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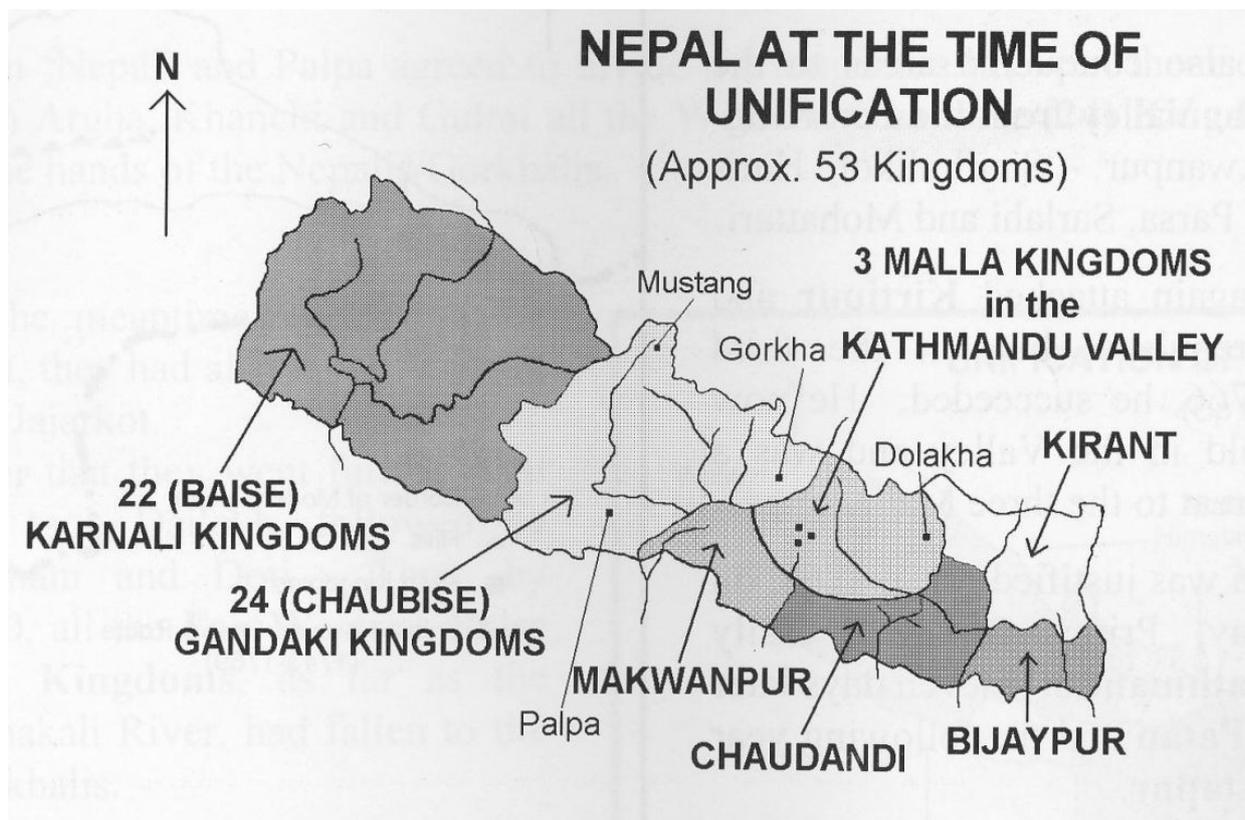
Political culture in Nepal : Parties and understanding of democracy¹

By Karl-Heinz Krämer

Nepal's commitment to democracy is still quite young and the process of finding it is far from complete. The inherited burdens of the state have been a particular problem for decades. In the following, the author sheds light on the deep state structure and thus illuminates some of the current problem constellations.

Characteristics of such historical background are about three events in the last 70 years, which have been described as a kind of revolution or at least as popular movements. During the same period, two transitional constitutions and not less than five official constitutions were adopted.

