


People's Multiparty Democracy, the 2015 Constitution, and the Impending Agenda of Land Reform

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ARTICLE INFO

Article history

Received: 16 May 2023

Accepted: 18 June 2023

Keywords

PMPD

2015 Constitution of Nepal

Socialist orientation

Land reform

Social transformation

ABSTRACT

The politics of any country has its sociological foundations. In Nepal, the social aspects of PMPD are equally significant, given that Nepali politics, since the restoration of democracy, has revolved around Bhandari's political philosophy. This article critically examines its influence on the 2015 Constitution of Nepal, which established Nepal as a socialism-oriented federal democratic republic. Furthermore, the article argues that political parties, especially the CPN (UML), have not fully recognized the implications of this political shift in their strategies for social transformation, particularly concerning the agenda of land reform. Moreover, despite the CPN (UML) having led the government multiple times after the restoration of democracy, Nepal has made limited progress in realizing the social agendas postulated in PMPD. The article emphasizes the need for a critical review of strategies to address the key sociological objectives and to establish the democratic and equitable society envisioned in PMPD.

Introduction

Interrelationships between society and politics always intrigue people of all socioeconomic strata. Considering the relevance of the close connection between sociological dimensions in a political movement, this article aims to explore major social aspects of the program known as *Janatako Bahudaliya Janabad (JaBaJa)*, i.e., People's Multiparty Democracy (PMPD), propounded by People's Leader Madan Bhandari. The proposition was presented in the Fifth National General Convention of the Communist Party of Nepal (Unified Marxist-Leninist), which convened from 27 January to 2 February, the party set that PMPD's primary objective – to achieve socialism, and eventually communism. Decades after the postulation of PMPD in 1993, the Constituent Assembly of

Nepal promulgated the Constitution of Nepal in 2015, thereby officially establishing Nepal as a socialism-oriented federal democratic republic. Such a historic political development has opened up avenues for specific types of development and social transformation agendas. However, it appears that political parties, particularly the CPN (UML) have not fully recognized the implications of this political shift when it comes to devising their strategies for social transformation in line with the spirit of PMPD.

The notions formulated in PMPD imparted subsequent political movements and constitutions. In this regard, the Interim Constitution of Nepal 2006 and the Constitution of Nepal 2015 show tremendous influence of ideas specified in PMPD. To identify the shared features, this article aims to analyze major sociological aspects of PMPD

and the 2015 Constitution of Nepal. Following this analysis, there will be a discussion on the significant transformative agendas of sociological importance that political parties, particularly the CPN (UML), have overlooked. Against this backdrop, the article emphasizes the necessity of reevaluating Nepal's developmental priorities to establish a democratic and equitable society. The argument put forth in this article is that achieving socialism and pursuing social transformation are crucial priorities shared by both PMPD and the 2015 Constitution, with land reform standing out as a potential area for transformative change.

Methodology

This article predominantly depends on the examination of text within several pertinent political documents. Textual analysis is a research method that entails comprehending language, symbols, or visuals found in texts to extract insights into how individuals interpret and convey life experiences. Visual, written, or spoken messages serve as indicators for understanding various means of communication (Hawkins, 2017). Within this study, I analyze two significant documents: the original PMPD text formulated by Bhandari and the Constitution of Nepal 2015 to explore the interconnectedness of these two vital documents in Nepal's political history.

National and global historical context

To fully grasp the development of PMPD, it is important to consider its broader historical context. Before delving into the textual analysis and interpretation of PMPD, it is crucial to understand the historical factors that influenced its creation. In 1992, Bhandari developed and proposed the PMPD program within his party. This idea occurred shortly after a popular uprising against Nepal's Panchayat system, which was a form of guided democracy. The uprising led to the adoption of a liberal multi-party democratic system in 1990. During this period, various factions of Nepali communists faced a perpetual dilemma: whether to embrace the mainstream liberal and Westminster-style political system or

to adhere to communist orthodoxy, advocating for a (class) struggle to overthrow the bourgeoisie and establish a regime led by workers and peasants.

The PMPD program provided a roadmap for the CPN (UML) to pursue the first route amidst the political turbulence of the time, both nationally and globally. It guided the party towards engaging with the liberal democratic system instead of pursuing a revolutionary approach. This decision marked a significant shift in the party's strategy and approach, considering the prevailing political circumstances in Nepal and the broader global context.

