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Governance, Democracy and Inclusion in the Perspective of Nepal

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Abstract

Proportional representation is more effective in terms of inclusive governance. The constitution of Nepal, adopted in 2015, has largely implemented it. Quotas are reserved in different sector of the state. Despite this, various factions within Nepali society are still in movement in different form. There are two genuine questions in this context. Are the constitutional provisions appropriate? What are the challenges in the paths of inclusive governance? The objectives of this paper are to examine Nepal's existing practices of inclusion in the governing process, and the challenges of inclusive democracy from a Nepali perspective. The descriptive research design was adopted in this paper. Secondary sources were used to acquire the information. In addition, the KSL comprehensive guideline was followed to prepare this paper. The conclusion of this paper is that the country faces numerous challenges in implementing inclusive governance, like the movement of concerning republicanism, secularism, federalism and inclusion. Nevertheless, federalism, republicanism, secularism and inclusions are crucial requirements for sustainable peace. Obviously, the PR model of representation in each state organ ensures that all sections are represented.

Keywords: *Democracy, Governance, Inclusion, Proportional, Representation.*

Introduction

Politically, Monarchical multiparty system had been abolished and Republican Parliamentary Multiparty system has been established since second people movement 2006 (2062/063 B.S.) in Nepal. Abolition of monarchy was big change in Nepalese political history. More than two hundred years long monarchical system was completely defused through this movement. It is a great achievement in the Nepalese political history. It was the remarkable success of Nepali people in democratic movement. The President is established as the head of the state by the interim constitution of 2006 (2063 B.S.).¹ As per the interim constitution, election of the first and second constituent Assembly was held in 2007 (2064 B.S.) and in 2013 (2070 B.S.) respectively. It is interesting to note that the election of second constituent assembly held after first assembly dissolved without completing its major task of promulgating new Constitution of Nepal. However, the mandates and spirits of 2006 people movement were restructuring of the state as well as guarantee of inclusiveness in social, cultural, economic and political spheres of the society. In addition, the 2006 movement was mandated to establish Nepal a federal democratic republic. Meanwhile, the decision of

¹ K. P. Bhandari, *Nepal ko Interim Sambidhan*, Boudhik Darpan Prakashan, 2070, p. 31.

second constituent assembly finally adopted new constitution of Nepal in 2015 (2072 B.S.). But Madhesh based political parties of Nepal boycotted the final decision process to promulgate 2015 constitution of Nepal.

Democracy is a kind of political system in which everyone has a share in the governing process of the state. In democracy, everyone has opportunity to participate in governing system of the state. Governing process includes the function such as the formation, execution and adjudication of law. Inclusiveness is basic norms, values and themes of democracy.² The question is what kind of inclusion is needed in Nepal?. Nepal is a state where one hundred and twenty five nationalities dwell. Each nationality has different characteristics, culture, religion, tradition, and language. To achieve unity in diversity, Nepal should adopt the principle of inclusion in an appropriate way. A version i.e. what touches to all, should be decided by all, is fittest in sense of a person and his issues is really well known himself more than another. When a person is clear in any issue only he can find out the way of solution. But in absence of him the decision about him should be wrong. There are many indigenous nationalities in the context of Nepal. What types of inclusion should be reliable in perspective of Nepal in order to maintain peace, prosperity and stability in the country?

Statement of Problem

The 2015 constitution of Nepal included the provisions of inclusion in Nepali society and polity. These provisions are implemented through the elections and commissions. At the same time, the dissatisfactions are being expressed towards these constitutional provisions across Nepal. But there is lack of comprehensive study to examine various voices for and against the constitutional provisions regarding inclusiveness in Nepal. This paper attempts to bridge these gaps in academia. Academic subject of Democratization process is continued in Nepal. Various factions within Nepali society are still in movement in different form. No doubt, these factions had played a vital role to restore democracy in the past. In this context, there are two genuine questions that need to be answered. Are the constitutional provisions appropriate? What are the challenges in the paths of inclusive governance? This paper will find out the answers to these questions.

Objectives

- To find out the status of inclusive democracy in perspective of Nepal.
- To find out the challenges of inclusive democracy in perspective of Nepal.

