

# "Inclusiveness" in Democracy: Concepts and Dimensions -An Approach for Conflict Transformation

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## Executive Summary:

This paper has envisaged to 'provoke thoughts and for initiating discussion on the some underpinnings of the inclusive democracy' with reference to its need for fostering sustainable democracy in Nepal'. The underlying objective of the discussion is to gear up the ongoing efforts of the civil society to 'help devise a sustainable strategic approach for transformation of the present conflict through consolidation of the democracy. It is now widely realized that the failure of the 1990 Constitution to address the issue of 'inclusion of entire population that comprises of diversity with multitude of characters provides the root cause for the outbreak of the present conflict. Although the CPN (Maoist) had decided to 'embark into armed rebellion' prior to the restoration of democracy in 1990, one can validly argue that the 'prudence and farsighted visions of the political leaders and constitution drafters' to realize the need of 'inclusiveness' in the prospective system of governance could divert the insurgency towards a 'democratic competition for power sharing among diverse political elements'. However, the political change brought about by the 1990 popular movement was 'guided by political formalism'. Moreover, in the aftermath of the 1990 movement, the distrust and unhealthy competition among political actors of the movement was intense. The revival of the supporters and collaborators of the 'former autocratic regime' was thus inevitable.

The unhealthy competition for 'power' (*saata*) between the Nepali Congress and CPN (UML) resulted with 'inclusion of former collaborators' in these parties in widespread exclusion of 'their dedicated and politically prudent and insightful cadres and leaders'. The hypocrisy in place of 'democracy' appeared as the common character of the 'post-movement political scenario'.<sup>2</sup> This

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<sup>1</sup>. Advocate and Law Teacher. The paper has been prepared following over 3 dozen of 'consultation meetings nationwide', with political party leadership, youth associations, intellectuals and grassroots political actors. The original 'concept' paper contained only 6 pages. Based on their opinions and suggestions, the text has incorporated findings of consistent research conducted by the 'presenter'. The model of 'government structure' presented by the paper is still subjected to discussion. A slight majority of the 'participants in consultation' ( about 600 participants) have supported the 'semi-federalist' model, whereas others suggested either the 'second one', or 'mixture' of both, with varieties of suggestion. The concept is still being developed, and consultation process is thought to be carried out further down in the grassroots communities in the days to come.

<sup>2</sup>. The two big political parties (Nepali Congress and CPN-UML) 'maneuvered their election campaigns with an object to eliminate each other. They openly condemned each other. Robust competition was not only ignored. Party members and sympathizers had been educated to be enemy to each other. The election strategies were planned accordingly. The General Secretary of the CPN (UML), for instance, was put to contest against President of the Nepali Congress, who was then successfully heading the interim-government. The fight between these stalwarts was then taken 'as a matter of prestige', and every nasty effort to 'condemn each other' was legitimized by parties. Some intellectuals proposed the 'idea of cooperation in sharing the power for certain period between actors of the political change'. This proposition was direly rejected by the political parties. The competition for bring the 'corrupts, criminals, hypocrites, and agents of feudal agencies' in the parties became intensive. This unhealthy practice 'pushed the genuine party workers' to the corner. Logics and arguments had been rejected. The political parties were then converted into a 'formal institution which nurtures vertical hierarchy'- leaders as masters and others as servants. A culture of 'bhardarism' (feudal aristocracy) was implanted in every sphere of the 'political functioning'. A psyche among the 'political cadres' that they were there to 'execute what leaders dictated' was formally institutionalized. In this emerging unhealthy culture, politically conscious and sensitive cadres could be destructive to 'power-wielding leadership'. The democratic competition was thus bound to be 'contest power' power, and in this context the 'collaborators' could designedly penetrate every loops and holes of the parties to

unwanted development in the post movement political spectrum adversely affected the 'course of consolidation' of the liberal democracy'.

The immediate post-movement course of political development in Nepal failed to realize the need of 'successful transformation of the liberal (political) democracy into the social and economic democracy along with opportunity and access for entire population to participate and contribute in its pragmatic progress'. The definition of 'democracy was taken in a strictly limited paradigm', i.e. existence of political parties and holding of elections. The system of representation of entire population in the 'political parties' was neither thought necessary by the political parties, nor were they prepared to 'recognize the need of devising a system to democratize their procedures and practices'. The intra-party democracy was thus 'not an issue' for the consolidation of the democracy'.

The civil society has been equally responsible for this failure. The hypocrisy of a smaller segment of the intellectual community' played most destructive role in this connection. Soon after the first general election, two tendencies among intellectuals had been obvious. One group of intellectuals was notoriously engaged in 'nepotism'. This group made access to higher level of 'leadership of the political parties' glued itself like 'essential component' of the political life of the political parties'. The wrong policies advised by this group were largely responsible for the 'result' of increasing exclusion of the larger part of the population from democratic process. This group was entirely 'motivated for its self-interest'.<sup>3</sup> The other group demonstrated a tendency of 'less interest in political activism'. Intellectuals falling in this group 'often segregated political process from socio-economic development process'. For them, the politics and development had no 'relationship'. This misunderstanding also seriously hindered the 'course of building inclusiveness in the democracy'.

The tremendous 'growth of corrupt practices' in the government was induced by these groups in two ways: the group 'holding of powers was engaged in extortion of all kinds, including selling of 'posts' and manipulation of 'recruitment examinations'. The other group - so-called non-political professionals- 'was exhibited pessimism towards' prospect of democracy. 'This group often expressed its 'dissatisfaction' towards the performance of the governments, but had been unable to 'give constructive ways out from the problems'. The cynicism demonstrated by this group significantly helped the 'anti-democratic' element to condemn 'the democracy'. The growing chaos in political spectrum provided a rich 'environment for growth of corruption'. The increasing chaos in the political spectrum, abuse of power and corruption adversely affected the course of democratic process towards 'inclusiveness, thereby fueling the insurgency. .

Had the people from all walks of life been given an access to space in the democracy, the insurgency waged by the CPN (Maoist) could/would not be a 'political platform of choice for many who volunteered to join it. As indicated above, the democracy reinstalled in 1990 ensured the political rights, but it failed to ensure the economic and social rights. Obviously, it could not be 'inclusive'. This setback could be well addressed by enacting 'inclusive legislation'. The

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destroy its 'functionality'. The most negative outcome of this 'unhealthy culture' was that 'political parties' with less influence had been marginalized, and their ideologies had been defined as 'threats to the democracy'. The parliament then ceased to 'become a platform' for debates and discussion of national issue and problems.

<sup>3</sup> . The role of this group in 'system of governance' during various parties' governments has been 'catastrophic'. Politicization of the bureaucracy is one of the most obvious examples. This group was dominant in every sphere of the 'governance' in the name of 'advisors, general managers, board members, etc'. Many of them right of the 'changed scenario of the politics in Nepal after King's assumption of power have turned against the political parties.

Parliament with consensus of all political actors could also address weaknesses facing the constitution. However, the political parties had been disoriented towards this need.<sup>4</sup>

Despite these problems, the era after 1990 has manifested one of the most remarkable periods in Nepal in terms of socio-economic and political development as well as the process of nation state building. The democratic awakening of minority groups, women, dalits and indigenous population was the most remarkable achievement. The popularization of formal as well as informal education was equally significant. In this course, number universities emerged that have been capable of providing competent education in the country. The progress in the health sector, conservation of forestry and importation of information technology was remarkable too. Most importantly, the international relation of Nepal obtained a new height with its 'ratification of international human rights instruments'. The Nepalese society ended its past 'character of closed society' with the advent of parliamentary system in 1990.

The history of liberal democracy unfolds that it is potential of being abused by the 'minority'. The liberal democracy, without economic and social elements adequately and properly included, is exclusively exploited elite class- the state is organized and administered by a smaller minority elite class for its vested interest of power monopoly, and subjects the majority to its violent control.<sup>5</sup> It was a fatal mistake committed by the government of the Nepali Congress when the rise of Maoist insurgency was in its infancy. Due to Nepali Congress party's policy of brutal and indiscriminate suppression of the people with massive police power, the democracy has been paying high cost in Nepal.

The transformation of the conflict has been viewed by the Nepalese people as the only solution of the existing crisis. The counter violence cannot be the 'solution of violence'. The gun cannot be a 'substitute' of gun. State's terror cannot be an 'answer to the rebellion'. The rebellion is 'stationed' on causes, and causes are 'entirely social and economical in nature'. The transformation of the conflict thus means 'elimination of socio-economic disparity' and 'recognition of every one's dignity as a human being as well as a 'member of certain group or community'. The inclusion of 'socially and economically' marginalized population in political process and governance is the only way out for elimination of socio-economic disparity.

Obviously, this paper has made attempt to analyze hindrances of facing the Nepalese democracy which are responsible to 'arouse the insurgency'. The transformation of the 'liberal democracy into inclusive democracy' has been viewed as an appropriate way out for the present crisis. The paper holds a conviction that the 'strategic restructuring of the state through fostering inclusive democracy' is the only way out from the ongoing insurgency. The suppression will institutionalize the 'conflict'. The 'political compromise between the state and the rebellion party' for power

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<sup>4</sup> . Both Nepali Congress and CPN UML often argued that there was no need of even changing a 'word in the constitution'. This assertion was their ignorance of need to 'achieve inclusion'.

<sup>5</sup> . Dr. Shreedhar Gautam in his discourse on politics of awareness (Honda workers and Marx) in the Kathmandu Post dated August 4, 2005, referred to a memoir of Mulk Raj Ananda (*Apology for Heroism*), in which he writes as to how an incident during his student days in England changed his entire concept about parliamentary system. As Dr. Gautam mentions, in 1926, London Police manhandled him (Mulk Raj Ananda), along with other students for supporting the coalminers' strike. The repressive measures taken by the British Government shocked him, and he came to a conclusion that Britain was organized and run in the interest of minority which could control the majority as violently at homes as it did in the Empire. Dr. Gautam has rightly remarked that the police action in Guragaun against the workers was not only brutal but also totally inhuman. Such incidents prove that the government in liberal democracy operates to protect the 'interest of the politically and economically powerful class'. Many liberal democracies in the contemporary world have seriously failed to be rational to all the population, and thus they are not ordinary people friendly. The significance of democracy without being 'inclusive' will cease to exist.

sharing will set aside the problem. The inclusive democracy will enable people to enjoy right to 'self-governance', and thus it will end the exclusion of majority of the population.

The process of peace building in this context connotes to a series of 'carefully devised scheme to include people in the wider and phenomenal participation in political process and governance'. This 'scheme' facilitates the 'devolution of powers at the hands of people, and as such it is a strategy to 'end the power monopoly of a minority' - in the context of Nepal a 'feudal aristocratic and economically powerful elite class'. In this context, the inclusive democracy can be defined as a political process to 'transform the society' into a condition that ensures equity of all people in the 'power of governance'. The change leading to progress is essential element for transformation. The sustainable peace therefore means nothing but the 'desired' progress of the society.

Nevertheless, the change or progress is impossible to attain without 'inclusion of all' in wider perspective. This thesis is built on three 'foundation principles' - the one that no scheme of conflict transformation would be meaningful in disregard of ideology of political pluralism, and the other that the sustainability of democracy is dependent on the capacity of a given society to achieve consistent change towards socio-economic progress. Lastly, the progress is impossible if the state's power of governance is not controlled by 'a political process that devolves powers at the hands of people inclusively'.

In brief, the paper has made attempt to define the concept of inclusive democracy, look into its dynamics and try to workout a 'sketchy framework of the inclusive democracy applicable in the context of Nepal'. It is sincerely hoped that the paper would be able to spark a lively discourse on the issue, and if so happens it would be taken that the mission is achieved.

### **A Glimpse of 15 Years with Liberal Democracy in Nepal**

Over the last three years, especially after the dissolution of House of Representatives by the Sher Bahadur Deuba, the situation of liberal democracy in Nepal has come to a 'deadly crossroad'. Subsequent incidents have seriously threatened the very fabric of the 'democracy'. Attack against the democracy both from the left and right extremism is increasingly heightened. Attempts from both corners to hoax the people that 'the democracy has failed in Nepal' are intensified. The left extremism has raised 'guns' against democratic institutions, whereas the 'right extremism has avowed the monarchy in support of feudally organized military as a substitution of democracy'. From both sides, countless of ill arguments are sponsored to letdown the image of liberal democracy. The attack is concentrated on political parties and multi-party system in itself. Obviously, feudal institutions, including religious groups, are using their all strengths to 'condemn political parties'. Some major allegations sponsored by the feudal or rightist camp can be summed up as follows:

- a. The corruption has flourished in the governments of 'political parties';
- b. The welfare of the population was shattered;
- c. The conflict has been intensified, and the political parties have failed to rescue the nation from the trouble;
- d. The situation of law and order has suffered serious setbacks, and the morale of the security force has been undermined;
- e. The political parties have undermined the patriotic stands, and ignored the concerns of the common people;
- f. Political parties have failed to represent the people.

Undoubtedly, the political parties in the past have made serious mistakes in handling many affairs of the state. Moreover, the political parties' failure to check the spread of corruption has been

recognized as a serious problem too. Nevertheless, the growth of the culture of the 'corruption' in Nepal is not in any sense an outcome of the post 1990 era.<sup>6</sup> In fact, the corruption emerged as cancerous problem in Nepal during the 'panchayat regime'. Due to culture of impunity practiced by the post 1990 governments, the problem of corruption became legitimized. Mr. Girija Parasad Koirala, the first elected prime minister in the post 1990 period, obstinately rejected to enforce the 'Mallik Commission Report', which incriminated a number of 'corrupt and criminal collaborators of the past regime'. This costly mistake 'secured the respectful position of that anti-democratic force in the democracy simply to destroy it systematically. The corrupt bureaucrats and collaborators of the former authoritarian regime gained protection from the course of justice, and thus became enabled to 'forge conspiracy against the democracy from the very first day of the elected government'. Despite these costly mistakes and several others setbacks committed by the political parties, the 15 years of democracy were comparatively productive, forward going, optimistic and the most remarkable time in the history of national development in Nepal. The following developments in this period justify this assertion:

1. Nepal received a wider recognition from the international community as a 'democratic nation'. Its international relations with the western developed countries flourished. The volume of international assistance for development infrastructure and promotion of rule of law and human rights increased significantly. The prospect of foreign investment increased too. Most significantly, the tourism acquired momentum, and had been able to grow as fully entrenched industry with mammoth infrastructural development.<sup>7</sup> It emerged as a viable source of national earning, and the rich sector of employment for people. The development of tourism industry also gave an opportunity for the Nepalese people an exposure to the 'international interaction', which has been a boon for Nepal's international trade and commerce.

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<sup>6</sup>. The Rana oligarchic regime institutionalized the culture of corruption in Nepal. They plundered the nation for their private luxury. To consolidate democratic system of government, the post democracy (1951) governments encountered several hindrances posed by feudal institutions and autocratic influences in the bureaucracy. In 30 years reign of the absolute monarchy, a group of people called *panchas* looted the country with impunity. *Panchayat* system institutionalized the culture of corruption in order to destroy the prospect of democracy as it used nation's treasury to 'bribe' political leaders. In post 1990 era, the democratic governments failed to foresee the danger of feudal minded hypocritic bureaucracy against the democracy. The collaborators of the past regime had been successful to use the democratic governments and political parties against the democracy itself. Currently, an attempt is being made indirectly to 'reinstate the past regime in the outfit of democracy'. The issue of corruption is being raised to 'justify the plot against the democracy'. Successors of dethroned Rana oligarchy who have strong hold in the security system of the country are doing their best to 'play games for power comeback in their hands in the name of the monarchy. This element has been actively engaged in conspiracy to recapture the power since its reinstatement of democracy in 1990. The issue of corruption in Nepal, therefore, calls for in-depth analysis of the political history. Corruption should not be viewed only in the form of 'bribe'. The abuse of authority and stealing of 'state's fund' are equally important ingredients to consider. The stake of political parties in the 'abuse of power for stealing the state's fund' is negligible as compared to that of other institutions generally under control of feudal autocratic elements.

<sup>7</sup>. Analysis of the last 15 years in the context the development of the tourism industry, the progress made by the country is immense. In this period, the tourist arrival rate in Nepal gained an average annual growth rate of 3.85 percent. The growth rate achieved 7.96 percent in 1999, the figure of tourists being increased to 5, 00,000 (Dhakar 2002:). Subsequently, in the wake of the mounting insurgency, the figure is falling steadily. It came down to 463646 in 2000, 361237 in 2001, and 275468 in 2002. A slight growth was seen in 2003 with total 338,132 tourists arriving Nepal (Source: Nepal Tourism Statistics-2003). Tourism accounts for 2.9 percent of Nepal's GDP (Sharma: 2002) and earned revenue (Gross foreign exchange earnings) of US\$ 1483060 (000) in 1990/91-2002/03 while it was US\$ 477921 (000) in 1961/62-1989/90 (Nepal Tourism Statistics-2003). With the increment in tourist arrivals in Nepal the number of star embedded hotels also increased (19 one stars, 32 two stars, 19 three stars, 10 four stars and 6 five stars- Survey of Hotels and Lodges 2003-04, CBS). These developments were attributes of the 'open society established by the 1990 movement for democracy.

2. The education sector showed a promising development in this period. Three new universities came into existence.<sup>8</sup> Under their umbrella, along with TU, 12 medical colleges have been established.<sup>9</sup> Hundreds of new colleges made their appearances with immense capacity to address the increasing demand of the country for scientific, technological and vocational education. The private sector involvement in the secondary and higher education has tremendously contributed to the educational development of the country.<sup>10</sup> In the educational sector, Nepal has been one of few model countries to ensure ‘private and government sector’ partnership. This development contributed to reduce the exodus of Nepalese students to Indian institutions. Institutional development of the Higher Secondary Board was an important development too, which by expanding the plus 2 education in hundreds of secondary school created a momentum in the mission of decentralization of the education system.<sup>11</sup> The expansion of higher secondary schools in villages provided access for poor rural population to ‘higher education’. This achievement of was an important prelude to the ‘social development of the Nepalese society’.
3. Expansion of medical service after 1990 is another significant achievement of the democracy in Nepal. In a very short period of time, the number of hospitals in the public and private sectors has significantly increased.<sup>12</sup> The quality of medical service is significantly increased too.
4. Consolidation and increased partnership of the civil society with the government in development affairs has been one of the remarkable achievements of the democracy.<sup>13</sup> NGOs

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<sup>8</sup>. With the advent of democracy in Nepal, education sector gained enough space for intellectual exercise. After 1990s three new universities came into existence, namely Kathmandu University, Pokhara University and Purbanchal University that provided opportunity for 5182, 4666 and 5529 students respectively in the 2060/61 academic session. (CBS- Four monthly statistical Bulletin March- June 2005). The concept of multi-university for higher education was inspired by fair competition in, and democratization of, the education system in Nepal. By introducing the concept of multi-university, the government achieved a significant success in decentralization of the educational opportunity and fair competition for quality. This development also contributed to the emergence of new institutions in higher education thereby significantly reducing the dependence on foreign educational institutions for higher education.

<sup>9</sup>. At present, there are three government medical colleges and nine private sector medical colleges in Nepal. Prior to 1990, there was only one medical college. The growth of the medical education institutions after 1990 is exceptionally bigger. Institute of Medicine-Maharagunj, B.P. Koirala Institute of Health Sciences-Dharan and National Academy of Medical Sciences, Bir Hospital-Kathmandu are three government institutions. Manipal College of Medical Sciences-Pokhara, Kathmandu Medical College- Kathmandu, Nepalgunj Medical College-Nepalgunj, Nepal Medical College- Kathmandu, Universal College of Medical Sciences- Bhairawa, College of Medical Sciences- Chitwan, National Medical College- Birjunj, Kathmandu University Medical School-Dhulikhel and Janaki Medical College, Janakpurdham are non-government sector initiatives in the medical education (Nepal Medical Council 28 August, 2005 For detail see [www.nmc.org.np](http://www.nmc.org.np)). This development is unprecedented. The contribution made by this development of medical education in the expansion of the medical service and the upliftment of the quality of medical professionalism is enormous.

<sup>10</sup>. According to the estimate of the Ministry of Education & Sports in 2004/5, the number of private schools has reached 5,919 with 6, 52,088 students. The contribution of the private sector in the education is thus enormous. This is one of the major contributions of democracy in the development of the nation.

<sup>11</sup>. There are altogether 832 higher secondary schools in Nepal (Human Rights Year Book 2005). All these schools are established after 1990.

<sup>12</sup>. Till the end of fiscal year 1999, there were 101 hospitals with 951 doctors (it includes private sectors hospitals and doctors also) registered. By first five month of the FY 2004/05, there are 87 hospitals with 1,257 doctors (Government sectors only) registered (Source: Ministry of Health). The growth of the hospitals and number doctors is significantly increased during the democratic regime.

<sup>13</sup>. Till 1990, before the restoration of democracy, there were only 191 NGOs working in Nepal (The Rising Nepal, Feb.18, 2003). With the changing environment and Nepal's entry on globalization, had persuaded many national and international non-government organizations to cooperate in its development endeavor. As a result the registered NGOs reached 18,200 and INGOs 126 (Radio Nepal, 29 August, 2005 7A.M. news). In the context of their contribution in term of money, the fifty-three member organizations of the International non-government

have played crucial role in advocacy against social problems like discrimination and violence against women, children and dalits. Inclusion of marginalized population in the political, economical and social development mainstream is another promising agenda of advocacy of NGOs. Most importantly, NGOs have played crucial role in 'civil society diplomacy' of Nepal with many countries in the world.

5. Protection and promotion of human rights and rule of law regime in Nepal is a big achievement of the democracy. To mention only few, the following events have had the history-setting impacts:
  - a. Establishment of the National Human Rights Commission as a human rights monitoring body.
  - b. Ratification of major international human rights instruments that gave a very positive image to the international relations of Nepal with the world.
  - c. Emergence of 'human rights-specialized NGOs' that have played a crucial role in protection, promotion and monitoring of the human rights.
  - d. Nullification of series of laws that were anti-gender equality piece of legislation.
  - e. Increased participation of women and other marginalized groups such as dalits in the civil society.
6. Emerging growth of the local-governance system and the concept of devolution of power has made positive impacts in participation of grassroots people in politics and governance.<sup>14</sup> The introduction of the system of development budget allocation to local governance bodies has tremendously encouraged the 'participation of people in the development efforts'. This budget helped local people to 'erect transportation, irrigation and educational infrastructure'.<sup>15</sup> Although not adequately promising, the enactment of the Autonomous Local Governance Act

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organizations had launched 7,00,00,00,000 NRs for the fiscal year 2004/05. But, in the wake of unfavorable and deteriorating condition, the amount decreased to 6,70,00,00,000 NRs in the current fiscal year (Kantipur, August 28, 2005). Likewise, After Feb 1 Royal takeover, various development agencies have suspended their assistance programs. To mention a few, Denmark suspended \$25.56 million aid for rural development, environment, forestry, health and education programs. Similarly, the United Kingdom suspended military aid. The World Bank (WB) suspended \$70 million Poverty Reduction Strategy Credit-II aid. EC suspended \$30 million education aid. Norway suspended \$28 million financial support for the Melamchi Water Supply Project and another \$2.25 million development aid (The Kathmandu Post, July 22, 2005). The role of democracy in drawing foreign assistance is obvious by this unwanted development.

- <sup>14</sup>. Under the concept of devolution of power to the local authority, Nepal Communist Party's (United Marxist Leninist) nine month government had decided to give enough financial stakes to the local authority under the programme 'Afno Gaoun Afai Banau'. To fulfill this ambition, the government had allocated 3,00,000 NRs for the fiscal year 1995/96 for each VDC. The amount had increased from the fiscal year 1999/2000 to 5, 00, 000. Hence, from the beginning to the present stage Rs 18, 56, 97, 00,000 had been provided to the local authorities. Another praiseworthy achievement of democracy is its determination to honor the old age, helpless widows and disabled persons with financial support. From the fiscal year 1995/96, the Government has been providing allowances/pensions to the said categories of the people. The Government has provided Rs 28,00,00,000 for the fiscal year 1995/96 and 1996/97, Rs 35,00,00,000 for the fiscal year 1997/98, Rs 40,00,00,000 for the fiscal year 1998/99, Rs 53,00,00,000 for the fiscal year 1999/2000 and 2000/01, Rs 58,00,00,000 for the fiscal year 2001/02 and 2002/03, Rs 60,00,00,000 for the fiscal year 2003/04, Rs 75,50,00,000 for 2004/05 and Rs 80,00,00,000 (In the process of allocation) for the fiscal year 2005/06 (Ministry of Local Development).
- <sup>15</sup>. Before 1990s the total length of road comprised 7007 km., which consist of 2891 km blacktopped, 1594 km. graveled and 2522 km. earthen. After the reestablishment of democracy, the total length of road reached 17,217km. of which 4871km is blacktopped, 4703km. graveled and 7643km. earthen (Department of Roads, up to 2004/05 first eight months).

is an important step towards initiating the power devolution process. Inclusion of women representatives in the local bodies has also been an important progress too.

7. Development of mega-hydro-electricity projects is another significant development seen by the country in the post 1990 era.<sup>16</sup> This sector has been successful to bring foreign investment. About half dozen projects have been successfully completed in this period.
8. Enactment of some legislation that ensured 'internalization of the international human rights instruments is a praiseworthy development. Torture Compensation Act, Children's Act, Labor Act, 11<sup>th</sup> amendment of the Muluki Ain, and Corruption Prevention Act are considered important instruments for internalization of human rights in Nepal. In this context, the following issues have played crucial role in 'rationalizing and humanizing' the Nepalese society:
  - a. Women's independent personality, along with the right to share the parental property,
  - b. Positive interpretation of the issue of equality of men and women,
  - c. Prohibition of Deuki custom,
  - d. Criminalization of the practice of untouchability
9. Growth of the independent media along with increased freedom of press<sup>17</sup> has been a significant step towards institutionalization of the democracy. Indeed, the progress in this area is exemplary. In a very short period of time, the FM radios<sup>18</sup> became essential part of the life of the Nepalese people. These radios served the rural population as the most reliable alternative of information. The private sector television was equally important development. On the other hand, the print media shifted to broadsheet paradigm with increased professionalism. Over a dozen national dailies provided competitive and varied forms of information as well as entertainment. Over the last 15 years, the habit of the Nepalese people in reading newspapers has increased significantly, which is essential for growth of matured democracy.
10. Private airlines system developed, as a viable industry supporting internal tourism as well as regular transportation system.<sup>19</sup>

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<sup>16</sup>. Kaligandaki 'A' is the major project after 1990. Till now it produced 1, 74,092.00 Mwh electricity. Modhi Khola, Ilam Puwakhola and Chatara projects are other significant projects after 1990. They supply 81,492.40Mwh to the 15, 33,569.56 national electricity generation in 2004/05 (NEA-2005). The involvement of the private sector investment in the hydro-electricity industry is the most important success of the democracy.

