

# Future Of Democracy

Krishna P.Khanal

*Paper prepared for the Project on*  
**State of Democracy in South Asia**  
as part of the Qualitative Assessment of Democracy  
**Lokniti (Programme of Comparative Democracy)**  
**Centre for the Study of Developing Societies**  
**Delhi**

Democracy was first introduced in Nepal in 1951 following a popular uprising which ended the century old family oligarchy of the Ranas. King Tribhuvan was restored to the throne in 1951. In 1959 King Mahendra who had succeeded to the throne in 1955 after the death of Tribhuvan, granted a constitution which provided for a parliamentary system of government based on the Westminster model and the elections for the parliament was held. However, the King could not reconcile with the parliamentary system of democracy. In 1960, he exercised the royal prerogative and the ruling power to overthrow the system dissolving the parliament and banning the political parties.

In 1990 after thirty years of absolute rule in the garb of party less Panchayat regime, democracy was restored the second time following a popular mass movement within the country. Comparatively the democratic experiment the second time in the 1990s' had relatively better national environment than in the 1950s'. In 1996, however, the country encountered an armed rebellion of the extreme left of the Communist Party of Nepal (Maoist) which had the declared goal of overthrowing the constitutional system and establish its own version of the regime, the 'people's republic'. By 2000, the Maoists were in a position to claim party with the state with their parallel rule in many districts. On the other hand, the country was facing acute problems of governance failure, growing corruption at political level, government instability and leadership failure all leading to the inherent breakdown of the system. As a result, in October 2002, King Gyanendra dismissed the duly elected government removing the Prime Minister on grounds of inefficiency of not being able to hold elections as scheduled. The experiment of democracy in Nepal is thus facing a very uncertain future in the crossfire of two extremities, the Maoist insurgency and the assertive monarchy. Over more than half a century, since 1951, Nepal has had experienced four monarchs and each of them had problems with the norms of democracy. This essay attempts to look at the future of Democracy in Nepal against the current debate on political reforms as referred in popular discourse as restructuring the state while keeping in view the relevant factors as well.

Though more than 80 percent people in Nepal are Hindu, it is a highly diversified, multi-ethnic, multi-lingual and multi-cultural society. The 2001 census recorded 100 ethnic and caste categories and 92 languages. Nepali society which until recently claimed to be an ideal blending of diverse cultures and traditions with centuries of peaceful coexistence, is now undergoing an unprecedented wave of assertions of ethnic, lingual, religious and cultural identities and rights. The current state which had become 'instrument of dominance' by the hill high caste Hindus, is now being seriously challenged. The crux of the recent ethnic, Dalit and Madhesi activism and demand for the state restructuring is aimed at ending the established patterns of dominance.

The 1990 constitution has recognized three basic elements namely sovereignty of the people, the constitutional monarchy and the parliamentary system of government based on the Westminster model. However, this constitutional experiment with democracy suffered from various contradictions and weaknesses both systemic and extra-systemic.

The first among them is the fallacy of constitutional monarchy. Even after the acceptance of multiparty democracy by the King in 1990, the legacy of an active monarch continued to influence the politics of Nepal. Against the norms and spirit of the constitution, the monarchy had frequently asserted an independent role. The present King seems to be strongly determined to strike a claim for his role above normal practices of the constitutional state. The claim for constructive role, particularly after October 2002, has not only exposed the vulnerability of the 1990 constitution set up but also destroyed its very foundation.

The second weakness or contradiction is related to problems of governance. After 1990, politics has become corrupt, stagnant and confined more to the dirty power game. The adversarial relationship between the government and the opposition has not only made governance difficult but also helped create mistrust in politics and political parties among the general public. In the event of no party achieving majority in the parliament, became the need of the hour. However, in this game of coalition making and breaking, all the parties faced a serious challenge of division and split. The fluid parliamentary equation expedited both corruption and degeneration of parliamentary norms. Against the growing Maoist insurgency and strained relationships between the Prime Minister, the King and the Army, Nepal faced governance failure in almost all respects. As politics is losing its grip, the security has expanded its fold over the civilian life. Exercise of civil and political liberties has been restrained. The cost of military operation has accelerated and development budget has been diverted to security. Both the state and the insurgents have been committing human rights excesses.

The third weakness is the politics of exclusion in Nepal which has its roots in the very structure of the state. Ever since the territorial unification in the later half of 18 century, the Kingdom is ruled from the centre that is Kathmandu and the unitary approach is considered best to reinforce the unity of the nation. Even after the introduction of democracy in 1951 and subsequent politico-constitutional experiments, such dominance did not end and other groups remained peripheral. Even after the restoration of democracy in 1990 which opened the space to raise voice and concerns by the people for their legitimate role in the state, the majoritarian model of representation continued to perpetuate the dominant caste groups control over politics and administration of the country. As a result, ethnic and Dalit groups have lost their confidence of the mainstream political parties and their movement is growing outside the parties fold and giving the Maoists to cash it.

