



PANCHAYAT

Polity:

A

STUDY

PANCHAYAT POLITY: A STUDY

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SHAH DEV

1. INTRODUCTORY

Nepal is one of the most ancient monarchies of the world. Monarchy has been the prevailing form of government since the very beginning of her recorded history. Through all the ages this august institution has been the basic factor of stability and the symbol of unity. Monarchy has thus promoted and consolidated the political, social and religio-cultural unity of the Nepalese people from the hoary past down to present times.

A study of the political history of Nepal reveals the enormous contributions made by monarchy to the rise and growth of Nepalese nation in all its aspects. Monarchs like Manadeva I and Amshuvarma of ancient period and Jayasthiti Malla of the medieval period have made outstanding contributions in founding and remoulding the social fabric of the country giving rise to an independent Hindu Kingdom on the lap of the Himalayas. Similarly, it was the far-sighted statesmanship and

military genius of King Prithivi Narayan Shah who during the 18th century, laid the foundation-stone of modern Nepalese nation uniting all the principalities of the hills and the valleys that were then engaged in mutual bickerings and internecine wars. He not only organised the warring petty states under one national flag but also prevented the British East India Company from engulfing piecemeal the entire Nepalese nation. He thus brought about the physical as well as emotional integration of Nepal as a full-fledged nation and came to be cherished as the Maker of Modern Nepal.

As a matter of fact, the contributions of Shah Kings have been most illustrious in shaping the destiny of the Nepalese people. His Late Majesty King Tribhuvan even put his throne at stake in overthrowing the century-old family autocracy of the Ranas and ushered in the dawn of democracy in the country in 1951 providing leadership to the People's Revolution of 1950. He is the only monarch in the annals of the world who championed the cause of the freedom of the people totally staking the throne and the Crown.

But the post-Revolution period of Nepalese history, even after the General Elections of 1959 and the establishment of an elected government after the Westminster model, was characterised by mutual bickerings and squabbles among different political parties vested with diverse interests. It led to every type of corruption, favouritism and nepotism. The question of law and order posed

a serious problem and even the national independence of the country was endangered. It was again His Late Majesty King Mahendra who came to the fore and introduced in place of the parliamentary set up the Panchayat System of democracy best suited to the history, tradition and genius of the Nepalese People.

In course of time, some advocates of multiparty side began to hurl unfounded challenges against the suitability of the Panchayat System. They even labelled the System as totalitarian. Under such circumstances, like his august father, His Majesty King Birendra, the present ruling monarch, in keeping with the age-old tradition of the Shah Kings to rule the country as per the will and aspirations of the people, proclaimed a National Referendum, the first of its Kind in the history of Nepal, in which the people were asked to make choice between the Multiparty System and the Partyless Panchayat System with suitable reforms. In that Referendum the majority of the people voted for the retention of the Panchayat System with timely reforms. Thereafter His Majesty promulgated the Third Amendment to the Constitution of Nepal which has opened a new political horizon to a full-fledged democratic reality generating a new outlook at national and international plane. The introduction of adult franchise, the establishment of responsible government and the Peace Zone objective are its main noteworthy features.

In this way monarchy has ever been the salient feature

of Nepalese nationhood and it has provided national leadership to the people at every critical juncture of their history. It is under the leadership of the Crown that the people of the Kingdom of Nepal have met the challenges of times and circumstances, thereby marching onward on the road of progress and development. It is in this broad perspective that it is proposed here to make an attempt to discuss the genesis, growth, fundamentals, objectives, structure, etc. of the Partyless Panchayat Democracy under the able, active and dynamic leadership of the Crown which is an object of popular reverence and loyalty in the minds of the Nepalese people.

2. GENESIS AND GROWTH OF THE PANCHAYAT DEMOCRACY

Panchayat philosophy is deeply rooted in the political life of the Nepalese people. They are well acquainted with the Panchayat System for the last several centuries. The very word 'Panchayat' is indicative of Hindu culture and tradition. Even during the Vedic period the local problems of the village used to be solved by the villagers themselves through the 'village committee' and the leader of the committee used to be addressed as 'Gramini'. Hindu Classics like Mahabharata, Manusmriti, Shukraniti and the like too contain some references of the institutions like Panchayat. Hence the Panchayat System is not a new innovation in the political terminology so far the Hindu world is concerned.

Though one can not precisely assert when the Panchayat System came into being in the Kingdom of Nepal,

it is historically believed that this system has been in vogue here from the Kirat period. The historians are of the opinion that in those days Panchayat played a very prominent role in the day-to-day social and religio-economic life of the people. And during the Lichhavi period too almost all the socio-economic activities of the village were conducted by an assembly composed of the village elders. The Lichhavi Kings had greatly activated such Panchayats not only for the all-round development of the village but also for the maintenance of law and order and the administration of justice in the village. During the Malla rule also we find the existence of Panchayat that exercised a tremendous influence in the life of the people in solving their local problems. The Shah Kings too maintained the tradition of this age-old institution and made it an instrument for deciding local disputes and promoting local development. Even the autocrat Rana rulers could not ignore this popular institution and enacted the Panchayat Act and the Panchayat Court Act for the first time. "The Government of Nepal Act, 1947 (2004 B. S.)", promulgated by the Rana premier Padma Shumshere, had made Panchayat a political institution although, of course, the Act could not materialise during his time. After the Revolution of 1950-1951 also the institution of Panchayat has been extant in one way or other. All this amply demonstrates the fact that the institution of Panchayat has come down in the history of Nepal from the Vedic age down to modern times with an unbroken record of continuity. Thus the

Nepalese people have been familiar with the Panchayat system from antiquity and this institution has been an integral part of their life and culture, genius and tradition and taste and temperament as well. In short, Panchayat has been an inseparable part of their cultural heritage.