Historical foundations of political culture



The historical reasons for the difficulties of democratic organisation go back to the time of the founding of

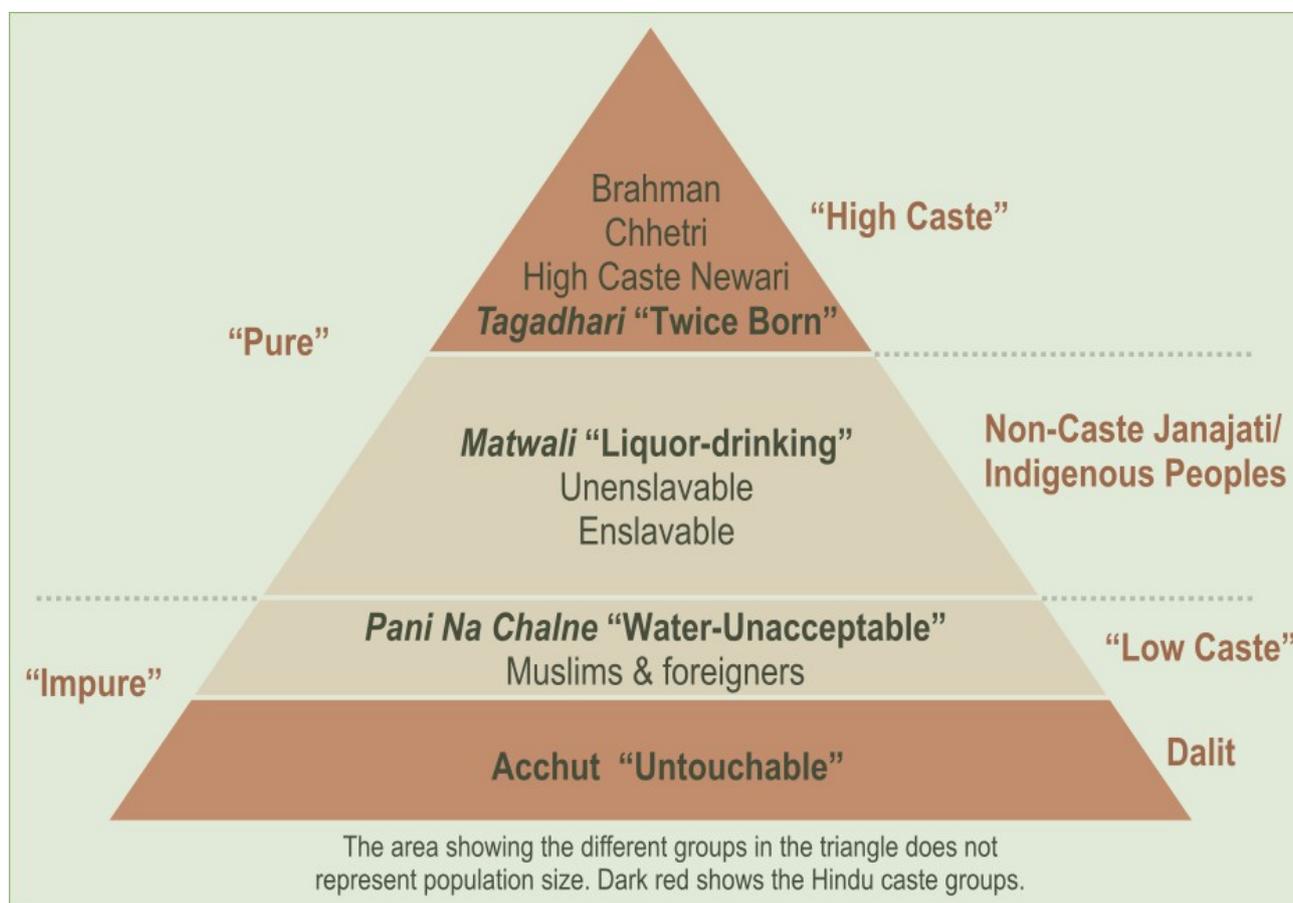
¹ A German version of this article is going to be published in issue 40/3 of the journal Südasiens

the state in the middle of the 18th century. At that time, there were about 50 small states on the territory of present-day Nepal, some of which were based on the idea of Hindu political thought, while in others social and state regulations according to the traditional customary law of the ethnic groups living there prevailed.