Finally the fourth weakness is the Maoist insurgency. In February 1996, the Communist party of Nepal (Maoist) launched an armed rebellion in the name of 'people's war' with a declared objective of overthrowing the 1990 constitutional system and to establish a republic based on Marxism-Leninism and Maoism. The extra-systemic front of the radical communist factions did not pose severe challenge to democracy until 1999 parliamentary elections after which the situation began to deteriorate fast in Nepal. The state lost its control in many parts of the mid-western and far western hills. The Maoist insurgents made full use of contradictions and divisions within the system and the major players. With situation deteriorating fast in Nepal the government brought out a scheme to engage the army in internal security with development package. On several occasions the army chiefs expressed reservation and criticized the government and political parties for their failure to ensure peace and security. Such remarks by the army chiefs suggested army's link with the palace. The government had initiated dialogues with Maoists insurgents on two occasions both of which failed and after each interlude there had been fierce fighting and the state losing ground further.

The 18 point programme adopted by 15 political parties against the royal regression seeks to broaden the areas of constitutional reforms. Some of the areas of reforms include restructuring the state, proportional representation, monarchy versus the republic and the constituent assembly.

On the restructuring of the state, three kinds of alternate structures have been floated. These are ethno-regional federalism, ethnic autonomous regions and regional politico-administrative divisions. The major political parties, however, are not even open to debate on the idea of federalism in Nepal and are very vague about the ethnic issues and avoid any specific commitment to autonomy. They stress on ending discrimination based on religion, language, culture and advocate equal access to government through alternative regional structures with decentralization without explaining its principle and the modus-operandi.

Experiments of democracy under the 1990 constitution remained highly deficient in terms of representation of Nepali society and nation in the polity. Despite three parliamentary elections, the state structures remained highly dominated by a few caste groups and other remained peripheral or excluded. One of the reasons for such imbalance representation is due to the electoral system which is based on the First-past-the-post-system. Against this, the proportional representation system is most frequently referred agenda among various groups and political parties. Two alternative models of Proportional representation have been floated. Suggestions have also been made to make upper house as the house of nationalities in order to balance the ethnic/linguistic representation. There are also demands for seat reservation for women, Dalits and ethnic groups as per the ration of their existing population within the existing system.

After the palace incident of June 2001 and particularly after October 2002, the relevance of monarchy in Nepal is being widely debated. The republican agenda, which confined only to the Maoists doctrinaire and some other corners till recently has now been imbibed by the cross section of the population particularly among the youths. The mainstream political parties are hard pressed by their youth wings to adopt the republican agenda. The 18 point programme adopted by major political parties contains some measures which seek to drastically limit the power of monarchy.

The idea of Constituent assembly in Nepal goes back to the early 1950s' when the country for the first time was preparing for democracy. However all three constitutions including the 1990 constitution promulgated in successive periods were not the product of Constituent Assembly. Although the issue continued to survive in Nepali politics, it has been revived only when CPN (Maoists) put it as one of the three point agenda for dialogue with the government 2001. The issue began to capture the public attention after the royal take over in October 2002. Thus making of a new constitution through an elected Constituent

assembly has become imminent. Whatever method is adopted, understanding among the major players is utmost crucial.

The future of the trajectory democracy in Nepal depends how much and to what extent the state is able to respond to issues mainly the Maoist insurgency, inclusion and identities of various social-cultural groups and the debate on monarchy through proper and legitimate means like the Constituent Assembly. A clarity of thought is needed on the following issues before appropriate measures could be taken. First there was never a constitutional monarchy in the true sense of the term in Nepal. Democracy in Nepal needs to be redefined independent of the monarchy.

Second, the unitary structure of Nepali state and representation system need an unbiased review in context of inclusive democracy and the pattern of development that the country witnessed since the 1950s'. Third, federalism and proportional representation need to be the core agenda of the present discourse of the restructuring of the state to ensure better representation of the people as well as efficient and accountable administration in the country.

Fourth, a new constitution is necessary and the new structure of the state and power sharing mechanism should be the product of negotiation between and among the people. Fifth, two options remains in light of Maoist insurgency and the current constitutional breakdown. The first could be to retain the constitutional monarchy for sometime in a thoroughly democratic framework subject to referendum after certain intervals. The second could be the honourable exit of the monarchy if the majority verdict of the people in the Constituent assembly favour republic.

Finally, a constitution or any structural arrangements can only offer certain principles, institutions or processes as a framework for management of national affairs. Much depends on how the political forces exercise the constitutional provisions and evolve coherent practices and political culture that commensurate the democratic system.