But the Panchayat of yesterday was virtually a socio-religious system or institution, not a political one since the governance of the country at that time was not carried out on the basis of the Panchayat. The Panchayat of old days was purely confined to deciding minor local issues, managing religious rites and festivals and promoting local development works. Herein lies the fundamental difference between the Panchayat of old and the newly introduced one. The Partyless Panchayat Democracy, which has been introduced after the Royal take-over of December 15, 1960 and which has been prevalent now under the active leadership of the Crown, is altogether a new concept, a new philosophy and a new ideology in the domain of modern political science as it has incorporated into it various ideals of democracy, thus reviving, developing and expanding the scope and nature of the traditional Panchayat System so familiar to the Nepalese people. Modern Panchayat democracy of Nepal is a dynamic political system related to the demand of the time and the will of the people at large, the different tiers of the Panchayat not only being as units of local self-government but the basic structures of the governance of the entire country. The creator of such Panchayat Democracy is His Late Majesty King

Mahendra who introduced it as the most suitable political system to Nepal's geo-physical and socio-political realities.

An analysis of the historical background of the inception of Panchayat Polity in Nepal unfolds the chaotic era into which the country had to pass through after the people's Revolution of the mid-fifties. The Revolution overthrew the century-old Rana regime. Then various political parties loyal to different foreign ideologies mushroomed in the national horizon. They were more engrossed with their narrow partisan interests than with the national interests. There were frequent changes of government leading to political instability that generated an atmosphere of frustration and economic backwardness. Even the first General Elections and the subsequent installation of an elected government on the model of Western Parliamentary Democracy could not improve the worse political situation of the country. Mutual bickerings and squabbles were rampant among different political parties. Even the national independence of the country was threatened both from within and without. As in many afro-Asian countries, the imported parliamentary system of government proved a failure in the existing context of Nepal's national politics. Therefore, in order to safeguard the best interests of the people, protect the sovereignty of the nation and accelerate the pace of economic development, His Late Majesty King Mahendra took a bold historic step on December 15, 1960 and, according to para-

graph I of the Article 55 of the then Constitution, dissolved the parliament, dismissed the government and banned all political parties which were the root cause of all the evils. Thus His Late Majesty introduced the Partyless Panchayat System which is deeply "rooted in the life of the people in general and in keeping with the national genius and traditions, and as originating from the very base with the active cooperation of the whole people and embodying the principles of decentralisation". The Panchayat System is built up from village to national level with a number of tiers in between. Such is the concise history of the genesis and growth of Partyless Panchayat Democracy in Nepal which will be written in letters of gold in the political annals of the country.

3. FUNDAMENTALS OF PANCHAYAT DEMOCRACY

Every political system has its own philosophical base that characterises its salient features and determines its aim. The Partyless Panchayat Democracy too has its own particular specialities that distinguish it from other democratic systems of government of the world. The following are the main fundamentals of the Panchayat Democracy, a political system best suited to the genius of the people and springing from the grass-roots, i. e., from the village and city level to the district, zonal and national level:-

(a) Active and dynamic leadership of the Crown

The most important feature of Panchayat Democracy is the active and dynamic leadership of the Crown. The

Crown in Nepal symbolises national unity in ethnic diversity and all the executive, legislative and judicial powers emanate from it. It belongs to all the Nepalese and does not pertain to any particular group, tribe or sect. This august institution is not only a custodian of democracy, national independence and sovereignty of the country but also the propounder of Panchayat Democracy and the focal point around which all the people rally with unbound reverence and loyalty both in times of peace and crisis. So the Panchayat Democracy, which is indigenous in its political character, regards the King not only as a ruler of the country but also as an undisputed leader of the nation. He is the ultimate saviour of the people whose destiny is closely linked with him. The Panchayat Democracy introduced by His Late Majesty King Mahendra is now being developed, nurtured and consolidated by His Majesty King Birendra in accordance with the spirit of the age. All the people belonging to different social strata and economic classes are advancing further under Panchayat Democracy which has received the active and dynamic leadership of the Crown.

(b) A Partyless Political System

Another distinctive feature of Panchayat Democracy is its partyless character. It seeks to create an atmosphere conducive to develop one's democratic ideas without depending on political parties. This is because Nepal has learnt a bitter lesson of party politics for a full decade from 1950-1960. Because of narrow groupism and mutual

leg-pulling, without paying any heed to real national interests, between different political parties, a handful of people busied themselves to advance their self-interest. The political parties splitted the national strength and totally forgot the national interest. Consequently there arose a nation-wide emergency due to anarchy and danger to national integrity, security and unity. So a revolution in approach and attitude became absolutely necessary to avert the impending danger. Then His Late Majesty King Mahendra through utmost sagacity and undaunted courage introduced the partyless Panchayat Democracy in which there is no room for political groupism of any kind and which aims at establishing stable political conditions in the country through the medium of partyless Democratic System based on a regard for spiritual values, achieving rapid economic growth and ensuring maximum participation of the people in the administration of the country. Under this system all the Nepalese are united as a monolithic bloc under one leader, one flag and one ideology. Thus in Nepal a partyless Panchayat Democracy has been introduced on the presumption that democratic ideals can be achieved even in the absence of political parties. And time has shown the correctness of this ideal, which is the outcome of Nepal's economic, social and geographical conditions — a product of national need and compulsion. Nepalese experience has now shown that partyless democracy trains everyone to engage in the common welfare

leaving aside the group interest and presents a solid ground for the development of the country.

