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## FOREST, PEOPLE'S PARTICIPATION AND CONFLICTS IN NEPAL

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### Introduction

Nepal is a landlocked country wedged between India in the south and China on the north. It has a surface area of 147181 sq. k.m. According to last census (1991), it has a population of 18.5 million with an annual growth rate of 2.08 percent. The population of male and female consists of 49.9 and 51.1 percent, respectively. The average life expectancy is 54.6 years. The literacy rate is 40 percent. The Terai (plains) in the south, the central mountain and the hills and the high Himalayan in the north divide the country into three main ecological zones. Each ecological zone differs in geology, climate and hydrological characters. The Himalayas region is inhabited mostly by Mongoloid ethnic groups and contains 7.8 percent of the total population and the Terai has 17 percent of the total land area. The life in this area is extremely difficult and isolated. The mountains, hills and terai covers 68 and 17 percent of the land area. 45.6 percent of the total population is settled in the hills and mountains. The Terai is inhabited by 46.6 percent of the population with increasing migrants. The dependency ratio in the present population structure is around 60 percent and agriculture is the main mean of livelihood. There are three main river systems, namely, Koshi, Karnali and Gandaki, which traverse from north to south and are uncrossable when swollen by monsoon rains and melting snows during much of the year. There are 5 regional centres, 14 zones, 75 districts and about 4000 Village Development Committees (VDCs) which play vital role as administrative and political units.

The mountain region ranges from 5000 meters to 8000 meters in altitude which constitutes about one-third of national territory. The

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hill region contains most of the grazing land and the forest for about 43 percent and the rest is the fertile tropical extension of Indo-Gangetic plain area locally known as the Terai. In the past until 1960, the Terai had the vast stretch of dense forest area. After 1960s when virulent malaria was eradicated, people from different directions migrated to this place causing huge deforestation and new settlements.

Food, fodder and fuelwood are scarce in the mountains and the hill where traditionally most of the caste/ethnic groups inhabit. Declining soil fertility, soil erosion, migration, landslides and growing population is pressing hard on the land resources and agricultural productions as well as to the environment.

### Structure of Nepali Society

Owing to the mountainous environments the people of Nepal became very ingenious and militant in character and preserved their traditional life style or cultural behaviour till the middle of the present century without any change. There are several caste groups constituting 56.4 percent and the 60 ethnic groups constituting 35.5 percent of the total population. Majority of the people speak Nepali as their national language along with their mother tongue. Although officially, Nepal is a Hindu country, it has religious diversity with substantial Buddhist and Muslim minorities. Nepali society is made up of a variety of small units. They are knitted with deep network of social and cultural relationships through common descent, kinship, marriage, caste, religion and ethnicity. The social traditions of Nepal are an important feature of the cultural heritage of Nepal. The whole society of Nepal, be it any ethnic group is divided in various caste groups. The structure of the caste in every ethnic group is very elaborate and complex. Nepalese social, cultural, ethnic, political and religious spheres have been deeply influenced by its topography. Religious tolerance and co-operation with syncretism is the hall mark of Nepalese people.

### Overview of Forestry in Nepal

The forest area of Nepal covers about 5.5 millions hectares (37%) of the total land area. Over a period of 12 years, 99,000 hectares of forest land has been lost, at an annual rate of 1.3 percent. In the mountains and the hills, less forest land has been lost than in the Terai because of the scattered nature of the forests and the lower agricultural productivity of the underlying land resources.

In the Terai area, the tropical forest consists of predominantly Sal (*Shorea robusta*) and other broad leaf species. *Acacia catechu* (Khair), *Salmalia malabarica* (simal), *Pinus longibora* (chir) are found in many parts of Terai. Sub-tropical forest are found in 3000 ft to 6000 ft on the mountain and the hills. Main species found are *Schima Wallichiana* (chilanue) and *Castanopsis (katus)*. Other common species found are *Dendro calamus* (bamoo), *Ulnas nepalensis* (utis) and *Rhododendron arboreum* (Guras). Temperate moist mountains forest prevails in the highlands between 6000 ft to 1300 ft. The common plants found in the area are evergreen conifer oaks, *Rhododendron*, *Juglairegia* (Okkhar), *Michelia excelsa* (Champ) and *Fraxinus floribundra* and *Arundinaria (nigalo)*, Cedar (deodar), etc.