<sup>17</sup>. The promulgation of the constitution of the Kingdom of Nepal has guaranteed the right to expression that ultimately brought forth the expansion of media sector. Before 1990s, the media sector was confined to government owned print and mass media such as Gorkhapatra, The Rising Nepal, Nepal television and Radio Nepal. After reinstatement of the democracy the growth of media sector was immense. As April 13, 2005, there are 298 daily newspapers, 9 semi weekly newspapers, 1,414 weekly newspapers, 276 fortnightly newspapers and 1,231 monthly newspapers registered for publication. (Source: Department of Information).

<sup>18</sup>. There are altogether 52 F.M. stations registered in Nepal, namely Bhaktapur FM, Bhaktapur, Bheri FM, Banke, Bijay FM, Nawalparashi, Bulbul FM, Surkhet, Classic FM, Kathmandu, Butawal FM, Butawal, Dhaulagari FM, Dhaulagari, FM Adhyma jypti, Kathmandu, FM Kathmandu, Kathmandu, Ghodaghodi FM, Kailali, H.B.C. FM, Kathmandu, Hetauda FM, Hetauda, Himchuli FM, Pokhara, Hits FM, Kathmandu, Image Channel FM, Dhankuta, Kali Gandaki FM, Baglung, Kalika FM, Chitwan, Kanchanjangha FM, Jhapa, Kantipur FM, Kathmandu, Kath FM, Kathmandu, Koshi FM, Morang, Machhapuchhre FM, Pokara, Metro FM, Kathmandu, Mukteenath FM, Hetauda, Parsa FM, Birgunj, Paryabaran Chakra FM, Lalitpur, Pokharra FM, Pokhara, Radio Tansen, Tansen, Radio Annapurna FM, Pokhara, Radio Bageswori FM, Pokhara, Radio Bheri Awaz, Nepalgunj, Radio Bheri FM, Birebdranagar, Radio Bindabashini, Hetauda, Radio City FM, Kathmandu, Nepal FM, Rabibhwan, Radio Karnali FM, Jumla, Radio Lumbini, Rupendehi, Radio Madan Pokhara, Palpa, Radio Palung, Makawanpur, Radio Sagarmatha FM, Lalitpur, Radio Swargadwari FM, Dang, Radio Tulsipur, Dang, Rainbow FM, Kathmandu, Rupendehi FM, Bhirahawa, Saipal FM, Bajhang, Saptakoshi FM, Palpa, Sinarji FM, Chitwan, Solu FM, Solukhumbu, Times FM, Lalitpur and Tinau FM, Rupandehi (Department of Information-2005).

<sup>19</sup>. There has been remarkable increment in the number of airlines operating in and outside the country. There are 49 private airlines including three new airlines, namely Metro air, Dragon air and Impro air, have obtained licenses

11. The growth of industry took momentum after 1990.<sup>20</sup>
12. Remittance from foreign employment increased immensely, contributing significantly in the earning of foreign currency. It has helped to reduce the poverty from 42 % in 1995/96 to 38% in 2003/04 (CBS).<sup>21</sup>
13. Protection and preservation of forestry through transfer of ownership to the community has been the most successful achievement of the democracy. This has received an international acclaim.<sup>22</sup>
14. Increased provision of safe drinking water to larger population is another prominent development after 1990.<sup>23</sup> Similarly, the irrigation facility has been significantly increased after 1990.<sup>24</sup>
15. Growth in literacy of boys and girls is spectacular. The increment of the literacy rate 1990 is remarkable.<sup>25</sup>

These are only very few sectors of development to mention. In reality, the economic, social and political development of Nepal after 1990 has seen an unprecedented pace of growth. In this wake, the Nepalese society has demonstrated an incredibly higher motivation to address the long-standing feudal vestiges of the society. Most remarkably, Nepal in this period has shown a potentiality of 'rapid development of its economic and social sectors'. Nevertheless, in this period the country saw many tragic events that hindered the smooth growth and sustainability of the democracy. The rise of the Maoist insurgency and the democratic governments' mishandling of it was one of the most serious setbacks hindering the consistent development of the socio-economic sectors.

by the Ministry of Culture, Tourism and Civil aviation to operate. Out of the 49 registered airlines, 32 have air-operating certificate (AOC) by the Civil Aviation Authority of Nepal. A total of 17 aircrafts fly on the domestic routes. Recently two airlines have obtained permission to operate international flights (Rising Nepal 2005-07-06).

20. Till FY 1989/90, 30 industries had been registered in Department of Cottage and Small Scale Industries with 8,621 employees. By FY 2004/05, the number of industries has reached 3,150 with 3,19,413 employees (Department of Industry). This sector is taken as the vibrant sector, which contributes more than 60 percentages to the National revenues (Kathmandu post, December 26, 2004). The growth of industrial sector in the democracy has thus shown a promising trend.
21. Nepalese migrant workers send Rs 48 billion worth of remittance every year from the gulf region. This figure is based on the estimation that each Nepalese worker, on average earns Rs 1,20,000 a year. Over 4,00,000 Nepalese work in Gulf countries like Saudi Arabia, United Arab Emirates, Qatar, Bahrain, Oman and Kuwait. Gulf workers alone send 47 % of the total remittance received by Nepal (Spotlight, Jan28-Feb03, 2005). Access for Nepalese workers to foreign market is thus a remarkable outcome of the democracy.
22. About 26 % (39,000 sq km) of Nepal is occupied by forest (source: <http://www.ittis.org/>). The forest resources provide 81 % of the total fuel consumption and more than 50 percent of fodder to livestock. This sector contributes 14 percent in the national Gross Domestic Product (GDP) (<http://homepage.boku.ac.at/h0240699/ps.htm>). In Nepal, the master plan of forest 1988, the Forest Act 1993 and Forest Regulations 1995 are the legal tools for management of the forest. There are 13,113 forest users groups covering 1.5 million households (Community Forest Division, Nepal, 2004). After restoration of democracy, the forests are handed over to the care of communities, which has been a grand success. The total income from the various activities raised by Terai forest users was NRs 75 million in 2002/03. The available data from the Department of Forest shows that the forest user group of Terai region spent 24 percent of their total income on community development.
23. According to Central Bureau of Statistics (CBS- 2001), 82.0 percentages of people have access to drinking water facility.
24. Out of the total 2356981.3 ha of agricultural land of Nepal, 49.57 percent has irrigated land (CBS-2001).
25. Significant progress can be seen in sector of literacy also. According to Census of 2001, the literacy rate has increased from 39.6% to 54.5 %. The annual rate of increase is 1.63 %, 2.05 % male and 1.30 % for female. It is observed from the data that literacy rate is increasing very positively. The growth rate of female literacy is also very positive. (Population Monograph of Nepal, CBS, 2003).

Conspiratorial killing of Mr. Madan Bhandari, an outstanding leader with charismatic statesmanship, frequent dissolution of House of Representatives, split of the CPN (UML) and the Nepali Congress, and the royal carnage are considered as shocking instances of the tragic events in the last 15 years. These unwanted events were coupled by a series of slip-ups which need serious considerations for consolidation of democracy in the days to come. Some of these considerations are outlined as follows:

- a. In the post 1990 era, the major political parties made fatal slip-ups by ignoring the unavoidable necessity of cooperation for developing consensus on many important issues. In fact, they had been actively engaged in dirty game to ‘exterminate’ each other’s existence. The incessant fight between them weakened the democracy and buttressed the speedy rise of the anti-democratic elements. The democracy for them became a ‘coconut’ at the hands of monkey. In nutshell, the following episodes marked the post 1990 era:
  - a. The first general election was roughly entertained. Each party condemned other as if a heinous enemy. While the Nepali Congress condemned left parties as ‘collaborators of royal palace, the left in retaliation damned the Nepali Congress as ‘an agent of India’. When Nepali Congress came into power from first general elections, it terribly abused the power to suppress the lefts’. Lefts, CPN (UML) in particular, countered it by seizing the streets for agitations. The conflicts between the democratic forces thus spilled out everywhere thereby enabling the former authoritarian elements and feudal institutions’ collaborators gradually grab the power.<sup>26</sup>
  - b. Political parties, the major parties in particular, resorted to undemocratic means and strategies to capture the power. They virtually introduced the power-centered politics in the parliament as well as outside. For this, they adopted policies of protecting the hypocritical bureaucrats,<sup>27</sup> politicizing the civil servants,<sup>28</sup> politicizing the governmental institutions,<sup>29</sup> and protecting and promoting the police officers involved in corruption and violation of

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<sup>26</sup> . Killing of UML’s cadres by police in Arghakhachi district, UML’s movement in Kathmandu against the Government which ultimately resulted in killing of even 8 years’ boy, UML instigated nation wide Civil Servants’ movement, denial of Nepali Congress government to probe the death of Madan Bhandari and Jib Raj Asrit by a high level commission followed by destructive agitation of the CPN (UML), collaboration of Nepali Congress with Rastriya Prajantra Party to oust the CPN (UML) from the government, and retaliation by the CPN (UML) with the same strategy created an unbridgeable gap between the alleys of the 1990 movement. These are only few instances to mention. These instances demand the political parties to seriously review the past for any ‘grounded solidarity’ in future for reinstatement of the democracy in the country.

<sup>27</sup> . Government officials condemned by the Mallik Commission had been rewarded by promotion and appointment in the most prestigious positions. A sizeable number of ‘hypocritical bureaucrats acted like party cadres. They clandestinely associated with sister organizations of the political parties. Many of these people changed the ‘camps’ with the change of the government. Some of them also acted as ‘senior advisors to the political leaders’, with full-fledged but clandestine association in the party. Such peoples’ interest was however nothing but to ‘entertain their personal benefits’. Obviously, right after the takeover of the power by the king through sacking the Deuba government, these peoples began to condemn the political parties. Presently, they are peoples who are ‘actively engaged in educating as well as threatening the people to support the king’s government’.

<sup>28</sup> . Rights of civil servants to form union are recognized in all democratic countries. Nevertheless, such unions in Nepal had been politically exploited by parties. Obviously, civil servants’ unions had been stigmatized by partisan characters. This mistake seriously hindered the ‘democratization’ of the feudally structured civil service.

<sup>29</sup> . As and when the political parties had been inducted in power, appointment of the members and cadres in the government positions, in the higher posts of the government-owned corporations, in the commissions, and so on emerged as a culture. Many such government institutions had been treated like ‘political cadres recruitment center’. Such institutions had been used by the political parties to ‘generate illegal funds’. Allegedly, such positions had been sold in huge amounts by some senior political leaders.

human rights.<sup>30</sup> The Congress and the UML virtually sold themselves in hands of ‘unethical and theft businesspersons’.<sup>31</sup> Consequently, they came into severe censure of the general public.

- c. Sher Bahadur Deuba’s decision to ‘permit legislators and senior bureaucrats to import sophisticated cars without custom duty was one of the most obvious violations of the economic discipline.’<sup>32</sup> This decision was not only a ‘stigma’ to the democracy, but it was an example of increasing irresponsibility of the political parties to the welfare of the people.
- d. Indiscriminate privatization of government-owned industries was a serious failure of the post 1990 government in the economic sector.
- e. Impunity to human rights violators was equally serious mistake of the political parties.

Nevertheless, one should not ignore to understand that the political parties are the indispensable actors as well as pillars of the democracy. No democracy can exist and flourish without existence of the political parties. Nor the mistakes of the political parties should mean ‘failure of the democracy’. Citizens have right to censure the political parties for their past mistakes, but it should not imply a ‘stigma’ to the democracy itself. No other institutions than political parties can represent people in the system of ‘governance’. The bureaucracy and a section of the civil society have consistently made a mistake of understanding this fact.

Structurally, many of these setbacks have been emerged as ‘outcomes’ of failure of the constitution to ‘realize the diversity of population and its characters as core value of the Nepalese society and its dynamics of governance’.

### **Concept of Inclusive Democracy: Definition and Dimensions**

"Inclusive democracy" in its very plain meaning indicates to a quality of ‘inclusiveness in democracy’<sup>33</sup>. This concept is drawing attention of political scientists, jurists and governance experts for a great ‘debate’. The term ‘inclusive democracy’ “presupposes” a possibility of existence of ‘a type of democracy’ with or without ‘inclusiveness’. The liberal democracy mostly practiced by western European countries and America emphasizes the element of ‘political rights,’ as the fundamental or determining constituent of the democracy in oblivion of economic and social

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<sup>30</sup> . Mr. Achyut Krishna Kharel, for instance, had been promoted to the highest post of the police by the Nepali Congress government, despite his terrible record of human rights violations in the 1990 popular movement. He was not the only one in such a list.

<sup>31</sup> . Cases of Khetan, Tivedwala, Kalu Manage, and so on are few examples.

<sup>32</sup> . This decision is infamous by the name of ‘Pajero Scam’. This decision was in fact most sumptuously enjoyed by the senior bureaucrats. While ordinary citizen was not fortunate to ‘receive the government support’ to buy a ‘citamol tablet’, the government bureaucrats could afford importing duty-free luxurious cars. Ridiculously, a number of victims of the 1990 movement had been discarded and ill-treated by the government.

<sup>33</sup> . Customarily, democracy is understood to mean a ‘form of government in which people, either directly or indirectly, take part in the governing. In this sense, democracy is an instrument of ‘transforming the so-called political system into a system of governance controlled by the people through direct or indirect participation. In democracy, people (*demos*- the people or population) are decisive. In abstract sense, the democracy is a ‘power to help people’ resist or avoid ‘exclusion’. ‘Inclusion’ is, therefore, essence of the democracy. No political system without ‘inclusion’ can constitute ‘democracy’. Intellectually developing countries like Nepal, academics and so-called informed people wrongly understand or define ‘inclusion’ as ‘the benefit’ to be made out of democracy. In this context, it is not the democracy; instead the ‘benefit’ from it is the matter of concern for them. So for them, the issue of ‘inclusion in democracy’ for them generally means strategies for ‘affirmative actions’, or exclusive benefits. The ‘issue of inclusion’ in its true sense is the ‘inherent power of people’ to have decisive role in the ‘system of governance’.

democracy. The liberal democracy implies certain rights of citizens as fundamental constituents of 'democracy'. These rights are (a) right to elect government through free and fair elections; (b) freedom of speech; (c) rule of law; (d) right to form political associations and hold assembly; and (e) freedom from discrimination and exploitation. Obviously, in view of the followers of the liberal democracy, 'political rights, the right to vote being the most important one,' are determining constituents of the democracy.<sup>34</sup> "Economic and social' elements of democracy are virtually ignored, or undermined by the liberal democracy

In liberal democracy, as Wolf DeVoon has pointed out, anarchic institutions like an open market for goods and services (survival of the fittest) plus the discretionary (arbitrary and self-serving) powers of public officials are limited by the rule of law. This understanding of liberal democracy is odd. Of course, the rule of law as an interesting and powerful concept inhibits public officials (including political leaders not in government) from abuse of powers. The concept of liberal democracy, indeed, encapsulates nicely the goal of a 'free society'. Nevertheless, its principles<sup>35</sup> and mechanisms fail to understand that 'realization of the dream of a free society is not possible only by inserting political rights in the structure of the government'. The recognition and protection of economic and social rights is equally important to materialize the 'dream of a free society'.<sup>36</sup> Based on opinion of Wolf DeVoon, the liberal democracy without economic and social empowerment of population at large has resulted in:

1. Disparity in opportunity to, and consumption of, resources, thus giving rise to implausible gape of wealth between a smaller rich elite group and larger marginalized poor population.
2. Betrayal in legacy of liberty of the majority by imposition of economic subordination of smaller elite group.

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<sup>34</sup>. This concept has been dominant in political parties of Nepal. In 1990, when it was achieved they believed that 'the problems facing the Nepalese society' had been fully addressed. Lost in the mist of this misconception, they could hardly think of a 'national vision' for socio-economic development of the society. The 'inclusion' of the huge population that had been marginalized by the previous regimes was thus not an agenda of 'political parties'. Obviously, several groups of disenfranchised population that were economically marginalized and socially alienated could sense no change in their lives even after the political change in 1990. This is, indeed, the crucial factor for loss of 'credibility' of the political parties as 'development actors or change stimulators'.

<sup>35</sup>. Cardinal principles of 'liberal democracy are Human Rights, Equality, Rule of Law, Individual Freedom, and Private property and Free Market. It is believed that the legitimacy of democracy as a system of government is derived from the human rights principle that 'the human dignity is inalienable and unfringeable'. Constituents of human dignity are right to life and personal liberty, freedom from slavery or exploitation and subordination, freedom of belief or decline to have belief, freedom of expression, and freedom of association and so forth. The right to equality is a guarantee to have protection against discrimination. The rule of law is a set of safeguards against arbitrary and tyrannical treatment by the authorities. It also means and efficiency in service from such authorities. The fairness in treatment by authorities is the crux of the concept. Individual freedom means the rights of people to make 'free decisions for themselves and not be told what to do all the time'. It means a bundle of rights that allow individuals to lead the life they want to live. Finally, it is believed that people can own property, and also to make dispose of its in accordance with the choice.

<sup>36</sup>. A democracy without economic and social elements equally integrated, is defined to be merely a 'political democracy. As it has been understood, the political democracy demands free and fair elections, which are held regularly and in which all-eligible citizens, are allowed to vote. This right is however meaningful if there is commitment to fundamental human rights, equality, rule of law, individual freedom and private property and a free market. Further, in order to render these fundamental values workable, the power of the state is divided. This means that there is body that has power to make laws. Another body is there that has power to execute those laws, and there is another body that power to adjudicate disputes. Liberal democracy thus rejects the idea of 'one party democracy' or 'power in hands of one institution or person'. These characters of democracy are fundamental and important for a 'free society', but they not exclusive, and all. Democracy with these elements prevents autocracy, and citizens are freed to think and believe. However, in absence of economic and social empowerment and powers to participate in economic and social decision making process, the democracy is not perfect.

3. Violation of principles of democracy by rulers committing with impunity the crimes of corporate graft, political horse-trading, reckless military adventures or interference in civilian administration.
4. Denial of justice by courts as they strictly apply statutes and precedents without consideration of the merits of cases and impact of judgments.
5. Capture of public posts (including party's leading posts) by politicians as irresponsibly and unchangeably sovereign.
6. Marginalization of common population in a voiceless situation.

Viewed from Asian and African perspective, the state of abuse of power by public officials and marginalization of common folks is alarming. One can very much compare it with medieval age, where governments of elite groups decide and citizens obey. What are the factors that let weaknesses emerge in 'political or liberal democracy'? Very generic or wider answer is that 'it lacks inclusiveness'. But then, there is another question needing answer is why it lacks 'character of inclusiveness'? Undoubtedly, there is more than one factor. The following features of the liberal democracy can be identified as its 'weaknesses' that prevent it from being 'inclusive' democracy:

1. **Majoritarianism:** It is a political philosophy or agenda which asserts that a majority (sometimes characterized by religion, language, race, ethnicity, political ideology, and so on) of the population is entitled to the unfettered and unbounded exercise of majority rule within a liberal democratic framework. The 'majoritarianism' as a philosophy or agenda does not 'give place for inclusion of all' in the political process. It believes that 'the majority' must prevail, and the minority for simply not being in a position of majority must accept the 'rule of majority'.

"The agenda of majoritarianism" is expressed through concept of "Majority Rule", a foundation concept of the liberal democracy. As defined by Wikipedia, an online free encyclopedia, "Majority Rule" as a concept is defined a rule that requires more than half of a polity's member who cast a vote to agree for the whole polity to make a decision on that measure". When the "majority rule" gets distorted, it is pejoratively called *ochlocracy* (commonly stated as *mob rule*) or *tyranny of the so-called majority*.

In the "first-past post voting system based liberal democracy" the 'majority' is counted or determined by 'head counts of elected member in the legislative body'. What size of population the 'total number of so-called majority' represents is never a matter of concern. The Nepali Congress Party, for instance, secured support of less than 35% of the total eligible voters in all general elections after 1990's restoration of democracy. The rest 65% of eligible voters divided into several political parties was considered as 'minority'. This system of democracy is 'apparently' defective, as it does not include all rather frivolously excludes the larger part. Characteristics of the 'majority rule' based democracy can be outlined as follows:

- i. The representation system is defective. Virtually, the minority in the name of "perceived majority" rules the "legitimate majority" by fictitiously reducing it to 'minority'. The system in terms of representation is 'necessarily exclusive' or 'incompatible to include majority population'. Nevertheless, it believes on the 'rule of law' as a basis of governance. In terms of decision making process, it is not autocratic. Definitely, the liberal democracy has certain positive elements that protect freedoms of individuals. Most importantly, it denounces concentration of state power with a 'particular institution' like monarchy. The liberal democracy believes on 'rule based on scheme of separation of power'. However, it fails to

prohibit the 'elite class' exclusively enjoy the 'state's power for its benefits'. The socio-economic development of the common people is ignored generally. One can take the example of the 1990 Constitution of Nepal. It enshrines a number of 'rights' guaranteeing freedoms to 'form the political parties, organize assembly, fight elections and form government'. However, the part 3 of the Constitution does not guarantee the 'right to food, education and development as the fundamental rights'. 38% of the country's population is subjected to a condition of life, which is normally not appropriate to live like human being. However, the Constitution fails to 'recognize such people's right to survival and development'. The state and governance is thus 'monopolized' by elite class. The liberal democracy thus defends a 'classical exploitative form of capitalism'. At time of constitution drafting, the political parties and the drafting committee fully ignored this 'setback'. They defined democracy solely as a 'political issue', and failed to realize the 'significance of social and economic aspects of democracy'. Consequently, the existing constitution 'resulted with institutionalization of exclusion of vast majority of the population'.

- ii. Constitution is a 'primary' politico-legal document that provides for a 'structure of the government'. The function and affairs of the government is exclusively measured against the provisions of the constitution. If the decision or function of the government is 'constitutionally legitimate', it is considered to be 'democratic'. Any decision or function of the government is unconstitutional; it is also branded as anti-democratic, anti-rule of law and violation of the fundamental rights of the citizen. In Nepal, the impact of the decision or act of government is never constitutionally examined. The formalism prevails. A PM's dissolution of House of Representatives is considered valid because it has been provided by the Article 53(4) of the Constitution. The various decisions of parliament dissolution made by various Prime Ministers over the last 15 years have been proved 'absolutely undemocratic'. However, the Supreme Court held them constitutional, except one. In the liberal democracy, the constitutionalism and democracy are often practiced in contradiction. This has been constant problem of the liberal democracy. In this context, one of the most serious defects of the 'Majority Rule' is that the 'constitution becomes detached from the contemporary aspiration of the people'. The history prevails over the present. In Nepal, the political parties have seriously failed to establish the 'coherent relation between the constitutionalism and democracy'.
- iii. The 'legal majority' (the strength of membership in the legislative body) becomes subordinated to the 'technical majority (the majority of party body, generally the apex body of the political party like Central Committee). Political party's whipping system controls the powers, functionality, procedure and legitimacy of the 'legal majority' (the legal majority can also be defined as legal sovereignty). Virtually, the so-called majority rule comes under the 'control' of coterie of 'persons' who control the 'party body', and they may not have been elected by the population. The sovereignty of the nation in this way is virtually controlled by 'smaller coterie of a political party in the power'. The 'legal majority' is thus restricted by a small group of people such as 'aristocrats, judges, priests, soldiers or intellectuals, and then the 'democracy is transformed into an oligarchy'.<sup>37</sup> In Nepal, this was seen as serious problem. Especially in the

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<sup>37</sup>. This character is blatantly apparent in the Nepalese democracy. Member of Parliament are virtually controlled by the 'Central Bodies of Political Parties'. Political Parties' central leaders are not generally accountable to membership or general population. For instance, Central Committee members of CPN (UML) are elected to the 'general convention' through a process of 'reservation'. They are completely exempted from the contest to 'compete for representation in the general convention'. A coterie of 'perpetual leadership' is thus created. This group is neither directly nor indirectly accountable to the people. And in practice, this 'oligarchic coterie' keeps the command of the 'elected law makers'. Virtually, thus, the democracy is restricted in the hands of a smaller 'unaccountable coterie'. The situation is not good in the Nepali Congress. While the primary election is compulsory in this party, the 'clan influence' is incredibly huge. Most interestingly, in this party the president has power to 'nominate' about 50% of the central committee members, thus the central body of the party rendering the largely unpopular and unrepresentative. Koirala clan has predominance over the central committee, and genuine

event of ratification of Mahakali Treaty, the majority of the MPs had declined to vote in favor of the treaty. However, the central committees of the Nepali Congress and CPN (UML) dictated members in the parliament. Consequently, the treaty got ratified against the 'will of the legislative body as well as people'. The parliament is thus not supreme body against the political parties.