(c) Class Co-ordination

Class Co-ordination is one of the vital basis of the party-less Panchayat Democracy that believes in class harmony rather than in class conflict. It is altogether a new principle in the field of political economy. The Panchayat Democracy theorises that cooperation leads to life and progress while conflict leads to death and destruction. Even in Nature we find the smooth working of the principle of coordination. We know that matter is composed of different atoms which is a result of coordination. The theory of coordination is inseparable from Panchayat Democracy that has no faith in the Marxian concept of class division and class struggle. It is true that human society consists of different classes of people having diverse class interests which need to be fulfilled if the society is to march ahead on the path to material prosperity. But the Panchayat Democracy holds that mutual understanding and cooperation between different classes is possible and their problems can be solved through mutual consultation and cooperation and the common interest of the class can be diverted towards the larger interest of building the nation. Moreover, Panchayat Democracy allows different class organisations, such as Peasants' Organisation, Labourers' Organisation, Elders' Organisation, Women's Organisation, Youth Organisation and Ex-servicemen's Organisation, to function for the advancement

of their class interests in a spirit of class harmony under the provisions of the Constitution. In absence of political parties these organisations may also represent various interest groups, act as a bridge between the government and the various classes of people and thus fill the gap. The importance of the aforesaid class organisations is so great that none can be a candidate to any office of the various tiers of the Panchayat if he is not an active member of one of these class organisations. The idea of class coordination has also an international significance in today's world as it envisages to establish a lasting peace and create an atmosphere of universal brotherhood between man and man in society.

(d) Decentralisation of administrative authority

Decentralisation of power to different tiers of Panchayat with a view to making people's active participation in the administration of the country is another important aspect of Panchayat Democracy. Decentralisation of administrative authority is of great importance in a democracy. This is because democracy is a system of government in which the people have a greater say and a maximum share in the administration of the country. So the Panchayat Democracy has sought to achieve its goal of speeding up the country's economic development by gradually delegating administrative power to local Panchayats in a planned way, thereby trying to decentralise the administrative machinery itself. The Panchayat Democracy can aptly be called a system of people's rule as it is a new political

system designed to run the nation's administration on the basis of decentralisation. In fact, if individual liberty is the watch-word of Panchayat Democracy, decentralisation of power is its working principle.

(e) Establishment of the exploitationless society

Nepalese society is not free from exploitation which is an injustice and needs to be eradicated. The Panchayat Democracy has sought to do away with the existing system of political, economic, social and intellectual exploitations through class coordination and cooperation in a just manner. All this is clearly mentioned in the very Preamble of the Constitution of Nepal in clear-cut terms. The Directive Principles of the Panchayat System embodied in the Constitution also clearly stress that one of the objectives of Panchayat Democracy is to create a democratic, just, dynamic and exploitation-free society. The various plans, programmes, policies and legal codes, such as the Land Reforms Programme, Civil code, Cooperatives, Agriculture Development Bank, New Education Plan, etc., implemented from time to time since its inception have been effective means to achieve the goal of creating an exploitation-free society and upto now a good deal of progress has been made in this connection. The common man has been benefitted a lot because of these progressive measures adopted to uproot the evils of exploitation from the Nepalese society and all these steps have contributed to ensure political, social and economic equality. Thus the Panchayat Democracy endeavours to establish an ex-

plotationless society so that everybody may develop his personality in a free atmosphere of peace, progress and material benefit without being exploited in any way.

(f) Non-aligned foreign policy

Non-aligned foreign policy is another salient feature of Panchayat Democracy. Nepal, therefore, firmly believes in pursuing an active, dynamic and independent foreign policy of her own without aligning herself with any power bloc in the international arena as it is contrary to the principles of her political system and also a necessity bequeathed to her by history and geography. She, being a peace-loving country, aspires for peace in Asia and the world and believes in peaceful co-existence between nations having different political systems. She, moreover, is intent on safeguarding her regional integrity and shows respect for sovereignty and independence of all the countries, opposes colonialism, both old and new, extends the hand of friendship and cooperation with all countries, especially with her neighbours, champions the cause of developing countries in international forums and opposes wars local, regional or global. Nepal believes in non-intervention in other nation's affairs and advocates mutual cooperation and understanding between the nations of the world. To achieve these noble aims in the field of foreign policy, Nepal has recently institutionalised the peace zone ideal of the U. N. O. by incorporating peace zone objective in her Constitution. The introduction of this lofty ideal, which is based on the principle of "Live And

Let Live", is a unique contribution made by His Majesty King Birendra to further champion the cause of peace in the region, in Asia and the World. It has enhanced the international personality and prestige of Nepal which is advancing with "giant strides" to reach the level of modern scientifically developed nations of the world under the Partyless Panchayat Democracy.

