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Abstract

Democracies take decades to be built and Nepal is a living example of the same. After the end of Second World War, the leaning towards democracy was high among the monarch and military dictatorship countries. Nepal too was eager to establish democracy for its citizens in 1950s. However, the nation's path to the dream democratic destination in a real sense has a variegated story to narrate. Nepal's experiment with democracy started with overthrow of 104 year old King Rana regime in 1951 but the young dream for democracy did not last for even a decade. An absolute monarchy returned with more stringent restrictions and bans in 1960 and lasted for thirty years. Finally after popular uprisings in 1989, Nepalese people declassified the King from absolute monarch to a constitutional one. Since 1951, Nepal has seen seven proclamations of new constitutions and more than twenty changes in the governments and none of them have run a successful full tenure. These statistics are enough to showcase how fragile the democracy in Nepal has been throughout the years. The new democracy takes one baby step forward and backslides two posing a formidable task for the political leaders in the country. Even in the twenty first century, Nepal's democratic future is under enormous stress surrounded by both pessimistic as well as optimistic actors in the process. This paper attempts to narrate the story of transition of the democracy in Nepal and also aims to critically analyze the future and the challenges going forward.

Keywords: Nepal, Democracy, Monarchy, Uprising, Constitution, Government.

Introduction

According to some academics, there have been three waves that initiated democratization. Among which the second wave, which has lasted for almost 20 years, began following the Allied victory in World War II. Democracy is often associated with values such as freedom, equality, and rule of law and it is considered a cornerstone of modern political systems. After the Second World War, the encouragement for democracy was on rise for restructuring of the new international order.

The Universal Declaration of Human Rights (UDHR) established democratic ideas as the cornerstone of the new ruling order in 1948 and established that the will of the people shall be the foundation of the governing authority. At this time, most of what is now Western Europe began to embrace democratic ideals of government, and developing nations like Nepal began to be drawn to the concept as well. However, the journey to the consolidation of Democracy had to measure miles and so Nepal had to wait for the third wave of democratization in 1990s when the political landscape of the world everywhere underwent extraordinary transformation, with Nepal feeling the effects as well.

Journey from Monarchy to Democracy

Historical Background

Modern Nepal Was Founded By King Prithvi Narayan Shah, who based his empire in the Kathmandu Valley after capturing it in the middle of the eighteenth century. This exceptional scion of the Shah monarchy gradually spread his influence from the little province of Gorkha, in the mid-montane region of Nepal, about forty air miles from Kathmandu, until by 1775, the year of his death, most of modern-day Nepal had been absorbed into his dominion. The task of consolidation and extension was carried out over the course of the following 40 years by his descendants, who eventually controlled the entire sub-Himalayan hill region from Bhutan in the east to Kangra in the west. The hereditary heads of government and nobles held sway over the Nepalese state and remained mostly secluded.

Then Rana dynasty came which ruled Nepal for over a century, from 1846 to 1951. During this time, Nepal was an absolute monarchy, with the Rana rulers holding complete control over the country's political and economic affairs. The Rana dynasty was known for its authoritarian and oppressive rule, and there was widespread discontent among the Nepali people with the lack of political representation and freedoms.

Jan Andolan I & Return of the King

In 1950, the Nepali Congress party launched a non-violent resistance campaign (Jan Andolan) against the Rana dynasty. This movement gained significant momentum over the following year and, in 1951, the Rana dynasty was overthrown. A new government was established, led by King Tribhuvan and the Nepali Congress party, and a number of democratic reforms were implemented. The democracy was founded on February 18 as a result of King Tribhuvan's royal decree. Following the shift of power, on April 11, 1951, King Tribhuvan issued the Interim Government Nepal Act 1951, which served as an interim constitution. With the help of his Council of Ministers, the king was established as the state's supreme leader by this newly adopted constitution.

However, disputes among the ruling party soon arose. Following this, all governmental powers were once again vested in the king, and the Supreme Court's powers were restricted through a royal decree in 1953. Utilizing these loopholes, King Mahendra overthrew the very first democratic Nepali Congress regime in 1960. All political groups were outlawed, and significant portions of the constitution were suspended. Following this royal overthrow, the Nepal Special Governance Act (1960) was published, giving the monarch complete authority. On December 16, 1962, King Mahendra introduced the Panchayat government under a new constitution. The king was given full authority over all legislative, judicial, and executive functions under this constitution, which also endorsed his unchecked reign. By implementing a Panchayat system without political parties, it enforced a permanent ban on all the Political Parties. Absolute monarchy controlled Nepal from December 1960 to April 1990, and its form of democracy was known as partyless panchayat democracy.