- iv. In "so-called 'Majority Rule' as described above, an aggressive minority (mob) within and around the political body (party) with the help of aristocrats, business peoples, mafias, criminals and corrupt elements is successful to overcome the 'democratic values and practices'. Political parties need these kinds of elements to 'sustain the role of unpopular and unaccountable' coterie.<sup>38</sup>
- v. Majoritarianism-based democracy has often been used as pretext by sizeable or aggressive minorities to politically oppress other smaller (civically inactive) minorities, or even sometimes a civically inactive minority. This agenda is most frequently encountered in the realm of religion, language and culture. In essentially all Western nations, for instance, Christmas Day-and in some countries other important dates in the Christian calendar as well-are recognized as legal holidays. This is also true of country like Nepal, where Hindu dates are recognized as national holidays. Virtually all countries also have a national language, often to the exclusion of some minority group or groups within that country. Similarly, cultural affairs of a group are recognized as national affairs. And such decisions have not been made using a 'referendum'.<sup>39</sup>

These facts seemingly present that the 'philosophy of majoritarianism' rules out all prospects of 'inclusiveness' in democracy. Present constitution of Nepal is typically a 'model piece of liberal democracy', which ostensibly excludes characters of 'social and economic democracy', and also rules fails to 'provide access to larger majority in political processes. One can surely say that this constitution does not have 'solution to many socio-economic problems' needing political resolution. The existing political system thus cannot find out a 'solution to the ongoing' conflict.

2. **Restricted Electoral System:** The liberal democracy provides a very limited 'choice to electorates'. As the core value of the liberal democracy is rested on the concept of 'vote to one person', and only the person scoring the largest number of votes is declared as winner, the value or significance of every voter's vote is stripped of. As an eccentric character of the 'majoritarianism' the votes of majority voters are discarded as 'valueless'. Only voters of

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leaders can hardly survive the politics without blessing of the 'Koiralas'. Eventually, an undemocratically constituted body commands the 'law makers'. Apparently, both the big parties have fully rejected the 'element of political inclusiveness' of the democracy.

<sup>38</sup>. For instance, the Big Parties in Nepal used "gundas", "criminals" "corrupt and sycophant bureaucrats" and "mafia business persons" to ensure their victories in the general elections. Persons like "Chakre Milan, Bhim Prasad Gauchan, Moti Pahari, Prakash Tibedewala, and robbers and gangsters across the border in the Terai had been used by political parties. Such persons had been instrumental in having political parties to take many important decisions. In a system of 'Majority Rule', it would be simply foolishness to expect 'value-based decisions and policies' from the political parties.

<sup>39</sup>. The "majority rule" is most incompatible classical liberal democracy. In recent times- especially beginning in the 1960s- these characters of the majority rule have come under intense attack from reformers in many countries. The quest for 'inclusion' has been a core inspiration of the reformers. Dr. Martin Luther King in USA had been one of the most influential reformers. In 1963, the USA Supreme Court declared that school-led prayer in the public schools was unconstitutional, and since then many localities have sought to limit, or even prohibit, religious displays on the public property. The multi-cultural, multi-racial, multi-linguistic and multi-ethnic agenda in the national politics and representation of them in national bodies have been in the forefront agenda of the liberal reformers. This mission can be defined as a 'prelude for transformation of liberal democracy to 'inclusive democracy'.

winning candidate may have value of their votes. The political rights are thus meaningless for overwhelmingly larger population. The electoral system practiced by the liberal democracy is not only ‘unfriendly to the popular inclusive democracy, it is also anti-inclusive democracy’. The liberal democracy in this sense not only ignores ‘inclusiveness’ in democracy but also prohibits it to ‘inclusive’. Under the present constitution of Nepal, it is therefore virtually impossible to ‘give access to all people in political processes’. The prospect of change, progress and justice under the present constitution is impossible as much as milking a ‘bull’.

2. **Merit-Versus Ideology:** Merit and ideology in politics are inter-supportive and inter-influential concepts. Merit without ideology and ideology without merit essentially lead to rise of an ‘anti -people regime’.<sup>40</sup> Liberal democracy, however, fails to critically appreciate the ‘need of meritoriousness’<sup>41</sup> in political actors. It emphasizes the ‘ideology’ as an only ‘determining or constituent’ factor of ‘political identity or existence’. Obviously, it does not recognize the ‘role of person’ in the system of governance with merit as well ideology. Rather the ideology is considered enough to have a quality of ‘policy makers’. Of course, it looks ideology as an exclusive precondition for ‘being a political leader or ruler’. Dead failure to critically appreciate the quality of merit in the politics is a vital cause for culminating aberration in quality of politics, and leadership. This failure has been instrumental in giving rise to a ‘close mindedness in politics’ and a psyche that ‘politics is game to be played only by the dirty players’. This doctrine establishes the following connotations of politics:
- a. politics is a game of win and loss, and in this game every thing is justified,
  - b. leadership is a inborn quality of a person, so that every one cannot be a leader,

<sup>40</sup> . Many democracies succeeded in achieving consolidation mainly due to involvement well-educated and wise people in shaping the political institutions. Professionals, intellectuals and technocrats entered the political parties and significantly contributed in shaping the political institutions, the political parties in particular. In the post colonial era, the western liberal political values had been imported in other parts of the world. Knowledge of political philosophy thus mainly came from west. Fluency in English or French language was thus important for readings of western philosophy. Countries like Australia, India, Singapore, Malaysia, South Africa, the Philippines, and Hong Kong, New Zealand could easily cope up this demand their exposure to the Western World. Countries like Nepal had this problem. Except very few people like B.P. Koirala, Manmohan Adhikari and few others, the first generation of the leadership of Nepal was largely ignorant of the vast political philosophy emerged in the West. The Nepalese society, for Rana absolutism and apathy to education, was unable to produce adequate professionals, intellectuals and technocrats. Politics was thus left at hands of naive and less educated politicians. This was a great setback for development of intellectual basis of the politics and democracy in Nepal. Pseudo-intellectualism was pervasive. This so-called intellectual group was selfish, uncommitted to values and dishonest to political ethics. The monarchy utilized this element for consolidation of its power. Monarchy of Nepal, for instance, during the 1960s had been largely successful to instigate this class betray to the democracy. A huge group of such pseudo-intellectuals betraying to the political parties sided to the monarchy and set up a partyless system. Dr. Keshar Jung Rayamajhi, Dr. Tulsi Giri along with many Dixitis, Lohanis, Pandeys, Regmis, Bistas, and so on are only few examples. Another group in the Nepalese politics was dominated by ‘extremists’. It openly discarded values and importance of education. The leftist parties had this element very powerful, who urged to ‘give up’ bourgeois education. Leftist political parties thus had a ‘very strong population of pseudo-intellectuals’, who often insisted for mechanical implementation of Marxism. It had very little knowledge of the development of the science and technology. It looked solution of the every problem in Marxism. The failure to understand the importance of meritocracy has often derailed the development of democracy in Nepal. This setback is still swaying largely.

<sup>41</sup> . Merit here means intelligence plus effort. A political philosophy emphasizing ‘rule’ by an intellectual ability rather than wealth, social position and organizational influence is called ‘Meritocracy’. One of the implications is that citizen in every society deserves position according to his/her ability, i.e. intelligence and efforts. **Meritocratic** can also sometimes be used to describe a government, or other body that stresses formal education and competence despite other features, e.g. ancestry, novelty, sex etc. Meritocracy emphasizes importance of a system of government by formally educated intelligent peoples. Obviously, it is one of the most important elements of the ‘meaningful and effective government’. One of the most striking features of meritocracy is it calls for destruction of monopoly in politics held by persons based on ancestry, wealth, so-called higher social position, and control over party organization military, bureaucracy etc. It gives way for inclusion of experts, technocrats, planners and devilmint workers in the political system and governance. Meritocracy is therefore one important element or character of inclusive democracy.

- c. a leader is a shrewd and clever person, who can manipulate every situation for good or bad purpose with good or bad means,
- d. leader being a inborn quality has authority to be treated like master, and cadres as ‘servants’,
- e. politics is a game of aristocrats, so that only rich, clever and risky guy should be involved in it,
- f. politics and development are different, and the success of politics should not be viewed from development accomplishments, and
- g. politicians should not be accountable for any loss or mistakes.

These connotations were widely practiced in Nepal. “In politics there is no permanent enemy and foe’ was a very popular rhetoric of leaders in Nepal after restoration of democracy. The enticement or inducement for ‘indiscriminate and unprincipled’ compromise between ‘democratic forces and former collaborators,’ was an outcome of this anti-democratic definition of politics. Both the Nepali Congress and CPN (UML) joined hands with former collaborators under heavy influence of this doctrine. In fact, they competed with each other to induct ‘former collaborators’ in their parties.

Liberal democracy is instrumental in driving ‘meritorious people’ away from politics. This failure therefore demands for ‘inclusive democracy’ as it has a place in the politics for meritorious people.<sup>42</sup> This philosophy is called ‘Meritocracy’, which means the following:

- a. Only the intelligent and effortful peoples must get space in the leadership of the political parties and government system.
- b. Competence for leadership in the political parties and government system must fully discard elements such as ancestry, wealth, social hierarchy, sex, etc. This agenda calls for elimination of the feudal base of the politics.
- c. Political parties and the state institutions should take responsibility in identifying and grooming the bright young citizens for position leadership
- d. Leadership should be given only to peoples who have higher educational credentials and have proven moral and ethical standards.

Of course, meritocracy is a benign concept to rescue politics from the hands of ‘dirty players. Nevertheless, some countries practicing meritocracy have used it to ‘dispel’ positive features or elements of ‘liberal democracy’. Singapore, for instance, has practiced meritocracy as a central political concept. However, it has done it with a purpose to ‘expel’ unrestricted civil and political rights of the citizens. 19<sup>th</sup> century Finland is another example. While the country was ruled by autocrats, in practice the responsibility of governance was left to the educated elite

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<sup>42</sup> . Inclusion of meritorious people in the politics is a mission to end the ‘predominance’ of sycophants, corrupt, inefficient, conspiratorial and indolent peoples. Nation’s leadership should be at the hands of intellectually sound, pragmatic and open-minded leadership. This type of politics demands for recognition of, and emphasis on, ‘meritoriousness’. Meritoriousness in this context is a ‘quality of development vision and popular leadership in national issue’. Meritoriousness do not refuse the ‘existence of ideology’, nevertheless it rejects the ‘idealism in the cost of pragmatism’. Deng Hsiao Ping in China used meritoriousness in blend with ideology. Tony Blair in UK made efforts to blend ideology with meritoriousness. Ideology is important for political organization, whereas meritoriousness is important for national economical and social development. In Nepal politics is absolutely dominated by persons who are adept of ‘political organizations’. Their ideological understanding is ‘dogmatic’ and ‘idealistic’. They are close-minded, and are anti-change. They dogged-headed to ‘party disciplines’ and ‘reform-mindedness means for them betrayal of party ideology’. They want ‘obedient’ and ‘politically silent cadres’. They discard ‘objectivity and needs’ and ‘love majority decision’. For them critical mass is a ‘challenge’, and thus try to groom or cultivate ‘yes-persons’. They are not ready to give up leadership, as they fear disappearance without post. The present deadlock is not caused by ‘success of the monarchical regression over the democracy’; it is rather a failure of the political leadership to ‘open the door for succession of the meritorious leadership’. But in the meantime, it can be said that ‘they failed to sustain democracy because they succeeded to ‘transform the vibrant new generation into an inactive and silent mass (silent majority)’.

class. Although ancestry and inherited wealth influenced one's educational opportunities, education and ancestry was the principle requirement for admittance to, and promotion within, the civil service and government. The dictatorial regime in Pakistan has been going to the same direction, as it stipulated higher education as a qualification of MPs, whereas the education has been an exclusive privilege of the 'elite aristocratic class'. The politics is thus indirectly defined as a 'prerogative of the aristocratic class'.

Meritocracy is thus vulnerable to be pejoratively exploited by 'autocrats'. Obviously, the concept of meritocracy in absence of liberal democracy is potential of being an instrument of 'elite led autocracy'. However, the meritocracy with liberal democracy is a boon for transforming liberal democracy into an 'inclusive democracy'. Meritocracy along with political freedoms, economic and social equality and recognition of the diversity is believed to 'constitute framework of the true inclusive democracy'. To avoid the negative implication and connotation, some people suggest term "Civilocracy" in the place of "Meritocracy".<sup>43</sup>

4. **Absence or Lack of Consensus Law Making Process:** "Majority Rule" is pervasive in all aspects of 'political or liberal democracy'. As a striking feature, the political democracy ignores, if not rejects, the need of 'consensus decision making to the process of law making'. Consensus legislation is a limited or narrow, but perhaps the most important sector for application consensus decision making methods. In a majoritarian form of government system, the majority political party, with minority representation of the population, decisively determines the nature of law to govern the society. It not only excludes the 'interests and wishes of the large majority population' divided into various ideological segments, but also ignores the need of taking into consideration of opinions of the parties in minority in the legislative body. Considering these fatal weaknesses of the liberal democracy, some Western European countries like Switzerland, Belgium and the Netherlands have reformed their 'classical liberal democracy' through inclusion of 'consensus decision making element in the law making processes.. The consensus democracy as an aspect of inclusive democracy is preferred substitution of classical liberal democracy, i.e. the majority rule.<sup>44</sup> Countries with consensus democracy have recognized the diversity of population. They believe a thesis that in a country with diverse population, no group can form a majority. So that consensus among various groups is necessary to govern the country. To ensure that consensus is achieved, the democracy should include the following element:<sup>45</sup>

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<sup>43</sup> . See for detail, <http://www.civilocracy.org> – Equality and diversity in democracy using meritocracy and voluntary sortition. Also see, Michael Quinion for changing use of the word at <<http://www.wideworld.org/topical/words/tw-mer1.htm>>. Visited on 18<sup>th</sup> July, 2005.

<sup>44</sup> . The democracy set forth by the 1990 Constitution of Nepal is a "Majoritarian Democracy". It provides that the "Political Party having able to win majority seats in the House of Representatives would constitute the Government. The leader of the Party with majority number of members in the HR would be appointed as the Prime Minister. While, in principle, such Prime Minister happens to be accountable to the HR, in practice he/she is accountable only to the party. As long as the support of his/her colleagues from the party continues, the support or opposition of minority parties in HR is meaningless. This made the PM potential of abusing the constitution and the democracy as well. As he has been given a stronger power for dissolution of the HR, he could easily defy the urge or appeal for surrendering the power in case of allegation of misrule, corruption or violation of the constitution. The Constitution framers, thus, failed to realize the 'vices' of the classical liberal democracy. Their concentration was limited to set forth the civil and political rights, but not to safeguard them ensuring the 'consensus decision making to the process of legislation'. Apparently, the so-called wrongly said model constitution of 1990 did nothing but to set up a Majoritarian Democracy in Nepal. It was simply bound to fail. In total absence of 'inclusiveness' it happened to be disowned by the larger part of the population. No constitution in fact is supposed to be successful in Nepal that fails to safeguard the Civilocracy and consensus democracy. For detail insight, it is necessary to analyze the incidents of series of HR dissolution events, horse-trading of political parties of capture of power, and corruption for attain 'elitist class position.

<sup>45</sup> . Switzerland, a country with considerable minorities, is a prime example of such consensus democracy. Example of this include: the frequent use of referenda, its confederal structure, and the tradition that all parties are included

- i. Proportional electoral system, so that every ideology or interest or group is represented in the decision making to process of legislation;
- ii. Coalition cabinets, where executive power is shared between parties, not concentrated in one;
- iii. Balance of power between executive and legislative;
- iv. Decentralized or autonomous regional or local governments, where regional or local minorities have considerable independence in resource mobilization, development affairs, representation and taxation;
- v. Asymmetric bicameralism, where it is impossible for one party to gain majority in both houses. Normally, one chamber represents regional interests and the other national interests,
- vi. Organized and corporatist interest groups, which represent minorities,
- vii. A rigid and strongly grounded constitution, which prevents government from changing the constitution without consent of all minorities,
- viii. Judicial review, which allows minorities to have access to the courts to seek redress against laws that they see as unjust, and
- ix. Elements of direct democracy, which allow minorities to enact or prevent legislation.

##### 5. **Disproportionality in Representation:**

Electoral systems that do not result in proportional representation are known as majoritarian systems. These include first-past-the post (plurality), runoff voting (majority), the alternative and the bloc vote. Here parties can receive seat numbers that bear no relationship to the national percentage they received in parliament. This is called disproportionality.

Proportional electoral system is a voting system that 'proportionates' seats received by the party in the legislative body to the percentage of the national population it obtained the support from.<sup>46</sup> The total number of votes received by the party is counted against the total number of voters so as to 'reduce it into percentage of representation in the parliament'.

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in the cabinet. The latest development in this regard is found in the South Africa. Example here includes: the proportional electoral system; division of the country into autonomous provinces; two houses with different but powerful roles and equal status; election of the president by member of the both houses; and the inclusion of all major parties (those having at least 20% share in the house) in the government. See Wikipedia, and also Roger Rothenberger.

<sup>46</sup>. The proportional representation system was devised in the early 20<sup>th</sup> century, and was first used in Europe by Germany under German Weimar Republic. PR system is the most common system in the present world. Britain and former colonies use first-past-the-post system. This outdated model is a major source of 'autocracy within the democracy'. It is a source of many problems, such as 'power center politics', election rigging, criminalization of the politics and most importantly emergence of a 'clanism' or 'elitism' in the political parties as well as the governance system. The first-past-the-post system is partly eliminated even by the UK to elect the members of the Scottish Parliament and the Welsh National Assembly. The PR system is now gaining popularity in Canada with five provinces: British Columbia; Ontario; Quebec, Prince Edward Island and New Brunswick are debating whether to abolish the first-past-the post system. Scandinavia uses the PR system successfully, and currently South Africa has used it successfully. Majority of the world democracies at present are using the PR system as one of the most vital element for 'inclusive democracy'. See for detail Wikipedia.

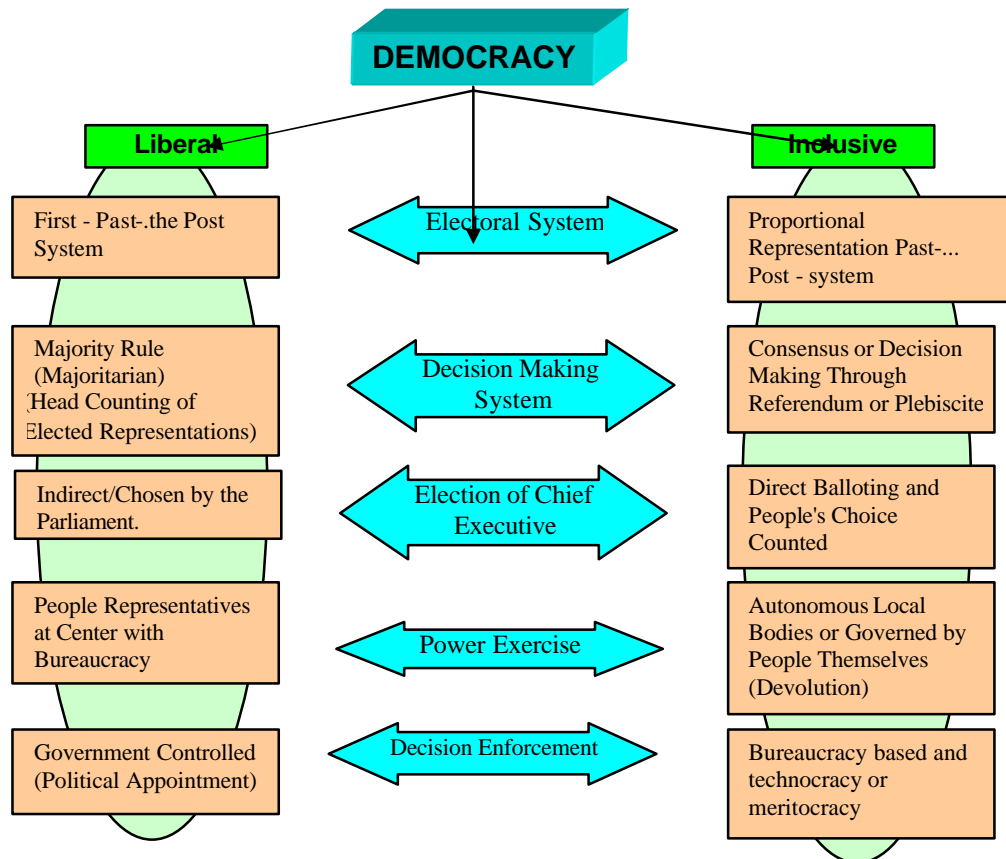
Simply speaking, each party participating in the election will have seats in the parliament equivalent to that of 'total percent of votes' it has obtained. Proportional electoral system is considered more democratic as it ensures participation of more parties in the parliament thereby making it a 'true pluralist platform'. Obviously, this system is more inclusive. Thus, it can be defined as an instrument to ensure reflection of national diversity in the parliament.

Proportional electoral system has two forms: the party-list proportional representation and single transferable vote. If the political parties contesting the elections receive a number of seats proportional to the percentage of the votes they received, it is called party-list proportional representation system. Whereas if the electoral system strives to achieve proportional representation, but which does not rely on the existence of political parties is the single transferable vote. The former is considered suitable in country like Nepal where people desire to 'see their group, segment, class or caste or ethnicity' obviously represented in the parliament. This form is also suitable considering from the level 'education or literacy'. In a country like Nepal, this form of proportional electoral system is pro-inclusive in the following ways:

- a. Population scattered in various ideology and political platform is distinctly recognized or identified,
- b. Voters have no compulsion to vote peoples who are not ideologically closer to them. Often, with the fear that if they do not vote those people they will loose their representation ethnically, linguistically or culturally and so on, voters are compelled to vote against their ideology. In India, for instance, the Muslim community is compelled to be a vote bank for parties like Congress and RJD, simply because if they divide ideologically they loose their representation in the parliament. Obviously, voters from minority population are compelled to give up their ideologies for the sake of 'protecting communalism'. This kind of situation then promotes communalism. In the country implementing proportional electoral system, this is no longer a problem. Any particular minority community in such country will have opportunity to 'distribute itself ideologically in different parties', without losing chance of 'being ethnically represented'. In Denmark, for instance, minority Pakistani and Palestinian population is represented in the parliament on ideological basis. The proportional electoral system is thus an important 'instrument for political integration of the population' without destroying its diverse characters'.
- c. Democracy does not flourish without interactions between multiple ideologies. The proportional electoral system ensures place for every ideology in the national legislative and policy body.

Multiple ideologies brings 'multiple schemes and development models' of the population thereby expediting the process of national development. This will integrate the politics with development.

The following chart will visualize the importance of the proportional system in building democracy inclusively.



To define 'inclusive democracy' in the light of the forgone discussion is not a difficult task, at least in terms of its practical significance or functional feature. Unlike as many people think or believe, 'inclusive' democracy does not set aside the number of values or concepts set forth by the 'liberal or political democracy'. In fact, inclusive democracy represents two major currents of thoughts.

Firstly, the inclusive democracy as a combination of many ideas or thoughts devised to 'enhance or empower people's participation in the decision making or the formulation of development policies and legislation rejects number concepts underlying the liberal democracy which weaken the scope of democracy in practice.

Secondly, as a combination of multiple efforts in multiple fronts the concept of inclusive democracy incorporates socio-economic rights of people as 'immediate and indispensable elements' of the political system. These rights are considered important elements of the democracy. In this context, the inclusive democracy emphasizes the following attributes of the political system:

- i. recognition and protection of economic and social rights as fundamental rights of citizens;
- ii. obligation of government to 'undertake welfare initiatives' to ensure basic social services to, and security of, citizens, with clearly defined affirmative action for the benefit of marginalized groups;
- iii. devolution of the governance power to the regional or local bodies of peoples, without any type of excuses of central interference;
- iv. constitutional protection of minorities in matters of their language, culture, religion, etc.;

- v. truly representative and accountable bicameral parliament, where it is impossible for one party to gain majority in both houses;
- vi. recognition and protection of organized interest groups, which represent minorities; and
- vii. pluralistic political system, where political parties ought to recognize the meritocracy or civilocracy as a source of legitimacy for leadership.

In terms of agenda of rule of law, good governance and human rights, the 'inclusive democracy' implies to a movement for

- i. replacement of the majoritarianism by consensus democracy,
- ii. replacement of the restricted electoral system, namely the first-past-the-post by proportional representation system,
- iii. creation of a balance between the meritocracy and ideology, thereby creating an environment for pragmatic implementation of the development policies and plans, and
- iv. institutionalization of the state's accountability to the general population through devolution of power.

In brief, the consensus democracy plus meritocracy, proportional representation system, devolution of power means an inclusive democracy. Inclusive democracy 'rejects majoritarianism' in the guise of democracy. Thus, it should not be understood to mean a movement that 'discards' the political aspect of democracy, i.e. the liberal democracy. In fact, it is an instrument of transforming the liberal democracy into a 'socio-economic democracy'.

Democracy is a progressive concept. Hence, the rise of the concept of inclusive democracy should be taken as a 'progress of the democracy'. It implies that the 'power of rule' virtually lies on the people, but not on a feudal institution or coterie of elites. As De Tocqueville, a French philosopher, has said, "Democracy cannot be stopped; the problem is to make the best of it when it does come". However, one necessity was, as he said, to educate the democracy to a perception of its true long term interests. One great education the democracy should take is about the 'care, welfare and economic security' of the common people. No democracy can survive without economic empowerment of the grassroots mass. In this sense, the inclusive democracy emphasizes the 'political economy'.

### **Political, Economical and Social Dimensions of Inclusive Democracy**

The foundation of the emerging concept of 'inclusiveness' in the democracy following the cessation of the 'cold war' is rested on the need for 'equal attention towards 'rights to economic and social development' of the population as the core thrust of the 'democracy'. It believes that so-called democracy (democracy only with political rights) that excludes 'rights to economic and social development' as a core value is nothing but a system or theory of 'political elitism'.<sup>47</sup> The Western liberal democracy ignores the economic and social development as an essential

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<sup>47</sup> . The debate on ability of 'western liberal (political) democracy to properly represent both the 'will of the people' and to do what is 'right' is going on for long time, at least from the famous quote of Winston Churchill, the Second World War time Prime Minister of UK. He said: "Democracy is the worst form of government except for all those others that have been tried" (Cited from, Wikipedia, the Free Encyclopedia). This statement indicates to inherent 'inability of the western liberal (political or the west minister model of UK in particular) democracy. The main objective of the liberal democracy is to prevent tyranny (the accumulation of too much authority in the hands of one or few). Obviously, the democracy in this sense of limited political objective is not intended to give the people 'a good government', but to put some limits to the abuse of power.

constituent of a democratic system. The ‘question of inclusion’ of entire population in or through political process for its economic and social development is the primary concern of the ‘issue of inclusiveness.’<sup>48</sup> The ‘concept of inclusion’ in democracy therefore intends to ‘transform the political democracy’ into a ‘social structure or organization that integrates rights to economic and social development with political rights and thus provides a ‘foundation for good governance’. In good governance, the people are the only source of ‘state’s power’ and ‘owner of the nation’s resources’. The integration of the ‘rights to economic and social development’ with political rights constitutes the character of ‘inclusiveness in democracy’ and as such it calls for ‘elimination of political elitism’ through devolution of power.