In the period leading up to 1990, Nepal faced severe challenges as it grappled with an economic blockade enforced by its neighboring country to the south, India. In 1989, under the premiership of Rajiv Gandhi, the Indian Government imposed a year-long economic blockade on Nepal due to disagreements over transit treaties and concerns about Nepal's increasing ties with China (Bhattarai, 2015; Weintraub, 1989).

Following the imposition of the embargo, political parties initiated a resistance movement against the Panchayat system during 1989-90. The Communist parties formed a coalition known as the Joint Left Front, which joined forces with the Nepali Congress to organize and mobilize the people's agitation aimed at changing the ruling regime. This movement resulted in the transition from an absolute monarchy to a multiparty democracy, with Krishna Prasad Bhattarai serving as the interim Prime Minister of Nepal with newly restored multiparty democracy.

At that point, the communist movement in Nepal had experienced fragmentations and it had become subservient to many of the political forces in the country. They faced a major dilemma regarding whether to initiate a new revolt to establish a communist regime based on traditional Marxist principles or to actively engage in the newly established multiparty democratic politics. In essence, there was a necessity to

integrate the emerging and fragmented force of Nepali communists into the mainstream. This political requirement was recognized within the broader historical-global context, which is briefly summarized in the following section.

Following World War II (1939-1945), a prolonged power struggle arose between the United States and its allies on one side, and the Soviet Union and its allies on the other. The conflict is known as the Cold War (1945-1991). Instead of engaging in direct military confrontations, the United States and the Soviet Union engaged in a continuous rivalry characterized by political maneuvering, formation of military alliances, propaganda campaigns, arms race, economic assistance, and the instigation of proxy wars involving other nations. While the Soviet Union solidified its control over Eastern Europe, the United States pursued a strategy of containment aimed at halting the expansion of communist influence in Western European countries like France, Italy, and Greece.

From 1961 to 1989, the Berlin Wall, a fortified concrete barrier, was constructed by the East German government to divide Berlin and separate West Berlin from East Berlin. However, as the Cold War started to ease, the Wall lost its intended function and was dismantled starting on 9 November 1989, enabling East Germans to cross the borders. The demolition of the Berlin Wall marked the beginning of a period in which communist regimes in Eastern Europe and the USSR started to collapse, and liberal democracy proliferated, as was the case in Nepal.

The collapse of the Berlin Wall had numerous consequences and sparked various interpretations. One notable perspective during that period came from Francis Fukuyama, a Japanese-American professor of immigrant background, who viewed it as the “end of history” for communism. He also saw it as a significant step towards the global acceptance of “Western liberal democracy” (Fukuyama, 1992).

The fall of the Berlin Wall marked the outbreak of a new era in world politics, resulting in the growth and intensification of pro-democracy movements in Asia and Europe. Against this backdrop, Bhandari introduced the PMPD program and put forward a plan that facilitated Nepali communists in incorporating leftist agendas into the political mainstream of the parliamentary democracy.

Results and Discussion

PMPD represented a forward-looking and visionary political-ideological strategy embraced by Nepali communists, aiming to integrate into the constitutional system of the Western-style liberal democracy. It served as a hybrid roadmap for a political transition in Nepal, seeking to blend the traditional communist goals of “revolution” and “communism” with the liberal principles of parliamentary democracy. This approach aimed to enable Nepali communists to actively engage in multiparty democratic politics.

The PMPD program has been developed into eight thematic issues (refer to Box 1). In this article, I focus solely on Bhandari’s analysis of (a) the characteristics and contradictions of Nepali society, (b) the current program of the Nepali revolution, and (c) the ways of revolution.

The content of PMPD consists of three terminologies: revolution, revolutionary, *janabad* or *janabadi*, capital, capitalist, and capitalism. These terminologies appear 124 times, 90 times, and 71 times, respectively suggesting their importance based on the frequency of their occurrence.