Between 1742 and 1791 Prithvi Narayan Shah, the ruler of the small principality of Gorkha in today's central Nepal, and his successors gradually subjugated all other small states with military force, thus creating the state system we know today as Nepal. The conquest campaigns continued beyond the borders of Nepal for a short time afterwards and were only ended with the British-Nepalese war (1814-1816).

Hindu law and the Hindu social order had already been practised in Gorkha before. It was therefore obvious that the new state was also based on these principles. The process of transferring these ways of thinking began after the British Nepalese war and lasted several decades. It was initially closely associated with the person of Bhimsen Thapa, Prime Minister from 1806 to 1837, but the process was not completed until 1854, when the first uniform code of law (*Muluki Ain*) was published under Prime Minister Jang Bahadur Rana.

This *Muluki Ain* contained both civil and criminal law provisions. It was based on traditional Hindu legal concepts, but also took on non-Hindu aspects. The reasons for this lay in the multiethnic and multicultural social situation and were the direct result of a decade-long dialogue that had preceded the publication of the *Muluki Ain*.



The caste hierarchy as introduced by the high caste Hindu rulers of unified Nepal (World Bank, 2006. *Unequal citizens. Part 1. Gender, caste and ethnic exclusion in Nepal*, p. 6)

The codex was based on the traditional Hindu social hierarchy, i.e. with Brahmins (Nepalese: *Bahun*) at the top, followed by the Kshatriya (Nepalese: *Chhetri*) and the Dalits at the bottom. The peculiarity in Nepal was that the *Bahuns* and *Chhetris* were grouped together under the term *Tagadhari*, bearer of the sacred cord. Within this group the *Bahuns* continued to be classified above the *Chhetri* castes. The country's many ethnic groups were each classified as a caste in the middle section. There were differences depending on how much these groups had adapted to Hindu culture. The *Muluki Ain* referred to this social hierarchy in its criminal

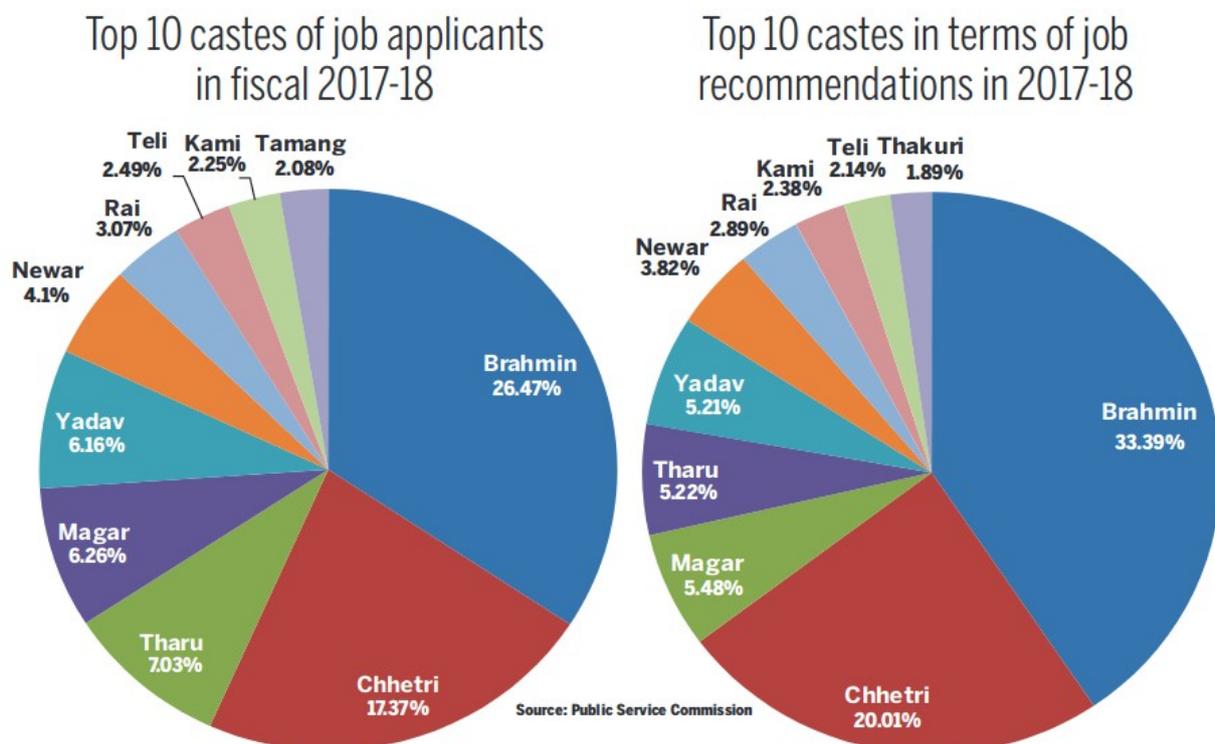
law regulations and provided for a different level of punishment depending on who had committed legal violations.