² T. Fotopaulas, 'Inclusive democracy London: Transcription of Video by O. Restler', 2003, retrieved from, www.inclusivedemocracy.org, accessed on 27 January 2021.

Methodology

The descriptive research design was adopted in this paper. Secondary sources were used to acquire the information. In addition, the KSL comprehensive guideline was followed to prepare this paper.

Limitation

This study has been focused on Nepali perspective and its constitutional provisions.

Governance and Democracy is Relative

Governance is a function related to formation, execution and adjudication of the law. In general, the law is formed by its legislature, which is executed by cabinet and adjudicated by judiciary. In this context, serious consideration has to be paid in the recruitment mode of representatives in each organ of the government who have determining role in the governing process. Democracy should be reflected in its social, economic and political character. In democracy, cultural, lingual, religious and other diversities must be reflected in the governing process of the state by its representatives. Democracy is a kind of political system which includes social, financial and humanitarian needs and characters in the governing process. Democracy is co-related with governing process. Democracy provides five major opportunities. Firstly, it gives effective participation, secondly equal value of ballot, thirdly good faith and understanding, fourthly access over bill or agenda, fifthly inclusion of all adults.³ It ignores the dictatorship of someone of individual in governing system of the state. One of the beauties and salient features of the democracy is that state should listen to the voices of each individual, each culture group, each religious group and linguistic groups. This means the representation of people from various cultures, religions, languages, communities, ethnicities, classes, sex and gender as well as socio-economic classes must be guaranteed in the governing pattern of the state in democracy.

A scholar, Lord Bryce stated that democracy is a form of government in which the ruling power is largely vested not in any individual in a particular class but in the members of the community as a whole.⁴ Democracy accepts the rule of people by its elected representatives for fixed term, social justice based on equity but not only equality, financially freedom of property and private ownership of capital, open competition of industry and market. However, the term and practice of democracy is changing in the contemporary time. . On the name of election so called majority have been created as an owner of ruler on the one side and on the other side in the name of minority a large section of people compelled to stay as the ruled people. For example, ten thousand voters may entertain the position of ruler whilst nine thousand

³ R.A. Dahal, *Prajatantraka Barema (in Nepali)*, Kriation Media Pvt. Ltd, 2000, p. 38.

⁴ K. Pokhrel, *Aadhunik Rajnitik Siddhanta*, M.K. Publishers and Distributers, 2070, p. 128.

nine hundred ninety nine voters may have the zero position in the governing process of the state. It seems traditional concept and its frame of democracy is outdated. So, we need to have a new definition, institutionalization and practices of governance on the base of new democratic norms, values, trend and local ground reality. Abraham Lincoln stated that democracy is a government of the people, by the people, for the people. This is a liberal definition of democracy.

According to the origin of words, democracy is the combined form of two different Latin words “Demos” and “Kratia”. Demos mean the people and Kratia means rule. It means representation and participation of people to governance is democracy. But this definition is not clear about what kinds of people participation is democracy? According to the communist doctrine “dictatorship of the proletariat in the governing process is democracy”. The destination of the dictatorship should be oriented towards welfare of proletariat. Capture of the state authority is democracy in communist lens. It can be concluded that democracy is a kind of governance system where the voices of each and every groups of the society should have key role as well as share in the governing process. So, inclusive democracy based on proportional representation is the current necessity in Nepal which can ensure good governance.

Inclusive Governance and Democratization Process in Perspective of Nepal

Nepal is a country, where multi-party, multi-language, multi-religion, multi-nationalities exist. There are existing one hundred and twenty five nationalities and one hundred and twenty three languages in Nepal.⁵ Different communities have their own culture, religion and traditions, which is their identity. More simply, Nepal is a zone of diversity. Therefore, inclusive governance is the basic requirements of good governance in the context of Nepal. Inclusive policy should ensure inclusion from the different linguistic groups, inclusion from the different cultural groups, inclusion from the different religious groups and inclusion from the different nationalities. Nepal is a country where Westminster model are practicing in Legislature since the restoration of multiparty parliamentary system in 1990 (2046 B.S). However, one of the biggest weakness of this model is that it could not include various social groups in the governing process of the country. Similarly, First Past the Posts system could not include all cultural, lingual, religious, ethnic, gender and backward groups of the society. Feelings, needs, interests and desire of a community can never be understood by another community. Representation of each and every social groups is an important element to inclusive governance, even though it is not a panacea of the problem. It cannot merely ensure good governance.