Forest of the high mountains and Himalayas are mostly conifers and are suitable for commercial purposes. Forest in the middle mountains are now in a state of very low productivity because of over-exploitation. The forestry sector contributes more than 40 percent of livestock nutrition (HMG/DANIDA, 1988). A significant quantity of forest litter is used as compost for manuring the farmland. And more than two-thirds of the country's energy requirement is provided by fuel wood that comes largely from forest, shrub lands adjacent to farm. In addition, almost all the timber used comes from the forest.

### Forests and Farming System

Forests are an integral part of the farming system. In Nepal, particularly in the middle hills, forest and trees are integral part of agricultural life. Farmers must have access to forest and tree products such as fuelwood, fodder, leaf litter and timber in order to survive. Farming system at lower elevation (below 1500m.) and the bank of the river have relatively more irrigated flat and terraced lands usually cut into the valley sides slopes. The land which is more flat and large size is known as '*Tar*' and relatively alluvial flat terraced having irrigation facilities during the dry season are known as '*khet*'. Rice is grown in both of these land types, where two to three crops per year are grown. In the higher elevations, villages have few irrigated lands known as '*Khet*', and more widely dispersed rainfed terraces are known as '*Bari*'. Rice is grown in both of these land types, where two to three crops per year are grown. In the higher elevations, villages have few irrigated lands known as '*Khet*', and more widely dispersed rainfed terraces are known as '*Bari*', Every year farmers grow two crops of maize, millet, barley, wheat and a variety of other crops on rainfed terraces. Another

kind of agricultural slopy land called 'Pakho'. 'Bari' is suitable only for the cultivation of the maize. Farmers usually plant potatoes or barley buck-wheat in the fields above 2300 meter because of the cooler climate, steeper slope, stonier soils. Agriculture is very marginal in such areas. The land located above 2500 meters is known as 'Lekh', which is covered by monsoon cloud and has broadleaf evergreen forest.

#### Forest and the Livestock

Livestock-raising is an integral part of the rural household economy and of the farming system that supports and supplements crop production and is the additional source of household income. It is also an important source of nutrition especially for the hill people and is intimately related with the religious and social status. Almost every farm family maintains livestock; cattle, buffalo, sheep, goat, pig and poultry. Livestock is the specialised activity of the mountains while in the hills it is subsidiary. Nepal has one of the highest per capita livestock per household in the world and thus has the world's highest livestock population per unit of land. Forest is also declining due to excessive pressure of livestock population because most of the animals are to be fed by fodder from the forest. The farming system continues to be a traditional one evolved over centuries. Crop production, livestock and forestry have been closely integrated and interlinked in the farming system, each supporting the other.

The agrarian people of Nepal depend on agriculture in which forest sector plays a vital role. The contribution of forestry to agriculture has given rise to the concept of agro-forestry. Forest supplies fodder for livestock, fuel to villagers for heating and cooking. Wood has even now remained a dominant domestic fuel for rural people. Fuelwood provides about 87 percent of the energy of Nepal and 7 percent in the rural areas. About 240 kg of dry wood is needed per year person for cooking and heating. This increasing demand for bio-fuel from forest can be attributed to the population growth in Nepal. Timber is another use of forest. Wood for construction is taken carelessly and the depletion of forest is extreme. The leaves and wood of trees have also religious and ritual significance in the Nepali society. Many Hindu and Buddhist rituals can not be fulfilled without the use of certain tree leaves and wood burning.

Irrespective of the form, deforestation, in fact, has not only increased soil erosion and landslides but also has made the availability of fuelwood, fodder, timber and other forest products more scarce.

Farmers spend more time and energy to collect their daily requirements. In spite of the international and national efforts, the status of rural people and ecological and environmental equilibrium is on decline. Grassland is essential for cattle. Poorly managed grasslands have degraded and given serious resource management problems in rural regions.

