

# Nepal's Experience with Democratic Politics

*Sujeev Shakya*

Nepal is one of the oldest nation states in South Asia, dating back to the discovery of the pillars erected by King Ashoka in the third century BC. However, much of the writing on the country has been available since the Shah rule that began in 1776. Constitutional Monarchy was the form of government in Nepal for the last 56 years of the 240 years of the Shah dynasty reign which ended in 2006.

For Nepal, the independence of India in 1947 was an important event. To the north, Mao Zedong established the Communist Party in China, in 1949. In 1950, the Nepali Congress Party, supported by King Tribhuvan, overthrew the Rana regime with the help of the newly independent India, to establish a democratic constitutional monarchy. However, over the next six decades, there were many upheavals and it was only in 2015, after the promulgation of a new constitution, that a Federal Democratic Republic was formally instituted.

Nepal's struggle for democracy began with anti-Rana movements in the 1920s, but the most comprehensive attempt to challenge the regime came from the Nepali Congress in 1946. The National Council was constituted by the exiled children of Rana bureaucrats, India-educated and heavily influenced by Jawaharlal Nehru and Mahatma Gandhi.

King Tribhuvan, who was crowned in 1911, at the age of five years, was involved in the 1950 movement for democracy, fighting the autocratic Rana rule of a century, thereby earning the title of the "father of democracy". The day of the end of the Rana regime in 1950, Falgun 7 in the Vikram Era, (generally falls between 20 to 22 February of the Gregorian calendar), is still celebrated in Nepal as Democracy Day.

Nepal's journey of democracy was halted in 1960 by King Mahendra, who took direct control, introducing a single party democracy, also called the Panchayat Rule. Given his self-professed lack of belief in democracy and his tendency to transform his beliefs into action, it was hardly a surprise that

on 15 December, 1960, the King, with the support of the army, exercised his executive powers to dismiss the government and assume full power.

Thus ended Nepal's first flirtation with democracy, following which the country became entrenched in three decades of what is popularly known as Panchayat rule, instituted by King Mahendra, who proclaimed that Panchayat rule was based on the spirit of democracy and Nepal's tradition of local governance.

The party-less Panchayat era ended in 1990 during the rule of his son, King Birendra, through a popular uprising called Jana Andolan One, that restored multi-party democracy, leading to a new Constitution, establishing Constitutional Monarchy.

However, the death of King Birendra in 2001 in a royal massacre by his Crown Prince son brought his brother to the throne. King Gyanendra dissolved Parliament in 2002 and took over absolute power in 2005, but he was unpopular, and that led to his being the last King of the Shah dynasty.

The Maoists, who started a decade-long insurgency in 1996, and the democratic forces came together in 2006 in the second popular uprising, also referred to as Jana Andolan Two, paving the way for a Federal Democratic Republic.

The journey since 2006 was a chequered one, until the elections in 2017. During this decade, Nepal saw two Constituent Assemblies, an interim technocrat government led by the Chief Justice of the Supreme Court, and multiple permutations and combinations of political parties, from right-wing royalists to far-left extremists, just coming together to control power. Nepal saw 10 changes of government in 10 years and parties were reluctant to promulgate a new Constitution. If not for the earthquake of April, 2015, which led to an outpouring of protests against the political parties, they would not have pushed for the completion of the writing of the Constitution. Till the first elections under the new Constitution in 2017, Nepal saw a collusion of political forces, pushing out the concept of opposition.

In a democracy, the system of checks and balances is based on a strong opposition that checks the party in power. In Britain, they even have shadow ministers to track the functions of the ministers of the ruling party. However, in Nepal, pursuing a political syndicate, the concept of opposition was done away with. Since the political parties knew they had to ally with another force, they decided to do away with an opposition, and instead created a cartel that would ensure the channeling of resources to their cadres and party. The business folks loved it as they could just deal with a cartel and not run out of favour with any party.

The All Party Mechanism (APM) that was introduced in the village committees and districts ensured that there were decisions without opposition. *Bhagbanda*, or distribution, became a term of the new popular lexicon. Positions in bureaucracy, ambassadorships, insurance company licences, government land leases and construction contracts, amongst others, were distributed among the parties.

The oligarchy of the key party leaders, referred to in Nepali as “Shirsh Neta” or top leaders, became the undisputed autocratic decision-making machine that had neither transparency nor accountability. The focus of these leaders was on keeping the power equation ticking while they did not have any serious interest in promulgating the Constitution. At the personal level, they did not believe in a federal, secular, or inclusive Nepal.

