new constitution elsewhere in the world. He meant the opposition would die down. The opposition in other countries had been different from what had been in Nepal. Prachanda needed to understand that the opposition would win it no matter what the establishment would use the state forces available to them in Nepal.

The Nepalese leaders had turned the good advice of the Indian leaders into a weapon to distract the people from the ongoing political debacle to the Indian interferences in the Nepalese affairs. Indian Prime Minister Narendra Modi sent his secretary to the foreign ministry for convincing the Nepalese leaders of the need for an inclusive constitution, and of the need for encompassing the ethnic and Madheshi people in the new constitution. Instead of listening to the special envoy of the Indian prime minister, the Nepalese leaders boasted that they could take care of their businesses. Prachanda even said, "I could be a good friend of the neighbor but not the yes man." That was absolutely right but he needed to douse the fire of protests holding talks with the dissident groups.

The Nepalese media even had been fanning the flame ignited by the right advice given by the neighbor. The media had been reporting that the Indian leaders wanted the seven amendments to the new constitution. The Indian foreign ministry had to deny such an unfounded reporting. The Nepalese leaders danced to the tunes of such Nepalese media players and even the Indian media player, too. If the neighbor's house were burning then s/he had to be concerned with it otherwise her/his house would also be on fire.

Another unfounded Nepalese media reporting had been that the Indian government was going to close the entry points for choke-holding Nepal. Mind it, the Indian leaders had learned the lessons from closing the Nepal-entry points in the past. In the 1980s, the Indian Prime Minister Rajiv Gandhi angry with the then Nepalese ruler closed 21 Nepal-entry points leaving only one open. However, the flow of supplies did not stop. Practically, the closing of entry points did not make any difference to the Nepalese lives and certainly to the then rulers.

The new constitution gave the continuity to the old mindset of the rulers that they could rule the people not serve them. The ruling leaders had the beautiful houses that cost millions of rupees whereas the common Nepalese had a difficulty in replacing the thatched roofs with the tin sheets. The Ranas had built palaces but the current leaders made bungalows making them different from the common people. The politicians wanted to make Nepalese the subjects not the sovereign citizens.

The constitution of Nepal of 1990 gave birth to the civil war that culminated into making Nepal a republic. However, only the monarchy had gone even after the 10-year civil war but the political leaders with the old mindset remained. So, they crafted a new constitution that would certainly give birth to something new that people could not think of what it might be.

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