

Working Of Democracy

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The discourse labeling certain kind of practices and regimes as democracies are strategically deployed by a number of powerful groups while contested by others. Defining democracy and associated practices, therefore, constitute an important struggle situated in relations of power. Within the rubric of democracy, different systems of government have been installed and advocated in Nepal over the years. These different variants propose specific sets of political institutions, government programmes and procedures. All of these claim to pursue universal democratic ideals including equitable development.

In practice, however, the concept of democracy has been extended for justifying anti-democratic ends e.g. exclusion of marginalized groups has become institutionalized across various sectors as networks established by the dominant groups expand and function in the country. However, the democracy in Nepal after 1990 has, to some extent, enabled innovative mobilization of social groups for resisting the abuse of the state power and asking alternative forms of democracy. This essay examines representative ness, culture and practice of state institutions and political parties and outlines the shortcomings of democracy. It discusses the major developments in political economy and the associated impact on the social stratification in Nepal arguing towards the end that the embryonic social movements in the country represent hope of strengthening democracy in the country.

The efforts to set up organs of the state institutions in a relatively modern sense can be said to have started only after the 1951 revolution in Nepal. Prior to 1951, the state of Nepal was virtually run by the families belonging to Saha and Rana with support from smaller group of aristocrats. The autocratic Rana rule created wide public discontent and as a result the King and the political movement succeeded in negotiating a formation of the Rana-king- Nepal Congress coalition in 1951. The coalition government for the first time in Nepal promulgated an interim Constitution and established Public Service Commission, Election Commission, High Court and office of Attorney General. Setting of these institutions opened possibilities for participation to ascending section of the Nepalese societies and scribal elites in the state apparatus.

In 1960 King Mahendra terminated the parliamentary democracy and banned political parties, introducing a new party less Panchayat Democracy. The essence of party less system was the absence of popular participation and centrality of the King. The fall of the Panchayat regime became inevitable as the contradiction became sharper between its rhetoric of democracy and equitable development, the reality of increased political corruption, social discrimination, disparity and inequality. The people revolted against the party less system and the 1990 Jan Andolan succeeding in persuading the King to introduce a multiparty democracy replacing the Panchayat system.

In spite of various positive provisions provided in the new constitution of 1990, the state institutions of Nepal by and large rested upon its past legacy. The structure, actors and values of the state remained the same and its representation continued to be in a state of imbalance. Throughout the different political regimes including the present regime, members from the minority population have controlled the state apparatus and define the rules of the game. Bahun, chetri and Newar, which constitute a small section of the population, continue to occupy maximum number of seats in both the houses of Parliament as well as in local bodies. Janjatis and especially Dalits, madhesis and women, which form a larger section of the population continue to be under represented. Parliamentary cultural practices over the period can be termed as largely weak in terms of democratic norms. Major weakening forces include the legislature's indulgence in horse trading and defections. Furthermore, parliamentarians utterly neglect their constituencies from where they have been elected. Finally the incident of royal takeover of the power in October 2002, signifies a crisis in Nepalese democracy arising out of weaknesses inherent in the constitution and state institutions.

The social composition of representation over the last four decades reveals that there has been no change in the elite capture of the state apparatus despite the democratic pretensions in the rhetoric. The use of discretionary power of patronage in distributing ministries by the Prime Minister is a common practice in formation of the cabinet, which in turn led to malfunctioning ministries. A closer look at the representation in the cabinet in the 15 governments after the so called restoration of democracy shows that there is little hope for the inclusion of the historically marginalized groups. Each new minister equipped with discretionary power to control and manipulate the civil administration comes into direct confrontation with the established bureaucracy. In order to cope with situations where senior bureaucrats are expected to cooperate with the minister, the bureaucracy in Nepal either share the benefit of corruption with the incumbent minister or allies with certain political parties to protect its self interest.