#### Socio-economic Factors of Forest Degradation

The most direct socio-economic factor that influences the forest resource is the size of the population and migration trends. The second socio-economic factor that influences the forest resource is income and price. The other important factors are the cultural determinant among various castes and ethnic groups, the role of women, in decision making process and property rights. It is because in Nepal inheritance of property is strictly on male line.

The other socio-economic factors that are responsible for forest degradation are:

1. Increasing dependence of local households on forest based cottage industries and other manufacturing processes.
2. Tourism, and
3. Hill-terai and valley plains linkages.

#### Community Forestry in Nepal

Community Forestry (CF) has become one of the government's main strategies for developing and managing the country's forest resources. Rules and regulations are provided to make local communities responsible. Though in the past forestry sector was controlled through a feudal system farmers had established their own system of management of local forest. These systems followed locally accepted cultural and social rules, norms and values. Following 1950, government nationalised all forests in 1957 to prevent feudal rulers from continuing to use Terai forest as their own property. After the nationalisation, forest ceased to be the property of the government. The people became apathetic towards the government because they were deprived of their right to manage and benefit from the forest. This alienation of the people from resource management culminated at the heavy destruction of the forest. The government failed to manage the forest resource through its bureaucratic machinery and in 1976 it recognised by law that forests will be managed by villagers who had used it sustainably and protected the forests. This initial attempt to set

things right took the form of entrusting the resources to the community through the local political body known as *Panchayat*. This policy was continued for over a decade until it was recognised to be ineffective. The local body was found to be too large a unit to develop genuine interest in supervising and managing local forests. This failure was amply seen by the decrease of forest area of 6.5 million hectares in 1965 to 5.5 million hectares in 1996.

The government brought a new Forestry Master Plan in 1989, which recognised the community forestry programme (CF). This programme relied on local user groups for protection, management and utilisation of the forest. The strategy was to phase wise handling over of all accessible forests to local communities to the extent that they were able and willing to involve in management. Studies show that the potentiality of such community forests is 3.5 million hectares, 61 percent of the total forest area.

The procedure for handing over a forest to a community consists of :

- Formation of a user groups, following an identification process.
- Demarcation of forest as a community.
- Preparation and approval of an operational plan
- Handing over the forest to the user group and implementation of the operation plan.

### Forest Legislation

The first legislative act of nationalisation of private forest took place in 1957. It abolished private ownership of forests and transferred it to the government which was taken negatively by the people. Private plantation with less than 1.25 hectares in the hills and 3.25 hectares in the Terai were allowed to remain under private ownership. The second important legislative forest act of 1961 tried to restore government control of the national forest by providing offences and punishments. This act provided the regulation of sales of forests products and empowered the government to classify national forests into different categories according to use. This Act was amended in 1976 and classified national forests into four different categories:

(1) Panchayat forest (2) Panchayat protected forest (3) Religious forest and (4) Leasehold forest.

Panchayat forests and Panchayat protected forests were those forests which could be handed over to local village Panchayats for

protection and management. These rules were amended twice, once in 1979 and again in 1987. The salient features of these rules were:

- The district forest office would hand over a forest to a local village Panchayat after seeking approval from the Regional Forest director.
- The local village Panchayat would form a user group which will be responsible for protection and management of the forest according to an operation plan.
- The village Panchayat could dissolve the user group and form another if the user group deviated from operation plan.
- The money from sale of forest products would go to the Panchayat fund.

The 1978 legislation gave authority to the Forest Department to handover forests to elected village leaders of Village Panchayat (an elected village unit) but despite the policy and orientation to village leaders, legislation was very conservative and impractical. It suggested that the government wanted to shift deforestation and degradation problems to the local body without conferring any benefits or real authority to the people. This legislation directed that only badly degraded lands could be handed over to the local community. To the policy makers and senior forest officials the problem was that there was no long term vision. The bureaucrats and technocrats wanted to shift the protection problems of highly degraded forests to community leaders, and retain the other good forests with the government. Due to this, community forestry (CF) programme did not progress well. In 1989, after the restoration of democracy, the term 'Panchayat' was amended to 'User Group'. In 1993, the government published the forest act of 1993 which has been implemented recently. The forest act of 1993 categorised the forest into two broad classes, National Forest and Private Forest; (ii) Leasehold forest; (iii) Government managed forest; (iv) Religious forest and Protected forest.