The PMPD program identified two “fundamental contradictions” within Nepali society. First, internally, society displayed semi-feudal characteristics, while externally, it faced semi-imperial characteristics. Secondly, the people were confronted with dual contradictions. On one hand, they were exposed to both the feudal class and the bureaucratic capitalist class simultaneously. On the other hand, the country grappled with contradictions arising from foreign

monopoly capitalism and imperialism. In that political economy, Bhandari navigated three possible paths to resolve these contradictions: revolution, the establishment of a people's government, and the achievement of (scientific) socialism, ultimately leading to communism. To the CPN (UML), socialism refers to a state-welfarist system within a liberal democratic framework. One of their recent official documents expresses this viewpoint:

In our context, a socialism-oriented state primarily means it to be fundamentally welfare-oriented in character, open, competitive, and one whose political-economic system embraces economic-social justice and equality (CPN [UML], 2021: 89).

Furthermore, Bhandari outlined three core principles of the PMPD program. These include the pursuit of socialism, the adoption of political competition, and the promotion of social transformation. This article primarily underscores the aspect of social transformation, which is the final pillar of the program.

PMPD's objectives for social transformation

Bhandari places issues of poverty and inequality at the forefront of his analysis while discussing social transformation, and he generates numerous ideas to tackle these genuine problems. In the section entitled "Current Program of Nepali Revolution," Bhandari outlines the goal of attaining socialism and communism and expresses his thoughts on this matter, as follows:

The CPN (UML) "... wants to eliminate poverty, deprivation, and all forms of exploitation and inequalities and thereby develop a society that is progressive, developed, prosperous and affluent. For this, it firmly believes that scientific socialism and communism are the utmost targets" (Bhandari, 1993, *auth. trans.*).

In Bhandari's strong conviction, the ultimate objectives of achieving scientific socialism and communism can only be realized by effectively addressing the fundamental challenges of poverty, deprivation, and inequalities. To provide a clearer and simpler framework, I classify these challenges into six distinct groups, as follows:

Tackling systemic disparities

While developing PMPD, Bhandari demonstrated a keen awareness of the crucial and imminent objectives of social transformation in Nepali society. As mentioned earlier, he characterized Nepali society as embodying both "semi-feudal" and "semi-imperial" traits. To catalyze transformation and progress in Nepali society, it was necessary to address issues at both the societal and structural levels. One of the issues was land distribution, for which Bhandari advocated a "revolutionary land reform" known as "land to the tiller." Besides, he emphasized the need to dismantle traditional privileges based on caste, language, and religion.

Bhandari also envisioned a society free from violence, exploitation, oppression, and gender biases. To eliminate such discrimination, he stressed the importance of ensuring equal inheritance rights for both daughters and sons. This goal was realized through the eleventh amendment to the Muluki Ain (civil code) in 2002, which granted equal rights to daughters and sons in terms of land inheritance. This marked a significant challenge to prevailing cultural practices and social norms that predominantly favored sons.

Furthermore, Bhandari advocated for the eradication of all forms of human trafficking and exploitation. Nepal has now constitutionally prohibited this heinous crime. Article 29, clause 3 of the current Nepali constitution explicitly states that no individual shall be subjected to human trafficking or bonded labor, and such

acts are punishable by law. Before this, the Human Trafficking and Transportation (Control) Act of 2008 was also enacted.

Income and livelihood issues

The PMPD document presents various concerns regarding the income and livelihoods of the common people. It suggests the implementation of advanced farming methods and emphasizes the need for farmers to have convenient and improved access to agricultural resources such as seeds, insecticides, manures, and farming tools. In addition, the document proposes the establishment of organized farm markets to ensure fair prices for agricultural products. One crucial aspect of this proposal involves guaranteeing minimum wages for farm wage workers, which has the potential to positively impact millions of informal sector workers, particularly women. However, these areas represent challenges that Nepal still needs to effectively address.

Issues on human development

The PMPD program outlined various social development agendas that are broadly associated with what is now known as “human development” agendas. Bhandari advocated for the implementation of free and compulsory education, recognizing health as a fundamental human right, addressing the right to employment, and ensuring every citizen has access to housing. These issues were considered transformative and progressive at the time, as they envisioned a social reality that seemed unimaginable. However, looking back now, it is ironic that Nepal has not made significant progress on these social agendas that hold immense transformative potential despite the centerstage position of the CPN (UML) in Nepali politics over the last three decades.