4. OBJECTIVES OF THE PANCHAYAT SYSTEM

The objectives of Panchayat Democracy are , on one hand, to create a partyless, democratic, developed and exploitationless society and, on the other, to preserve the sovereignty and national independence of the country without ignoring its hereditary prestige. In the words of His Late Majesty King Mahendra, the propounder as well as initiator of the Panchayat Democracy in Nepal, "This political, economic and social system will open the door to enable the Nepalese to take the responsibility with complete freedom to maintain their tradition. The Panchayat System is retained to strengthen our political system based on public opinion and power." So its main objectives may be discussed under three headings as outlined hereunder:-

(i) Political

Since Panchayat Democracy was initiated as a safeguard to the unity, nationality and sovereignty of the country which was endangered under the parliamentary system, it has greatly strengthened the nationalistic feeling

of the masses. As a matter of fact, Panchayat Democracy is founded on nationalism and has generated national feeling among the populace in a thorough-going way. One of the main objectives of this system, therefore, is to develop nationalistic attitude among the people by propagating the sentiment of nationalism under the active leadership of the Crown. It lays great stress on national independence, emphasises mutual understanding and cooperation, forwards the cause of all-round development and tries to enhance the country's international personality in conformance with the national political objective of the Panchayat philosophy. His Majesty King Birendra, the national leader of the Nepalese people, has boosted the national sentiment of the Nepalese people urging them to unleash the forces of development. What Nepal has achieved today in national politics is the direct result of the unprecedented growth of nationalism under Panchayat Democracy which has emancipated the people from the political exploitation of the political parties. But Nepalese nationalism under Panchayat Democracy is not blind and narrow. Because of great advancement in the field of science and technology modern nations are coming closer and closer. Nepal also, after the inception of Panchayat Democracy in 1960, has developed its international relations with a number of peace-loving countries of the world and she does not remain a dumb spectator in important international issues. This is because she believes in co-ordination between nationalism and internation-

alism and so has adopted a non-aligned, independent and peaceful foreign policy based on friendship with all and enmity to none.

(ii) Social

Nepalese society was traditionally infected with casteism, untouchability, illiteracy, superstitions and various malpractices in the name of religion. The womankind were more exploited in society because of such bad social practices as child marriage, forced marriage, polygamy, etc. They were exploited by the male sex almost in every walk of life. They were the victims of bad customs and obsolete manners. Moreover, the people living in remote areas were denied the right to schooling and they did not get any modern medical facilities, either. All this was indeed a great social injustice and Nepalese society could not be expected to march ahead on the road to development if things remained as such. Since social justice has been the watchword of Panchayat Democracy, social emancipation of Nepalese people from all kinds of social exploitation is one of its main objectives.

In order to do away with all these existing social evils and create a society based on social justice and equality, Panchayat Democracy has implemented the New Education Plan to promote socio-economic mobility through restructuring of the education system, introduced National Development Service (now temporarily suspended) and adopted systematic Teacher Training and Adult Literacy Programmes. In the spheres of public health and social welfare

public health programmes like Preventive Services, Family Planning, Medical Education and various Welfare Projects for women, children and the physically handicapped ones are in operation. The New Civil Code has done away once and for all such social evils as child marriage, untouchability and restored the position of women as equal counterparts in social set up. All these progressive measures are taken to achieve the social objective of the Panchayat Democracy, the only political system best suited to Nepalese conditions.

(iii) Economic

Prior to the inception of Panchayat Democracy, the Nepalese people suffered from poverty, disease and illiteracy to such an extent that cloth, food and shelter became the burning problems of the day. But the partisan governments were not concerned with such deteriorating economic backwardness of the people. Although the First Five-Year Plan was formulated during that period, they did not see to the proper implementation of it by mobilising the country's limited resources and capital. Nor could they gear the foreign aid to proper utilization. So a kind of economic insecurity prevailed in the country. Moreover, the peasants were exploited by the big landlords and money-lenders who reaped the fruits of their labour and extracted exuberant rate of interest from them. The real tillers of the soil had to go hungry and naked on meagre means. Thus economic exploitation and economic stagnation were the order of the day. But the

party politicians were not intent on improving the lot of the common masses who were groaning under severe economic exploitation. So in order to end such unjust system, raise the living standard of the people and make them self-sufficient in economic matters, Panchayat Democracy was introduced in the country replacing the parliamentary system of government. Economic emancipation of the Nepalese people, therefore, became one of the chief objectives of Panchayat Democracy. To end economic exploitation and promote faster economic development of the country by mobilising local resources and talents coupled with proper utilization of foreign aid, Panchayat Democracy has taken such timely steps as the Land Reforms Programme, concept of Regional Development Planning, Constitution of National Development Council, Sajha (Co-operation) Scheme, Small Farmers Development Projects, New Industrial Policy, Industrial Financing Scheme and other economic measures. The Land Reforms Programme, which is a revolutionary step, has put ceilings on land holdings, ensured tenancy rights, liquidated the old debts of the poor, enforced land administration and acquired and redistributed the surplus land to the landless. Other economic measures adopted to promote industrial development in the country are indeed commedable steps taken by Panchayat Democracy to ward off economic backwardness and foster an atmosphere conducive to speedier economic progress in order to raise the living standard of the people who are living below the poverty line.

5. CONSTITUTIONAL REFORMS

Panchayat Democracy is a unique, original and ideal political system best suited to the political, social and economic development and the preservation of sovereignty, territorial integrity and national independence of the Kingdom of Nepal. The system is dynamic in character and progressive in content, democratic in nature and popular in form. The Constitution of Nepal embodying the noble principles of the Partyless Panchayat Democracy was first promulgated on 16 December 1962 and since then it has undergone three Amendments in tune with the demand of the times and in line with the lofty ideals of Panchayat philosophy, once in January 1967 and twice in December 1975 and December 1980 respectively. Such reforms in the Constitution have not only sustained the democratic character and dynamism of the Panchayat System but even strengthened it opening a new horizon of democratic realities. Of the three Amendments, the Third Amendment is of utmost importance since it has added a new chapter to the history of Panchayat Democracy in Nepal, thereby paving way for further refinement, popularization and consolidation of the system in the context of national politics. To understand the significance and thereof the main features of the Third Amendment it, therefore, is necessary to get acquainted with its historical background.