Performance of representatives must be deciding in decision and policy making process. Consideration of demand, needs and interest from all community, groups, gender and

⁵ Central Bureau of Statistics of Nepal, ‘CBS major highlights: Part I’, 2068.

party is rally inclusive polity.⁶ Especially in perspective of Nepal, inclusive governance must be considered for identity, representation and access.⁷ Identification based on fatherland, mother tongue, culture and religion is first and foremost things. Secondly, proportional representation by each community based on population and popular vote is next needs. Thirdly, access in natural resources, like *Jungle (forest)*, *Jamin (land)* and *Jal (water resources)* is essential things for inclusive governance. Nepal government identified fifty nine nationalities as the indigenous nationalities. The debates and discourses of identity and rights of self-determinations are continued in Nepal. Indigenous nationalities, backwards, suppressed and Madhesis are still fighting for the inclusive democratization process of Nepal.

Table-1

Distribution of Population by Religion in Nepal

Religion	Percent	Number of population
Hindu	81.03	21551492
Buddhist	09.00	2396099
Islam	04.00	1162370
Kirant	03.01	807169
Christian	01.04	355699
Prakrit	00.05	121982
Bon	00	13006
Jainism	00	3214
Bahai	00	1283
Sikhism	00	609

Source: CBS, 2068, Major highlights, part-I, p. 4

The table 1 shows that people follow more than ten religions in Nepal. 81.03 percent peoples are Hindu, 09.00 percent people are Buddhist, 04.04 percent are Islam, 03.01 percent people are Kirant, 01.4 percent people are Christians and others are less than one percent.

Table-2

Distribution of population by major caste/ethnicity in Nepal

Caste/ethnicity	Percent	Number of population
Chhetri	16.6	4398053
Brahman	12.2	3226903
Magar	7.1	1887733
Tharu	6.6	1737470
Tamang	5.8	1539830

⁶ P. Sapkota, *Lokmatko Khoji*. Social Science Baha, 2070, p. 126.

⁷ S. Tamang, *Nepalke Sandarbham Rajyako Punasamrachana*, Saamana Prakashan, 2063, p. 378.

Newar	5.0	1321933
Kami	4.8	1258554
Musalman	4.4	1164255
Yadav	4.0	1054458
Rai	2.3	620004

Source: CBS, 2068, Major highlights, Part-I, p. 4

Table 2 shows the distribution of population by caste and ethnicity in Nepal. The largest number of populations are Chhetri (16.6 percent), second largest populations are hill Brahmins (12.2 percent), third largest populations are e Magar (7.1 percent), fourth largest populations are Tharu (6.6 percent) and fifth largest populations are Tamang (5.8 percent). In addition, the table includes that the percentage of Newar, Kami (untouchable), Musalmanm, Yadav and Rai are 5.0, 4.8, 4.4, 4.0, and 2.3 respectively.

Table-3

Distribution of Population by major Mother tongue of Nepal

Mother tongue	Percent	Number of Population
Nepali	44.06	11826953
Maithili	11.07	3092530
Bhojpuri	06.00	1584958
Tharu	05.08	1529875
Tamang	05.01	1553311
Newar	03.02	846557
Bajjika	03.00	793418
Magar	03.00	788530
Doteli	03.00	787827
Urdu	02.06	691546

Source: CBS, 2068, Major highlights, part-I, p. 4

The table 3 shows the statistics of population by mother tongue of Nepal. It includes the percentage of Nepali speakers, Matihali speakers, Bhojpuri speakers, Tharu speakers, Tamang speakers, Doteli speakers and Urdu speakers in Nepal are 44.6, 11.7, 06.00, 05.08, 03.00, 03.00 and 02.06 respectively.