As most of the Central Panchayat's legislators were appointed by the monarchy, the government was reduced to a puppetry aiding group. Nevertheless, this constitution had to be changed many a times, either to strengthen the monarch's powers or to mute the influence of the politicians. However, the King was compelled to convene a referendum to determine the future of the Panchayat system because of the student movements of 1979–1980.

The Panchayat democracy managed to survive the referendum and implement changes, including as the election of some National Panchayat members using adult franchise.

The Dawn of Democracy

In terms of politics, the 1980s were marked by the emergence of a pro - democracy protests. The Monarch finally complied with the calls for a newly drafted constitution based on the ideas of a multi-party democracy after the groups' protest in the early summer of 1990. In contrast to violent struggles elsewhere, Nepal's transition from an absolute to a constitutional monarchy happened surprisingly rapidly. On April 8, 1990, King Birendra declared a landmark declaration in which he announced the repeal of a legislation that prohibited political parties and the removal of the word "partyless" from the basic structure of the constitution. The National Panchayat, the Panchayat Policy and Evaluation Committee, the class organisations, and the newly constituted Council of Minister (established on April 6, 1990) were all disbanded within a week. Finally, on April 19, 1990, the monarch established a temporary administration led by Mr. K. P. Bhattarai, the Nepali Congress party's former head. The interim government's primary responsibilities, as stated numerous times by its officials, were to adopt a new constitution and arrange national elections. On November 9, 1999, King Birendra unveiled a new constitution in response to the issues brought up by this grouping. Through this founding document, the unrestricted control of the monarch was passed to the citizens.

More or less of a year was taken for the multi-party parliamentary elections planning. This is likely the reason why the seats from the panchayat era were used as the primary foundation for the polls of 1999. However, civil unrest increased throughout the intercensal period between 1991 and 2001. The 1991-2001 period was marked by rising agitation, which was manifested in dominance battles between the newly recognized parties and also inside them. In the initial decade of the democracy, Kathmandu saw ten different governments throughout its period of nation-building and held three national elections (1991, 1995, and 1999).

Nepal holds its first general election in 32 years on May 12, 1991, for a democratic inclusive fair governance structure. In the legislature with 205 members, the Nepali Congress won 110 seats and 37 percent of the overall actual votes went to just this party. With 69 seats won and around 28 percent of the vote, the Communist Party of Nepal (UML) took over as the biggest opposition force. In this election, three other types of municipal parties received some victories. In 1996, the Maoists, who previously harboured some misgivings about modern democracy, took advantage of the opportunity to declare war on the system of government, fundamentally altering the nation's democratic trajectory with a 40-point Manifesto. A new constitution should be written through polls for a regional parliament was one of the forty points. Approximately ten years were spent in the Maoist-led civil war. Nepal experienced a state of emergency in 2001. The authorities looked to the military to solve the Maoist issue, which led to grave human rights atrocities. The global powers started taking action to resolve the war as the degree of violence increased.

The Royal Massacre

The monarch slaughter tragedy on 1 June 2001, in which at a social event, the contemporary royal prince Dipendra opened fire on individuals of his own family, including both of his parents, King Birendra and queen Aishwarya, and gravely injured many. The heir to the throne himself died from a self-inflicted gunfire as well. It was yet another significant moment in Nepal's national politics. The state of affairs of the nation grew increasingly tense. Gyanendra (the deceased Monarch's brother) who was ostensibly not present at the event, was then crowned as monarch in accordance with the Royal Succession Act. The Maoist revolution was gaining steam when the Royal Massacre happened. Gyanendra imposed restrictions on basic liberties and rights three years after he assumed the throne in 2005. He also dissolved the legitimately chosen parliament and proclaimed a national emergency. He said that Nepal needed more totalitarian rule because of the country's ongoing political unrest and citing the Maoist uprising as a disease. In order to avert the anarchy that had been permeating the nation for

past several years, he pledged a "supervised democracy," a meticulous and slow approach for liberty. Unfortunately, a few months after the takeover, it became more obvious that he was manipulating the Maoists' terror as well as the flaws and divisions among opposition groups to completely overturn the 1990 constitution and reinstate authoritarian state. Following the king's political revolution in February 2005, widespread discontent soared to new levels. King Gyanendra was an undesirable monarch because of his troublesome ascent to the throne under such mysterious circumstances, as well as his demolition of democracy and assumption of absolute authority. As it was, the populace had assumed that the royal massacre had been a conspiracy. Restoring the roles of the parliamentary political parties in national politics was the primary objective of civil society activism in the years 2005–2006.