The devolution of power in this sense has three basic characters, i.e. (1) control over the bureaucracy, including security agencies, through laws enacted by popularly and directly elected legislative body, (2) constitutional demarcation of powers between the agencies of central and local governments, and (3) freedoms of local government agencies to decide on matters of tax, resource mobilization and development priorities or agenda. The liberal or political democracy fails to address these attributes of the ‘devolution of power’ for the following limitations or weakness or lapses:

1. The purpose of the liberal or political democracy is to prevent accumulation of vast authority in the hands of one or a few. The separation of the power between the central agencies of the state is its sole concern. Empowerment of the people to play decisive role in governance system is in no way a matter of concern for the central government. Thus, the liberal democracy is not free from vicious design of ‘centralization’ of the state power. That is to say, the liberal democracy does not give the people a ‘right to self-determination’ in governance. Its edifice is not founded on ‘right-based approach’; rather it is primarily founded on ‘regulatory notion’. Obviously, it does not enable people to rule; rather it regulates state through mechanism of separation of power between state’s central agencies so that abuse of power is prevented.
2. The liberal democracy is not morally ideal. At the heart, it believes that if the majority is in ‘agreement’, it is legitimate to harm the minority. This belief virtually rejects the character of ‘inclusiveness’. The ‘concept of inclusiveness’ does not function or operates with the ‘scheme of majority versus minority’. The division of the population in the form of ‘majority and minority’ in matters of the ‘state’s policy or political decision making process’ is most serious anti-inclusiveness character of the liberal democracy.
3. The liberal democracy by eliminating one person’s tyranny gives rich space for emergence of ‘an elitist group’, which in the form of de-jure majority coerce the ‘de-facto majority’. De-jure majoritarianism is the ‘essence of the liberal democracy’ which essentially operates to ‘marginalize the majority population’ from access to opportunity, development and political process.

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<sup>48</sup>. ‘Inclusiveness in democracy’ refers to a form of social structure or organization that integrates ‘economic-and social development rights’ the fundamental constituents of ‘a system governance’. The ‘system of governance’ does not indicate to the ‘power’ that traditional political theories grant to the state with a view to ‘control’ affairs of the population. Traditional political theories recognize ‘determining power’ of the state to ‘effect benefits of the so-called majority’. The concept of ‘economic and social development rights’ of individual, however, as opposed to the concept of ‘state’s power to control human individuals’, recognizes that ‘each and all individual has inherent right to participate in the governance process ( policy formulation as well as implementation thereof) in order to ensure equity in economic and social development. This theory rejects the validity of the political conception that ‘individual’s participation in governance system essentially means participation in the ‘political contest’. An individual may participate in the governance system without any zeal of political contest. “Inclusiveness in Democracy’ in this sense is a system that offers ‘place for each and all individuals” in the governance system with or without zeal for political contest.

4. The right to vote is the ‘crux’ of the political or liberal democracy. Rights to economic and social development are neither guaranteed nor considered as crucial. Vast population is thus cornered and decapitated from participating in political process and affairs of governance. The liberal democracy does not recognize the economic and social development of the population as a prelude for its participation in the political process.
5. Liberal democracy ignores or undermines importance of a political system in which all citizens are allowed to influence policy by means of a direct vote, or referendum, on any particular issue. The direct democracy is necessary because it devolves power.<sup>49</sup>
6. In liberal democracy, the representatives of the party are forced to follow the party line on issues, rather than either the will of their conscience or constituents. While it can be argued that the electors have expressed their will in election, in a system where politics is concerned with ‘power’, the importance of popular accountability manipulated and the power is used to silence constituents.

Politically, the campaign for ‘inclusiveness’ in democracy intends to address two ‘anti-demos characters which dangerously threaten the ‘supremacy of the sovereignty of people over the system of governance’. These characters are ‘politics for power’ and ‘elitism for politics’. Inclusiveness in democracy is thus a ‘strategically designed political mission to integrate rights of people to economic and social development against ‘power centric-politics based on hierarchical scheme’ and ‘elitist control over means of production or resources’.

Philosophically, the campaign or movement for “inclusiveness in democracy” is an attempt to create a ‘blend of two historical traditions, the classical democratic values- freedoms of conscience and thoughts- and socialist paradigm of justice-equal distribution of resources. Some scholars have even attempted to ‘define it as a synthesis of these two traditions’. Whatever may be the academic definition, in crux the ‘concept of inclusiveness in democracy’ ‘rejects the concentration of power in hands of a smaller ‘ruling elites’ in the level state as well as the political body such as political parties.<sup>50</sup>

The campaign or advocacy for ‘inclusiveness in democracy’ in this context means an ‘antagonism to, or rejection of, all those efforts or attempts that directly or indirectly establishes or fosters ‘power-centric’ government system. Functionally, the concept of “inclusiveness in democracy’ calls for breaking of a government system that concentrates the power of the state in hands of elites led by the king, or a clan or despotic leader(s). The distribution of ‘power at various level of

<sup>49</sup>. In many countries, people govern villages, parishes and smaller towns by meetings of eligible members. In Switzerland, for instance, even two states (cantons) practice a form of direct democracy where all eligible residents (*landsgemeinde*) gather in the open air and decide forthcoming policy by show of hands. In Denmark, for instance, the municipalities hold their elections by their own decisions. Constituents have power to withdraw the councilors and the elected body.

<sup>50</sup>. This is exactly what is the political parties of Nepal have miserably failed to address. In 1990, the transfer of power from absolutist monarchy was achieved without destroying the ‘power center’ this traditional institution maintained for last two centuries. The restoration of democracy left the ‘feudal institutional power center unaffected’ except some changes in the system of decision making process. For instance, the decision of the Cabinet headed by the Prime Minister could not be effective till it was finally approved by the king. The political parties on the other hand did not only have intra-democratic practices, but their leadership also exhibited an unprecedented ‘competition for forming power blocs’ and ‘unhealthy competition to usurp power’. The zeal for the ‘power’ hindered the democracy flourish within the political parties. The quest for centralization in various vestiges was phenomenal. In CPN (UML), for instance, its central leadership never faced ‘election’ to ‘be selected as deputies’ for the party congress. The seats had been reserved for the central ‘leadership’. This practice promotes ‘power concentration on leadership’, and thus rules out the possibility of the growth of a system that is founded on the ‘concept of inclusiveness’. In this context, the issue of inclusiveness is functionally related with the issue of ‘accountability to constituents’.

governance' is founded on the 'conceptual basis of rule of law and right to self-determination'. The demand for 'distribution of power among all people' on the other hand receives its legitimacy from the exclusive ownership of people over the sovereignty of the state. The uncompromised constitutional safeguard of the 'exclusive ownership of the people over the sovereignty' of the state is legally what is called "inclusiveness in democracy".

Inclusiveness in democracy has three dimensions, i.e. political, economical and social.

1. The political dimension is related with the sphere of 'peoples' power in matters of political decision making. Inclusiveness in this context has two aspects: accountability of representatives (leadership) to constituents and unrestricted exercise of rights of people in political process. The accountability of political leadership to constituents along with people's unrestricted exercise of rights in political process' breaks the concentration of power in the hand of elites'.
2. The economic dimension is related with the sphere of people's power in matters of economic decision making. Inclusiveness in this context refers 'policies of the state to allow every individual and groups of people take maximum economic advantage without causing disadvantage to others'. In other words, inclusiveness in this sense calls for 'equity or stake of all people in resources of nation'.<sup>51</sup> The equity and stake in means of production or resources allow people to utilize their potentiality for development. In the meantime, it grants them power to control and manage such resources. The devolution of political power is thus a prelude for the 'economic development' population.
3. Social dimension is related with sphere of people's power in matters of decision making in the workplace, in the education place and any other development or cultural institutions. The recognition of the individual as well as social dignity of each and all individual is the crux of this dimension. Rights concerning unrestricted use of language for communication in the group, cultural behaviors and social or religious rituals are social sphere of people's power in decision making.

The functionality of these dimensions in the context of 'inclusiveness in democracy' can be summarized as follows:

**Political Dimension:** Politically, the concept of inclusiveness in democracy believes that the citizens in a 'collective body' share the political power of the state. Individually, everybody's stake or share is equal; it is neither more nor less. All citizens in exercise of political power are equal. The political dimension of inclusiveness is, therefore, founded on the equal distribution of political power among all citizens. This means that a society to possess 'inclusiveness in democracy' ought to satisfy the following needs or demands:

- a. The democracy is grounded on the conscious choice of its citizens for individual and social autonomy and not any divine or mystical dogmas and preconceptions. This aspect is fully ignored in Nepal. The constitution has not been endorsed by the people, neither through ratification by the parliament nor is it made by the constituent assembly.<sup>52</sup> The constitution has

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<sup>51</sup> . In this concern, the political parties had serious fault. None of the political parties had any concrete programs or policies to 'prevent the 10% elites of Nepal consuming 47% of the national income. Obviously, their economic development policies were not pro-poor.

<sup>52</sup> . This argument is an entrenched truth. No act of political actors receives legitimacy if that is not ratified by people's representative legislative body or consented by the people through the 'referendum'. To do nothing to ratify the constitution by the House of Representatives after its first election was a costly mistake of the political parties. The 1990 Constitution thus became confined to be a document given by the king. This argument is

been accepted as legitimate document because it has been promulgated by the king. By ignoring to ratify the constitution through parliamentary process, the political parties of Nepal have indirectly accepted the 'sovereignty' of the monarch. Moreover, the present Constitution of the Kingdom of Nepal, 1990, is accepted by all political parties in void of legitimacy. The present constitution and the so-called democracy lack conscious choice of the people.

- b. "Inclusiveness" in democracy demands a system in which there is no 'institutionalized political process of an oligarchic nature. This implies that all political decisions (including those relating to the formation and execution of laws) are taken by the citizen body collectively. This situation is extremely poor in the political parties. The political party leadership is almost oligarchic in the Nepali Congress. The patronage is strongly founded. The leadership is not elected based on its political ideological conviction endorsed by its membership. Whereas in CPN (UML) and many other left parties, the central leadership is not accountable to the membership as it is 'inducted in the congresses through its reserved seats or 'special privilege' that grants exemption from 'contest' to get elected by membership.
- c. The 'inclusiveness' in democracy rejects institutionalized political structures embodying unequal power relations. This means, for instance, that where authority is delegated to segments of the citizen body for the purpose of carrying out specific duties, it is not based on 'status' but on qualification. In Nepal, there are many practices that require status for 'position to hold power'.
- d. The 'inclusiveness' in democracy demands that all residents beyond a certain age are defined to be members of 'citizens' body and they are directly involved in decision making. This character is not found in Nepal's so-called democracy. In political parties, the representation of *dalits*, women and minorities is absolutely poor. In State, their participation is effectively blocked.

**Economic Dimension:** If we define political democracy as the authority of the people (*demos*) in the political sphere-which implies the existence of the political equality in the sense of equal distribution of the political power-then economic democracy could be correspondingly defined as the authority of *demos* in the economic sphere-which implies the existence of the economic equality in the sense of equal distribution of economic power. In other words, inclusiveness in the sense of economic democracy is related with the social system which institutionalizes the minimization of inequality leading to elimination of socio-economic differences, particularly those arising out of the unequal distribution of private property and the consequent unequal

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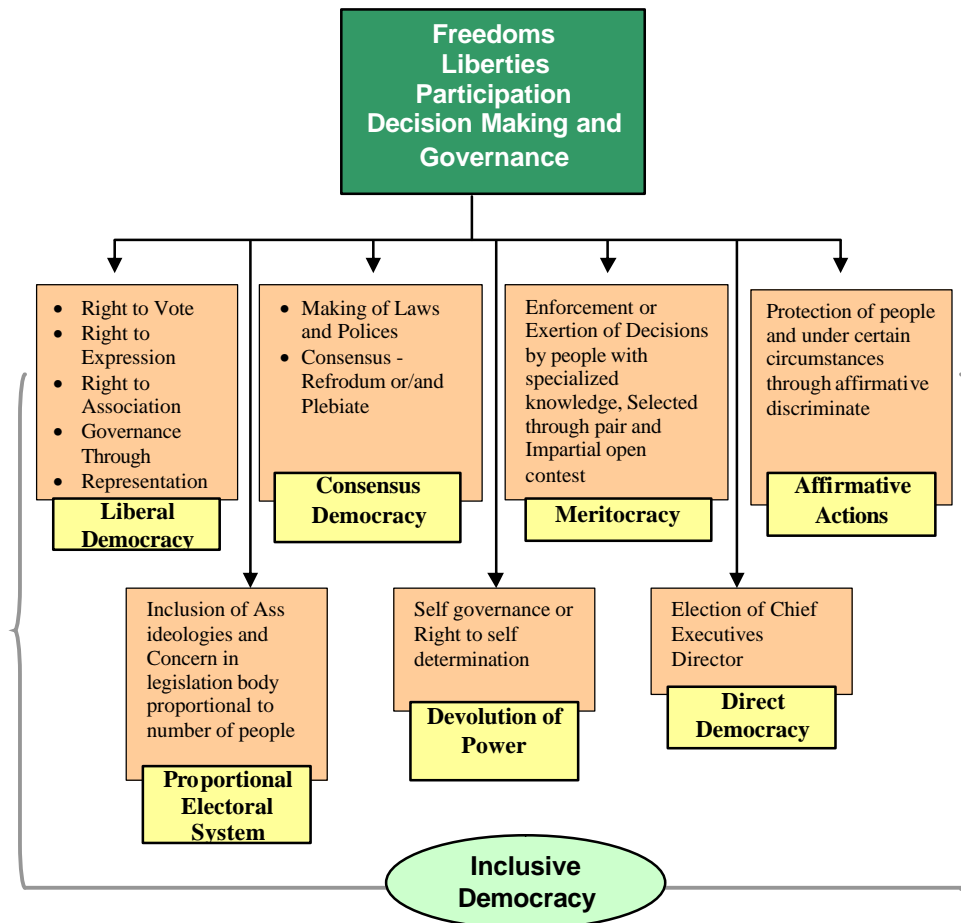
rejected by some quarters of political segment. The refusal of the proposition that Constitution should have been ratified by the Parliament not only amounts to be 'an undemocratic attitude, but it also encourages regression'. If the King's act of declaration alone solely grants legitimacy to the Constitution, what renders its revocation by him illegal? The leaders and workers of the political parties ought to stop 'riding the horse of double standard'. This double standard has already made a costly impact to the 'democracy of Nepal'. As Pradip Nepal of CPN (UML) accepts, "Political extremists are surfacing now because mistakes in governing the country after 1990. Unhealthy rivalries between the ruling and the opposition parties, distrust, and totalitarianism were the political refuse that prevailed during the democracy in Nepal while accountability deteriorated (The Way Out: Liberal Democracy Nepal Bulletin, Vol. 1 No. 1, 2005). This statement is interesting in two ways. Firstly the maker (Pradip Nepal) is a 'senior as well as influential leader of CPN(UML), a party which withdrew from the political movement of the Five Parties, and shamefully joined partnered the Deuba Government. Secondly, Mr. Nepal accepts that the political parties made the mistakes; however, he is not ready to accept that leaders like him were responsible for those mistakes. It is a shocking example of senile mentality and double standard in Nepal- every political party is condemned to be wrong by its leaders, but none of them are ready to take accountability. Leaders claim that still as 'pure as they were prior to 1990'. Interestingly enough, In Nepal, every political leader claims that it is only his/her party made the mistake, but not he/she.

distribution of income and wealth. Inclusiveness in the sense of economic democracy has to satisfy the following conditions:

- a. That there are no institutionalized economic processes of an oligarchic nature. This means that all macro economic decisions, namely, decisions concerning the running of the economy as a whole are taken by the citizen body collectively, and micro economic decisions are taken by individuals or families. In Nepal, the bureaucracy takes the macro-economic decision irrespective of people's concerns. Urban and elite developments are the areas where the allocation of funds made dominantly, and the most importantly the parliament has no power to sanction allocated funds. Since parliament lacks power to monitor state's fund, the financial accountability of the government to citizens is fully ignored.
- b. There are no institutionalized economic structures embodying unequal economic power relations. This implies that the means of production and distribution are collectively owned and controlled by the citizens' body. In Nepal, the unequal economic power relation is rampant. Poor people pay tax for livelihood and elites on luxury only. Royalties do not pay tax. Senior bureaucrats obtain more facilities and privileges based on position. It is not the need but the 'official' position is the determinant of the facilities and social security. Political parties have backed this policy. The Pazerо scam is the most obvious instance of recognition of 'institutionalized economic structure embodying unequal power relations'.
- c. Community self-reliance, community (demotic) ownership of productive resources, and equitable allocation of resources are the major form of economic inclusiveness.
- d. The system of equitable allocation proposed by the inclusiveness in democracy projects aims to satisfy the twofold objectives: firstly, it intends to meet the basic needs of all citizens- which require that basic macro-economic decisions are taken democratically, and secondly it intends to secure freedom of choice-which requires individuals to take important decisions affecting their own life.

The equitable allocation system is discarded by the so-called democratic system introduced under the 1990s' Constitution, which recognizes only the civil and political rights as the fundamental rights in exclusion of the economic and social development rights. Social security and right to food and shelters are not recognized as fundamental rights of people; they are only matters of discretion of the state. None of the political parties have agenda to 'render these rights fundamental rights of citizens'. Failure to recognize the 'economic and social rights' as fundamental rights is the character of the liberal or political democracy. Nepal has copied that system randomly.

**Social Dimension:** The social dimension of the inclusiveness brings the democracy functional at the level of workplace and family. Children's exploitation, for instance, is an essential matter of concern for inclusiveness in democracy. Equality of wage and social dignity of male and female workers is another issue. The larger realm of human rights is thus reflected on the social dimension of the inclusiveness in democracy.



The democracy of Nepal is copied from the western parliamentary democracy. The western parliamentary democracy cannot satisfy the above mentioned conditions. Truly speaking, it is nothing but a ‘political oligarchy’, where a smaller ‘economically and socially powerful elite class has full control over all aspects of the national and popular lives’. The political power is virtually concentrated in the hands of various sub-groups of elite class, such as professional politicians, party bureaucrats, priests, military junta, and families of political patrons.

In Nepal, these characters are borrowed by the 1990 constitution. Most importantly, the character of ‘political oligarchy’ is camouflagedly protected by the Article 36 of the Constitution. This article provides that ‘the leader of the party winning the majority in the House of Representatives is appointed as the Prime Minister by the King. The PM is in fact accountable to his party rather than that of parliament. The PM is appointed not elected by the people. The “Chair” of the parliamentary party is the fundamental qualification for PM. In a system where the politics is rested on the patronage of some persons, the ‘independent and competitive identity of other members within the party poses a big threat’ to his/her position. The membership of the parliament is thus not looked from the point of view of competency of members based on ‘quality’, but based on ‘support’ to patronage. To closely analyze, the problem of breakdown of political parties and phenomenal political horse-trading over the past has cause in this provision of the constitution.

## Experience of Democracy in Nepal

History of democracy in Nepal is not consistent and smooth. It has frequently encountered turbulences, conspiracies, invasions, divisions and most importantly ‘neglects’. Feudal elements have consistently attacked the ‘course of democracy’, whereas the intellectuals and politicians have committed severe betrayals many times. After series of upheavals, the democracy was reinstated in 1990 pushing the history of 30 years’ absolute monarchy back, and giving the way for

pluralistic democracy, the ‘constitutional monarchy and sovereignty in the people being two fundamental features. As the ‘Constitution’ framing process went on, the Nepali people enthusiastically participated by expressing their views, but framers were preoccupied with the west ministerial model and thus very rarely heard the voices of people. Expectations of people towards a ‘prosperous’ economy, inclusive democracy, and honest and meritorious leadership swelled, but constitution largely failed to address these issues; it appeared as a crippled document. Its expressions did not fully detail or outline the compromise between feudal and liberal actors.<sup>53</sup> The post-1990 political turmoil is attributable to the following setbacks or lacunas in the ‘constitutional framing process’:

1. Constitution of the Kingdom of Nepal, 1990, was not engineered, but it was simply framed out of ‘contents compiled from various constitutional systems’. Constitution making or engineering is a political process, in which the contents to be enshrined in are determined by the ‘political consensus among the political actors’. The political system, the modality and process of representation, the structure and shape of institutions to transform political ideals into reality, and the most importantly the scheme of governance are essentially determined by political actors through larger involvement of the population. Unfortunately, the political parties engaged in the partnership for restoration of the democracy never sat together to ‘decide’ on these issues that were so instrumental to give the prospective Nepali democracy a concrete shape. The Constitution of the Kingdom of Nepal, 1990, was in fact a brainchild of lawyers, who were not the representatives of the people of Nepal. Since the political parties did not do homework for the type of constitution they wanted, they obviously did not win it. Hence, none of the political parties restrained themselves from ‘violating or interpreting the constitutional provisions to suit their selfish interests’.<sup>54</sup>
2. The Constitution of the Kingdom of Nepal, 1990, introduced purely a ‘majoritarian rule’ in Nepal.<sup>55</sup> It was a great setback, as it clearly flouted to ‘give effect to the inclusiveness’ in democracy. The democracy devised by the constitution was nothing but an outcome of the

<sup>53</sup> Ignorantly, intellectuals and political actors, particularly the democrats and liberal lefts, had been filled with pride and hope. They sensed that Nepal was in offing. But they were wrong. They failed to analyze the ‘framework and contents’ of the constitution. Structurally, the constitution had every thing that any constitution is supposed to have. It had separation of power, it had vested sovereignty on the people, and most importantly it had opened the way for political parties to exist, function and contest for governmental power. Spiritually, however, the constitution had failed to do away with feudal structure of the society, and had formalized existence of more than one power centers in the country. Royalties, political parties, military and those out of the constitutional framework constituted varying power centers. Many intellectuals wrongly throw the post 1990 unwanted political happenings on the back of political actors. These incidents, however, largely occurred due to constitutional failure to address the ‘political, economical and social development needs of the Nepali society’.

<sup>54</sup> CPN (UML), despite its representative in the commission, did not fully endorse the constitution. It said, it would critically support the constitution. Royalists commented nothing about the constitution. Nepali Congress, in contrast, endorsed the constitution without any reservation, but it was even not ready to talk its some apparent weaknesses. Some leftist parties fully discarded the constitution, though they participated in the subsequent elections. Their strategy was to use the constitution to ‘destroy the democracy’ and set up an autocratic system. Sadhwana Party condemned constitution for its ‘citizenship provision’. Right after the first general elections, the Nepali Congress Government attempted to diffuse the importance of the Article 126 of the Constitution, which demands the ratification of any treaty concerning the natural resources by two third majority of the joint sitting of the two houses. It flouted to bring the Takankpur Treaty into Parliament for ratification. Sadhwana Party many times joined in the coalition government with Congress, but set the constitution in fire once out of the government. These are only few examples of disinclination of political parties to own the constitution as a product of the popular movement.

<sup>55</sup> The Constitution of 1990, as suggested by Deepak Thapa, provided for the formal trappings of parliamentary democracy but true representation, besides the quite perfunctory recognition of the country’s multiethnic, multilingual character, was lacking. The paramountcy accorded to the Hindu religion and Nepali language was carried over from the ‘undemocratic’ 1962 Constitution. Deepak Thapa with Bandita Sijapati, 2003, *A Kingdom under Siege: Nepal’s Maoist Insurgency, 1996-2003*. the printhouse . Nepal. PP.76-78

‘political game of elites’. It hardly had concern of the majority population of the country, which was subjected to poverty and socially marginalized condition. The so-called democracy established set forth by the Constitution introduced a system in which ‘a legal minority in the name of technical majority could rule the legal majority in the name of technical minority’. The system of representation was thus not realistic, but fictitious. The constitution gave no space of political representation for linguistic and religious minorities, dalits and women. The Constitution was primarily drafted in view of few dominant political parties and their compromise with the monarchy; it was not the ‘democracy for mass dwelling in the rural countryside, but the elites, the dominant political parties and the monarchy’ was the ‘point of attention or the focus for the constitution drafters’. Obviously, the Constitution even failed to project the ‘scheme’ of power devolution at the local bodies. It even did not provide for the ‘structure of the local governance’ system’, and thus gave a ‘clean cheat to the central government to control the local bodies’.

3. Nepali nation is a ‘population’ with diversity of ethnicity, language, religion, culture, region and race. The diversity is, therefore, the core value of the system of governance as well as polity. This reality was fully ignored by the constitution drafters. Nepali language was exclusively declared as the ‘official’ as well as national language. Hindu religion was declared as a ‘national religion’. Monarchy was declared as the ‘center of national unity’. The basic spirit of the constitution was thus apparently exclusive, not inclusive. It neither gave no place for minorities, nor believed in the ‘secularism’. Majoritarian system of rule plus dismissal of secularism fully avoided the ‘notion inclusiveness in democracy’, and ultimately this design did perpetuate the exclusion of the majority population in economic, social and political process. This failure was costly, and indeed acted as a most powerful factor for the ‘outbreak of the conflict’. The radical leftist force that was attempting the ‘raise arms’ obtained the most desired ‘excuse or pretext’ to denounce or flout the democracy. The disrepute or defamation<sup>56</sup> perpetrated to the democracy by the political parties tremendously contributed to ‘legitimize the armed rebellion’ initiated largely based on ‘romanticism of communist revolution’.
4. Nepal as a nation does not have a ‘single ethnic, linguistic, or religious group’ in majority. Proportional sharing of power by each group is thus a fundamental guideline of governance system. The constitution abjectly failed to realize this reality.