Above diversity is a social reflection of Nepali society. Inclusion from each section of society in governing process of the state is essential things within the inclusive governance. Democracy often demands representatives from all the sections of society. If the inclusion from each section has been ensured in practice, then it guides the nation towards the national consensus, peace, prosperity and stability. . So, inclusion from these sections of the society in the governing process of the state should be secured through the proportional representative model in upcoming days.

Inclusion in Perspective of Nepal

Inclusion is being applied in various sectors in Nepal. Indigenous Nationalities, suppressed, madhesis, women and backwards are identified by Nepal government as the discriminated and excluded groups. These groups are recognized as socially, culturally, legally and religiously excluded and discriminated by the state. The 2015 constitution of Nepal has stated in its directive principle that establishment of proportional and inclusive participation in National life of the state and provides social justice in Nepalese society is to be main objectives of Nepal.⁸ There are fifty nine ethnic groups as the Indigenous Nationalities, which are scheduled by Nepal government. Total population of Indigenous nationalities is thirty five percent of Nepal (CBS, 2068, P4). They are inhabited in different parts of Nepal. Especially Rai and Limbu are the aborigines of eastern hilly zone of Nepal. Mechi, Koshi and Sagarmatha zones, which are situated in the province number 1, are the major inhabitant areas of the Rai and Limbu. Sherpas are the inhabitants from east to west mountaineering zone of Nepal and Tharus are the inhabitants of whole Terai region of Nepal. Likewise, Thakali and Gurung are inhabitants of the western zone of Nepal. Magar are spread all over Nepal although its main influence areas are mid zone of Nepal. They all are not only nationalities but also indigenous too. They are politically, economically and socially backward. As per the proportion of population, they are not well represented in the state organs. In educational, technical, medical, administrative and other spheres, they do not have equal access like privileged groups of the country. So, their empowerment is essential and must at present. It should be realized from the side of the state. There are various examples of this realization from the state in Nepal as well as initiatives to ensure representation of all sections of the society into the state organs. For instance, a fixed percent of total seats in public services are reserved for the indigenous nationalities, Madhesis, suppressed, backwards and women. According to this, forty five percent out of total seats are reserved to them. It is divided thirty percent to women, twenty seven percent to indigenous nationalities and twenty two percent to Madhesi.⁹ The same provision has been made in the police service, University services and Teacher services too. It is the good symptom of inclusive governance and enhancement to promote access in the public service sector. The constitution of Nepal 2015 (2072 B.S.) stated in its directive policy, principle and responsibility that to the concerning topic with the indigenous nationalities their participation should have made compulsory and identity of them should be preserved by the state.¹⁰

The preamble of the 2015 constitution of Nepal has written that the equitable society should be constructed on the base of proportional inclusion. In the preamble, the constitution has promised that the abolition of discrimination created from the long time due to the unitary, feudal, tyrannical and centralist regimes. As well as the article

⁸ A. Shrestha, *Sambaidhanik Bikaskram tatha Nepalko Sambidhan. Rastriya Suchana Manch*, 2072, p. 104.

⁹ K. Bhattachan, *Kanoonma Aadibasi Janjatika Adhikar, Aadibasi Janiati Mahasangh*, Kathmandu: Nepal. p. 1050.

¹⁰ Shrestha (n 8), p. 111.

84 (2) of the 2015 constitution of Nepal has mentioned that the election of the 110 members out of 275 members of federal legislature should be completed under the proportional representation system based on caste wise population proportionate. Here, the term caste refers to the woman, suppressed, indigenous nationalities, khas aaryas, madhesis, tharus, muslims and other backward groups. Similarly, the article 176 of the constitution has provisioned proportional representation system not only in federal legislature but also in the province legislature, where 40 percent members should be elected based on proportional representation system. This system allows the representation from all the tribes who are inhabited in Nepali territory.¹¹ Likewise, the article 38 (4) elaborates the right to participation based on proportional representation are the fundamental rights of Nepali women. Also, the article 84 (8) mentions 33 percent seats of federal legislature are reserved for woman. The local executive must be formed with inclusive character. In this regard, the article 215 of the constitution has mentioned that woman, suppressed and minorities must be nominated in the local executive for the purpose of the inclusion. Not only in federal legislature but also in federal executive council of ministers should be formed on the inclusive principle. It has mentioned in the article 76 (9) of the constitution of Nepal, 2015 (B.S. 2072).