Matters on social protection

The PMPD document demonstrates a clear understanding of the importance of social protection in providing essential safety nets to

vulnerable individuals. Recognizing the need to safeguard senior citizens, people with disabilities, and children, it proposed the provision of free legal services for their benefit. In retrospect, Nepal has made significant strides in establishing various social security programs.

Article 43 of the Constitution guarantees social security as a fundamental right for marginalized citizens, including the impoverished, single women, individuals with disabilities, children, those unable to care for themselves, and endangered ethnic groups. To implement this fundamental right, several legislative measures have been enacted, such as the Social Security Act 2018, the Contributory Social Security Act 2018, and the Local Government Operation Act 2017 (UNICEF, 2023).

One of the key social protection mechanisms in Nepal is the set of five Social Security Allowances specifically targeted at highly vulnerable populations. These include allowances for senior citizens, single women, child grants, disability support, and support for endangered ethnicities. The Government of Nepal has also introduced a contribution-based social security scheme for the formal and organized sectors. It encompasses medical treatment, health and maternity protection, accident and disability coverage, protection for dependent family members, and old-age benefits.

The local governments with increased authority

During the 1990s, Bhandari envisioned autonomous and decentralized elected local political bodies for Nepal, a vision that could only be realized after the new constitution was promulgated in 2015. At that time, when the country was transitioning to a multiparty democratic system, Bhandari foresaw empowered local governments. Fast forward to the present, the Local Government Operation Act of 2017 has legally empowered local governments and expanded their range of responsibilities and functions.

Reflecting on history, it appears that the Government of Nepal, four years after Bhandari's proposal, had enacted the Local Self-Governance Act (LSGA) in 1996, aligning with the concept of empowered local governance. The Act was implemented based on recommendations from a High-Level Decentralization Coordination Committee, chaired by the Prime Minister, which laid the groundwork for a local self-governance system in the country.

Fighting against monopolistic capitalism

The term "monopoly capitalism" refers to a facet or phase of capitalism where widespread monopoly control exists, even though the notion of free markets and competition are upheld in public discourse (Peden, 2017). Bhandari acknowledges that Nepal is experiencing contradictions with foreign monopoly capitalism, and consequently, imperialism. To counter this, he envisions the promotion and protection of national capital, along with the development of import substitution-oriented industries. However, Nepal has been rather hesitant in this regard, especially with the implementation of economic liberalization policies since the mid-1990s.

Thus, it is evident from the aforementioned statement that Bhandari painstakingly conceives the agendas of social transformation and recognizes the need to address transformational issues at a structural level. Land reform is a case in point. The PMPD document explicitly addresses the issue of land reform. To summarize the PMPD roadmap on land reform, the following points can be highlighted:

- The elimination of all forms of semi-feudal exploitation by abolishing feudal land ownership practices.
- Implementation of a revolutionary land reform program to distribute land to the actual cultivators and landless peasants.
- Establishment of a new land ceiling to regulate private land ownership.

- Confiscation of land exceeding the set ceiling from landlords without compensation, and redistribution of this land to landless and impoverished peasants. However, those who support the revolution or come from middle-class peasant backgrounds may be eligible for compensation (Bhandari, 1992).

Having emphasized the transformative aspects of PMPD, particularly regarding land reform, I now shift the focus to introducing Nepal's 2015 Constitution, which provides insight into the country's constitutional framework and direction, particularly to its overall political-economic direction and its approach to addressing social transformation issues.

The Constitution of Nepal 2015

The Constitution of Nepal 2015 upholds the principles of economic equality, prosperity, and social justice as its foundational pillars. The preamble of the Constitution explicitly commits to safeguarding social and cultural solidarity, promoting an egalitarian society, and eliminating discrimination based on class, caste, region, language, religion, gender, and untouchability. Eventually, the Constitution declares its commitment to socialism based on democratic norms and values, including a multiparty democratic system.

In the preliminary section of the Constitution, it is clearly stated that Nepal is state-oriented towards socialism. One of the Directive Principles outlined in the Constitution emphasizes the economic objective of achieving sustainable development, fostering a socialism-oriented independent and prosperous economy, and ensuring equitable distribution of gains to eliminate economic inequality.