### The main Features of Forest Act are :

- The district forest officer is empowered to handover the management of a forest directly to user group;

- The user group can fix the price of the forest produce independently, sell the forest product, and transport them any where in the country;
- User groups can appeal to the Regional Director if the district forest officer decides to take back the community forest for deviation from operation plan.

### **Present Status of Community Forestry**

Previously field staff tried to motivate people towards community forestry program through extension even though they were not trained well. Initial field activities focused on nursery establishment and plantations to provide demonstration to villagers. The formation of user groups and handing over of community forest was very low. At present, focus of the community forestry programme is on natural forests because the villagers prefer to take over rather than establishment of plantations due to the quick benefits associated with them. Non-governmental organizations are also active in convincing local people to take over forests. User groups are provided opportunities to discuss ways and means of managing community forests through networking in districts and at the national level. Formation of users' groups and handing over of forests in the hills and mountains in particular is gaining popularity. The district level forestry staffs are encouraged to plan community forestry work through Range-level planning, by a method of participatory rural appraisal. The user groups received a cash subsidy as an incentive for plantation development and protection. They are getting training and managing through their voluntary participation. The majority of operational works are done by the members of the Forest User Group (FUG) as part of their jobs. Some of the subsidies received from the government for protection, nursery raising, planting and pruning are saved and deposited by the FUGs in their fund. As funds were accumulated and forestry operations were not costing, government was completed to amend the legislation so that "the surplus fund of the FUGs could be spent for other community development works" such as drinking water, irrigation, school, health, sanitation, roads and social activities. This amendment made them educated, healthy and their socio-economic status increased. In many FUGs the fund was used for loan mobilization which is cheaper and easily managed by the groups. This showed the community forestry is the best solution to

manage degraded forest resources of Nepal through people's participation. The empowering of people is progressing.

### **Different Types of Conflicts**

Conflicts do occur when people of different views and perceptions on an issue meet and discuss. When decision is made and others interest is encroached, people divide themselves in opposing groups. These conflicts are found between individuals, within a group, between groups or even between institutions. Similarly conflicts are also seen within a forest users' group, between two forest users' groups, or between a users' group and district forest office.

### **Conflicts within Forest User Groups**

Because of the domination of high caste people in users' group, sometimes low-caste people do not speak out during the formation of users' group but later on, the conflict surfaces during benefit sharing. This type of conflict has been seen in Dolakha and Ramechhap districts of Nepal.

### **Conflict in Sharing of Benefits**

Community forests, handed over to users' groups, are utilized for fodder, fuelwood etc. Conflicts arise on the issue as to how the forest produce should be shared among the various types and size of the users' families.

### **Conflicts in Participation**

Conflicts arise when a member of a users' group is inactive. The active members feel that because of their low participation, the inactive members should not get same benefit as the active members. Visible participation in community forest is observed in the protection work. In many communities, the users decide the protection work by rotation. Protection works require continuous watching of the forest and physical presence at the sites. But sometimes, some users of higher social status or caste may not participate to the desired extent and yet may wish to enjoy the benefits. Higher social status may prevent other members from rotating lower status from complaining openly but they will feel resentment and this leads to conflict. The people residing near the forests are asked to participate or contribute to vigilance and protection work. If they are asked to do such duty for longer period, they demand more benefits creating conflict with the other members of the users' groups.

### **Conflict for Leadership**

In a village or community, people want to gain social status either by wealth, or by gaining higher education, or being in a leadership position. Being nominated as a Chairman or a secretary or to any other position in a user-group committee helps one elevate his/her status. This could be stepping stone to becoming a local leader. When two or more people compete for the same position conflicts generally occur. This becomes very serious when their desire is driven by political motives.