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<sup>56</sup>. The dissolution of the House of Representatives by the then Prime Minister Girija Prasad Koirala was the first stigma sprinkled over the democracy. This dissolution was induced by an ill-motive, i.e. to punish the dissident party colleagues popularly known as ‘Group of 36’. The dissolution of the HR was badly rejected by voters, as they denied giving majority to the Congress Party in the mid-term election. CPN (UML) got victorious but without required majority. The Nepali Congress and CPN (UML) could reach an agreement to ‘give a coalition government’ commit themselves to ‘foster the democracy’. They failed to this historic responsibility despite the ‘wish of people’. CPN (UML) formed the minority government. It was an unexpected event for them. This victory caused them to ‘forget reality’, and made its leaders and cadres ‘blind’. The ‘ego-centrism’ emerged following the induction of the party in the government induced its ‘leaders and cadres’ to develop an illusion that onwards now nothing was going to stop them from ‘being in the government’ in future. They were therefore assertive in every matter. The false pretence or illusion that ‘the future’ of Nepal was in their hands prompted them to ‘adopt a policy of welcoming corrupt bureaucrats, sycophants and members and collaborators of the *Panchyat* regime. Genuine party members and intellectuals were driven out. The growing tendency of the UML’s growth as a ‘sluggish’ and ‘ideologyless’ throng of peoples disenchanted the population. This in turn sparked an unending unprincipled ‘factionalism’. This tendency aroused an ‘apathy to leftist’ movement. This was another stigma of the Nepalese polity. Incidents of ‘Dhimaja scam (deal about aero plan tickets), Tanakapur dam and eventually the ‘*Makhali* (the western border river) Treaty’, were some issues that fully stigmatized the ‘two big political parties’. Congress Party’s unprincipled game to ‘topple UML’s government and its ‘handshake’ with former *panchas* (actors of former autocratic regime) introduced an unholy political gimmick in Nepal, which later on embroiled the ‘UML’. The horse-trading then continued till the date the ‘democracy’ came into obvious attack.

5. Constitution grossly failed in the sphere of 'economic democracy'. Vast majority of the population is poor in Nepal. However, the constitution failed to 'recognize the basic needs of the population such as the rights to food and shelter as the fundamental rights. The democracy enshrined by the constitution was thus nothing but a political club.<sup>57</sup>
6. Nepal is traditionally a hierarchical society. Certain groups of the population based on their perceived hierarchy virtually subordinate others. A huge population, namely dalit, is socially ostracized. The constitution has not scheme to uplift its socio-economic status.

The failure in consolidation of democracy in Nepal is largely attributed to these fundamental setbacks in the constitution making process.<sup>58</sup> These setbacks fully discard the 'features of inclusive democracy', and hence were instrumental in institutionalizing the 'long standing' discriminatory socio-economic and political practices. The 1990 constitution thus failed to 'address the deep rooted structural violence' against overwhelmingly larger population. These constitutional failures coupled by the following political gimmicks subsequently severely hit the roots of newly restored democracy:

- a. Institutional weaknesses inherited from the past quickly began to take their toll on the emerging polity. This weakness manifested itself in the inexperience and incompetence of principal political actors, bad governance and corruption.<sup>59</sup> Majority party and main opposition came to an open confrontation. The ruling Nepali Congress party adopted a policy of annihilation of the opposition party, whereas the main opposition CPN (UML) was not ready to wait for even a single day for the power. The direct confrontation of the political parties as enemies gave a chance for regressive elements to strongly organize and hit the democratic institutions from the backside. The overt intolerance and enmity between the big political parties, and failure of the big parties to 'give space and role in the

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<sup>57</sup>. As Deepak Thapa rightly points out, ethnic groups together with other disadvantaged groups such as dalits, non-Hindus, Madhesis and women, saw in the re-establishment of democracy an opportunity to set right the inequities that had characterized two centuries of domination in all sphere of the state by 'upper-caste' Hindus. And when the Constitution Recommendation Commission asked for suggestions on the shape of the new Constitution, the response was overwhelming. There were demands asking for constitutional recognition of all languages of Nepal, not only Nepali, and for all religions, not only Hinduism. There were calls to ensure representation of all population groups in the legislature as well as for the division of the country into autonomous units reflecting the demographic dominance of particular groups. Rather than attempting to accommodate these grievances, the commission and interim government simply perceived them as a threat to national unity, and virtually dismissed them out of hands. See for detail, Deepak Thapa with Bandita Sijapati, 2003, *A Kingdom under Siege: Nepal's Maoist Insurgency, 1996-2003*. the printhouse . Nepal. PP.76-78.

<sup>58</sup>. Despite these setbacks, it is interesting to note that with the reinstatement of the political democracy, an open and participatory culture began to quickly take root. People had been quite enthusiastic to participate in the democratic institutions. Peoples from all walks of life aggressively volunteered to join the political parties with the ideology of their choice. They proved to be matured and astute voters in the general elections, based on their ideology. Trade and industry flourished. Private sector jumped to invest in the education sector, and hundreds of schools with tremendous quality emerged in a very short period of time. Tourism industry grew tremendously. Hospitals in urban sector mushroomed. In a few years, the country had over a dozen medical colleges established. In a very short period of time, five universities had been established. The new universities had been able to 'introduce the most modern sectors of education with most modern methods and technologies'. A critical and scientific minded adolescent generation emerged, with diverse choice and talents. International banking system became fully established. And most importantly, the foreign investment started to make way to Nepal. Further, the non-resident Nepalis interest to invest in Nepal aroused. Most importantly, Nepali could take pride of being a part of the democratic community. These were promising development and outcomes of the political democracy in Nepal.

<sup>59</sup>. See, Naresh Koirala and et al (2005). "Democratic Middle Ground in Nepal: A Perspective from the North American Nepali Diaspora" in Liberal democracy Nepal Bulletin, Vol. 1, No. 1. Available online <<http://nepalstudycenter.unm.edu/journals/LDNB/issues.htm>> visited on 18<sup>th</sup> July, 2005.

parliament’ destroyed the possibility of ‘inclusiveness in democratic practice in the parliament’, which is the heart and mind of the democracy.

- b. In 1996, the ultra-leftists of Nepal grouped under the banner of Communist Party of Nepal (CPN-Maoist) and declared an armed rebellion against the democracy. The rebellion was premised on the conviction that post-1990 democracy could not benefit the ‘people’. This was a political problem deeply rooted on the ‘economic and social disparity’. The 1990 reinstatement of the democracy failed to realize that the deep rooted ‘structural violence’ of the Nepali society could be resolved only through a ‘well-thought about’ model inclusive democracy. The Maoist problem could be addressed easily, if it was dealt from the political perspective. The post 1990 governments however took this conflict as a matter of law and order, and in place of the transformation it preferred to ‘resort to suppression’.
- c. The deepening crisis of conflict resulted in massive violation of human rights, innocent and unarmed villagers being subjected to terrible victimization. Politically, the conflict widened the difference between democratic mainstream parties in the one hand and the political parties and the king on the other. This development gave rise to a situation of ‘widening difference and distrust between the political parties and the military’, and the deepening nexus between the military and the king. Eventually, this development manifested in the overt conflict between the king and the parties, the former virtually taking over the state’s power. This development, as aggressively pointed out by political parties, has ruled out the ‘inclusion of monarchy in democracy’. On the other hand, the king had expressed his will to govern the country in accordance with the principle of guided democracy. If so happens, the possibility of inclusive democracy will virtually come to a halt.
- d. Absence of intra-democratic practice within the political parties has been another serious hurdle in the course of ‘inclusive democracy’. This hurdle is multifold. Firstly, political parties are, without exception, practicing ‘elitism, bossism and clanism’. Chief executives of the parties are not ready to give up the post they are holding. Secondly, the party central or apex bodies are not ready to give space for youths or new generation. Thirdly, no committees of parties, including youth wings, are ready to give space for ‘members’ on the basis of merits. Male members are not ready to give space to females. Members and leaders from dominant groups are not ready to give space for marginalized or minority groups. Political parties thus lack of culture of respecting meritocracy, timely succession of leadership and grooming of leadership. These setbacks fully neglect the need of ‘inclusiveness’ within the political parties.
- e. Emergence and consolidation of the labor movement and civil society is one of the essential pre-requisites of the ‘inclusive democracy’. For emergence of the disciplined and firmly grounded labor movement, the industrial development coupled by widespread economic activities is essential. “Inclusive democracy’ would thus be simply a myth without labor movement, and the labor movement itself is dependent on industrialization and economic development. In Nepal, the post 1990 governments could not visualize the ‘industrial and economic development’ policies. The international organizations like ADB and World Bank were instrumental in imposition of unqualified privatization.<sup>60</sup> In Nepal, in the post 1990 era, a number of trade unions emerged, but they were mostly active as ‘political parties’ wings’. Trade unions were in this context nothing but the ‘vote bank’ of

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<sup>60</sup> . For instance, the Bansbari Show Factory was sold to private sector. Now the military, police and schools import boots and shoes from Pakistan. Paper mill at Nabalparasi was sold too. Now Nepal is largely dependent on paper on Bangladesh and Thailand. Illegal financial deal between the corrupt officials, politicians and businesspersons largely controlled the privatization affairs.

the political parties. Their role for the protection of the industrialization, and safeguard of the national interest in economic affairs was largely unfelt. Obviously, in course of time the trade unions converted into 'project offices'.<sup>61</sup> Similar was the case of civil society, basically represented by the civil society. It was largely divided into partisan line, and functioned to benefit people in the partisan line too.

- f. Emergence of independent professional and intellectual organizations is another basic ingredient of the inclusive democracy. However, this sector suffered a serious blow in Nepal. In initial years of reinstatement of the liberal democracy, the influx of professionals and intellectuals in political parties was phenomenal. In this course, sycophants, inefficient and sluggish intellectuals, and those who were the collaborators of the *Panchayat* regime interred the political parties in majority. Meritorious professionals had been sidelined and psychologically humiliated. The prime agenda of that class of the professionals and intellectuals was to gain access to power. This mission was tremendously successful. Democratization thus was severely affected as these peoples were active against democracy with protection of the politically backed professional organizations.

These weaknesses activated the immediate dynamics of the 'conflict'. Emergence of rampant corruption in the state institutions, the rise of unprecedented factionalism in the political parties, the consistent degeneration of the democratic values and ideologies, increasing inefficiency and lack of accountability of the bureaucracy and the growth of neo-wealthy class were some outcomes of these weaknesses. These weaknesses can be attributed to defy 'progressive inclusion in democracy' as 'activate the immediate dynamics' of the conflict.

Resurrection of the democracy in Nepal thus demands intervention in multiple sectors. It is plain that the transformation of the existing conflict is not possible without development of a consensus for 'inclusive democracy'. The consensus for 'inclusiveness in the democracy' is, in turn, in dependent on development of the 'intra-party inclusive democracy'. The movement for the 'inclusive democracy' in Nepal is, therefore, a revolution in itself.

In Nepal, the discussion on issue of 'inclusiveness in democracy' has become a regular 'fashion'. The lack of clarity of concept is 'confusing' more peoples than helping to boost up 'democratic governance'. One of the major causes of 'confusion' is that the concept is treated or dealt with in lack of interdisciplinary approach. For lawyers or jurists, the issue is nothing but a 'general theme' of human rights, so that for them 'the issue' revolves around the 'UDHR'. For political scientists, the scope of the issue is confined to 'electoral system'. Obviously, for them if larger number of people have prospect of free and unrestricted access to participate in the electoral process, the issue if inclusion is addressed. For the governance experts, the issue of inclusion is nothing but a system of governance in which 'people's represent have power to decide on policy matters'. This sectoral approach is pervasive and widespread in Nepal. This problem thus creates a problem of understanding 'of the issue of inclusion'.

### **Political Parties and Inclusiveness in Democracy**

One need not say much in this regard. The organizational structure of political parties is largely aristocratic in Nepal. The position consciousness, working relation of party members based on hierarchy, and unquestioned loyalty of members to leadership are only very few 'feudal or

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<sup>61</sup> . Trade unions had been engaged in running projects with the help of donors and international organizations. Obviously, they became powerful within the political party structure as they were offering jobs to many peoples and through project works they had effective control over workers. The essence of the trade union movement itself was largely eliminated.

aristocratic organizational characters of the Nepalese political parties'. These factors have severely affected the 'inclusiveness' in policies and programs of the political parties. The following tendencies and attributes imply to a condition of 'acute lacking of inclusiveness within the political parties':

1. The leadership of the political parties is elected 'based on majoritarian rule',
2. The leadership is almost perpetual. The Nepali Congress and UML both have demonstrated this chatterer. The leadership not affected by failure and success of the party. The accountability of the political leaders to the constituents for their failures is almost zero. The change in the party thus invites 'emergence of factionalism', dividing the political party into groups and creating a 'terrible feud'.
3. The president or the chief of the party wields massive power to 'nominate members in the apex body of the party'. The Nepali Congress's constitution, for instance provides power to the president to nominate 50% of the member of the central working committee'. This practice encourages emergence of 'nepotism' and hypocrisy in the political parties.
4. Political leaders in some party are not elected by the party cadres. They are entitled to 'be deputies in the general conference' for their being in the central committee. Their position in the party is thus unchallengeable by general members. The CPN (UML), for instance, every member of the central committee is automatically a deputy of the general conference. The coterie of the central committee member is thus 'supreme in position all time'. Leaders are thus not accountable to party cadres.
5. Youth cadres have not scope of playing crucial role in the higher position of the party. There are several age bars for 'youth leaders' to be promoted in the party's apex position. In UML, for instance, a cadre can be eligible to become a central committee member only after 16 years of his initial membership. The apex bodies of the political parties in Nepal generally the 'clubs of older people'. This practice seriously threatens inclusiveness.
6. Most of national parties have no 'mechanisms' to secure induction of diverse population through fair practice, such as fair elections.
7. Leadership is often defined as 'supremacy' in decision making. The decision made by the apex body is not 'debatable' among the cadres, and doing so is considered as violation of 'disciplines'.

These tendencies and attributes 'have seriously hindered the process of intra-party' democracy, which ultimately reflects on the national politics and policies. No democracy at government or state level can flourish without 'democracy within' the political parties. To analyze the current situation of the political parties' organizations and procedures of forming them, one can conclude that the 'feudal hierarchical' values are deeply rooted.

### **Functionality Dynamics of "Inclusion"**

Issue of inclusion in democracy has more than one dynamics. As opposed to understanding of some persons, the 'issue of inclusion' is not simply a political question. It has economic, social, legal and, most importantly, psychological dynamics as well. "Inclusion" is a "perception" or "realization" of those people who are supposed to be included because of their capacity to hold 'sovereignty' of the nation. In any case, if the beneficiaries do not 'perceive' or "realize" that they are included, the so-called "inclusion" is nothing but a myth. Psychologically, thus, the issue of

'inclusion' needs to be addressed from the perspective of 'beneficiaries' perception, but not from that of the 'structure of the state'. For the last 15 years, the political scientists, jurists and government experts have made fatal mistakes in this regard. These 'mistakes' are then thrown on the back of 'politicians'.

The 'intelligentsia' of the nation has an enormous stake in the failure of the constitution and the functionality of the democracy in Nepal.<sup>62</sup> The present constitution, in making and enforcement both, is thwarting the 'inclusion process to be set in right place'. Economically, the 'mechanism, process and strategy' of inclusion is reflected on the 'recognition and protection of the people's right to development'. The issues of economic development are thus inseparably connected with the 'process and strategy of the inclusion'. Socially, inclusion is reflected on the need of 'recognition and protection of the 'cultural practices, including language'. Politically, the inclusion is 'an inherent right of individual associated' with the concept of sovereignty. The question is therefore not related only with a question as to 'whether every segment of the population irrespective race, caste, sex, etc has to be 'included or not'. The true concern is, indeed, related with need as to 'how the issue of the exclusion of entire population can be addressed'. The existing dimension and paradigm of exclusion requires urgent intervention, because the 'condition of exclusion' resulted with :

- a. Refusal of 'the concept of people's sovereignty.
- b. Imposed marginalization of the community, for the advantage of some in disadvantage of others. This outcome rejects the 'notion' of equality, and continues the 'state of status quo'.<sup>63</sup> *Dalits'* position in Nepal is an imposed condition of exclusiveness. Similarly, languages are excluded.
- c. Population is socially, economically and politically stratified, the participation and socialization of some segment of the population being avoided for the exclusive benefit of others.
- d. The 'power center' is thus created to monopolize the 'state's power' by a smaller segment in others' exclusion. The 'exclusion' thus a permeated phenomenon.<sup>64</sup>  
The political parties have become instrument to sustain this exclusion.

These attributes responsible for 'condition of exclusion' constitute the 'source of structural violence'. The present insurgency is thus not 'created by somebody's romantic desire to hold the

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<sup>62</sup> . Senior Advocate Ganesh Raj Sharma in one of his television interview (*Dishanirdesh*) and some of his articles in has asserted that the 'dissolution of House of Representatives' is a prerogative of the Prime Minister. It is a simple mistake or obsession in thinking that 'representation involves inherent authority'. This concept is an outcome of the outdated 'Hobbsian philosophy of social contract', i.e. once the Prime Minister is appointed through parliamentary election, his/her authority is unchallengeable. In democracy, No Prime Minister holds prerogative to challenge 'people's sovereignty'. As a general rule, the Parliament functions as an institution of 'inclusion' of the constituents in the governance process. The psychological aberration of the political leaders that 'a Prime Minister can dissolve House of Representative" as and when he/she loves to do it, is an outcome of the rudimentary understanding of the Nepalese intelligentsia of the democratic values. The constitutional crisis of the country is thus a 'creation of the pseudo-intelligentsia'. The processes or strategies of 'inclusion' are largely an imposed outcome.

<sup>63</sup> . "Status quo' rejects change, and the progress is not possible without change. Status quo in this sense is an instrument of exclusion. The issue of inclusion is thus a 'demand for distributive justice', which is politically rested on the 'notion' that 'state exists only for the welfare of the people'. The inclusion is thus one of the 'ideals' of the democracy. But it is a pervasive concept because it covets socioeconomic and political elements, and the concept cannot be dealt with in isolation of any of these elements.

<sup>64</sup> . "Power centered- regime refuses the devolution of the power to the people'. The exclusion is thus 'anti-people sovereign concept'. Otherwise speaking, the inclusion is an instrument to 'enhance people's sovereignty' over the state's affairs.

gun and wage a bloody war'. The 'fighting of guns' is an outcome of the 'protracted 'structural violence' the Nepalese society is subjected to. The 'inclusive democracy' is a 'mechanism to address the structural violence'. The transformation of the existing conflict is thus dependent on 'attainment of the inclusive democracy', for which the following factors need to be addressed:

1. The Constitution has recognized limited democracy only as it has 'failed to provide a framework for inclusive democracy'. The liberal democracy is the only matter of concern of the existing constitution. Obviously, the existing constitution cannot address the conflict, which is an outcome of the failure to materialize the 'inclusiveness' in politics-political process as well as governance.
2. The existing Constitution does not recognize the 'diversity' as a core value, and as such it 'provides a space for political and economical elites to monopolize the politics and governance in Nepal. Failure to recognize the 'diversity' as a core values deprives the constitution of its 'legitimacy'. This ongoing conflict thus demands for 'recognition of the diversity' as a core value, which is not possible within the existing constitution. Its change is thus mandatory.
3. Political values get implementation through 'political parties'-through their programs and policies. The political parties are organized based on 'feudal hierarchical values', which discards 'pragmatic policies'. They operate with formalism, i.e. the rules and values are unchangeable. Lacking of intra-party democracy hinders the process of change in the constitution. Without massive restructuring of the political parties, the transformation of the existing conflict would nothing but a myth.
4. The people are the only holders of the 'nation's sovereignty'. Monarchy cannot represent the 'population'. The 'traditional belief of monarchy as the 'center of unity' of the people is hindering the 'mutual trust and amity' between various groups of the population. Only the 'institution that incorporates representation of entire population' can be the 'center of unity' of the population. In India, for instance, the Rajya Shava (State Assembly) has emerged as a 'center of unity of the entire population of India'.

### **Maoist Insurgency and Way-Out:**

As pointed out by several persons, the long standing latent conflicts caused by isolation of larger part of the population as well as poverty, inequality and regional disparity in development efforts are the major root causes of the Maoist insurgency. Economic, social and cultural inequalities coupled by monopoly of certain groups in political power structure constitute 'mediate or latent' dynamics of the conflict. The consistent failure of liberal politics to address the 'mediate or latent' dynamics of the conflict provides a source for the 'immediate or apparent' dynamics. The ongoing Maoist insurgency is thus 'essentially connected with the issue of inclusive democracy'. To speak in other words, the 'inclusiveness in democracy could address the mediate and latent' causes of conflict, thereby avoiding causes for outbreak of the violent conflicts. In this context, one can surely argue that the 'process of transformation of the liberal democracy to inclusive democracy' is the only 'sustainable way out of the conflict'. However, development of a environment for inclusive democracy is not possible by types of following activities that have been taking place in Nepal phenomenally:

- a. Lighting candles in the streets, as social problems can be addressed only by addressing the causes. The mere aspiration and desire for 'resolution of the problem' cannot address the problem. A true strategy for resolution of the social problem requires 'actions for change towards progress'. The progress in the 'existing social paradigm' will transform the conflict into

a 'sustainable peace'. The transformation of the 'society' in turn requires 'political will'. The democratic political will is thus the best instrument to begin with.

- b. Praying in the temple, as 'every conflict behind it has political ideology. The political ideology is developed by human being out of the social realities, where the God has nothing to do. The prayer to the God will thus have no effect in 'actors of politics'. The debate and dialogue is the right way to 'influence the ideology'.
- c. Flying or realizing 'pigeons', as the peace is a relative phenomenon it can hardly convince the 'parties in conflict'. It is rather important to 'understand the definition of peace' from each side and 'create a synthesis'.

While one endeavors to 'relate inclusive democracy' as an instrument of transforming the conflict', he/she can take rich inspiration from insights of the Korean people's struggle for democratization. Obviously, a large segment of the people now active in the helm of Maoist insurgency is busy in the conflict oriented activities primarily because they were deprived of 'inclusion opportunity'. This fact keeps the 'hope' intact that they can be brought back to the 'political mainstream' if the democracy installed by the 1990 movement is transformed into 'inclusive democracy'. To be brief, to transform the conflict here means transformation of the 'existing framework of the democracy into inclusive democracy'.

In the meantime, the 'inclusive democracy' can also effectively address the 'debate on the monarchy'. The issue of 'elimination or continuity' of the monarchy is not something to be decided by other factors than that of 'monarchy' itself. The 'existence' of the monarchy is solely dependent on 'attitudes' of the royalties. No people would be willing to 'compromise his/her sovereign status'. The 'monarchy can survive only with its commitment towards governance 'people by people'. The monarch can be 'head of the state', but not the 'leader of the people or the head of the government'. The monarchy can be a part of 'inclusive democracy' provided that 'it prefers to be democratized and function democratically'.

To give a 'dignified place for all sections of the population in the democracy' is only way out from the conflict. Taking inspiration from the 'Korean democratization movement', the democracy of Nepal in order to ensure its survival through transformation of the conflict, the Nepalese people ought to strategically strive for the following course of change:<sup>65</sup>

1. Political parties, the principal actors of the democracy, should volunteer immediately to revisit their ideologies, policies and programs, and venture to restructure organizational set-ups'. They should promote an atmosphere for intra-party democracy in decision making, and foster 'inclusive character in organizations as well as programs and policies'. The political parties should not be 'platforms' of cynical, senile and closed minded leaders. As it is proven by contemporary incidents, the existing leadership of the political parties is 'obsolete' 'outdated'

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<sup>65</sup> . Strategically, the course of change can be 'defined a movement or struggle for inclusive democracy'. The term "strategic" here means 'consciously planned' and 'resulted oriented implementation'. As history unfolds, the political movement or changes are often not planned or designed. They are largely spontaneous and unorganized. As a matter of fact, the movement has often been ended with 'undefined compromise'. For instance, the dialogue between the monarch and the representatives of the Nepali Congress plus left movement in 1990 was not 'preconceived' and 'planned'. As a matter of fact, it ended as a 'deceptive bargaining'. In UK, for instance, at the end of glorious revolution in 1689, the crown made a 'series of specific and concrete' commitments through a declaration, where it made it clear that it would never make attempt to take power from the people's representative institution, the parliament. In Nepal, however, the change neither in 1951 nor in 1990 encapsulated in the forms of 'commitment' to respect the plurality, freedoms and rights of people and the coherence between the monarchy and democratic institutions.

and ‘irrelevant’ to give the nation way out from the conflict.<sup>66</sup> Therefore, they must step down putting the emerging young generation in the leadership role. The young generation on the other hand should be capable of ‘appreciating the meritocracy’, and pull it out from the ‘horse-trading and political fraud’. If the ‘failed’ generation resist the change, the new generation must wage a ‘powerful inclusive’ movement within the party framework. This kind of movement is a ‘prerequisite’ for installation of the ‘inclusive democracy’ along with meritocracy. Hardly surprising, the monarchy cannot usurp the position of political parties, as it has capacity of ‘representing the people’. To ensure that the reform in the organizational structure, leadership, and the programs and policies, the political parties must immediately pursue the following pro-inclusive democratic reforms and actions in order to revitalize themselves:

- a. The culture of senior leaders clinging in the executive posts of the party is a ‘chronic problem of the Nepalese polity’. The parties’ constitutions should therefore promote a culture of ‘comfortable retirement’ from the post. They have to introduce a practice of ‘giving up the leadership’ if and when his/her policies and programs are unsuccessful to ensure the electoral victory of the party. Similarly, their constitutions ought to have a provision to prohibit ‘continuation in the highest posts more than two consecutive tenures’. These rules are necessary for ‘ensuring competent policies and programs and competitive leadership’, and most importantly to ‘open the way for institutionalized succession system in the political parties’.
- b. The culture of ‘bossism’ is another chronic problem of the Nepalese political parties. This culture in the Nepali Congress and CPN (UML) is strongly grounded that the ‘reform in the party organization and ideology is virtually difficult’, if not impossible. The ‘bossism’ has three dimensions. Firstly, the central leadership is not willing to ‘contest election within the party for obtaining the party post democratically’.<sup>67</sup> Secondly, the critical minded cadres are ‘disliked or discouraged’.<sup>68</sup> Thirdly, the executive chief of the party is not willing to work with colleagues who have their own opinions in issues.<sup>69</sup>

<sup>66</sup> . In the past they more than one time ‘miscalculated the dynamics and threat from the anti-democratic and feudal elements to the democracy’. Some times they have urged that the possibility of regression is ‘zero’. Other times, they have pressurized cadreship to ‘refrain from being skeptical to the intention of the king’. Most ridiculously, when the king appointed re-appointed the prime minister, the leaders of the leftist party like CPN (UML) came to conclude that ‘fifty percent of the regression got improved’. If one looks into the political maneuvering after the October 2002 decision of the king, one can be compelled to ‘conclude that leaders of the political parties’ have lost their political prudence. In the one hand, in the aftermath of the incident the leaders failed to ‘approach the king with a consensus candidate’ for prime minister, and thus lost in the tricky-royal play. On the other hand, they even did not feel necessity of opposing the undemocratic step of the monarch. For over a period of one year, they silently stayed away from the responsibility of protecting the democracy from falling in danger. These experiences of the past obviously demand for ‘shift of leadership’ to the new generation.