These aspects of the Constitution, along with the guarantee of fundamental rights such as freedom, equality, justice, and social protection, and the commitment to end all forms of discrimination, define its core features. Notably,

these key elements were proposed by Bhandari 23 years before the promulgation of the current Constitution, showcasing their significance in the roadmap for social transformation and development (Bhandari, 1993).

It is worth emphasizing that the shared goals of socialism and the urge for social transformation are two prominent areas of convergence between PMPD and the present Constitution. The following section further explores this overlap.

Land reform for social transformation

The PMPD program possesses inherent transformative potential if followed in its true essence. However, despite being widely discussed and referenced, primarily within a specific circle of leftist political activists, particularly by the CPN (UML) cadres and leaders, the program's transformative potential is often overlooked and not prioritized.

To take a retrospective look at the PMPD program after three decades, three significant contradictions between rhetoric and reality emerge. These include the pressing issue of land reform, the perpetuation and reproduction of two-class citizens through the privatization of school education, the privatization of the health sector, and the increase in fostering private investments in Nepal's healthcare system, particularly since the 1990s. For this article, I solely explicate the issue of land reform.

Currently, there are approximately 1,500,000 landless individuals, 5,000,000 poor individuals, 40,000 squatters across the country, and 12,000 survivors burdened by loan sharks in Madhesh Pradesh. On top of that, the struggles faced by the freed ex-Kamaiyas (in the low lands of Lumbini and Sudurpaschim Pradeshes), Haliyas (in the Hills of Sudurpaschim Pradesh), and Haruwa-Charuwa (in Madhesh Pradesh) should not be overlooked.

On the contrary, it is worth noting that little more than 20 percent of cultivable land in Nepal remains fallow due to the mass labor migration

of working-age individuals primarily to Malaysia and Gulf countries. The average size of landholding in Nepal is small (less than a hectare per family), and land fragmentation is on the rise. In this context, the importance of land reform remains significant.

The First Five-Year Plan (1956-1961) recognized land reform as a priority area for development, allocating 22 lakh rupees for land reform activities out of a total development expenditure of 330 million rupees (Regmi, 1961). The plan document dedicated an entire chapter (Chapter 8) to land reform policy, addressing six critical issues: protection of tenants, protection of hired workers, resettlement of landless farmers, Birta reform, provision of agricultural credit, and consolidation of fragmented land holdings (Planning Commission, 1956). However, by the time of the Fifteenth Five-Year Plan (2019/20-2023/24), commitments to land reform has completely vanished, with no mention of land reform in the planning document (National Planning Commission, 2020).

After the downfall of the Rana regime, the focus shifted to reclaiming land ownership unjustly distributed to elite families through government grants. The Nepali Congress, the primary political party at that time, advocated for "land for the tillers." During Tanka Prasad Acharya's tenure as Prime Minister, the government enacted the Land Act of 1957, which provided security of tenure to tenants and fixed rents at 50 percent of the produce. A significant breakthrough occurred with the enactment and implementation of the Land Related Act of 1964 under the leadership of Tulsī Giri during the regime of King Mahendra (Adhikari, 2008). To Giri:

The 1964 Land (Related) Act aimed to overhaul the land reforms policy in the country to increase agricultural production. The stated objectives of this Act and land reform program were to (a) make a more equitable distribution of cultivable land (b) make improvements in the living condition

of the actual tillers by proving them with the technology and resources necessary to increase production and (c) divert unproductive capital and human resources from land to other sectors of the economy (Adhikari, 2008: 61).

The Zamindari system, which involved collecting land revenue and assigning land for cultivation, was in practice. Under this system, landlords called Zamindars collected land revenue on behalf of the government. However, this system was abolished in 1964. Despite the land reform initiatives undertaken in 1964, as noted by Adhikari (2008), these efforts did not progress as intended. The situation for tenants did not significantly improve, and their land holdings size did not increase. As a result, the agenda for land reform remained unresolved. Following that, land reform issues were neglected for approximately three decades. This period can be considered as the “lost decades” for land reform in Nepal.