Politicization and subsequent polarization of bureaucracy leading to inefficiency has emerged as a major feature of the bureaucratic institution after the restoration of democracy in Nepal. Except that the bureaucracy has learned to cope with multiparty democracy by establishing alliances with political parties, the value system and practice borrowed from the past compounded by unaccountability, red tapism and delay continue to be the central axioms of its operation.

The basic structure of the judiciary in Nepal consists of the Appellate Courts and District courts. There are numerous other courts and tribunals. Like all other state institutions of the constitution, the courts are also occupied by members of the minority population belonging to higher caste groups. The Janjatis, Dalits, Madhesis and women continue to be underrepresented in the judicial system of Nepal. The parliamentary democracy in the country has considerably increased the involvement of the Supreme Court in various issues which in turn has raised some important question regarding the controversial functioning of the judicial system in Nepal. The institution of police as part of larger state structure is meant to work for law and order in the country. Again the minority population dominate the police forces with the majority of high level officers coming from urban and elite background. The police were first mobilized to counter the Maoist insurgency. The counter insurgency operation carried out by the police between 1996 and 2000 heightened the culture of breaking the rule of law among the police and incidents of frequent human rights violation.

After the declaration of General Elections in May 1991, Nepal experienced mushrooming growth of political parties. Most of the political parties have been organized around a particular ideology or personality. Party fragmentation continues to be the characteristic of political processes in which major political parties with longer histories also suffer. The election campaign carried out by political parties has brought to the forefront major critical issues that hinges upon democratic procedures. These issues include the tendency to use state owned mass media in favour of the ruling party, abuse of civil administration and security by the ruling party and parties failing to abide by rules prohibiting vote buying and limiting expenditure by candidates. Again, with the experience of the General elections, the public opinion in Nepal favors proportional electoral system over the current first-past-the-post electoral system which is seen to be the reason for the big gap between the popular vote and the seats the party hold in the parliament.

The entrenched domination of certain groups that form a small section of the population in both the legislature and the executive continues and has been made possible over such a long period by exclusion of marginalized groups in the party leadership itself. This has been further supplemented by the policies of the state that systematically foster disparity in education, wealth and social status. Social movements activists argue that changing the composition of the party leadership itself and the change in the typical Brahmin-Chetri selection procedure within the party are two crucial steps in attaining democratization in a larger context.

With regard to the political economy of Nepal, different regimes employed their political power to extract resources and surplus from the peasants that invariably led to better economic status of elite groups. Such monopoly expanded from restricted members of landed aristocracy and elites during the Rana aristocracy to large number of members from Bahun-Chetri community during the Panchayat era. Nepal entered into the wave of liberalization during the 1990s'. Despite some trivial progress in the economy the impact of liberalization after more than a decade shows negative trends in income distribution, employment and other human development indices in the country. In the absence of measures for protection and inclusion, the disadvantage groups could only fall further behind in the free competition demanded by liberal policies. Indigenous nationalities, Madhesis, dalits and other minorities lag behind in human development indicators along with low income and asset levels and educational attainments. The implementation of government sponsored Poverty Reduction Strategy has become virtually impossible after the breakdown of the ceasefire in 2003 and the escalation of violence between government security forces and Maoists insurgents.

In recent years form of collective action termed as social movements is emerging as an important component of democracy at global level. The social movements in Nepal mobilized around identities, region specific issues and interests led by indigenous nationalities, Dalits, women, Madhesis have substantially influenced the discourse and practice of democracy in the country during the last decade. They have asserted substantial influence in the public sphere and discursive space of political power. These movements can also be credited for ushering democratization by articulating the need for restructuring the state to address fundamental rights of religious freedom, linguistic rights, recognition of distinct identities and equitable representation. For its unique modes of mobilization, critique forwarded for current structures and exhibited ability to influence the democratic institutions; the social movements

in Nepal represent hope for a vibrant and inclusive democracy in Nepal for the future. In order to implement the democracy project, it requires negotiations between social movements, opposition politics and international agencies and the state including traditional elites.