<sup>67</sup> . CPN (UML) and other communist parties, for instance, have provisions in their constitutions that grant privilege to ‘central leadership’ participate in the congress without mandate of cadres. They are fully exempted from ‘contesting the election’ for selection as deputies of the members of the party. Ever central committee member is automatically declared as ‘deputies in the party congresses. Obviously, none of the central committee member is accountable to the ‘general cadres of the party’. He/she is thus a ‘boss’ in the party, without any fear of ‘harm and injury’ for his/her activities in the party. This practice is absolutely undemocratic and unaccountable. This practice has been ‘converging the political parties as ‘clubs’ of outdated leaders; leaders are masters and cadres are servants.

<sup>68</sup> . “Yesmanship’ is a badly injurious practice in all political parties. No political party encourages party members who are critical, creative and open-minded. Mr. Gagan Thapa and Guru Ghimire in Nepali Congress, Mr. Ghanashyam Bhusal, and Tanka Karki in CPN (UML) are few representative examples. Political parties have exterminated political creativity of countless of such youths. Gossips are there that ‘political leaders’ take parties as their *birta*- a customary practice of possession in land obtained for service.

<sup>69</sup> . This trait is obvious in the Nepali Congress, in which, as its constitution provides, the President has power to ‘nominate 50% of executive members’. This practice gives clean cheat to the president ‘to discriminate between

- c. There are several age limits in parties' constitution that effectively block the induction of youths in the policy making bodies of the party. The leadership of the youths is thus systematically prevented.
- d. Interference of the central bodies or leaders in the daily affairs of the 'class or professional organizations' is phenomenal. It is not possible for any person to get elected in any post of such organizations without 'hidden concurrence' of the leaders. Autonomy of political cadres to 'develop their leadership' is fully absent.
- e. Sycophants and dummies are protected by the parties. Some cadres are 'habitually' close around the leadership. They are pampered and allowed to 'perpetrate' any sort of violation of party rules and regulations. They prevail in the party affairs as 'dummies'.
- f. The decisions of the parties are not based on 'objectivity, reliability and relevancy'. They are made based on 'consent of majority'. Obviously, it is not the truth prevails, but often the 'decision of the majority' prevails against the 'truth. The decision of CPN (UML) in Mahakali Treaty is a typical example.

Documentation and objective analysis of the past experiences, mistakes and failures is another pre-condition for consolidation of the democracy in Nepal. The Nepalese intelligentsia has miserably failed in this mission. The political history of Nepal is dark, and frequently tragic. It is full of massacres, conspiracies, political horse-trading and corruption. The new generation of political leadership should be clear in this regard before it entrenches 'some ideologies or political' policies. The general populace must be educated as to what has happened in the last 50 years, and the roles of all parties and institutions. Without such a 'conscious awakening' movement, the consolidation and sustainability of the democracy would be virtually meaningless. To achieve that the future of democracy is shifted to development visionary leadership, the democratization movement should necessarily address the following problems:

- a. In all occasions, the post democracy-movement governments have ignored the past, and thus allowed the reactionaries to clandestinely engage against the democracy. In future, the democratic movement must fully dismantle the illegal as well as the unconstitutional power centers, and institutions of past 'authoritarian regime'. The anti-democratic elements ought to be subjected to accountability for their illegal and reactionary activities, such as violation of human rights, and engagement in illegal activities against democracy.<sup>70</sup> It is necessary for all democratic forces to realize that 'refusal to enforce the Mallik Commission Report' was a serious political mistake made in the past, and hence it should not be repeated in future.
- b. The future democratic governments should not 'push the meritorious people in the corner' to create a space for the anti-democratic elements. The political parties must analyze the 'course of negative or unwanted developments' that led the democracy to a condition of abase. Transparency, accountability and the rule of law should be primary concern of all political parties, whether they are in power or not.

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those who he likes or dislikes'. This power is entertained by president to 'ensure family and relative domination in the party'. In fact, this tendency makes the party a 'club' rather than a 'platform of ideology-based polity for governance of the country'.

<sup>70</sup> . One can lesson from the tragic course of history experienced by the Korean democracy for its successive failure to 'punish the collaborators of the authoritarian regimes. See for detail, Hong Seok-lyul et al (2004) *A Hard Journey to Justice: First Term Report by the Presidential Truth Commission on Suspicious Deaths of the Republic of Korea*. Presidential Truth Commission: Seoul.

- c. Political parties should avoid tendencies of administering the country for the benefit of their 'ideology'. But the 'ideology' should serve the nation. The political parties must be able to work out minimum agenda of consensus.
- d. Political parties must have precise and plain vision, strategies and programs to give fair and due space for *dalits*, indigenous groups and women in system of governance and all types of public affairs. To eliminate the existing monolithic, conservative and communal power structure of the state system, the political parties should adopt 'inclusive democracy' oriented reforms in the party ideologies and structure. For this, the political parties must adopt the following minimum programs in their statutes and actions both:
  - i. Practice of untouchability should be entirely criminalized, and effective and efficient legal measures should be worked out for compensating victims who have suffered from the practice of untouchability.
  - ii. Political parties must adopt policies of 'affirmative interventions' in sectors of education, welfare and social security, economic empowerment, civil service, security service and judiciary to immediately ameliorate the marginalized position of the women, *dalits*, and indigenous groups. Such affirmative discrimination must be practiced till the level of inclusion does not reach to that of privileged class.
  - iii. Political parties must offer '50% of reserved seats for women, dalits and indigenous groups' at all level party leadership. These seats, however, should not be filled out by way of nomination; rather the parties must ensure a system of democratic contest 'between the candidates' from these groups.

These missions, however, can be materialized only by the foresighted new-generation leadership. The change in the political leadership of the parties is thus mandatory. The old-generation of leadership is not familiar with the changed context of the nation.

2. Demolition of 'institutions holding or preserving feudal practices and governance system' ought to be one of the prime agenda. The existing structure and feudal values of civil bureaucracy should be fully reformed. The space for meritocracy in the 'leadership of the bureaucracy' should be the central focus of change. The existing system of career promotion should be totally removed. Recruitment of civil bureaucrats must be fundamentally based on 'competition' system in each and all levels. The 'hand-picking' system of judges in the judiciary should be fully removed too.
3. Security service in terms of its mobilization should be fully under the government. Its loyalty and accountability should be nothing but to nation, and powers should be exercised only through elected government. The Parliament must have power to 'monitor and censure' the security agencies. The appointment of the chief of the security agency must require approval of the parliament through 'house hearing system'. This rule should equally be applicable to the appointment of the chiefs of the 'Constitutional Commissions, secretaries of the ministries, chiefs of the government-owned corporation, the national banks, vice-chancellors of the universities and independent and autonomous commissions. The career promotion system, which institutionally, protects and preserves nepotism and inefficiency, ought to be ended.

These systemic instruments of 'inclusive democracy', however, would be largely meaningful only if the 'structural framework of the democracy' is friendly for the 'inclusiveness'. The 'inclusive structural framework' of the democracy in this context is the only right solution to the mounting

autocracy propagated by both the leftist and rightist extremists. However, the future political movement needs to address the following mistakes committed in the past:

- i. It is an entrenched fact that a genuine transition of the society from an old era requires the clearing away of the malpractices, conservatism, contradictions and conditions of exclusion of the larger population from the development benefits for the advantage of smaller elite group. Nations failing to realize this understanding will have pay heavy toll sooner or later. This reality has hard hit Nepal. Nepalese government system for the last 250 years has worked in the favor of the political, economical and social status quo to the benefit of a smaller group. The democratic change in 1951 failed ensures democracy with economic and social dimension. 30 years' Panchyat deliberatively functioned to 'establish unchallengeable' supremacy of feudal elites. Even after 1990 change, the political parties clear away the long standing 'contradictions' between languages, religions, cultures, regions, economy and so on, which in turn triggered the loss of faith of downtrodden mass on liberal democracy. Consequently, the ultra-leftist romanticism and ultra-rightist despotism are now challenging the very fabric of the liberal democracy.
- ii. Close observation of the world history invariably unfolds that failure to include all in democracy and internalize it in the life style of the people leads to difficult time. Germany, for instance, after failure of 1848 revolution embarked on a path which culminated with the commencement of the I World War. The Weimer Republic, which succeeded imperial Germany, could not prevent the risk of Nazi Germany. Similarly, in Russia the superficial reform of the peasant serfdom in 1861 and the revolutions of 1905 and 1917 opened the way for the Bolshevik, but culminated in the Stalinist regime. To take Japan's example, restoration of the monarchy and the Meiji reform of 1868 ended in militarization of the Japan, which not only invaded other countries but committed many shameful crimes against the humanity. Malaysia after the British colonial rule shifted to the 'guided democracy' from the liberal democracy. Likewise, Burma converted into a military regime. South Korea too after revolution of 1960 turned into a 'military' state. What common feature is exhibited in all these instances is that 'none of these democracies had been able to rightly deal with the collaborators of the past regimes'. The past dictators were allowed to play roles actively. But these ultimately through conspiracy these elements had been able to oust 'democracy' and 'punish people' for their democratic movements. Nepal's democracy consistently failed to learn from these world experiences. Nepal like in South Korea lost priceless opportunity to 'democratization' of the state's institutions, not because it did not have capabilities, but because the political leaders were shortsighted, the democratic actors were sharply divided, arrogant to each other and self-centered, the conspiratorial elite was absolved in the political parties, the holders of the power in the past regime were not censured, the impunity became the part of the system and the corruption flourished. The group of elite together with former collaborators and actors allowed to work against the democracy from various fronts, the inclusion of them in the political parties being the most serious one. Ultimately, 'the democracy instead of being transformed into inclusiveness', the political authoritarianism evolved. Politically interested military and corrupt bureaucracy clandestinely defended the authoritarian minded elite.<sup>71</sup>

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<sup>71</sup>. In South Korea, in 1960 the democratic revolution created an opportunity to better future of the people with freedoms and human dignity. But the revolution of the 1960 did not properly deal with the former dictators. Right after the revolution, the former Japanese collaborators joined hands with the 'ousted elites' and involved in counter-revolution. The democratic movement of 1960 could not take caution of the danger they could pose to the new system. The military which exercised unrestricted power under the authoritarian regime supported the former Japanese collaborators. Consequently, in 1961, the opportunity for sustainability of democracy was stolen by a military coup. The newly installed liberal democracy was destroyed. In Nepal, in 1951, a popular liberal democracy was installed. But it failed to eliminate the Ranas and other elites from the system of government. In

- iii. It is clearly entrenched from the experiences of many democracies that the democratic government seriously failed to ‘punish the despots and right and freedom violators’. The bad guys of the past were either excused or ‘welcomed’ into the democratic parties. The tendency of ‘placing snacks’ into pocket ultimately destroyed the democracy. South Korea, for example, even after the change of 2000 did not condemn 1961 military coup as an illegal act. Similar was the case in Nepal. The first elected government threw the report of the Malik Commission into a dustbin. The consequence is now obvious. However, the South Africa did choose a different way. It rounded up all ‘bad guys’, and put into confession of their crimes. They were formally recognized as the ‘bad guys’, but given general amnesty as a ‘part of the national reconciliation’. As a matter of fact, the democracy I there does not face the threat of ‘subversion’.
- iv. The political change did not compensate the victims of suppression. Those who sacrificed their lives for democracy had been simply forgotten. In Korea, the people after 2000 raised a stronger voice, and now the Presidential Truth Commission has been investigating the suspicious deaths in the past. In Nepal, the political party destroyed the ‘meritorious’ people in the one hand, and on the other totally forgot those who lost their lives. None of the political party raised voice to ‘investigate the extra-judicial and suspicious deaths during the Panchayt regime’. Shamefully enough, the Nepali Congress and CPN (UML) in a competition to grab the power inducted a number of criminals in the party organizations and gave influential roles to play.
- v. The installation of democracy did not change the past regime’s institutions and their actors. In Nepal, for instance, the authoritarian police and bureaucratic institutions were not only left unchanged, but were fully relied on. This mistake was fatal for consolidation and internalization of the democracy.
- vi. Judicial system was not changed. New laws concerning administration of justice were sparsely enacted. The conservative judges were given the ‘bridle’ of democracy. The judiciary thus closely assisted the former elements.

There are two dimensions of the insurgency- the Maoist leaders’ romance of revolution and people’s genuine expectation of change in the situation. To correctly understand the Maoist insurgency, one has to ‘differentiate its leadership and grassroots cadres and supporters’. Undoubtedly, overwhelming majority of ‘grassroots cadres and supporters’ engaged in and around CPN (Maoist) wish to end the present structure of the society and establish the one in which every citizen belonging to class, race, sex and region has equity and share in terms of political participation, economic development and social dignity. They want a ‘revolution’ so that their lifestyle can be better off. The leadership, however, is rather motivated by the ‘romance of revolution’, and lofty idea of ‘capturing the power by mobilization of the downtrodden population’. The ordinary mass involved in the movement is ‘genuine and honest’, but the leadership is clever and ruthless. The state mechanism has grossly failed to ‘understand these hidden dynamics’. As an outcome, the State has made a serious mistake of ‘random suppression’

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1963, with the support of Ranas, the military and corrupt bureaucracy the king destroyed the democracy popularly installed by the people. Here too, the democratic actors failed to understand the ‘clandestine threat to democracy’. In Korea, after assassination of Park Chung-hee, a fresh chance for democracy revived, but it was crushed by another military coup. In 1987, another chance was created by massive movement of the people, but it too was snatched away due to split of the democratic force. In Nepal, people in 1978 compelled the king to declare referendum between the autocracy and democracy. But the division of the democratic forces lost the chance. In 1990, the liberal democracy was reinstated. However, the following political gimmicks, sharp split of democratic force, looming contradictions necessarily invited the regressive element to rise.

causing unprecedented loss of lives. The way the successive governments after 1996 have dealt with the problem, the grassroots mass in and around the Maoist movement is compelled to 'believe' on what their leadership has suggested.

The Maoist leadership, when disintegrated from the CPN (Unity Center), adopted the strategy 'of armed struggle as the only 'right path to the Marxist and Leninist' revolution. This belief was the main 'issue of party conflict' within the CPN (Unity Center). Later on, the faction insisting for the 'armed struggle' organized into CPN (Maoist). This faction actually rejected the 'democracy restored by the 1990 popular movement'. Its distrust and antagonism to the 'liberal democracy' is thus obvious. But its swollen size in a few years was not due to 'attraction of the people to its lofty, extremist and ideal strategy' for armed struggle. Influx of larger number of people in the Maoist movement was indeed caused by the consistent failure of the 'political parties to ensure inclusion of the economic and social dimensions in prevailing liberal democracy'. It was the frustration of the people to the failure of the liberal democracy to address their concerns was the main factor for steady rise of the insurgency. Obviously, a larger part of the Maoist cadreship and supporters is 'a mass of the population frustrated by the thirty years *Panchyat* system and failure of the political parties after 1990. The Nepali Congress government failed abjectly to 'realize this dynamic' of the problem, and consequently came out with heavy hands of suppression. The suppression coupled by unprecedented brutalities can be attributed to 'emergence of the pattern of violence and intimidation' the Maoist guerrillas are carrying on now. In this context, the short-term way-out has three dimensions:

- a. Restructuring of the existing political, economical and social structural paradigms of the Nepalese society, which is essentially hierarchical, racist and sexist. It means that the state should be honestly prepared to 'transform the existing liberal democracy into an inclusive democracy'. The state- the mainstream political parties, the monarchy, the military, and the bureaucracy, ought to 'develop a consensus package of economic and social reforms' in order to get the Maoist cadreship and supporters back to the mainstream political lines. The existing structure of the bureaucracy needs overhaul. Its edifice should rest on the foundation of merit and secularism. Thus, the existing control of 'trio-groups (Brahmin, Chettri and Newar) over the bureaucracy should be removed. Moreover, the existing structure of the bureaucracy is inefficient and monolithic, and hypocritical. It has never been honest and loyal to the 'democracy'.
- b. The State's security force must respect the human rights, and refrain from taking stringent and inhuman actions against those they have surrendered or captured. The State authorities should not do any act that deprives the accused rights to 'fair trial' and rehabilitation.
- c. The political parties and intelligentsia should vigorously fight ideologically against the 'revolutionary romance' of the Maoist leadership. However, these three dimensions of way-out may be meaningful only if they are implemented in integrated way. The priority, however, should be given to the 'reform package'. This, in turn, demands for the following:
  - i. Amendment in the Constitution by recognizing that 'diversity' is the core value of the Nepalese nation; that the right to livelihood, shelter and other basic needs are fundamental rights; that the devolution of the power at the local bodies is a first step to ensure the 'inclusive democracy'.
  - ii. Declaration of the affirmative interventions for 'mainstreaming the marginalized groups' in development opportunities and benefits.

- iii. Effective remedy and speedy course of criminal actions against those acts that treat people as untouchables.
- iv. Arrangement for 'efficient access to citizenship' for those who are the citizens.
- v. Priorities for infrastructure development of the regions that are long left behind and ignored.
- vi. Declaration of policies and programs for emotional integration of the Madhesi population'. For this, state has to eliminate all those attitudes or practices that discriminate or alienate Madhesi population.

## **Long Term Scheme of Conflict Transformation and Consolidation of Inclusive Democracy**

In brief, the scheme of 'transforming liberal democracy into inclusive one' is an expression of the long term agenda for sustainable political and socio-economic reforms and development. This mission is thought to be achieved through the following interventions:

### **1. Decentralization, Delegation and Devolution of Power and the Concept of Inclusion**

Decentralization as a rhetoric has been a matter of talk for over five decades in Nepal. The latest move in this regard is the promulgation of the Local Autonomous Governance Act. Though the Act through its preamble stipulates to devolve governance power at the grassroots level, it has not proven true in practice. Article 3 of the Constitution of the Kingdom of Nepal, 1990, has vested the sovereign power of the nation on people; yet, the prevailing fact is opposite.

The concept of decentralization, however, can not be a substitution of the devolution of the power or the autonomy of governance.<sup>72</sup> The concept of decentralization vest ownership of the power on central government. In fact, under the decentralization scheme the local governance institutions function as local functionaries of the central government. Whereas the concept of autonomy vest ownership of governance power at local institutions, and as such they truly represent the people at

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<sup>72</sup>. Decentralization, delegation of power and devolution of powers are different concepts, and thus do not connote same meaning. Broadly speaking, decentralization refers to the handing over of administrative or managerial responsibility to sub-national units, which originally belong to the central government. The concept of decentralization does not surrender power to the local bodies. In fact, the local bodies are functioning or exercising the powers on behalf of the central agencies. The political movement of decentralization in Nepal is obviously deceitful. The hidden objective of the decentralization movement is to 'subject peoples' to employees of the central government'. The local bodies are used simply to hoax the autonomy of governance. The elected local authorities are never trusted by the central agencies. One of the designs behind it is to perpetuate the centralized rule, so that the subordination of ethnic groups and *dalits*' through agents of central government is possible. The ideas of Hindu kingdom, Hindu social structure, supremacy of orthodox Hindu ethos and Nepali language as a national language' are advocated deceitfully. Delegation is the form of decentralization that takes place when public enterprises and other semi-autonomous government agencies are assigned responsibility for implementing sector investment or for operating public utilities (Martinussen, John, 1995, *Democracy, Competition and Choice: Emerging Local Self Government in Nepal*. Delhi, Sage Publication Pvt. Ltd India.). The devolution of the power is a process of transferring power or authority and responsibility both to the regional or local levels with their own discretionary authority. In devolution of powers, responsibilities for a range of operations encompassing several sectors are assigned to local authorities that are established as corporate bodies in the legal sense with power to raise revenue and incur expenditures (Ibid). Devolution of power is a political connotation of the right to self-determination. By denying devolution of the power, the right to self-determination is deceptively denied in Nepal. The devolution is, as political connotation of the right to self-determination, is directly linked up with the sovereignty of the people. The devolution is denied for the fear that it would render the people as sovereign in true sense.

their respective levels. "Inclusiveness" in this context connotes an idea of, or thought about 'granting of autonomy' to people for self-governance. Thus, the idea of 'inclusiveness' in its political dimension means 'a scheme of devolution' of governance powers to the people. Obviously, the concept of 'inclusiveness' is not simply a 'process' of participation of one 'group of people with other group of people'; it is not merely an idea of equality of 'identity'. Rather it is the participation of the people with autonomy to 'rule making process and discretion for development affairs'.

From the perspective of human rights, the "issue of inclusiveness" refers to constitutional and legal framework that guarantees 'enjoyment of right to self-determination'. And from the perspective of the 'principles of good governance', the issue of 'inclusiveness' is a source of legitimacy for political system. "Inclusiveness" is therefore a basic element of the democracy. No political system can be defined as democratic in 'absence of inclusiveness'. Of course then, the democracy should not be defined with or without 'inclusiveness'. Attempt to evolve autonomy to people for governance and for that secure devolution of power is a 'strategic approach' to transform a 'political system to democratic political system'.

#### **A. Proposed Structure for Inclusiveness through Devolution of Power**

Structure of a political system that can be defined as 'democratic system' has concrete features. In the context of Nepal, these features can be outlined as follows:

- a. **Core Value of the Constitutionalism**: Every society has its own typical 'constitutionalism', which gives a unique typology to a democracy of that particular society. Some countries are heterogenic in terms of geography, culture, language, etc, whereas others are homogenic. In the heterogenic society, the recognition or protection of the diversity of language, culture, social origin of the population, ethnicity, religion or faith, and so on is supposed to be the core value of the constitution. Nepal is typically heterogenic in composition. The Constitution of Nepal has, however, ignored to take 'this character (diversity) as the core value or the basic principle of the constitutionalism of Nepal. "Inclusiveness" is thus virtually discarded by the political system of Nepal. The political system established by the present Constitution is thus far from being democratic. The failure to recognize the 'diversity' as a core value of the constitution resists every scheme or process intending to devolve 'autonomy of the people over the governance'. Thus, the Constitution indirectly protects and promotes 'centralization' of power. In order to change this paradigm of the constitutionalism, the changes are necessary to make in the constitution to the following effect:
  - i. Declaration of the Nepal as a 'secular state' religiously, and putting ban on any institution to tend to 'instigate any person or groups' to make Nepal as nation with a particular religion as the 'religion of the state'. The rationale behind it is simple, i.e. religion is a matter of faith of 'living human persons'. It is a matter of worship or rituals or belief of a 'typical type'. State as a 'corporate person cannot have its own faith, and it has nothing to do with 'worship'. Thus, State cannot be holder' of religion',
  - ii. Abolition of the practice of 'untouchability' as a crime against the state as well as humanity,
  - iii. Declaration of 'recognition of all languages as national languages' and right to use and foster them as a matter of right,
  - iv. Recognition of every mother tongue as an alternative official language,
  - v. Establishment the national academy and universities for the study and preservation of minority culture and languages,
  - vi. Recognition of the affirmative actions to empower marginalized class and groups to share power of the state, and

vii. Devolution of power to the people by the constitution itself.

- b. **Devolution of governance power is necessary to 'recognize and protect' the diversity.** To achieve this goal, the restructuring of the state is necessary to following effect:
- i. Enabling the local bodies for resource mobilization- the devolution of power in this sense includes all those autonomous authorities that empower local elected bodies to levy tax, and design, adopt and fund the development projects. In the constitution, this power should be made irrevocable in any circumstance by the central government.
  - ii. Based on a conservative estimation, the potentiality of each constituency to generate and mobilize resource for local development projects is tremendously huge. Obviously, the present system of government needs to be replaced by a two-tier local governance system- an autonomous council government, and village or municipality government. The autonomous council shall take a 'shape of limited provincial government with its own 'legislative body for Planning and Policy of the development and administration of the council territory'. The Assembly shall have power
    - to adopt the development plans;
    - to approve the budget for development and administrative cost;
    - to collect revenue and fund development projects;
    - to enact the rules for management of the council bureaucracy, police system, civil court system and education system;
    - to enact rules for health system; and
    - to adopt special policies for the development of marginalized groups of the population.