Nepal was advancing astride under Panchayat Democracy for the last two decades towards achieving its

cherished goal of an all-round national development with new vigour and vitality, great zeal and enthusiasm. But certain challenges were hurled against this system by those people who styled themselves as champions of multi-party system, a system that was discarded long ago by the Nepalese people stock and barrel. As a matter of fact, these people, who were only a handful in number, were at times active in one way or other, within the country and without in hurling baseless charges against the Panchayat System since its very inception, but in vain. Now these very gentlemen and some others misled by these elements started to hurl challenges against the suitability of the system and even called it unjust, undemocratic and dictatorial. They even tried to create a law and order problem in the society.

Against such political background, His Majesty King Birendra, who himself believes in the highest democratic ideals, in keeping with the age-old tradition of the Shah Kings to rule the country according to the will and aspirations of the people, graciously announced on May 24, 1979 a National Referendum calling upon the people to choose between the Panchayat system with timely reforms or the Multi-party System of Government. Such a liberal monarch, who urges his people to choose the political system of their choice, is indeed very rare in the history of the world. The above announcement was soon followed by another important declaration on the auspicious occasion of King Mahendra Memorial and Constitution Day of 1979, which outlined the basic guidelines for the Consti-

tution of the future political system to be set up after the consequence of the National Referendum, the first of its kind to be held in Nepal. His Majesty declared: "From now on, all elections to be held to the national legislature shall take place solely on the basis of the adult franchise. Similarly, the convention to appoint our Prime Minister on the basis of the recommendations of the National Legislature shall be followed in the future. Besides, the Council of Ministers will be made responsible to the National Legislature for their line of conduct". In this context one is reminded of His Majesty's Speech of the National Democratic Day in 1972 in which he had said: "In our opinion, the Panchayat System of Democracy, being consonant with the popular will and having its roots deeply embedded in the Nepalese social milieu, is not only dynamic but also capable of evolutionary growth and development. We are confident that the system will respond to changing time through suitable improvement..." The earlier declaration is in keeping with the spirit embodied in this message. Thus His Majesty King Birendra, the beloved leader of the Nepalese people, had already thought of introducing some reforms in the body politic. The Panchayat System is, in fact, receptive as well as responsive to change.

His Majesty also constituted a National Election Commission to conduct the National Referendum freely, fairly and impartially. The polls were carried out on 2 May 1980 smoothly, orderly and without any impediment.

In the polls, the Panchayat System with 'timely reforms' won over the multi-party camp bagging 2, 433,452 Votes against 2,007, 965 Votes obtained by the latter in the contest. Thus the Panchayat System emerged victorious. This was indeed a great victory for the Partyless Panchayat Democracy which has been in vogue in Nepal under the wise and active leadership of the Crown. The outcome of the Referendum not only showed the people's great faith in the Panchayat System but also exhibited their firm faith in the Crown, in democracy and progress. The Panchayat System thus received a stamp of popular mandate.

Thereupon His Majesty the King constituted on 21 May 1980 an 11-member Constitution Reforms Commission which in due time submitted before him its Draft recommendations incorporating into it the considered opinions of the people of all walks of life. Then, on the basis of the Draft, His Majesty promulgated the Third Amendment to the Constitution of Nepal on December 15, 1980. Such, in brief, is the historical setting of the Third Amendment.

The Third Amendment is a great landmark in the constitutional development of the Panchayat System. It has embodied certain principles characteristic of any most democratic system of government and promotive to peace in Nepal, in the region and the world. Such provisions as universal adult franchise, establishment of responsible government, collective leadership of the Cabinet

and the inclusion of Peace Zone objective in the constitution are indicative of it. Furthermore, the Third Amendment is a direct answer to the so-called critics of Panchayat Democracy who, without understanding its realities and without analysing it with a sober mind, label it as undemocratic and illiberal. It shows the dynamism, liberalism and democratic nature of the Panchayat Democracy which regards the people as the very backbone of democracy and development. The Third Amendment has strengthened the grass-roots of the Panchayat System by broadening the area of Panchayat embracing the whole Nepalese people into its fold and thus consolidating the foundations of democracy in the country. The Nepalese experience has even provided a new political model to the countries of the Afro-Asian world that are still seeking some alternative to the Parliamentary System which, like in Nepal, could not take roots in their soils.

The main highlights of the Third Amendment, which are of far-reaching importance in the political life of the nation, are as follows:-

(a) Adult franchise:

As outlined in the Royal Message of 16 December 1979, there has been a change of election pattern. The election to the country's national legislature, the Rashtriya Panchayat, shall be held on the basis of adult franchise and Nepali citizens of 21 years of age are eligible to cast their Votes for the national legislature.

(b) Responsible government:

All Ministers, the Prime Minister included, will be jointly and severally responsible to the Rashtriya Panchayat for the work of their respective ministries.

(c) Chairmanship of the Council of Ministers:

The Council of Ministers will be constituted under the Chairmanship of the Prime Minister.

(d) Appointment of the Prime Minister:

His Majesty the King will appoint the Prime Minister on the recommendation of the Rashtriya Panchayat. Any member of the Rashtriya Panchayat who is nominated and supported by at least 25 % of the total membership would be a candidate for the office of the Prime Minister and the member elected by at least 60 % of the total membership will be recommended for appointment to the office of the Prime Minister. In the event of no candidate receiving the required number of Votes, candidature of two members receiving the highest number of votes will be retained and fresh ballot held. In the event of no candidate receiving the required number of votes even after the fresh ballot, provision has been made for the Rashtriya Panchayat to recommend three names from among its members, one of which will be appointed as prime Minister by His Majesty the King.

