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## Nepal:The Fall of Ex Speaker -Mighty Mahara-

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By Dr. S.Chandrasekharan:

Krishna Bahadur Mahara, Speaker of Parliament who had by then resigned and a top leader of the Nepal Communist Party was arrested by the Police on an arrest warrant issued by the District Court Kathmandu.

The arrest was the result of a formal complaint by an employee of the Parliament Secretariat Roshani Shahi that she was sexually molested and raped by the Speaker on 29<sup>th</sup> September when he visited her house.

It is said that Mahara came with a bottle of hard liquor in the afternoon of 29<sup>th</sup> and sexually assaulted her in her rented flat. She alleged that she was forced to drink too. When the victim called the emergency, Mahara hurriedly left the scene, leaving his glasses, the empty bottle of liquor, glass and the insole of one of his shoes!

The Police reached the scene quickly and after having surveyed the “tell-tale” signs, quietly left the scene advising the victim to give a formal complaint so that they could take action. It is surprising that the Police did not take a statement of the victim and proceed with the case as they should have. Since it involved a VIP, the Police to be on the safe side wanted a written complaint which never came for some time.

Soon after the incident the victim gave an interview to the media describing in detail how Mahara came ‘drunken’ to her apartment, forced himself violently on her leaving scratch marks on her body.

Though Mahara's office denied the incident the same evening, there was a public outcry over the incident. Mahara met separately Prime Minister Oli and Co-Chairman of the NCP Dahal to explain his position. Oli advised him to step down from the post of Speaker immediately.

The Party Secretariat meanwhile, met and having discussed the matter, directed Mahara to resign both from the post of Speaker and that of the membership of the Parliament. The Secretariat would not have issued such an order had it not been convinced of the veracity of the alleged incident.

Mahara resigned from the post of Speaker to "enable" smooth investigation and not from the membership of the Parliament as directed by the Party Secretariat. He was representing the Constituency Dang 3. There is nothing in the Constitution where the speaker can resign "temporarily".

A day after the incident, the victim gave an interview to the media probably under duress that "there was no truth in the media report about the rape". The journalist Ajaya Babu Shivakoti who had first reported about the sexual assault was threatened and he has sought police protection for himself and his family.

Mahara is said to be a close confidante of the former Maoist Chief Dahal and has been involved in many scandals including one on possession of disproportionate assets. In 2010, his name figured as one who demanded 500 million from a Chinese businessman to lure some of the parliamentary members. He was alleged to have been involved in drawing huge amounts of money for an inflated strength of cadres who were to be rehabilitated!

It is also alleged by the victim that Mahara had visited her in the past and made "sexual advances". It is not clear what made her finally to file a written complaint with the Police on the 4<sup>th</sup> which subsequently led to Mahara's arrest.

The case has come under intense media scrutiny and the National Human Rights Commission had also formed a Committee to closely follow the case. Six Foreign Missions and the UN Representative though not mentioning the specific case pointed out Nepal's obligations under international law to ensure justice for victims and follow zero tolerance to combat gender violence.

There are many flaws in the case. Firstly, the victim had allowed Mahara to visit her house many times and had not reported previous cases of sexual misbehavior. Second is her recantation the very next day and the delay in filing a formal complaint four days after the incident. It is not known whether any medical examination after a lapse of many days would help the case either.

But whatever be the result of the case, Mahara's political career/future appears to be dim with this incident. As veteran Analyst Deepak Thapa mentioned, it is a great fall for Mahara from a Revolutionary to an alleged Rapist!

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