### **Autonomous Council Government Model**

The country may be divided into following autonomous councils, based on territory represented by a typical civilization, particular ethnic or linguistic groups, and the river basin system of the country. From this perspective, the establishment following autonomous councils is suggested:

1. **Kirat Autonomous Council:** This council comprises districts or areas inhabited by people of Kirat origin in the far eastern part of Nepal, the Limbu and Rai communities in particular. Hill districts of Mechi and Kosi zone along with districts such as Jhapa, Morang, Sunsari in Terai can be placed in the Kirat Autonomous Council. "Kirat" is a civilization of people, which has its own distinct language, culture and social system. The establishment of the Kirat autonomous council is justified based on need of representation of a sizeable population of people who have a long traditions and values 'developed as Kirat civilization'. This civilization covers even those people who do not have genetic connection with Limbu and Rai ethnic groups. Opposed to some people, this establishment of the Kirat Autonomous Council is in no way influenced by 'communal distribution of the Nepalese people'. Kirat as a 'civilization' represents all those people who have nurtured their lifestyle in accordance with Kirati 'traditions and values'. Even people who are genetically different from Limbu and Rai communities may have the traditions and values developed by Kirati civilization.
2. **Mithila or Baidehei Autonomous Council:** This council represents the 'civilization' developed in and around 'present Janakpur' zone. This council linguistically represents Maithili, Bhojpuri and Tharu language speaking peoples. The territory of this council may incorporate districts such as Spatari, Siraha, Udayapur, Dhanusa, Parsa, Bara, Sarlahi, Rautahat and Mohatari.

3. **Narayani Autonomous Council:** This concept of this council is based on river basin system. Obviously, it comprises districts such as Makwanpur, Chitwan, Dhading, Nawalparasi and Rupendhi, of which lifestyle and development is directly influenced by the Narayani river system. In these districts, none of the ethnic group has majority, and no singular type of civilization prevails. These districts are mixture of 'southern plain and inner Terai'. A sizeable population of these districts comprises 'tribal people' such as Chapang.
4. .
5. **Mid-Eastern Hill Autonomous Council:** This council comprises Solukhumbu, Dolakha, Ramechhap, Sindhuli, Sindhupalchok, and Kavrepalanchok districts. This council represents a 'typical hill life style', a mixture of culture of Tamang, Sherpa, Newar, Brahmin and Chettri population. While the population in these districts heterogeneous ethnically, the social and economic life style is hardly different. Livestock constitutes a 'major source of livelihood'.
6. **Kathmandu Autonomous Council:** It comprises Kathmandu Valley, Rasuwa and Nuwakot.
7. **Gandaki Autonomous Council:** This territory comprises traditions and values developed by Gurung, Magar, Thakali and other various ethnic and caste groups. None of the ethnic group is absolute majority and influence in this territory. However, the Gurung community is in normal majority in this territory. Obviously, some people might argue the establishment of this council in the name of this community. However, the territory is better known in the name of 'Gandaki River system' than that of a particular community. This territory consists of districts such as 'Kaski, Tanahu, Lamjung, Manang, Gorkha, Mustang, Palpa, Syngja, Myagdi, Parbat, and Baglung.
8. **Lumbini Autonomous Council:** Lumbini Autonomous Council represents a territory in which the Sakya pre-historic civilization emerged. This territory important in terms of 'concentration of current Tharu civilization, and historically the home of Sakya civilization. The Tharu Community has normal majority in this part of the territory, whereas other communities inhabit significantly. Districts falling in this territory are Kapilavastu, Banke, Bardia, Kailali Dang, Pythun, Salyan, Arghakhi,, and Gulmi districts.
9. **Magrat Autonomous Council:** This territory under this council represents a 'typical ethnic civilization of Magar people' comprising districts of Rolpa, Rukum, Jajarkot, Surkhet, Dailekh, Jumla, Mugu, Kalikot and Humla. However, other several ethnic groups such as Thakuri or Khasa, Brahmin, and Chettri have sizeable population in this territory. Obviously, the council can also be named after river basin system.
10. **Karnali Autonomous Council:** The Karnali Autonomous Council comprises territory currently covered by far-western districts such as Darchula, Baitedi, Doti, Bajhang, Bajura, Dadeldhura, Accham, and Kanchanpur. This council represents a 'mixture of population with different ethnic and social origin'.

There has been long debate going on 'composition' of Nepal as a 'federalist state'. The present proposition is 'founded on recognition' of two fundamental thesis.

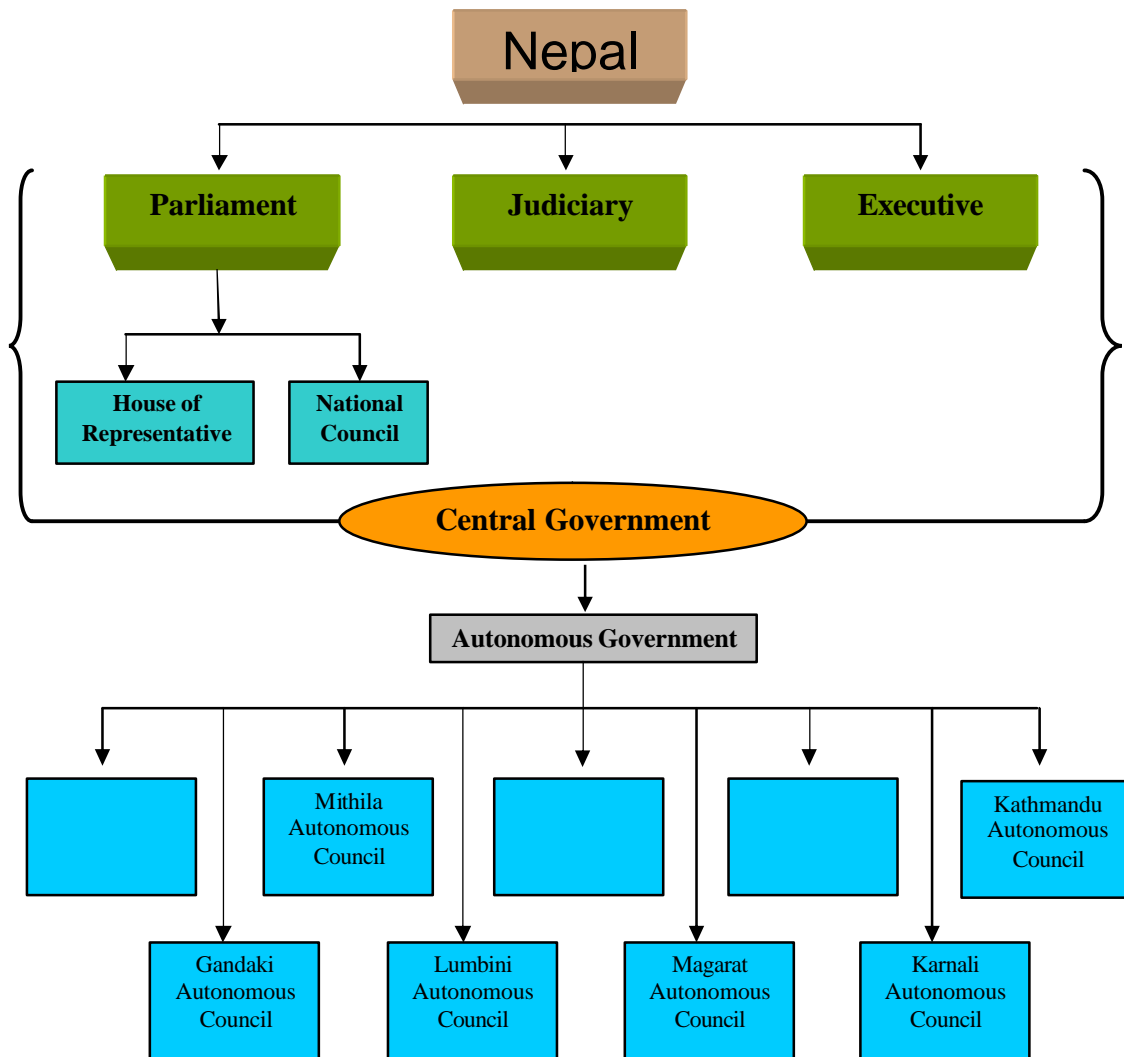
- a. National integration of population is essential for 'development of any nation as nation state'. Power devolution to people's elected institutions is necessary to 'end the centralized unitary feature of a country, of which population of 'heterogenic', and none of the caste or ethnic groups has absolute majority. Nepal is a 'nation of minority groups'. Its integration is thus not

possible 'without giving space in governance' for all constituent groups. "Federalism" should be 'fundamental character' of Nepal as a 'nation state'. However, the 'concept of federalism' must not connote a 'separation of one territory from another territory', and 'exclusive power of one group against other'. The notion 'of Nepal's federalism is to 'ensure every one's inclusion in the system of governance'. In this sense, the character of the 'federalism of Nepal' is limited, not absolute. The notion of 'limited federalism' is guided by the theory of 'complimentarity' between one and other constituents. The existence of one 'constituent is necessary for other', and collectively constitute an 'integrated nation state'. In absolute 'federalism', the 'sovereignty' of the state is 'divided between constituents'. In limited 'federalism', the collectively 'constituents' create sovereignty 'of state' as nation state. The concept of 'dividing the territory' of nation solely based on 'majority' of the population in the given territory is against the 'concept of integration' of Nepal as a 'nation state'. "Federalism based on 'ethnic population' advocated by some people' is guided by 'notion of unlimited or absolute 'federalism', which calls for exclusion.

- b. The devolution of power 'to council government' is necessary for 'balanced and equitable distribution development opportunities for all population and regions. The 'establishment of the council government is thus inspired by the 'need of recognizing and protecting' the socio-economic rights of the population with priority'. The development agenda of the 'devolution of power' is to 'enable local people to exercise ownership over local resources'. Obviously, in present type of limited federalism, the power of execution remains at the hands of local governments and the 'monitoring and 'emergency power of control' at the hands of central governments.

From these perspectives, the federalism propagated by CPN (Maoist) and some intellectuals is 'not pragmatic' supported by 'rational theories'. Absolute federalism in the given geographically strategic placement of Nepal constitutes high vulnerability of 'secessionism'.

The limited 'federalism will have the following structure of Nepal as 'nation state'.



Each autonomous council shall be 'an important unit of the state of Nepal' with power and responsibility to 'deliver service to the people, and protect and preserve local language, culture, religion, and all other heritages. The autonomous council is not merely a 'territorial section or division of the central' government. It is a body of 'government established by the constitution itself', and such it is 'independent to govern the territory' pursuant to the powers granted by the constitution and other laws enacted by the 'House of Representatives'. The composition, powers and functions of the Autonomous Council shall be as follows:

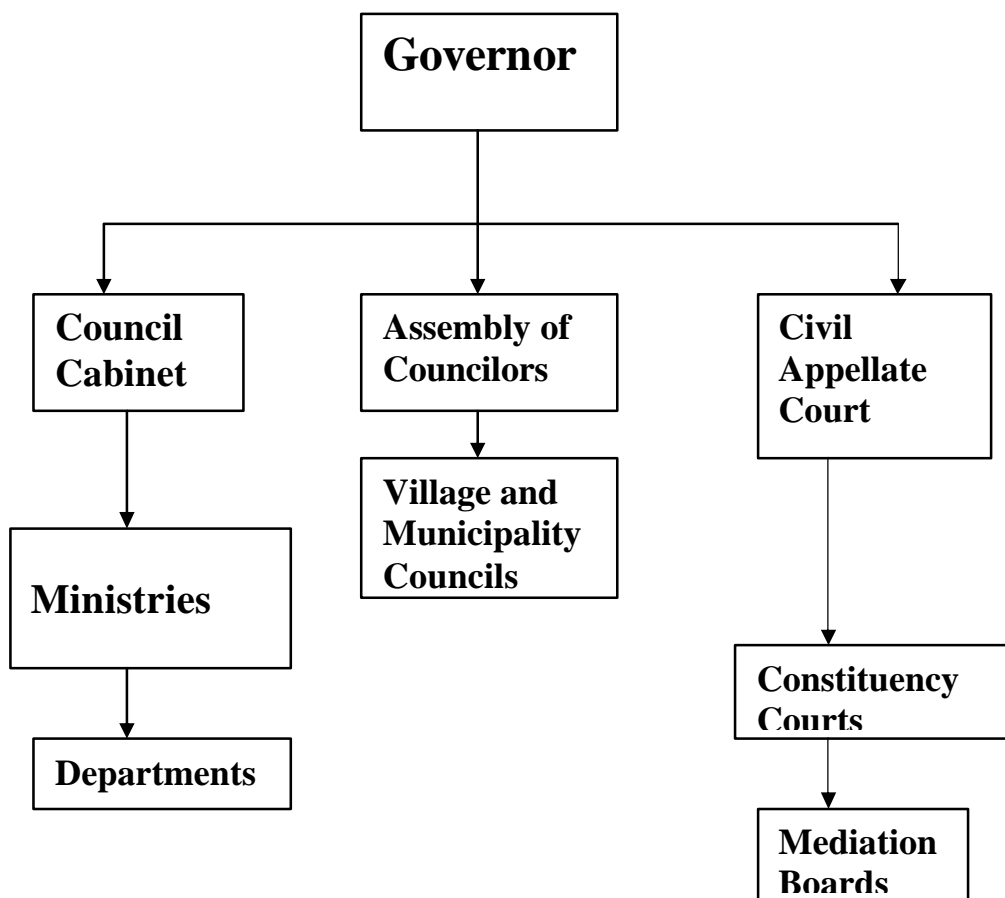
- a. The council shall elect its government l that is responsible for daily administrative and development affairs of the council.
- b. Council shall have full control over local schools, colleges, hospitals, and other social service institutions. It shall have power to register vital events such as birth and death and issue citizenship certificate.
- c. Council shall have a 'Mediation Board' to settle petty civil issues as defined by the law, and it shall have its own civil litigation system and courts to deliver justice in civil matters.

- d. Local resources shall be under full disposal of the council, and as such it can levy tax, and collect other revenues in accordance with laws enacted by the council's legislative body.
- e. The council government shall have power to 'use' local language as an alternative 'official language' within its jurisdiction.
- f. Council's chief executive shall be directly elected by the people. Member of cabinets of the council shall be drawn up by the chief executive from amongst members of the legislative body.
- g. Council's legislative body shall be elected by the people using proportional electoral system.
- h. Council shall have its own police system for law and order.
- i. Election of the council is organized and conducted by the National Election Commission.

### **Structure of Autonomous Council**

The autonomous council government is not a 'territorial division' of the central government. It is an independent 'body of the local government'. The council is governed by the 'central government' in matters of 'security, foreign policy and disputes between autonomous councils'. The 'criminal justice system' shall be directly administered by the central government.

Council's general administration is carried out by 'bureaucracy recruited and controlled' the council itself. As mentioned above, the head of the council's government is elected by the people directly, using preferential voting system. The person obtaining highest number of 'preferential votes' shall be elected as the head of the government of council, whereas the governor shall be 'appointed by the central government'.



### **Constituency Government Model:**

The Constituency Government model is an alternative to the Autonomous Council model. The in-depth analysis of the advantages and disadvantages is yet to be carried out. The concept of the 'Constituency Government' model is founded on the following fundamental approaches or principles:

1. In Nepal, considering its strategic placement and comparatively smaller population, the unitary government system is more convenient and effective. The 'concept of federalism' may induce secessionism', and conflict between 'various units'. The process of national integration might be affected. Divided territorial sentiments and vulnerability of inter-units conflict may jeopardize the prospect of wider mobilization of resources and development efforts. It may also cause the 'lacking of uniformity in matters of 'social service and security' system. Most importantly, some units with larger natural resources and topographical advantages may have better prospect of development compared to others, which may spark tension and conflict. The Constituency Government does not have these disadvantages. However, the devolution of powers in this model may remain still of big problem as 'the chances of central influence and interference' are paramount. In Denmark, for instance, the system with some variation has been effectively functioning. The powers of governance are virtually devolved to the 'municipalities', and the association of 'municipalities ' has been developed as a 'linking agency between the local and central government'.

2. The 'elected representatives' can play effective role in development of the 'constituency'. This model keeps them in meaningful and direct touch with people's daily concerns. The politics is thus directly connected with development concerns of the population.

Under this scheme, the governance power is devolved to the existing 205 constituencies, where an 'elected government' shall exercise the all powers of local administration, welfare, social security, development affairs and dispute resolution of civil natures. In this model, each constituency shall be divided into five councils, with average population of over 30,000, generally distributed equally among councils.<sup>73</sup> The Constituency Government shall have its own bureaucracy and civil administration system as well as civil courts. The central government will handle only the criminal courts and institutions of central governments, such department of land management, mines, tax, and national transportation network, nation grid of electricity, university education, and national development projects. Structure of the government shall be as follows:

- a. The member elected for House of Representatives shall be ex-officio chief executive of the constituency government.<sup>74</sup> As such, the member will have two major roles i.e. to head the government in the constituency, and to represent the constituency in the House of Representatives.. This scheme does obviously and meaningfully connect the political leaders with the national development affairs and the welfare of the people. Having their representatives as their administrators too, the people will be highly enthusiastic in the development mission. Most importantly, this scheme will free the people from the 'feudalistic and unaccountable bureaucracy', in which the central government officers act like 'masters' of the people.
- b. The five 'village councils' will act administrative divisions of the constituency government. Most part of the administrative affairs and development works are carried out by 'councils'. Each council is headed by councilor directly elected by people. Each council shall have 35 councilors, of whom 50% are directly elected by the people. Rest 50% are elected by professional, class, ethnic and caste groups. 30 % of seats from all categories shall be reserved for women. Members of all council shall collectively constitute the 'Constituency

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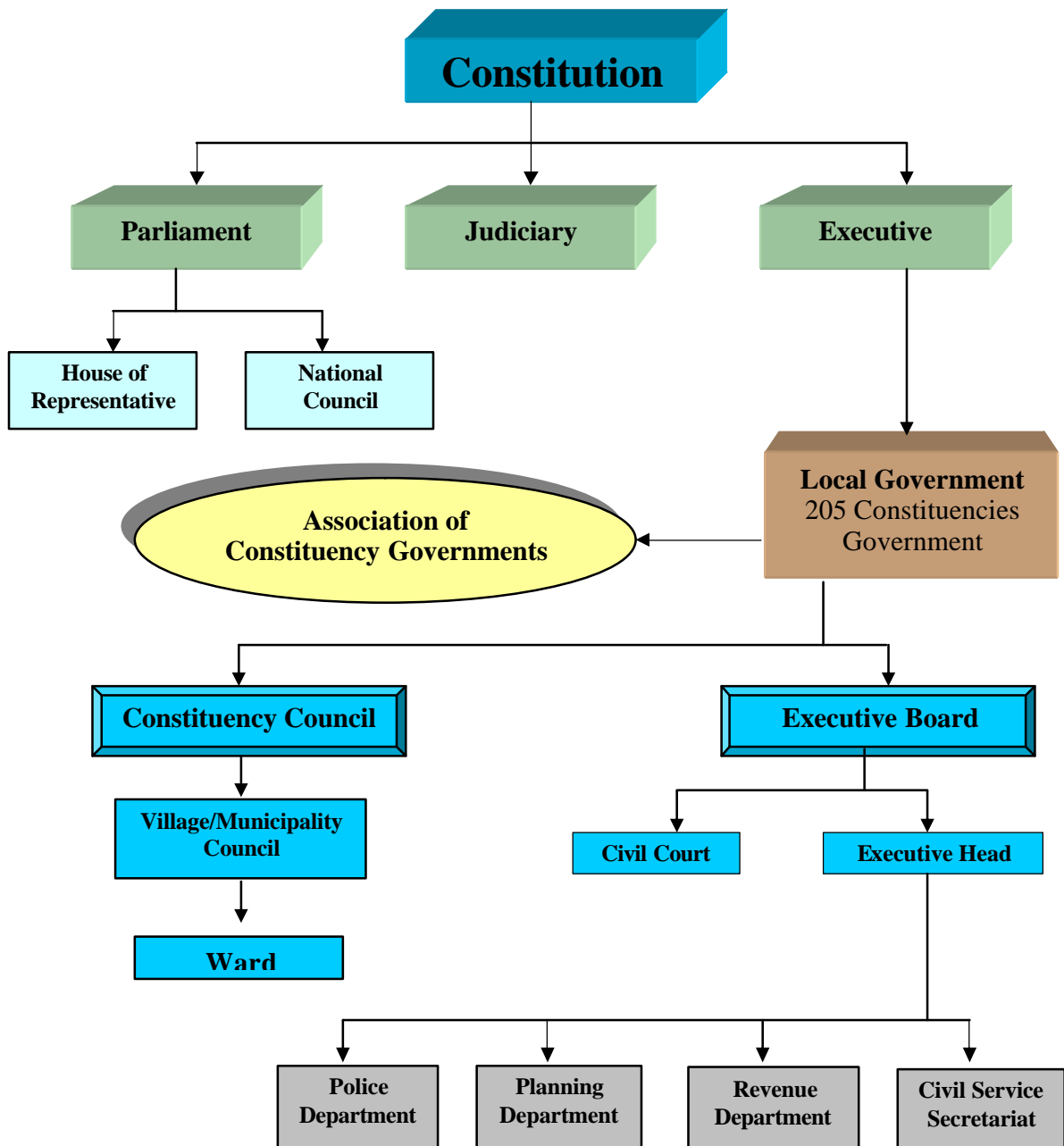
<sup>73</sup> . Some people oppose the idea of 'reducing the number of village councils' based on the opinion that it will make the administration or system costly for the people. However, the big number of 'local government agencies are not only costly, but they would also be unfeasible for people's welfare'. It is of course not possible to 'create a competent health, education and other services' in each village. Nepalese settlement system is scattered. The distance of one household from other lies in quite distance, which make the development efforts costly and unreliable. "Clustering of household" system is thus essential for any reliable development efforts and 'generate a competent social service system'. The proposed idea of reduction of the number of local governance institutions is based on 'need of developing urban centers for easy supply of the welfare services'.

<sup>74</sup> . This model has justification on 'deep rooted concept of the Nepalese people that the representative elected by them is not only a law maker, but also an 'advisor', guardian, and trouble shooter. It was one of the reasons that the local electorates expected elected members of HR give major part of his/her time in the constituency, and act as leader of the development more than the 'politician'. This emotion and culture of the people is hard to change. Obviously, it would be nice to be pragmatic that 'the members of HR' are treated like 'local development emissary'. It has been well established 'members of HR can trusted by the people if he/she is together with them' in development mission. To respect this 'sentiment of the people the state must seriously think of 'treating the HR as 'National Development House' rather the "National Assembly for law making and policy determination'. Over the last 15 years of democracy, it also fully entrenched that the members of HR acted like representatives of the local people and served their interests than that of a 'national leader to look after the national interests'. They were obviously much concerned on 'development of their constituencies than law making activities'. Hardy a ten percent of them had national issues to discuss in the parliament. Large part of their time they engaged to 'raise issues of their respective constituency or the district'. They spent larger part of their time visiting ministries and other department looking for programs and support for their respective constituency. It would be therefore usual and right decision to 'let them essentially connect with the respective constituency and engage in its development and welfare of their constituents'.

Assembly', as a supreme body of the constituency government in matters of policy. It will also oversee the 'implementation of development activities and performance of the government'. The assembly shall have power to adopt the 'annual budget, the tax and service charge policies, the rules and regulation governing the employees and welfare and security system mechanism.

- c. Constituency government shall be fully autonomous 'unit' of the government and as such it shall be capable of 'owning, managing and controlling' the education system up to the secondary level, the health system, the road and transportation system, the water and sanitation system, and all other necessary welfare systems. No department of central government can interfere in these matters. However, the constituency governments must follow the national policies and guidelines in these regards.
- d. Constituency government shall have its own 'bureaucracy' and local police system, recruited and controlled by it independently. It shall have power to recruit employees through a 'competent competitive system'. The employees shall be fully accountable to the 'government'. The government in turn shall take responsibility of 'security and welfare' of the employees.
- e. Constituency government shall have power to 'collect tax and service charge'. It shall have full power to generate revenues through mobilization of local resources, and then spend the fund for services and development projects.
- f. Constituency government shall have ownership over the local resources like forestry, quarries, etc.
- g. The Constituency government shall have power, under the broader policies and guidelines of the central government, to 'develop, launch and control' its primary and secondary education system focusing on the 'population, language, culture, and other important aspects of people's 'lives'. It can have its own health system.
- h. Central government may appointment an officer to 'coordinate between the local and central government'. However, unlike present District Administrative Officer, he /she have no 'control over any affairs' of local administration and development activities.

Structurally and institutionally, the present model is nothing but an overall reform of the 'existing local governance' system of Nepal. The only spectacular difference is that 'this model is based on 'notion of complete devolution' of powers to the 'local level'. This model emphasizes the 'notion of democratization' of the system rather than the 'recognition' of the right to 'self-determination'.



This model can be developed as a 'competent' substitution of the autonomous council government system which emphasizes federalism. Conceptually, the autonomous council government system emphasizes the 'notion of right to self-determination', whereas the constituency government model is 'built' on the notion of 'need of democratization of the system of government through de-concentration' of power at the hands of central governments. Both these model possess advantages and disadvantages. In the autonomous council model, it would be difficult to fully 'accommodate concerns and interests of all population' as Nepal is nation of minorities without absolute majority of any ethnic, or caste, or religious or linguistic group in any part. The population is mixed. Moreover, the diversity itself has multiple dimensions, i.e. the ethnic, regional, caste and linguistic. The autonomous council will fairly devolve the power to 'the people in the territory with majority', but in the meantime it creates a 'hell of problems' about accommodation of interests and concerns of 'populations which are distinctly different and minorities'. Each autonomous council has to address this problem differently. The uniformity of 'treatment of minorities' would occur as a problem. The

community of Limbu and Rai in the Kirat autonomous council, for instance, would constitute a majority ethnic group, and other communities such as Brahmin, Chettri, Newar, Gurung, Tamang and so on will be minorities. These groups need a 'treatment of minorities'. In Mithila autonomous council, on the other hand, the community of Limbu and Rai, would be minority community needing special treatment. Obviously, how to set up an uniformed 'Autonomous Council' system by the constitution is a challenge.