The 2017 elections brought a unified communist force into power, and it seemed that Nepal was in for political stability. However, cracks within the ruling party started to emerge within two years and Parliament became dysfunctional. The pandemic provided a good excuse to cover up the mess.

The ruling party split into three different sections. Prime Minister K P Oli, colluding with the President, tried to dissolve Parliament twice, but it was reinstated by the Supreme Court. This led to a fragile coalition coming to power in both federal and provincial governments.

Nepal’s dismal history of splits and power grabs continues, with 40 Prime Ministers in 72 years, two becoming PM five times, and many others more than once. Nepal is one of those rare countries where there are hundreds of ex-ministers who still enjoy many perks and privileges.

## Elections as Festivals

According to the Election Commission, the total number of voters in the country stands at 17,733,723, which is 60.74 percent of the total population, which is 29,192,480, according to a preliminary report of the population census conducted in 2021. While there were 49 parties contesting the 2017 elections, only seven of them have members in Parliament. However, at the local levels, the number exceeds 100.

Nepal's democracy, like in many other South Asian countries, focuses on elections rather than building the institutions necessary for a functioning democracy. Elections are like a festival, with the voter as the consumer of lies sold like fast-moving consumer goods and products. It is about the selling of perceptions. The voter, as a consumer of democracy in this festival, sees this as an opportunity to get goodies, and the political parties meet their expectations by providing money, gifts, and wining and dining them. The relationship, therefore, has been legitimised in people's minds as the consumers and wholesale dealers of democracy, with voters and political parties looking at it from a transactional perspective and not a transformational one.

Many wholesale dealers then compete with counter offers, cash incentives, and other tools. Subsequently, the oligarchs of democracy, the political parties, are able to cartelise against rules pushing for accountability and transparency.

Furthermore, with the conflict of interest of them being both regulators and service providers of the "democracy industry", all parties work together smoothly to thwart any moves that will change the rules of the game. For instance, all parties are in unison when it comes to opposing legislation to improve transparency in election funding or disclosing the wealth of candidates, whether elected or not.

Politics in Nepal has been seen as a way of being able to make money and secure one's future, rather than to contribute to nation-building and economic development. A vicious cycle ensues, whereby once a political leader is in power, he or she can make money, which is then spent to win the next elections that will subsequently ensure that more money is made. The fact that former politicians do not want to vacate government

residences once they are out of power, and the Cabinet votes to provide lifelong benefits to people who come to power, is a testimony of how the relationship between power and money gets cemented.

Elections are very expensive to hold. The next parliamentary elections in Nepal would cost close to US \$1 billion, with the State spending around \$ 200 million, and the rest spent by parties and candidates. This is nearly 2.5% of the nation's GDP!

The people coming to power then want to recoup their investments, bringing about major challenges in implementing accountability, fighting corruption, and implementing good governance. The extravagant expenditure during the conventions of major political parties in 2021 indicates this will not change, therefore bringing tremendous challenges.

## **Structure**

Nepal, after the promulgation of the 2015 Constitution, is a Federal Democratic Republic with three tiers of government. The federal government is a bicameral system, with a 275-member House of Representatives and 59 members in the National Assembly. Out of the 275 members of HOR, 165 are elected from single-member constituencies and 110 are elected through a proportional electoral system. The Constitution mandates 33% representation of women.

The second tier is the provincial government, with a unicameral provincial legislature elected through first-past-the-post voting system and party-list proportional representation for a term of five years. The third tier is the local government. There are currently 753 local level governments that include six metropolitan, 11 sub-metropolitan, 276 municipalities and 460 village municipalities, each with its own executive body. The second elections to these local units will be held in May, 2022.

The President and Prime Minister are both elected by Parliament. The President is the Head of State and the Prime Minister Head of Government, and the Cabinet forms the core of the executive. The Judiciary is multi-tiered, with the Supreme Court being the apex Court, with judges appointed by the Prime Minister, on recommendation of the Constitutional and Judicial Council of the parliament.

## Issues

Nepal also has strong democratic practices with a free press that comprises radio, print, multimedia, and social media platforms. No government has been successful in reining in the press. During the second *janaandolan* (people's movement), the largest media group, Kantipur Media Group, was called the eighth party, as a seven-party alliance was fighting for restoration of democracy.

The civil society movement in Nepal is different from those in other parts of the world, as every civil society organisation is affiliated to political parties and one can count the apolitical people in civil society on one's fingers. Each party, when in power or in opposition, tends to use its own civil society organisations, which can lead to some very deep vendetta-oriented actions. The major issue with Nepal's democracy is that discourses on responsibility and accountability are completely absent. This has a strong impact on how businesses operate, social service delivery organisations function, or how successive governments can get away with anything.