### **Conflicts Between Users Groups**

If a patch of forest lies in one Village Development Committee (VDC) and the forest is being used by villagers of the same area and when the boundary of a VDC is redrawn, then the conflicts arise. The conflict also takes place when the boundary of VDC is not correct and users' groups claim the benefits of the forest products irrespective of their equal participation.

### **Conflicts Between FUGs and DOF (Department of Forest)**

When the operation plan is approved and the forest is handed over, a representative of the users' group committee, usually the Chairman, and the district officer sign an agreement to implement the operational plan without deviating from any provision. But instances of deviation have been found. Deviation occurs when DOF or users' groups are zealous to profit money or income.

### **Resolution of Conflicts**

Various types of conflicts which arise within FUGs are resolved through mutual understanding and negotiations. If conflicts are politically motivated, then resolution becomes difficult without the intervention of powerful political workers.

### **Major Constraints of Community Forestry Legislation**

Due to the following observable problems or constraints in CF legislation, smooth resolution of conflict sometimes is not an easy affair. The main constraints are:

1. FUG can punish their own members but cannot punish persons outside their FUG if they misuse the resources.
2. FUG can amend the operation plan and need to inform to DFO (District Forest Officer) but do not need approval which may lead to the uncontrolled

exploitation of the forest resources instead of conservation.

3. If FUG commits mistakes, DFO can take the forest back without intermediate soft punishment or provision to alert.

### **Current Policy of the Government**

The government of Nepal has shown its commitment to institutionalisation of forest users' groups by recognising them as legal independent entities in the new rule. The recently implemented forest Act (1993) and the Forest Rule (1995) have diminished some of conflicts. Provision has been made in the new rule for the users' group to mortgage forest products of the CF on the approval of district forest officer if the forest users' group desires to obtain a loan from a financial institution for development of community. The forest users' groups previously were allowed to market their forest produce on the discretion of forest officials causing conflict. This has been resolved with the provision of free marketing of forest produce in new rule.

The objective of the community forest program has been under debate as to whether it is only to fulfil subsistence needs for forest produce or whether it should commercialise the community forest by permitting installation of wood-based industries. This conflict has been resolved positively by the Government by incorporating a provision in new rule that allows users' groups to install wood-based industries with the permission of the district forest officer. The new policy allows users' groups to farm non-timber forest products and also some kind of cash crops which do not affect the growth of the forest.

### **Lessons for Other Countries**

The Community Forestry Programme through people's participation did not reach the current phase with 1978 legislation alone. The foresters and bureaucrats were not sure how to manage the ever degrading forest resources. The indigenous and traditional knowledge was not well studied and recorded. The problem was becoming serious. The forester realised that people's participation was a must but they were not clear which approach would be the best. It was very difficult to compromise between the legal owners and the real users of the forest resources. Lot of lessons were learnt from the good approaches of the forestry programs carried in Indian State of Gujarat and Indonesia during 1980s. However, their programs were

found to do only with private forestry and industrial planting than with common property resources. It was found that the problems of Nepal's forestry was of different kind because the problem of Nepal was more to do with the degeneration of biodiversity in National Forests, desertification, and to meet the requirements of local community. The experiences of Gujarat and Indonesia were modified to suit the local socio-economic situations and political environment of Nepal. The politicians, bureaucrats and donors were well co-ordinated to bring positive changes with experiences from different parts of the country. Because of the many multilateral and bilateral donors such as from Australia, U.K, Germany, Denmark, Finland and Japan were attracted to support the various projects. Along with these countries, several INGOs and NGOs are helping to raise the forest with various programs. Other countries have learnt the lesson regarding many issues and solutions from Community Forestry projects of Nepal. The main lesson was that in a country like Nepal if the communities are empowered and people's participation are encouraged, the resources can be well protected and well managed. Simply involvement of local communities in government programs cannot be successful. The users should get feeling of ownership.

The community Forestry in Nepal is designed to suit the regional ecosystem, socio-cultural factors, subsistence agriculture in mosaic form with forests, indigenous knowledge, the political situation, the slow growth of vegetation, 100 percent government owned resources, misuse of resources by the people and the government, linkage of forestry with agriculture, open livestock grazing, forest fire problems, fragile Himalayan physiography and the co-ordinating attitude of the people of mountains and the hills.