However, the positive aspect the 'semi-federalist concept' in Nepal, unlike India, is not motivated by a desire or expectation of 'exclusion of one group by other group'. In India, for instance, Bengal is exclusively created for Bengali people and Madras for 'Tamil speaking people'. The proposed autonomous council model is not proposed by similar desire or expectation. The notion behind the scheme here is to 'facilitate greater or wider devolution of power' in order to empower marginalized groups' to share the power of the state. Hence, the challenge can be managed if ways are figured out prudently and non-pejoratively. The basic goal behind this model is to end exclusion of majority population divided into several ethnic or caste groups by removing the monopoly in power of a few groups. This model thus recognizes an integrated 'diversified' population as the basis of 'existence of Nepal as a nation state'.

The concept of Constituency government is rather important for 'gearing up socio-economic development' of the Nepalese society without destroying the much part of the existing structure of the governance system. It is believed that the 'economic development' is a boon for 'social transition' of the population. The devolution of power at the local level is expected to 'end the feudalistic attitudes pervasive in the 'current system of governance, including political parties'. This attitude is a 'major of source of financial corruption and power abuse'. The economic development is 'mainly hindered by the attitudes of 'corruption, abuse of power and perceived hierarchy of those in the power and bureaucracy.

## **Proposed Features for Inclusiveness in National Institutions**

**House of Representatives (HR):** The existing HR demands overall restructuring in order to accommodate 'one of the two schemes described above'. To be brief, the HR must exclusively a "Development Affairs House". Obviously, its power should be limited to that of a house which is mainly 'responsible for development policies, planning and financial affairs' of the nation. As such, the HR should play the role of a 'connector of between the local and central government systems or agencies'. This house is elected by people by proportional electoral process, and as such must represent 'all groups and ideologies'. The major functions of the HR shall be as follows:

1. Adopt the 'annual and period national budget of nation'. The current functions of the 'National Planning Commission' would be taken over by this House.
2. Oversee the 'expenditure' and censure the 'government for its failure to implement the development projects'.
3. Enact laws concerning 'collection of tax and other forms of revenues', and develop and implement systems for 'regulating and maintaining financial disciplines'.
4. Develop projects for 'reform of the governance system', including enhancement of the service delivery and social security system.

5. Oversee the ' performance of the local government system' and develop polices and guidelines for their enhancement regarding service delivery and social security system.
6. Receive reports from various central government agencies and local bodies, and recommend the executive government for necessary actions.
7. Deal the national security and foreign policy issues.

The House of Representatives shall have no powers to 'legislate and oversee' on issues of language, culture, religion, and other social issues. This house is 'purely a political institution', which deals issues from national perspective without interfering in matters of cultures, religions and languages.

**National Assembly:** The National Assembly should be a house for the national conciliation and unity; the promotion of inclusive democracy; the protection of the sovereignty of the people; preservation of the national heritage, such as protection and promotion of national languages, cultures, etc.; monitoring of the governance system. This house is elected by local bodies, so that the local bodies shall be its constituencies. In addition, the representation in the national assembly would be made through the following constituencies, distributed based on the population size:

**Professional Constituency:** Professionals such as lawyers, doctors, engineers, nurses, journalists, and school and university teachers will have a 'determined number of seats' in the assembly. The eligible voters associated with these professions will elect their 'representatives' for the assembly.

**Ethnic Minorities Constituencies:** Minority ethnic population such as Chepang, Raute, Badi, Gayane, etc should have at least one seat reserved for their representation in the assembly.<sup>75</sup>

**Ideological Constituency:** Political parties shall have representation in the national assembly proportional to their strength in the HR. The political parties must elect their deputies through general conventions for the assembly. This rule is essential to promote and ensure accountability within the political parties. The practice of electing deputies to the assembly by the general conventions will 'promote democracy' within the political parties as 'it would introduce a system of accountability of deputies to the party workers.

**Socially Marginalized Groups Constituency:** Socially marginalized groups like Dalit and women shall have representation in the assembly from their own constituencies. 30% of the total seats of the assembly from all constituencies shall be exclusively reserved to women.

**Class Groups:** Class groups such as laborers, farmers and business community must have their 'own constituencies'.

National Assembly shall be a permanent house. All social bills originate in the assembly. The 'Constitutional Amendment' except the one concerned with 'power and functions' of the House of Representatives can only be introduced in the assembly. The powers and functions of the assembly shall be as follows:

1. Enact laws concerning nationality, marriage, protection and preservation of national heritages such as languages, cultures, religions, and issues of archeological or historical importance.
2. Enactment of laws concerning administration of justice.
3. Laws concerning recruitment, regulation and enhancement of the bureaucracy.

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<sup>75</sup> . To accommodate the representation of in feasible way (to keep the membership of the National Assembly manageable), the one representative for five hundred thousand population is advisable.

4. Enactment of laws concerning powers and functions, including election systems, of the local government bodies.
5. Appointment of 'heads or chiefs' of the constitutional bodies, including security agencies. The appointment of the 'Chief Justice and Attorney General' shall be approved Standing Committee of the by the 'Assembly on recommendation of the Constitutional Commission', which comprises the Speaker, PM, the outgoing Chief Justice and the outgoing Attorney General.

The assembly as a 'body of representatives, encompassing the political ideologies, professionals, minorities, class groups, and socially marginalized groups, is expected to 'represent the nation' as a 'center of national unity'. The assembly shall be a powerful house to 'monitor' all affairs of the national lives.

**Prime Minister:** The PM should be elected by the people directly. The PM shall be chief of the government and accountable to the 'both houses'. As a head of the government, the PM is solely responsible of all acts of the Government. He/she can constitute a cabinet of ministers to 'head the ministries, and such ministries shall be accountable to the PM. The PM shall have prerogative to 'appoint ministers' as per his/her choice, but the assembly may 'initiate a proceeding against such appointee' on the ground of his/her bad character and adverse effect to the 'national security'.

The PM has to 'declare his programs and budget at the parliament for endorsement', and such endorsement shall be made by the joint sitting of the two houses. The Prime Minister is accountable for non-confidence motion to the joint sitting of the both houses. All institutions of the executive government system shall be subjected to the 'authority of the Cabinet, with power of censure with the National Assembly.

### **Fundamental Programs for Promoting Inclusive Democracy**

"Inclusive Democracy" operates through instruments of "good governance, development plans, and most importantly the recourse mobilization policies, particularly the land policy if a country is like Nepal in which the economic affairs are fully dependent on agricultural affairs. This part of the article will focus on issues of 'good governance, development models and land policy' in the context of Nepal. Fostering inclusive democracy in absence of 'good governance' is not only impracticable, but also impossible to think about. It means that the practical realization of the 'theoretical ideals of the inclusive democracy' is possible only through promoting the 'concept of good governance'. One way, as many political science and constitutional law experts have described, the concept of good governance in itself is an important element of the inclusive democracy. But it is not necessary here to debate in this regard. Pragmatically, it would be more sensible to 'take good governance in its tangible form and relate it as an indispensable instrument with the issue of transformation of the 'political democracy into social and economic democracy'. In this sense, the concept of good governance emphasizes on 'need and significance of the devolution of power to, and welfare of, the people'. As a matter of fact, it serves as an important indicator of the inclusive democracy. The success of the development plans is fully dependent on the 'resource mobilization policies' and both of them ultimately are dependent on 'good governance.

#### **a. Relation between Good Governance and Sustainable Development**

Sustainable development of a country is dependent on good governance. Corruption inhibits good governance, and absence of good governance destroys the possibility of 'economic development'. Corruption in many forms adapts to a range of institutional and social settings. Obviously, the issue or problem of 'corruption in its large part' is an outcome of the 'mental attitude', rather than

'the nature of illegal transaction' itself. Historically, the Ranas, in particular, practiced a culture in which 'giving and taking' gifts in the form of goods or cash was taken as a normal phenomenon. The Ranas themselves expected such 'gifts' from the employees. "*Baksis*" (a kind of payment for favor or making the giver pleased) was taken as an appreciable thing. Similarly, the "*chakari*" (a system of appeal policing) had been encouraged by the Ranas as a 'discipline' of the employees. Obviously, as the Ranas expected '*chakari*', from the government employees, the later expected the same from the ordinary citizens. These practices had been taken essential for 'continuity' of the hierarchical society. The corruption is, therefore, largely a charter of the feudal society.<sup>76</sup> Its widespread existence indicates to wider 'prevalence' of the 'feudal characters in the system of government. Considering the Nepalese perspective from this point of view, one can conclude that 'the government system in Nepal still predominantly consists of 'feudal' characters. These characters are present in all forms of 'government agencies', including political parties.

Of course, not all corruption is bribery or extortion; some is out-and-out theft and predation. Political corruption, such as extended patronage networks feeding upon the public payroll, are important too, and the cost of so-called "petty corruption" involving ordinary citizens and low level officials can be very serious indeed when assessed overtime and in terms of relationship between society and state. Broadly speaking, corruption in any of its form negates 'existence of the good governance'. A society with rampant corruption 'precludes' existence of the good governance, and ultimately is an indicative of the feudal structure of the society. Existence of corruption, lacking of good governance and characters of feudalism all mean that the 'given society' lacks inclusive democracy. It is why 'democracy and feudalism' are known to be contradictory. From this perspective, the concept of 'good governance' is an instrument of eliminating the corruption and feudalism, and as such is an indispensable 'prerequisite of the inclusive democracy'.

Corruption affects the whole system, and, as pointed out by Susan Rose Ackerman, the systemic cost of corruption becomes most clear when we look at whole systems, rather than at individual corrupt transactions in isolation. The distrust and lost of confidence over the state is the most significant impact of the corruption systemically. Systemically, the corruption protects and rewards inefficiency, and undermines accountability, in both development activities and governmental processes. The honest economic competition is the most attacked prey of the corruption. Lacking of efficiency, transparency accountability, which are fundamental elements of good governance, are destroyed by the corruption. Obviously, development is affected by the corruption by destroying the elements of good governance, and the destruction of the good governance. Development plans are the most affected 'victims' of the corruption. In a developing country like Nepal, socio-economic upliftment of the common people is 'achieved only through strategic planning'. However, the corruption corrupts the 'developing plans', and thus barricades the people from 'benefiting them'. Consequently, they are pushed into 'exclusion'. A society which is marred by the corruption demonstrates the following features:

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<sup>76</sup>. The Nepalese system of government is still not prepared to 'take the corruption' an issue of serious crime. Persons incriminated to corruption are still allowed to 'hold significant' position in the society. After 1995, there emerged a serious concerns of the civil society to 'denounce and prevent' corruption. The government machinery, however, was not serious to it. Even today, the machinery of government is less inclined to 'deal corruption' as a serious issue of 'good governance'. The following instances will justify this statement: (1) Many police chiefs (IGPs) had been charged with 'corruption offences' by CIAA, and they had been tried. Interestingly, these former officials still continue to 'get all those facilities' they are given by the state. For instance, they still have 'security personnel' assigned to look after them. They still wear the medals, decorations and awards given away by the state. They still participate in the 'national functions', invited by the king or other high ranking officials'. How a state can treat 'an accused with state' decorum'? An ordinary citizen is condemned with 'confiscation of property' on conviction of some charges, but how these 'persons convicted with corruption charges' can continue with 'decorations given away by the state'. This practice shows that the corruption has not been defined as a 'heinous crime in Nepal'.

1. Uncompetitive business and entrepreneurship are kept afloat and given unearned advantages, particularly as they deal with government officials, while the return to wise investment and efficient management decreases or get discouraged.
2. Human resources and entrepreneurial effort are diverted from productive activities towards rent-seeking,
3. Public spending is channeled away from much-needed social services such as education toward “big-ticket” projects like dams, airports, and road constructions, where corrupt returns are more plentiful.
4. International aid and loans are less effectively used, and failure in effective use of aids and loans result in conditionality measures, thus adding another element of economic unpredictability.
5. Government institutions charged with protecting rights, such as judiciary, enforcing contracts, maintaining fair economic competition, and supervising financial business and disciplines are virtually weakened with harmful effects at all levels,

These characters have been widely acknowledged in Nepal over the last 50 years. The 30 years *panchayat* regime typically protected these characters. The nepotism prevailed in the place of ‘rule of law’. While the mass of people was fighting for the ‘democracy’, it categorically expected that the ‘a new system with transparency and accountability’ of every actions of the government would have been established. Nevertheless, the vices discussed above continued to ‘exist, and as a matter of fact the legitimacy and credibility of elected governments was severely affected. The change in the political scenario did/could not rescue the citizens from state of dependency, thereby depriving them of the real political choices. The people continued to be voiceless and weaker. In this state, the institutional checks and balance, and effective oversights of bureaucrats by elected officials became ineffective, if not and meaningless. Most perniciously, the corrupt alliances between corrupt elected officials and bureaucrats turned governments into an auction.

According to Klitgaard, the prospect of good governance gets destroyed by corruption, which equals monopoly plus discretion minus accountability. Monopoly is enjoyed by a group of dishonest business firms, the discretion is used by bureaucrats and elected officials to protect their vested economical and political interests, and the unchecked exercise of the discretion renders the government totally unaccountable. In the last few months, this trend is being intensified.

Interventions to address the linkage of corruption and mal-governance should be multi-pronged. No problem of corruption is addressed without over all changes in the political life of the nation, which necessarily should get rid of corrupt bureaucrats and elected officials. Reforms of the political system and political parties are the point of departure to ‘good governance’. However, no reform of the political system can be possible without hammering on the ‘corrupt setting’ that exists in the form of tripartite alliance of dishonest and uncompetitive business firms, bureaucrats and elected officials. Obviously, the war against the corruption and mal-governance starts simultaneously. Some schemes to address the problem are outlined as follows:

1. Promotion of the intra-party democracy and mergence of a critical mass within and outside of the political parties. Intensification of the value-based discussion and debate for democracy is point of departure.
2. Establishment of the Corruption Control Mechanism- Such mechanism not only act to punish act of corruption but also promote participation of civil society to prevent corruption.

3. Promotion of beneficial public-private partnership.
4. Political parties together with civil society must foster accountability through open, well-structured competitive politics. Where political parties are well-organized democratically and internal competitiveness is stronger or decisive as in Scandinavia, there is less corruption.
5. Similarly, open, vigorous, and well-institutionalized economic competition rewards innovation, honest management and accountability in private enterprises.

Inclusive democracy cannot survive without honest efforts to sustainable development. But the sustainable economic development with open market competition itself is dependent on sound and honest governance. Without safeguards against instability and corruption, investors will not be encouraged to make investment. Lacking of opportunities for investment with all necessary safeguards to investors nationally and internationally creates impediments to economic growth leading to sustainable development. The future democracy of Nepal has thus to ensure the course of sustainable development for consolidation of the democracy with 'inclusion' of all necessary elements that are essential for rendering it 'inclusive'.

For sustainable economic development, a country has to work in multiple sectors. The change in the stereotyped notion of agriculture, business and trade is one of the fundamental pre-requisites for the economic development of a nation. However, theories of economic growth or progress demand a precise vision, which are reflected on the 'models of development' pursued. For any model of development, honesty and prudence in mobilization of resource are prerequisites. It is mandatory that every country has to depend for development on available resources. Nepal is a 'agricultural economy' and as such the 'land' is the most important resource. To develop precise and productive land policies is therefore a part of the mission for 'inclusive democracy', which in fact will bring a vast majority of the population within the ambit of the 'good governance and the democracy'. To think sustainability of democracy without inclusion of farmers is not only impossible, but also meaningless.

#### **b. Sound Land Policy and Sustainable Development for Consolidation of Inclusive Democracy**

Lacking of land policy framework is ever going problem in Nepal, and it has resulted with the following problems:

1. State has no vision, objectives, strategies, priorities and implementation programs. Some crude polices are implicit in laws, but they focus only on minor and causal issues of land management and regulations, such as cadastral survey, maintenance of the land records, division of lands and registration of the land holders, and guidelines for revenue generation and control.
2. Most landholders who actually cultivate have no titles, and most part of the land is not registered or wrongly registered, which makes its vulnerable to disputes and incur of investment on unproductive affairs.
3. Land documents are kept in traditional, people unfriendly and depilated forms. In the wake of insurgency, even the depilated documents have been destroyed.

4. Lack of titles threatens the poor with land grabbing, impedes investment and holds back the development of a land market which could allocate land to those who need it most.
5. The land registration system is not well developed and transparent. There are overlapping claims and land disputes. Relevant laws and procedures are not adequate and sufficient.
6. Land is taxed without any kind of assistance or subsidy from the part of the government. Even poor farmers who depend on yields of the land for survival, even not the full year have to pay land tax, and thus poor farmers are taxed on livelihood.
7. In areas that are inhabited by indigenous people whose land use and life style are differ substantially from the rich landholders; people's traditional access to land is increasingly being constrained by land transfer to people from outside the local communities. Sales, land grabbing and granting of concessions by the state characterize such transfers.
8. Land disputes are frequent and often remain unresolved. Approximately 50% of the caseload of the judiciary at all levels involves disputes over land issues.

These problems leave the land system and management completely into a 'feudal' paradigm. Obviously, the land is unproductive and source of social discontent. The following additional problems hinder growth of the land-based industries, which are vital for the development of the sustainable economic development and transformation of the labor force to productive areas.

1. Land use planning and natural resource management are not integrated, and are not decentralized. Land use and planning issues is dealt with the Ministry of Land Reform, and several other natural resources which attached with land are dealt with by several ministries that do not coordinate with each other in matters of policies, programs as well as laws.
2. Encroachment onto protected areas, construction in appropriate sites, illegal lobbying, confusion about jurisdiction, land grabbing, and cancellation of the right to subsistence uses of natural resources result from a lack of integrated land use and planning and natural resource management. The problem impacts the sustainable exploitation of forests and waters. This in turn affects the livelihood of the poor farmers. It ultimately generates social discontent.
3. Conventional laws such as 'Aungsabanda' that promotes fragmentation of the landholding severely affecting the use and productivity of the land is practiced even today. The fragmentation of the land is so severe that the farming is virtually losing its ground. Fragmentation of the land is causing a series of other problems such as:
  - i. Migration of families from hills to the Terai, and from rural parts to cities. Migration from hills to Terai has caused unbearable stress on the limited lands in the southern plain. The migration from hills is displacing local peoples pushing to the economic marginalization. In some instances, this marginalization is so severe that it has been causing a disappearance of indigenous population form the Terai. For instance, indigenous population like Sattar, Dhimal, Mushar, Rajbansi, Urang and so have totally displaced from their landholdings and compelled to migrate. This has been intensifying the social unrest between "Hill Peoples and Terai Peoples". The regional conflict is thus becoming acute.
  - ii. Fragmentation of lands both in Hills and Terai is rapidly eliminating agriculture as a sustainable occupation. The rapid of fragmentation of the landholdings of families due to 'aungsaband' and 'division of the land between 'tillers an owners is compelling people to withdraw from agriculture. Since no farmers own enough land for sustainable agriculture, it in the one hand destroying the productivity of the land, and on the other hand causing exodus of youth population to overseas for works.

- iii. Fragmentation is adversely affecting the growth of modernization of agriculture. Once the agriculture contributed over 80% of the gross national products is rapidly decreasing, and the country gradually being converted from grain exporting nation to a importing one.
- iv. Fragmentation of the land is not only making every farmer a poor person, but it is also encouraging the encroachment of the forest areas.

These problems immediately call for the following interventions:

1. Development of a clear vision and objectives of the land use and management.
2. Integration of the land with exploitation of other natural resources, such as forestry, water, minerals, and other naturally grown products.
3. Implementation of the land ceiling policy, allowing defragmentation of the lands and growth of modernized big agricultural farms.
4. Land administration, management and distribution reforms: This intervention demands a number of changes in the existing land system. Devolution of the land registration, management and distribution power to the local bodies is the most urgent need. All policies concerning the land reform should therefore be developed in the context of the total devolution of powers concerning the land use, management and distribution system. The local government should be fully empowered to play exclusive role in orderly administration of land consisting of the clarification and recording of existing land rights as a protection against false or contradictory claims, the introduction of formal and systematic land use planning, environmental regulations and other strategies for disseminating land information for allocation decisions, including granting of concessions. Obviously the existing Land Reform Law should be repealed by a law clearly providing for the following:
  - a. Devolving all powers concerning determination of the land use planning to the local bodies,
  - b. Identifying the types of lands to be protected for the conservation of the forest, watershed, herbal plantation, industrial infrastructure, development of urban zones and farming,
  - c. Prescribing the system of land management and regulation, including the system of transfer of lands,
  - d. Prohibiting the defragmentation by any ways, including Aungsabanda,
  - e. Providing reasonable subsidy for promoting productivity and investment in the land use and development, and
  - f. Integrating the land use with exploitation of other natural resources.
5. Land Market Strengthening: The government must consider the use of land in most productive manner. In the context of open market economy, the government must develop a market of the land. For this, the government must fix the minimum and maximum limitation of the price of the land, so that the grabbing of the lands from the poor farmers is controlled. While the government must allow peoples to fully decide in matters of nature of land use for higher

productivity, in the meantime it should be cautious of preventing uncontrolled open market in matters of land use so that disadvantaged groups are not displaced from their holdings.

6. Physical planning reform: The government must fix criteria for physical planning of lands. Primarily, the government must allow the local bodies to promote beneficial use of lands, preventing undesired use, such as allowing extension of urbanization in the productive agricultural lands. The physical planning must provide a framework for social and economical benefits of the land planning. The law in this regard must strictly protect the virgin forests, reserve road corridors, demarcating agricultural farming, subdividing lands for housing development and zoning areas for industrial set up, and separating lands for commercial, educational, transportation and other purposes.
7. Land information strengthening: Information is necessary for land use planning. The basic spatial unit upon which land records can be compiled is the land parcel. Land information systems around parcel should be developed which will provide precise spatial, environmental and cadastral information, or information about specific legal rights and duties vested in land.
8. With these fundamental policies, the following land administration and management system should be operative:
9. The local government should be given full power to develop and maintain a land information and recording system under a specific guideline given by the national government through legislation.
10. The power to develop land use planning, including the physical planning, should be devolved to the local government, within a defined parameter by the law.
11. The power to levy tax on the land use should be devolved to the local government, but the current system of taxing over the land itself should be eliminated.
12. The power to decide on ownership and possession of the land should be developed to the local government.
13. The central government should establish an archive for 'integrated system of land information' in connection with other natural resources.
14. The central government must digitize the land spatial system, and advise the local government for best land use system.
15. The dual ownership system must be ended.
16. For the guidelines of the local government, the central government must prepare a 'national planning of land zoning for various purposes.
17. For achieving all these objectives, a concrete land sector program must be developed that consists of the following fully interlinked and complimentary components:
  - a. Development of a comprehensive land policy and regulatory framework,
  - b. Institutional development and capacity building of the land administration system
  - c. Implementing a systematic land registration program
  - d. Strengthening the mechanism for the resolution of land conflicts
  - e. Strengthening the capacities of farmers for land use for beneficial purpose.

These interventions will end the feudal structure of the 'land system', and as such will help larger majority of the population to proceed towards 'sustainable development'. The reform in the land policy is thus fundamental for 'consolidation of the inclusive democracy'.

**c. Updated Education of New Generation for Consolidation of Inclusive Democracy:**

The education system plays crucial role in breaking the 'feudal structure' of the society. Only the informed 'citizens' can play a role of vanguards for the democracy. To closely observe the education system, Nepal has repeatedly failed in this respect. One of the saddest parts of the education system is that 'it does not have national vision'. The following charters fully support this statement:

1. The education system is not based on the 'need of the country', and there has been less interest among the policy makers to 'think about it'. Most of the educational institutions are traditional, focusing on literacy about subject matters rather than inculcating skills and techniques of making the knowledge applicable for creative works.
2. Technical education is hardly emphasized.
3. The government has seriously failed to make the 'education as a source earning'.
4. The professionalism is not something to be thought to address by the education.
5. The curriculum is 'unscientific'; it teaches to be fatalistic rather than scientist.
6. Education is rendered associated with 'hierarchy', so that it has been used as a 'source of hierarchy in the society rather than professionalism'.

Failure to address the issue of 'pragmatic relationship between the system of education and the need of country for science, technology and professionalism', the present education system has largely failed to generate 'employment' and develop a 'culture of labor'. It is a undeniable fact that the 'existing education system of Nepal has significantly failed' to 'prepare citizens who respect 'work'. Easy earning is the 'motto of the educated persons'.

After 1990, the emergence of private sector investment in the education system has led to 'growth of mushrooms' of schools. However, the sole motive of earning 'wealth' for overwhelming majority of such schools, has further worsen the 'quality of education'. For this type of educational institutions, the education means importation of 'curriculum and materials from the western countries'. The information and knowledge of large number of students is thus 'flimsy and unrealistic'. These schools have generated a myth among the new 'generation that every problem's solution is the migration to western countries'.

A large number of educated persons who have used the scared resource of the country have left home for the 'service of others'. The non-educated and less educated mass migrates to 'countries in the Gulf'. Ultimately, the youth population's draining off is creating a 'costly' situation for the sustainable development. The development concerns, therefore, must address the following major problems in the sector of education in order to consolidate the 'mission of inclusive democracy':

1. System of school leaving certificate examination is absolutely defective. A vast majority of students fail, not because they are incompetent, but because they are not properly trained. Those who fail this exam has not alternative. The education system of Nepal thus fails to

'generate promising, enthusiastic and industrious mass, but a frustrated and grumbling mass. This is destructive of the future of the nation.

2. The private and governmental school system, without quality in the later, has been increasingly creating an 'elite class' exclusive access to nation's resources'. This is a serious setback for the 'emergence of an equitable society'.

## **Conclusion**

Existence of Nepal as a nation state with bright future is dependent on the deep understanding and realization of the need of 'recognizing the diversity' is the core value of unity. The diversity as the core value of unity is achieved only through 'accomplishment of the inclusive democracy', of which the devolution of governance power is the major component. The democracy and economic development are interdependent concepts. Obviously, to think of sustainability of democracy without economic development and vice versa is nothing but a 'myth'. The widening gape between the 'elite class and commonplace population' in matters of political power sharing, economic development benefits and opportunities and social ostracization of larger population are the major root causes of the mounting conflict. The transformation of it is possible only by 'overhauling of the state's structure'. All progressive political forces therefore should strive for 'inclusive democracy' as a lasting way out for the present crisis.

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