Call for Democracy

Finally, with the assistance of the Indian government, the Seven-Party Alliance (SPA) and the Maoists announced a 12-point deal in November 2005 to initiate a campaign to reinstate the legislature and call an election for the constituent assembly to draft a new constitution in New Delhi. Through this revolution, a dynastic regime that had existed for more than two centuries was entirely neutralised. Following weeks of protests and the Nepalese military's hesitation to use full-scale violent methods on the people, the monarch finally gave down and was reduced to serving as a mere ceremonial head yet again. On February 8, 2006, King Gyanendra announced local elections amidst Maoist violence and political party boycotts.

In response, The Maoists demanded a national strike from February 5 to 11, 2006, to sabotage the polls. In a press statement released, the United States referred to the aggregate voter participation rate of less than 20% as a "hollow attempt" to legitimize the monarch's rule. There was also a noticeable lack of public support for these polls, according to the press statement. A path was cleared for Jana Andolan II, which began on April 6 as a four-day nationwide national strike, although, ultimately got prolonged as the protest grew stronger and more people began to swarm

the streets. The strongest anti-establishment movement Nepal has ever seen took place in April 2006.

On April 21, the monarch proposed to handover all executive authority to the citizens and asked the SPA to nominate a candidate for prime minister, but the SPA rejected the proposal and sought the restoration of the parliament and free and transparent elections. Finally, the Monarch reconstituted the House of Representatives after receiving significant political outrage, and G.P. Koirala was appointed prime minister. The assembly proclaimed Nepal a secular state on May 18, 2006. It was announced that Nepal was not a Hindu nation anymore and the Parliament drastically curtailed the Monarch's authority and removed his command of the armed forces. The Maoists overwhelmingly dominated the constitutive parliament elections in April 2007, which served as an interim legislative parliament as well. This may have been the first time a rebel group has won an election and entered electoral politics and during its first session, the House abolished the institution of monarchy and nationalised the King's assets.

The Federal Democratic Republic of Nepal was established on May 28th, 2008, following the Interim Parliament's declaration on December 28th, 2007. It was established following the 28 May 2008 Constituent Assembly (CA) polls as a representative democratic assembly entrusted with drafting a new constitution and serving as a provisional parliament for two years. However, the Maoists failed to gain the necessary consensus, even when working with the three Madeshi-based parties, to establish explicit identity-based parliamentary foundations. The main parties, including the Maoists, tried to achieve a settlement in 2012. However, the Madeshi organisations objected to this settlement, and shortly after, the Maoists too withdrew from the pact. As a result, the first CA was dissolved on May 28, 2012, without the constitution being finalised, due to a lack of agreement on significant topics.

The Promise Delivered

On November 19, 2013, the nation held its next assembly poll. The legislature effort was delayed by disagreements between the factions, and the second constituent assembly missed its

schedule on January 22, 2015. Subsequently, between April-May 2015, a devastating earthquake struck Nepal, causing millions of fatalities, injuries, and destruction to both government and private institutions. The creation of the constitution became murky in the aftermath of the earthquake. Later on June 30, when the CA laid out the initial draft constitution, it picked up speed. Terai region Parties withdrew from the constitution-making session after the document was laid out and primarily opposed to the proposed Nepalese frontiers. On September 20, 2015, despite Madheshi factions' demonstrations against the constitutional declaration in the Terai valleys, the Nepali Congress, UML, and Maoist party members stuck to their promise and adopted the constitution. However, on February 28, 2016, the constitution underwent its first amendment to accommodate the opposition of the Madheshi and Janajati groupings. As a result, while drawing constituency boundaries, region was given the auxiliary criterion and demography the critical cause. Nonetheless, the protesting Madheshi groups persisted in aggressive actions. The Madhesh-based parties did not participate in the 2017 general elections unless the three parties made a commitment to resolve their issues by modifying the charter.