Challenges

There are many more traditional concept and practices regarding religious faith, cultural tendency, lingual norms and caste division. Two major things are necessary in order to transform it into new faith and practices. One is inclusive law making and second is change in thinking. There are some voices against proportional representation system terming it as unnecessary. Nepali Congress Party is strong supporter of First Past the Post system of representation whereas Nepal Communist Party is comparatively liberal towards proportional representation model. The Maoist leadership has brought the issues and concerns of the indigenous people and the backward caste into the front. Maoists consciously mobilized them as the solid support base of their ten years long armed movement too.¹² Meanwhile, Maoists are deviated from their wartime revolutionary agendas after they joined peaceful politics. The constitution of Nepal 2015 (2072 B.S.) has declared Nepal is a secular state. But few political parties, such as Rastriya Prajatantra Party (RPP) Nepal is still demanding the Hindu State with Monarchy. However, RPP has a weak support base across Nepal. A political Party named Rastriya Jan Morcha is protesting to scrap federal system from the constitution in Nepal. This party wants to restore unitary system. Despite this, the Chairperson of the Rastriya Prajatantra Party Nepal and Chairperson of the Rastriya Jan Morcha Nepal had been included as the Deputy Prime Minister in the cabinet of Khadga Prasad Oli. Madhesi political parties are demanding to change demarcation of provinces. Indigenous nationalities are demanding increased ratio of proportion representation system as well as right to self-determinations. Dalits (suppressed) are in silent movement with the agenda of proportionate representation on ratio of population. They have major two agendas i.e.

¹¹ Ibid, p. 155.

¹² S.D. Muni, Maoist Insurgency in Nepal. Rupa C, 2004, p. 15.

non-discrimination and proportionate representation as per their population percent.

These are the few challenges as well as the motion of democratization in the paths of inclusive governance in perspective of Nepal. Political instability is another challenge. Recently, the cabinet of Mr Khadga Prasad Oli dissolved due to intra-party conflicts. Implementation of constitutional provisions is the first and major needs of contemporary Nepal. The four major mandates of second people movement in 2006 included republicanism, federalism, secularism and inclusion. Inclusive governance is depended upon federalism, secularism, republicanism and model of representation. Proportional representation based on popular vote and ratio of population should be the suitable base for the inclusion. Not only the Parliament but also each organ and mechanisms of the state must be inclusive. Appropriate environment of inclusive governance should be created.

Findings

- ❖ Nepal is a country which has multi-ethnic, multi-lingual, multi-religious, multi-cultural and multi-traditional character, where inclusive governance has to be applied appropriately.
- ❖ Proportional Representation based on percent of popular vote and number of population is essentials for inclusive governance in perspective of Nepal.
- ❖ Nepal has been trying to apply inclusive governance in accordance with the constitutional provisions.
- ❖ The four major political achievements, such as republicanism, federalism, secularism and inclusion are the mandates of people movements in various period of the Nepali political history. However, some political groups, having weak support base, are raising voices against these four political achievements.

Discussion and Conclusion

Nepal is country which liberated a decade ago from the despotic hegemony of monarchy. By 2006 (2063B.S.), Nepal has been practicing the republican democracy. Nepali people abolished two and half century long traditional absolute monarchical system. All the people were dominated, exploited and suppressed by the tyrannical monarchy for total duration of two and half century. Due to tyranny of monarchy, Nepali people did not have freedom of speech, expression as well as work as enshrined in democratic norms and values. So, Nepali people were protesting and fighting to establish democratic system based on inclusiveness. Inclusive democracy should be reflected in politics, administration, education, culture and other spheres of the state. Inclusive governance can exist with effective and meaningful people participation in policy making, decision making and implementation process. In these three phases, people representation based on proportionate of population and popular vote is inevitable. Nepali people are hopeful more than this in future because inclusion, participation and deliberation are the beauties of the democratic inclusive governance as well as democratic system.