The firmly established hierarchy meant that access to professional and political functions depended on caste affiliation. Already during the time of the military conquests, Prithvi Narayan Shah had provided his army officers with land ownership in the conquered small states, where the *Kipat* system had often been practised before. In the *Kipat* system, land does not belong to individuals but to a clan. As a result of Prithvi Narayan's policy, the Hindu castes, especially the *Chhetris*, spread all over the country. Some of them still own land and enjoy prosperity in the traditional ethnic areas and thus have great influence.

Outside the *Bahun* and *Chhetri* castes, only menial functions in the civil service were possible. This niche was often used by the *Newars*, whose traditional settlement area was the Kathmandu Valley and who therefore settled close to the centre of power. The *Newars*, whose culture is based on a syncretism of Hinduism and Buddhism, are the only ethnic group in the country whose society is not organised in clans but in castes. This gave them a special position immediately after the founding of the state. The *Newars* were not incorporated as a single caste at the middle of the social structure, but were distributed among the different groups of the state hierarchy according to their own caste hierarchy. So here too, only the upper *Newar* castes were privileged.

Applied political culture

Until almost the end of the Rana period (1950), the few schools in the country were exclusively for children of the upper social class. If these families were able to afford to send their children to secondary educational institutions in India, then these were mainly *Bahun*s and, in a somewhat smaller number, *Chhetris*. Many of these young people came into contact with Indian parties, especially the Indian National Congress and the Communist Party, and participated in activities of the Indian independence movement. Finally, in the late 1940s, while in exile in India, they founded two parties that still dominate political life in Nepal today: the Nepali Congress (NC) and the Nepal Communist Party (NCP).



The importance of ethnicity in the allocation of administrative posts (The Kathmandu Post, 16 October 2018)

Logically, both parties were dominated by *Bahun*s from the very beginning. This dominance is still characteristic of all political parties in Nepal today and is related to the clientele system typical of Nepal, the

aphno manchhe system. One can call it nepotism. Posts and functions are given to close relatives or particularly deserving assistants who are always loyal to the top politicians and who, over the decades, have ensured that the party-oriented cadre system has now penetrated all areas of public life. In the lower levels, ethnicity may play only a minor role, but in the upper levels of state organisation, there are almost exclusively close associates of the top party leaders.

In the period of the non-party *Panchayat* system (1961-1990), the functionaries were predominantly *Chhetris*. This was due to the fact that they were dependent on the royal system. The king was a member of the *Chhetri* castes, so his main supporters were also recruited from this circle. Often they were relatives of the royal family. With the abolition of the *Panchayat* system in 1990, democratisation began. Power was placed in the hands of the political parties, which were overwhelmingly dominated by *Bahun*s. This was the beginning of the *Bahunbad* phase, which continues to this day. The political change of 1990 thus primarily meant a transfer of power from *Chhetris* to *Bahun*s. Not much changed for the other social groups.

