NEPAL CIVIL SOCIETY AND ITS DEVELOPMENT

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Abstract:

The civil society is considered to be one of the most important components that help in ensuring good governance in a state. It is defined to be an autonomous body that is separate from the market, political parties and the state. There is a clear distinction given between the civil society and political institutions, however in the case of Nepal this distinction is not applicable due to the high level of association between the political institution and civil society. This has shown to put stress on the development of the civil society as an entity that can hold the government accountable. Furthermore, as seen in the case of most countries in the South, colonialism had an important influence in the direction and content of civil society in colonial societies. However, Nepal is one of the few non-western countries to have been outside of the normal colonial experience and this had an important influence on shaping civil society in Nepal in a unique way. Additionally, the civil society in Nepal and its development has also been affected due to the political institutions that tried to co-opt the process of mobilization of civil society for its own benefits.

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1   Introduction

The idea of civil society in context to Nepal is unique in many aspects. The general idea of the term civil society conjures up the image of an entity that is considered to be one of the important components that helps in ensuring good governance in the state. It also projects the image of a space where people associate together and talk about pressing issues and needs in the society, voicing their opinion and rights freely. For this, the civil society has to be autonomous from the state working independently. This is in line with Shil's (2003:292) definition of a civil society which he states is an entity that is independently living, distinct from the features of a state that exists beyond the periphery of a family, clan or locality, hovering a few distances behind the starting line of the state and to work efficiently. Chandoke (2001:45) also refers to the autonomous characteristic of the civil society which is separate from the market, political parties and the state. It is considered to be an important element which is required for democratization and ensuring a healthy democracy through associations between people that helps in binding them together and promoting habits of cooperation, trust, tolerance which ensure democratic practices and orientation in the civilian body. Furthermore civil society being an independent entity and autonomous allows it to act as a counterweight against regimes that are undemocratic or authoritarian (Foley and Edwards 1996: 38). Edward Shil (2003: 293, 300,301) divided the concept of the civil society into three components. The first part comprised of autonomous institutions related to economy (market), religion (church etc), and intellectual and political. The second highlighted the relation between the state and society by the institutions that spell out the separation of state and civil society and confers protection to the civil society. Finally, the practice of civil manners or civility. By the civil manners he was referring to the norms related to

behavior and beliefs like treating each other as equal people that defines their collective self-consciousness (being part of the mass) helping them see the common good out of their own individual preferences.

1.1 The idea of civil society in context to Nepal

The idea of civil society in context to Nepal is unique in many aspects. Firstly, Nepal is one of the few countries in the World that was never colonized unlike its neighbor India. In this paper, it will be demonstrated that the development of civil society was indirectly affected by colonization. This will be discussed by analyzing the Rana regime which implemented some aspect of Western civil society, accommodating to its reign as well as the educated people, mostly consisting of elites during the struggle for democracy. Secondly, the general definition of civil society shows how there is a boundary between the civil and the political and how political parties are not considered to be a part of civil society. However, in the case study of Nepal, it will be argued that political parties have been very active in the development of civil society during all the revolution for democracy that Nepal underwent. Finally, I also argue that the demonstrated in the paper throughout the development of civil society in Nepal, it is seen that political institutions have tried to co-opt the civil society through mobilization and resistance for their own interest. Building on this discussion I argue that these factors have led to the weak civil society development in Nepal.

2   Limitation of the paper

The paper research is completely based on secondary resources. The various journal articles and books are in context to the idea of civil society, its development and the civil society in Nepal. However, the literature on civil society in Nepal is limited and is mostly written by the same authors. Additionally, the resources on the historical development of civil society are not so readily available and few in number as well . Due to this, in the paper, a number of authors and their articles have been cited frequently which might give a biased view on the development of civil society in Nepal.

3   Debate about civil society

The idea of civil society and its definition are mostly a Western construct. The idea of civil society and what it represents has undergone change throughout time. It has undergone many transformation from the original idea of civil society which did not distinguish between the political and civil society as per its reference which was "a collection of human beings united within a legitimate political order, and was variously rendered as society or community (Khilnani, 2001:16)." The Aristotelian view of a civil society was that of "a domination-free association of peers who communicatively and publicly establish their goals and norms of a section and who regulate their interaction through principles of justice" (Goody, 2001:150).Hegel was the first to advocate the distinction between the political and civil in order to create a solution for the sustenance of a community in the modern conditions. Modern condition here means the commercial society or trading society that had led to the creation of new associations that was distinct from non-voluntary relations like kinship, patron-client, and a society. In the modern society strangers were also considered to be "authentically indifferent co-citizens" who through associations could make contracts with everyone which was social,

economic as well as produce a moral order. The moral order was produced through the idea of sociability which led to people generating social-self cohesiveness and consistency which benefited the people as well as generated the idea of self-regulation in terms of civility (Khilnani, 2001:20-21).