The second parliamentary elections in Nepal were held in 2017 under the new federal democratic system. The two rounds of elections, which took place in November and December, were mainly quiet and peaceful. Khadga Prasad Sharma Oli was appointed prime minister after the Nepal Communist Party, a coalition of two left-wing parties, secured a majority of seats in the House of Representatives. Nepal became a federal democratic republic with seven regions after adopting a new constitution in 2018. The country's democratic progress was regarded to advance significantly with the adoption of the new Constitution, notwithstanding some opposition and debate. The dissolution of the parliament by Prime Minister Oli was tried in December of year 2019 which was seen by many as a controversial move, and it led to protests and political turmoil in the country. The Supreme Court later ruled the dissolution to be unconstitutional, and new elections were held in 2020. In May 2021, Nepal's

president once more suspended the House of Representatives and announced for fresh elections in November, per the advice of Prime Minister Oli. The action was contentious, admittedly, and it sparked a protracted legal conflict that divided the nation into pro- and anti-Oli factions. The president was allegedly prejudiced in favour of Oli in all legal and constitutional questions, according to the opposition.

Challenges and future Ahead

Political stability in every nation has been significantly influenced by intra- and inter-party politics. The ongoing political strife and squabbling in Nepal has undermined democracy. According to Nepal's failing Peace Process (2006), given the current political impasse, the consensus that underpinned the CPA and the twelve-point accord was more founded on a fleeting convergence of interests than on a deeply held vision for rebuilding Nepal. The differences between the party viewpoints on various subjects have widened recently. Political parties must come to an agreement on the key issues of state reorganisation in order for the government to function effectively and for the new constitution to be prepared on time.

Nepali politics also have a history of being characterised by political instability. On important political matters, there is no political agreement amongst the political parties. Even if they do achieve an understanding, getting there would take considerably more time. In order to promote good governance, civil society is essential. However, Nepal's civil society is not well-developed or structured. Even the civil society lacks objectivity. The big political parties have a big impact on them. Therefore, they are more like political parties' sister organisations.

The argument over federalism is one of the major points of contention during the constitution-writing process and delivering it in time. The question at hand is not whether Nepal will be federal, but rather the foundations upon which federalism will be established, given that the Interim Constitution has committed Nepal to a federalist structure. While discrimination, inequality, poverty, and a lack of inclusion (particularly for those from lower-income and marginalised groups) are societal issues, Nepal's

geopolitics, influences of a power centre, budgetary dependence, and westernisation are external challenges. The main obstacles to inclusive democracy in Nepal are mistrust and a leadership style that is exclusive.

And the people of Nepal have lost their trust in the government. A unique occurrence in the history of the globe to design a constitution was the holding of two elections for the constituent assembly. For almost two decades, local government did not have elected representatives. It denied the common public's ability to exercise their natural right to stand and elect their representatives. Political parties do not have a sufficient organisational structure, nor is there a climate that encourages rational decision-making within the party. As a result, political factions within the party regularly lead to disputes and controversies, and occasionally even the party's dissolution. Many party wings and their affiliate groups lack office space to conduct daily operations.

However, after the collapse of the monarchy in 2006, Nepal has made major strides in solidifying its democracy. The nation has had a number of elections and adopted a new Constitution that established the nation as a federal democratic republic. However, Nepal has also had to deal with issues like political unrest, corruption, and economic hardships, all of which put the stability of its democratic system in jeopardy. Future democratic success in Nepal will depend on the institutions and political leaders of the nation's capacity to handle these issues and advance the common good. It will also depend on encouraging a culture of respect for the rule of law and human rights, as well as on citizens actively participating in the democratic process. The Politicians of the country must control personal emotions, abide by the rules of competition outlined in the Constitution, and facilitate a seamless transfer of power to the next generation in order to resolve the country's escalating political crisis and prevent further harm to its democratic polity.

Conclusion

The 200-year-old feudal mentality still exerts a significant influence on Nepali politics and society. That makes Nepal's democratic consolidation all the more challenging. The fact that one may still

rely on the judiciary in these trying times provides some consolation. But even an effective and resilient judicial system cannot make up for a mediocre administration. There is no questioning the political leaders have a persistent dedication to democratic principles, an egalitarian society, the rule of law—and, above all, for the people. However, as soon as they gain control, they have a tendency to disregard all of this.

Evidently, the issue is with permitting the constitution to establish itself, and this is undoubtedly a significant issue in Nepal. Only when the state secures the rule of law will the problem be resolved. There must be substantial shifts in Nepalese political culture for the existing republican constitutional framework to function. The political parties and other actors in Nepal have to adhere by the constitutional provisions if democracy is to be strengthened. Nepal needs to put more of an emphasis on itself in order to mobilise its own resources for managing democracy from the ground up and fostering more deliberative democracy.

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