Being Nepali was identified with the language, culture, religion and hierarchical-patriarchal way of thinking of the ruling circles from the *Tagadhari* castes. Not only in politics, but in all areas of public life, more and more *Bahun*s appeared - and of course they were almost exclusively male. Nepal is a patriarchal state in an extreme way. Women are at best second-class citizens, who do not have the same rights as men in many respects - even though there may have been some attempts at change in recent years. From then on, all areas of public life were dominated by *Tagadhari* men: Politics, administration, justice, education, media and others. Whenever there were new posts to be filled, it was almost exclusively *Tagadhari* men, especially *Bahun*s, who were short-listed. As if other ethnic groups were not qualified from the very beginning.



NCP Central Secretariat meeting (Kantipur TV, 17 September 2020)

Thus, the image that the two major parties, NCP and NC, presently present is unchanged. When the leaders of these parties meet, we see only men, possibly a woman, and extremely rarely two women. Let's take the example of the ruling NCP: the top party body, the party secretariat, comprises nine people, all of them men. Seven of these men are *Bahun*s (male *Bahun*s constitute 6 % of the total population). They are joined by a *Chhetri* and a high-caste *Newar*. Some representatives of ethnic groups (*Janajati*) and the Tarai population (*Madheshi*) can only be found at most at the next two party levels. Some women can also be found there, mostly members of the *Tagadhari* castes. Dalits are very rare. The situation is similar with the opposition NC.

Electoral system, voter will and political behaviour

Voters seem to have understood democracy best since 1991. In the first elections in 1991 after the end of the

panchayat system, the majority of people voted for the NC because it was an NC government that had been ousted from office by King Mahendra in the first attempt at democratisation in 1960. In the subsequent elections in 1994 and 1999, voters visibly evaluated the policies of the previous governments. Thus, the NC lost its absolute parliamentary majority in 1994. The party was able to regain this majority in 1999, but only because the communist party had split a year earlier, which prevented the left from gaining an absolute majority for the first time in the elections.

When elections for a constituent assembly were held after the end of the Maoist uprising in 2008, the trend towards left-wing parties continued. The Maoist party, which competed in elections for the first time, won half of all direct mandates, which was due to its socially inclusive orientation in the run-up to the elections. Its absolute majority was only prevented by the newly introduced list system. More than 60 percent of all MPs were elected with proportional consideration of the population groups. In the elections for the second Constituent Assembly in 2013, the Maoist party clearly felt the dissatisfaction of the voters for not keeping its bombastic promises.



Protests in Rautahat after the death of a young Dalit in police custody (The Kathmandu Post, 10 September 2020)

The list system had been devised in order to involve as many groups in society as possible in the drafting of the new constitution and proved to be a success. For example, one third of the members of the Constituent Assembly were women. It would have worked much better if the political parties had followed the rules of the transitional constitution and respected the proportionality of the population groups when drawing up the direct candidates. This, however, could have ended the dominance of the Bahun and Chhetri, and so the parties continued to practice their old clientele system. In 2013, the list system was also infiltrated, for example by sending the wives of top politicians to parliament via the proportional lists.

Ultimately, there was no real say for all social groups in the constituent assembly. In the end, the new

Constitution of 2015 was drafted by the leading politicians of the major parties and discussed only superficially. The MPs were forced by their parties to vote as the party leaders wanted them to. Proposals for amendments had to be withdrawn.

For the first elections under the new constitution, the electoral system was changed again to further strengthen the clientele system. Now 60 percent of the members of parliament were elected through the direct electoral system. As a logical consequence, the proportion of *Tagadhari* castes of parliament, especially *Bahun*s, increased significantly again. Only six of the 165 directly elected representatives were women.

The 2017 parliamentary elections were won by the NCP with a narrow two-thirds majority thanks to the increased share of direct mandates. A disciplined electoral alliance of the then parties CPN-UML (Communist Party of Nepal (Unified Marxist-Leninists)) and CPN-MC (Communist Party of Nepal (Maoist Centre)) ensured that the NC had no chance in the direct election system. In the list-based system, however, the NC lagged slightly behind the CPN-UML, as the two left-wing parties had to compete against each other. In the meantime, they have officially joined together to form the NCP. But even after more than two years, the differences still outweigh the similarities.