Hegel considered the civil society to be an intrinsically valuable entity that provided an avenue for the "higher principle of modern subjectivity (Khilnani, 2001:23)". Hegel considered civil society as an entity that recognized both the needs and recognition which was horizontally with many associations rather than vertical having a higher authority or governing body. This horizontal association helped in creating an equality among everyone which assisted in people positively identifying with each other, which in turn would create mutual understanding and relations based on rights and duties and rational norms and an "active inculcation" which helped in an individual developing civility (Khilnani, 2001: 23,24).

The notion of civil society is linked with the European society and Habermas highlights the emergence of the notion of civil society in the 18th century Europe through the birth of a new sphere which is different from the private and public life. According to Habermas this type of civil society was based on the concept of free and equal individual carrying out voluntary association through their own will and reasoned communication (Goody, 2001 :150). Habermas' concept of civil society tried to outline how activity of the autonomous voluntary associations and discussion in the public among the free and equal citizens through a parliamentary system could check the state from assuming absolutist power. Through this the concept of civility is developed in the social and political life. Habermas' concept of this kind of civil society is also based on the long term concept of civility in the political and societal relation with non-government organization and public opinion and how free they are (Goody,2001: 150).

Montesquieu emphasized an idea of civil society which was also about the idea of the spirit of independence and individual liberty, characteristics associated with the commercial society in his discussion about the special character of individual liberty. He stated how the characteristics would lead to social cohesiveness among the people instead of the isolation or solipsism that was mentioned by the critiques. He believed that individual liberty necessary for a commercial culture which would help an individual to create associations among individuals creating a new type of public morals. The associations created could help in ensuring a check against the possibility of a single party taking dominance in the government as an individuals' independence leads him/her to follow their best interest. This means that no individual would stick with the same party with changing political loyalties that ensures that no political party would be permanent. This was based on the idea of the English party structure, a system which did not allow for one party to take control of all the power (Khilnani, 2001: 22-23).Therefore, the power of bonding by commercial society could act as restraining force against this mutuality of political forces, i.e. an individual following the same political party. This kind of model is relevant to the majoritarian type of democracy in the South where there are many regimes that have been ruling on a permanent basis or for a long time period that it is impossible for another political party to defeat them in the elections (Khilnani, 2001: 22).

The idea of civil society during the post-WWII decades also did not feature civil society as a sphere that could check the power of the government. Despite some of the political thinkers like Berlin and Talon, who insisted on a need to have a boundary that separated the private life and public authority and the fear of 'absolute politics', i.e. with complete state control over every aspect of people's life, however, did not evoke the idea of civil society as that entity or sphere which could check the authority to the state. Furthermore, the leftist parties during the early-post

Second World War period ignored the concept of civil society, including the Marxist who viewed civil society in the same category as the bourgeois society which was linked with capitalist needs. Due to this they believe that it had to be policed and regulated from the state (Khilnani, 2001: 14-15).

However, during the 1960's the revival of the term was influenced by the radicals, who were dissatisfied with Marxism. During the 60's there was a growing favor for the idea of "social movement' instead of the leftist political structure that was dominated by the Communist Parties. This was furthered encouraged by Antonio Gramsci's work which had modified the idea of Marx's schema of base applying it to Western Europe. It identified civil society in the same base as that of the state and his idea of how civil society was the site of struggle for hegemony led to reorientation towards the ability of cultural critique of civil society (Khilnani, 2001:16).

This idea became further widespread as a result of the revolutions in the 1970's and 1980's within the Eastern European intellectuals political activist as well as trade union leaders who saw the concept of civil society as a force that could overthrow the Stalinist regime s (Khilnani, 2001:16; Chandoke, 2001: 2). The civil public after the 1980's became more politically active, not only to be able to hold states accountable but also be able to overthrow states that did not work for the people's aspirations.