(e) Incorporation of Peace Zone Objective:

The Peace Zone objective has been incorporated into the foreign policy objective in the Directive Principles of

Panchayat System. Accordingly, the objective of the Panchayat System will be to work towards making Nepal a Zone of Peace by adopting the basic ideals of the United Nations and the principle of Non-Alignment.

(f) Re-introduction of class organisations:

There is provision in the Amendment for six class organisations, such as the Nepal Women's Organisation, Nepal Peasants' Organisation, Nepal Youth Organisation, Nepal Elders' Organisation, Nepal Labourers' Organisation and the Nepal Ex-serviceemens' Organisation. Membership of any one of these six Class Organisations is mandatory for becoming a candidate to all tiers of the Panchayat.

(g) Fundamental duties:

Two more fundamental duties of the Nepalese Citizens have been added to already existed two Kinds of duties. Accordingly, the fundamental duties of citizens is to observe the provisions of the Constitution to create harmony in the society by not indulging in activities likely to undermine the sovereignty, integrity and unity of the country and to incite hatred, enmity, discord, violence and on grounds of caste, race, tribe, region, community, sex or religion, and not to damage public or private property.

Besides the aforesaid fundamental principles, the Third Amendment has also made the following provisions regarding check and balance.

(i) Constitution of a National Co-ordination Council:

His Majesty the King, may, if he so desires, constitute a council of coordination to maintain coordination in the executive, legislative and judicial functions of the country in order to unite all countrymen and preserve national independence, sovereignty and territorial integrity under the Partyless Democratic Panchayat System.

(ii) Panchayat Policy and Investigation Committee:

Provision has been made for the constitution of a Committee on Panchayat Policy and Investigation in the Rashtriya Panchayat. The functions of this committee shall be to undertake all necessary works for the promotion of the Partyless Democratic Panchayat System and to ensure implementation of the decisions taken in regard to the annual reports of the constitutional bodies.

(iii) Accountability:

The concerned ministers are more clearly obliged under the Amendment to account for the fulfilment of the responsibilities and objectives of the allocated budgets of the preceding year at the time of discussion of the annual budget of the country.

Such, in brief, are the salient features of the Third Amendment, which have revitalised the Panchayat System by consolidating its achievements and at the same time preparing a ground for taking into its fold even those people who have so far opposed the System. This Amendment has once again showed that democracy is possible

even in the absence of political parties. It has made the Partyless Panchayat Democracy more realistic, democratic and people-oriented and granted more political and economic rights to the people so that they may play a dynamic role in the building of the nation.

6. STRUCTURE OF THE PANCHAYAT SYSTEM

The Panchayat System has a tiered pyramidal structure ranging from the Village and Town Panchayat at the lowest base to the Rashtriya Panchayat (National Legislature) at the apex with a number of tiers in between these two extremes in accordance with the administrative divisions of the Kingdom which is divided into 14 zones and 75 districts. Each Zone consists of a number of districts and each district comprises a number of Village Panchayats.

Village Assembly

Each Village Panchayat Consists of 9 wards with a population of about 1,000 in the northern remote regions and about 2,000 in the other regions of the country. The adult Voters of each ward elect through secret ballot, from among themselves, 4 persons to the Village Assembly. They also elect one person to the Village Panchayat, who automatically becomes the Chairman of the Concerned Ward Committee. The elected representatives of all the Wards constitute the Village Assembly that meets at least twice a year. It analyses and evaluates the work of the Village Panchayat and also deliberates upon the income and expenditure of it. At the same time it also examines

the proposed programme of the village Panchayat for the coming year.

Town Assembly

His Majesty's Government can declare any town with a population of at least 9,000 a Town Panchayat. It is divided into 9 or more wards, each consisting of approximately the same population. A Town Assembly is constituted in any town declared a Town Panchayat by His Majesty's Government. The adult Voters of all the Wards elect through secret ballot, from among themselves, 4 persons to the Town Assembly. Each of the Wards also elects one person to the Town Panchayat, who becomes the Chairman of the ward committee. The total number of elected representatives from all the wards constitute the Town Assembly.

Village Panchayat

A Village Panchayat is an 11-member executive body of the Village Assembly and is comprised of the Pradhan Pancha, the Upa-Pradhan Pancha and also one member from each of the nine wards of the Village Panchayat. The Chairmen of Primary (Village-level) Working Committees of Class Organisations also become ex-officio members of the Village Panchayat.

The Pradhan Pancha and the Upa-Pradhan Pancha are elected by the adult Voters of the Village Panchayat from among themselves.

The Village Panchayat is the grass-root political unit of the Panchayat System. It is entrusted with carrying

out developmental activities within its area such as, building and maintaining roads and bridges, providing health facilities and primary education to the local people. It is also vested with judicial authority in the adjudication of petty local disputes.

Town Panchayat

A Town Panchayat is the executive body of the Town Assembly. It is composed of the Pradhan Pancha, Upa-Pradhan Pancha and the nine or more members elected to it from different Wards by the adult voters of the Town Panchayat area from among themselves. The Chairmen of town-level (Primary) working committees of Class organisations also become ex-officio members of the Town Panchayat.

In addition to the Pradhan and Upa-Pradhan Panchas, the Town Panchayat sends one-third of all the elected members to the District Assembly. The Town Panchayat has the important tasks of carrying out development activities in the urban areas. It is also empowered to settle minor local disputes.