The state in crisis

The Council of Ministers of the government under Prime Minister KP Oli also reflects the effects of the clientele system in practice. For example, a good half of the 25 cabinet members are Brahmins. There are only three women in the government. *Janajatis*, *Madheshis* and Dalits are completely underrepresented. But the clientele system does not only affect ethnic participation. In each of the major parties, there are certain outstanding personalities whose attention is focused on having majorities within the highest party bodies behind them. If this becomes narrow, it leads to bitter internal power struggles within the party, in which the welfare of the people and the interests of the state, as well as the party's long-term existence, clearly play no role at all.



Newar protests in Khokana, southern Kathmandu valley, against the disregard of centuries-old land rights over the construction of the Tarai motorway (Annapurna Express, 6 September 2020)

The ruling NCP party has set a prime example this summer, which has been marked by Corona. Not just since the outbreak of the pandemic, KP Oli and his government have proved unable to cope with their duties

and tasks. Aggravated by serious health problems, Oli had tended towards authoritarian measures for quite some time. Criticism in the media, but also in the public, had been getting harsher and clearer for months, which Oli countered by restricting fundamental freedoms. The measures to contain the pandemic, which have been completely inadequate to date and have meanwhile proven to have failed, have lowered the reputation of the government and the party to an all time low.

As a result, voices of dissatisfaction within the NCP have increased. Co-chairman Pushpa Kamal Dahal repeatedly tried to pressure his partner Oli to give up at least one of his two offices, prime minister or party chairmanship. In the nine-member party secretariat, Oli was able to get his head out of the noose several times, partly through concessions which he did not keep. In the subordinate Standing Committee of the Politburo, which has 45 members, there had been a majority in favour of the Dahal camp for some time. Therefore Oli was constantly inventing new reasons why a meeting of this party body had to be postponed time and again. In the end, however, he had to give in and give Dahal a leading role within the co-chairmanship of the party.



Infographics: Kamal Subedi/ Republica

Fight against unwanted comments in the social media by the Oli government (República, 27 April 2020)

Another tactic on Oli's part was to propose Bam Dev Gautam as his potential successor as prime minister - after his own full five-year term, of course. Gautam was, however, the only one in the nine-member top body who was not a member of parliament. Oli must have been aware of this. Gautam was rejected by the voters in 2017. He dismissed the idea of running in a by-election, as he had to reckon with another defeat. The only way to get him into parliament was therefore his nomination for the National Assembly, the second chamber of parliament representing the provinces and local level. However, legal experts considered it constitutionally questionable to manoeuvre a candidate who had been rejected by the electorate into parliament through a back door.

While these power struggles kept the government and the party busy for weeks, Nepal slid into crisis. The pandemic seems unstoppable. The economy has no perspective because of the unimaginative, rigorous lockdown. Food shortages are already occurring in some areas of the country, especially among day labourers. The monsoon-related natural events further aggravate the situation. The household coffers are empty. The politicians are not interested in legal regulations that have been pending for years to establish federalism. They do not want the peace process to be concluded and justice to be done for the victims of the ten-year Maoist uprising. Nevertheless, they do not hesitate to celebrate the fifth anniversary of the adoption of the Constitution, which is full of shortcomings and in many respects still not implemented, as a great success.

As before, there is still a close proximity between politics and crime. Persons under indictment have been nominated by some parties as election candidates and later sworn in as members of parliament. One of them

was even elected Speaker of Parliament, for which a professionally qualified woman from an ethnic group had to give up her post. The President of the Republic, Bidya Devi Bhandari, was supposed to be independent in her duties and to work for the respect of the Constitution. However, she repeatedly proved to be a willing assistant to Prime Minister Oli when he once again undermined the functions of parliament. These are all things that raise doubts about the standard of political culture and democracy in Nepal.

Text notes:

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