It has been seen that the organised communities are the better managers. They should be empowered and supported. The procedures to implement programs depend upon indigenous knowledge and socio-political and ecological conditions of the regions. The users should be protected with sound legislation through people's mandate. The administration should be positive and supportive, not barrier. The journalists and media have to play major role in communicating government's policy and successful cases from one corner to another. Intensive training and preparation of guidelines play key role to make the CF program successful.

## Conclusion

Community forestry in Nepal with the participation of the people since 1970s has developed positively in action. The process of handing over community forestry is continuing and increasing. Large forest areas are brought under community management and protected national parks and reserves. Nepal is endeavouring hard in community management of common resources and had to address many kinds of conflicts. Historical development of Nepal and its socio-cultural aspects have played a great role to the evolution of conflicts in community management of the resources. Many political, social, cultural and economical factors play critical role in the functioning of community forestry and creating the new problems and also resolving the conflicts. The conflicts have occurred within and between users' groups and between users' groups and the Department of forests. Each type offers unique lesson, showing the need for stakeholders to know and understand the enormous potential of community management of forest resources. The potential and constraints provided by forestry laws and regulations and the importance of facilitation and mediation to resolve conflicts is enormous.

There are conflicts which have impact on sharing of natural resources within the communities. Stakeholders become helpless when they are marginalized socially, economically, and politically by outsiders. Conflicts come before the scenes not only due to lack of access and inequitable distribution of forest resources but also due to prejudices based on class, caste, ethnicity, gender and power. They appear constantly in guise of community forestry conflicts. There is a web of social interaction over the exploitation of common resources. Sometimes gender discrimination underlying the dispute between women's forest user group and Department of forest creates profound problems. The disputes arise when there is no equitable distribution of forest products. Issues of boundary dispute, leadership and access to grazing and are brought out severally during community meetings. In the mountains and the hills social and kinship relationship adversely affect the community management and benefit sharing. Conflicts not only breaks down but also strains the social harmony and structure of the rural society. We are aware of the impact on natural resources but do not have authentic anthropological and ethnological documentation of human impacts. Unresolved disputes and conflicts disrupt social harmony and hinders development interventions. Because of the

growing population pressure and depletion of natural resources more and more conflicts are bound to occur in Nepal in future. Therefore, there is a need to give urgent attention for conflict resolution policy, laws, procedures, operational guidelines, institutional arrangements and human resource development at national and community level.

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## RESTORATION OF DEMOCRACY AND PEOPLE'S EMPOWERMENT IN NEPAL

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### Political Economy -- A Quick Review

The process of planned economic development in Nepal was begun in 1956 with the inception of its first five-year plan (1956-1961). Nepal has now entered into its ninth plan period (1997-2002). A government document reveals that, despite the development of some physical infrastructure such as roads, schools and colleges, health centers, few industries and the like, achievements of these plans do not measure up to the expectations. No substantial improvements have been made in the agriculture sector, which is still the source of livelihood for the majority of the population (Panday, 1999). Internal savings have been low. External assistance has not been utilized gainfully. Nepal has a foreign trade deficit. Unemployment and economic inequality have not been reduced. As a consequence, the problem of poverty remains unresolved. Economic growth does not keep pace with population growth, and 42 percent of the total population of Nepal still falls below the poverty line.

Nepal had a long tradition of a feudalistic pattern of governance in which the entire state machinery was geared toward fulfilling the interests of a handful of upper caste ruling elite. Whether it was during the Gorkhali conquest (1768-1846) and the autocratic Rana regime (1846-1950), or after the overthrow of the Rana regime, the situation did not change much. Nepal was liberated from its own people in 1951, when a parliamentary democracy was declared. During this period, the king appointed several prime ministers who formed governments. These governments survived from 3 to several months. A general election was held in 1959 and the Nepali Congress Party obtained an absolute majority. A single-party government was formed. However, people at large did not experience any substantial

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