District Assembly

The country is administratively divided into 75 districts and in each of these districts there is a District Assembly comprising all the Pradhan and Upa-pradhan Panchas of the village and town Panchayats, representatives from the town Panchayats comprising one-third of the total number of wards in the Town Panchayat area. If the

representatives are less than 20, His Majesty's Government nominates members to bring the member to 20.

District Panchayat

A District Panchayat is the executive Committee of the district consisting of a Chairman, Vice Chairman and nine elected members from the nine election Constituencies of a district. They are elected from among themselves by the office-bearers and members of all the village and Town Panchayats and Assemblies within the concerned Constituencies of a district. The Chairman and Vice-Chairman of the District Panchayat are elected, from among themselves, by the office-bearers and members of all the Village and Town Panchayats and Assemblies of the district concerned. They also become the ex-officio chairman and Vice-Chairman of the District Assembly. The Chairmen of district level working Committees of Class Organisations and the member representing the district in the Rashtriya Panchayat (National Legislature) also become the ex-officio members of the district Panchayat.

The District Panchayat is responsible for the development of the district like construction and maintenance of roads, bridges, etc. It has to play a significant role in all the development activities undertaken by the government.

Zonal Assembly

The country for administrative conveniences is divided in to 14 Zones. A zonal Assembly is made up of all the

District Panchayats within a zone comprising all the members of the District Panchayats in it. They remain members in the Zonal Assembly as long as they retain their membership in the concerned District Panchayat. The Zonal Assembly plays a great role in keeping up the momentum of development activities in the zone.

Rashtriya Panchayat (National Legislature)

Rashtriya Panchayat is the national legislative body of the Kingdom of Nepal. It is a unicameral legislature comprising 112 members elected on the basis of adult franchise from 75 districts of the country and 28 members— 25% of the total number— nominated by His Majesty the King. The total number of Rashtriya Panchayat members is 140 and they have a term of 5 years.

The Chairman and Vice Chairman of the Rashtriya Panchayat members are appointed by His Majesty the King from among the members on the recommendation of the Rashtriya Panchayat. Any member of the Rashtriya Panchayat nominated and supported by at least 25 % of the total membership can be a candidate for the office of the Chairman and Vice-Chairman of the Rashtriya Panchayat. The member elected by at least 60 % of the total membership will be recommended for appointment to the office of the Chairman or the Vice-Chairman. In case no one succeeds in getting the necessary Votes even on second ballot, the Rashtriya Panchayat recommends three names from among its members, one of which will be appointed as Chairman or Vice-Chairman by His Majesty the King.

The King summons and adjourns the sessions of the Rashtriya Panchayat and every year addresses it and also summarises the activities of His Majesty's Government in the previous year and of the programmes and policies to be followed in the coming year. Ordinarily the sessions of the Rashtriya Panchayat remain open to the Visitors. Decisions are taken by majority Votes and the quorum is one-fourth of the total membership.

As the only legislative body in the country, its most important function is the legislative function. It frames new laws to meet the demands of time and also passes ordinances promulgated by His Majesty the King when the Rashtriya Panchayat was not in session.

The Rashtriya Panchayat also performs a financial function. It passes the annual budget estimates of the country and also scrutinises the Auditor General's report on the income and expenditure of His Majesty's Government before it is submitted by the Auditor General to His Majesty the King.

The Rashtriya Panchayat also exercises vigilance to see that the Council of Ministers does not deviate from the correct path. If the Government commits any mistake it may demand explanation and may also recommend appropriate measures at rectifying it.

Privileges

Freedom of speech is the most important Privilege enjoyed by the Rashtriya Panchayat. A member of the

Rashtriya Panchayat enjoys a right to the freedom of speech when he speaks in the House or in the Committees. Similarly, no one can assign motives to its action nor can one bring into publication wrong and misleading interpretation of a statement made by a member in the House. Another privilege grants them immunity against arrest for the period between the publication of the date for the start of the Rashtriya Panchayat session and its adjournment.

The breach of the above stated privileges is considered a contempt of the Rashtriya Panchayat and the Chairman of it, in accordance with the decision of the House, can order detention of the offender for the maximum period of the duration of the Rashtriya Panchayat session.

Committee System.

The Rashtriya Panchayat has a system of Committees comprising a Steering Committee and five other Committees. The Steering Committee advises the Chairman of the Rashtriya Panchayat on ways of conducting the affairs of the Rashtriya Panchayat. It consists of 14 elected members, who are elected on the basis of proportional representation and by single transferrable votes, and a number of ex-officio members. Except for the ex-officio members, others are for a period of 2 years.

Bills are introduced in the House only through concerned Committees and such bills are submitted to the Rashtriya Panchayat for deliberations by the committee's chairmen. The five committees of Rashtriya Panchayat are: the

Panchayat Committee which looks after Home, Panchayat, Class organisations, Administration, Law, Justice and Defence; the Financial Committee which looks after Finance, Estimates and Accounts; the Social Committee which looks after Education, Health, Communications and Foreign Affairs; the Water Resources Committee which looks after Electricity, Water, Forest, Food, Agriculture, Irrigation and Land Reforms and finally the Development Committee which looks after Planning, Industry, Commerce and Transport.

7. THE GENERAL ELECTIONS

Under the provisions of the Third Amendment of the Constitution a general election to the national legislature (Rashtriya Panchayat) for 112 electoral seats was held on May 9, 1981 on the basis of adult franchise. In spite of the baseless propaganda and futile attempts of some misleading elements, who posed themselves as boycottists, to create confusion in the minds of the people during the polls, the people enthusiastically took part in it. Out of the voting population of 7 million, 793 thousand and 119 in the whole of the Kingdom of Nepal, 4 million, 73 thousand and 836 voters enthusiastically participated in the General Elections. This comes to 52.27 percent turnout in the national polls. In percentage terms 94.4 percent of the ballots cast was valid. This shows the growing awareness of the Nepalese people to exercise the broad democratic rights granted by the provisions of

the historic Third Amendment of the law of the land, a gift of the Partyless Democratic Panchayat System.