The discussion on land reforms regained momentum when the minority government of the Nepal Communist Party CPN (UML) came into power in 1994. They made an impact on land reform policies through the report prepared by the High-Level Commission on Land Reform, commonly known as the Badal Commission Report (Badal High-Level Commission, 1995). However, as highlighted by Adhikari (2008), the recommendations of this commission were never implemented. If these recommendations had been put into practice, marginalized communities would have gained increased access to land resources.

It is worth mentioning that in 1996, Baburam Bhattarai, on behalf of the United People's Front (a wing of the Maoist Party), presented a list of 40 demands to the Prime Minister at the time, Sher Bahadur Deuba, before initiating the armed insurgency. One of these demands (No. 27) pertained to land reform. They stated that land should belong to tenants, and land under

the control of the feudal system should be confiscated and distributed to the landless and homeless (Thapa, 2003: 391).

During the 2017 elections, neither the CPN (UML) nor the CPN (Maoist) alliance, nor the Nepali Congress, expressed their commitment to land reform in their election manifestos. Such an unfair trend in the land reform agenda continued with almost all the parties during the 2023 elections as well. However, Nepal's federal parliament, as initiated by the CPN (UML)-led government, passed the Land Use Act to regulate land management in March 2019. This Act aims to categorize available land into nine different categories but does not address other aspects of land reform issues.

Instead of implementing comprehensive land reform, the Government established the National Land Commission in October 2021. Its purpose is to provide land to landless Dalits and squatters and manage unmanaged settlements. Whereas the distribution of land to the landless and squatters is a part of comprehensive land reform, the primary focus of this restructuring is to “redistribute” land to those who work on it. Unlike it, the “distribution” of land is more of a liberal and welfare-oriented political agenda, while the redistribution of land aims to scientifically implement socialist principles for social transformation and create a just, fair, and equitable society.

It seems that the CPN (UML), which recognizes PMPD as a guiding principle for the Nepali revolution, has deviated from its original commitments to land reform. The 15th Five Year Plan (2019-2024), developed and endorsed during the CPN (UML)-led government, does not mention any programmatic commitments to land reform. The election manifestos published by the CPN (UML) for the 2017 and 2023 elections also do not address this issue. Furthermore, the political report of the party's first Statute Convention (1-3 October

2021) remains silent on the matter. The issue, in both parliamentary and public speeches, is being increasingly avoided by key leaders, resulting in silence on the matter.

The PMPD document, a document crafted over thirty years ago, emphasizes its unwavering commitment to various objectives, notably a transformative land reform agenda. However, the irony is evident in the disregard for the political roadmap laid out by Bhandari, an undoubtedly visionary and influential leader of the CPN (UML) and a key contributor to the party's political legacy. The CPN (UML), which owes much of its ideological foundation to Bhandari, is now overlooking his vision for the substantial restructuring of Nepali society.

Conclusion

The article analyzes the sociological aspects of PMPD and The 2015 Constitution, focusing on shared features and transformative agendas. It highlights the importance of reevaluating Nepal's developmental priorities to establish a democratic and equitable society. Land reform is identified as a potential area for transformative change. In this light, this article argues that political parties, particularly the CPN (UML), have overlooked the implications of the political shift toward socialism in their strategies for social transformation. The PMPD program, conceived by Bhandari, potentially served as a political roadmap for the parties, but even the CPN (UML) has not been able to fully realize the transformative potentials that the land reform agenda entails.

The historical context of the rise of the idea of PMPD is also examined, including the popular uprising against Nepal's Panchayat System in 1990 and the collapse of communist regimes in Eastern Europe. These events influenced the development of PMPD and the decision of Nepali communists to engage with the liberal democratic forces.

PMPD enables Nepali communists to participate in multiparty democratic politics. PMPD emphasizes the pursuit of socialism, political competition, and social transformation. The article further delves into the social transformation objectives outlined in PMPD, including tackling several forms of systemic disparities.

The article concludes with an emphasis on the need for political parties, particularly the CPN (UML), to reassess their strategies for social transformation in the light of Nepal's socialism-oriented federal democratic republic status. It underlines the significance of addressing the sociological objectives outlined in the PMPD and the 2015 Constitution to establish a democratic and equitable society in Nepal. Overall, the article provides a detailed analysis of the PMPD program, its historical context, its implications for political parties, and the potential for achieving sociological objectives through transformative change in Nepal.

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