The General Elections has demonstrated that the well-being of the country lies in the Panchayat System and it is the mainstream of national life. But attempts were also made to bring this mainstream to a halt, to a breaking-point. Nevertheless, the Panchas have proved all this wrong by showing unprecedented unity among themselves. They have faced the disruptive elements with utmost unity and organised strength. As a result, many who adhered to multi-party camp yesterday are now one by one coming into the fold of the mainstream accepting the realities of life. There is no alternative to this mainstream and to look for one is to create disorder, invite chaos and thwart the proper functioning of true democracy in the country.

The General Elections was first of its kind held under the Panchayat Democracy. With the conclusion of the General Elections Nepal has now entered into a new era with new hopes and aspirations— an era of national construction designed to all-round socio-economic development of the country. It is therefore the duty of each and every Nepali who has the well-being and prosperity of the nation to join in the mainstream of national life and contribute his might to the prosperity of his motherland under the able leadership of the Crown.

8. EPILOGUE

It has been 21 years since the Panchayat System was introduced in the country. During this period it has

achieved a lot in political, economic and social fields and created the basic infrastructure in the country so necessary for an all round national development and at the same time enhanced the country's prestige in the international world. But even after the promulgation of the Third Amendment and the successful conclusion of the General Elections, criticisms have come on the democratic nature of the Partyless Panchayat System from some quarters with vested interests. These elements have tried to create some illusions regarding the very conception of democracy itself. Their so-called criticisms are centred particularly around three principles embedded in the Panchayat Democracy.

Firstly, they raise a question about the active leadership of the Crown in the national polity. These persons doubt the necessity of the Crown taking an active part in the day-to-day politics and leading the people to create a just, dynamic, democratic and exploitation-free society, thereby preserving the national independence of the country. But these people forget, knowingly or unknowingly, the fact that it is the Crown that had unified the country as an independent kingdom at a time when the dark shadow of imperialism was about to envelop the very existence of Nepal as a sovereign nation. Again, it is this very august institution which had led the people in the Revolution of 1950 to end Rana rule and introduced democracy in the country. In the same way, it is again the Crown itself that had saved the nation from the perils brought about by the anti-national

activities of the political parties and introduced the Panchayat System that has now matured into one of the most democratic political systems in the world. Besides, the Crown from time immemorial has been the unifying and stabilizing force in shaping the destiny of the Nepalese nation. The people have utmost faith in the Crown and wholeheartedly support every step emanating from it. In Nepal, the "Nepali Crown exists for the subjects of Nepal". Therefore there is active leadership of the Crown in the Panchayat Democracy, a democracy granted to the people by the Crown itself. So, to question the active leadership of the Crown is just to raise a hue and cry without understanding the Nepalese reality turning a blind eye to it. For Nepal, active leadership of the Crown is a must, a behest of her history, geography and the polity.

Secondly, the critics of the Panchayat System often pose an already settled question of the Referendum result in which the Panchayat side received about 24 lakh votes as against about 20 lakh votes secured by the multi-party side in the polls. The people voted for the retention of the Panchayat System. Now when the question as to which side won in the election has thus already been settled, it is useless to raise the question of 20 or 24 lakhs. The popularity of the Panchayat System and the unpopularity of the Multi-party System has in this way been proved. But it is a pity that these men who style themselves as democrats do not seem ready even to accept the popular verdict of the Referendum, a most democratic practice.

It only shows that they are not true democrats but political hypocrites.

Thirdly, they, looking through the coloured eyes of Western democratic traditions, assert that Panchayat System is not democratic as there is absence of political parties in this system to represent the interests of diverse interest groups. But these critics forget that Panchayat System is not a party-oriented system of the Westminster model. Moreover, it is a wrong notion to think that democracy is not possible without parties which divides the people instead of unifying them to achieve a common national goal. The Nepalese experience in this respect in her post-revolutionary period is a proof itself. We know that the most important characteristics of a democracy are maximum public participation in the governance of the country, equality of opportunity to develop their personality and the realisation of the highest good of the greatest number. The Panchayat System embodies all these specialities and the Constitution of Nepal itself is a testimony to it. Besides, there is a provision in the Constitution for the setting up of different class organisations that serve as proper channels for representing the interests of various interest groups. The provisions made in the Constitution by the Third Amendment, such as the adult franchise, responsible government and the system of check and balance, speak themselves that the Panchayat polity is fully democratic. It contains all the essential features that qualify it as a democratic system,

no less democratic than the Parliamentary System. It has categorically shown to the world that democracy is not synonymous with political parties and it is possible for it to flourish and function well even in the absence of political parties. The Panchayat polity is, in fact, a new Nepalese invention in the science of state and government.

But it does not mean that Panchayat polity bans all kinds of criticisms and curtails individual freedom. Since democracy is not only a form of government but a way of life and also a way of thinking, it welcomes healthy criticisms to strengthen the system so as to create interest, bring loyalty, ensure stability and promote progress. This is why the Constitution of Nepal has guaranteed "Fundamental Rights" including individual freedom to the people. The Panchayat System is based on popular consent and aims at creating a democratic, just, dynamic and exploitation-free society based on economic freedom, political justice and individual liberty.

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