The idea of civil society due to the revolution had three main objectives. The first objective was to limit the state power through the process of institutionalization of both the political institution and implementation of civil rights and the rule of law. The second objective was to ensure an autonomous sphere where people have the right to engage in activities without state intervention. And finally, to realize that active engagement of lay people such as a" family,

kinship group, neighborhood, professional, social associations like voluntary associations" were a positive force (Chandoke,2001 : 2).We can see through the revolution of the 1980's that civil society was seen as an entity that was the weapon of the people , who through the association in the public sphere and discussion could mobilize and come out as a force that could check the power of the governments. The civil society during the 1980's led to the civil public becoming a political public that could not only check the government but also overthrow regimes that did not work for its welfare or was authoritarian in nature. This is the fourth idea that was later formed in the civil society idea which stated that the civil society as a whole was rational and capable to understand their needs. It was also able to identify and chart out the political discourse regarding the political structure they wanted to live in . This led to the shift in the balance of power from the political institution to the civil society (Chandoke, 2001: 3).

This brings us back to Habermas (1964 cited in Habermas, Lennox & Lennox 1975:49) definition of a public sphere

> "The public sphere as a sphere which mediates between society and state, in which the public organizes itself as the bearer or public opinion, accords with the principle of the public sphere that principle of public information which once had to be fought for against the arcane policies of monarchies and which since that time has made possible the democratic control of state activities."

Habermas defined the public sphere as a sphere that lies between the state and society in which people came together, formed network to communicat information and form opinions of matters. Civil society to Habermas was an important component of sociopolitical organization as the space provided that led to people identifying themselves with the public and coming together

as citizens who could voice their opinions and build a collective expression of their opinions thereby influencing the political institutions. This relationship between the civil society and state is an important condition for democracy. Only an effective civil society can help to bring together the views and discourses of the citizen as a mass and channel them to the state. In the absence of a civil society the state would not have been able to connect to its citizen as interaction would be limited to elections and ideas of political parties along with special groups vying for their own needs (Castells, 2008:616-617).In this realm portion of the public come together to discuss about issues through a lay-man approach with no fear of restriction with the confidence that their right to expression is protected by the law.

Further addition to the existing civil society debate is the different concept of how civil society is defined. Neera Chandhoke's article (2001) "The Civil and the Political in Civil Society," talks about the concept of civil society as a third sphere which is the public sphere. The idea basically from the discussion in Neera Chandhoke's article is how the civil society is a precursor to democratic institution. The idea of a third sphere is that civil society is different from the economic or political (government) spheres. They can be called a go- between these two important entities with the different associations (religious, professional) that raise the voices and issues of various sectors thereby leading to a healthy democracy. This is in line with the Cohen's and Arato's definitions of civil society, which they refer to as the third realm. Their views give civil society four components which consist of plurality in terms of families, groups, associations. Secondly, publicity in terms of the institution of culture and communication, thirdly of privacy which is related to an individual's ethic, self –development and finally the legal nature

which defines all the first three components from the state, as well as the economy too (Chandoke, 2001:4-5).

Adding to the definition of civil society is the idea of the third sector which is represented by voluntary groups that comprises of voluntary sector or non-profit sector. These voluntary groups are represented by the various non-governmental organizations, philanthropic foundations that work for promoting basic rights of individuals and needs such as education, welfare, health as well as development initiatives. These sectors are considered to be apolitical as well as having limited ties to the market and are considered to be an alternative for state for welfare provision through multilateral funding agencies. Furthermore, civil society is considered to be constituted of associations, voluntary organization or social movements and is considered to be third sphere that is delinked from the state and the market (Chandoke, date: 7).

These definitional and functional debates regarding civil society point to a paradox regarding civil society according Foley and Edwards (1996). This debate about civil society can be related to the distinction of civil society by Foley and Edwards (1996: 39) that outline the two main themes about civil society which is firstly in regards to associations that help to foster co-operation, promoting good governance. Secondly, it expresses the idea of how civil society as an autonomous unit can act as a counterweight against the state. These bring forth the discussion about the associations in the civil society that can bring about political benefits like good governance and how a civil society is politically active in order to mobilize people for certain goals like voting, or reservation of seats.

To address this Foley and Edwards (1996: 41,42) in The Paradox of Civil Society pointed out two arguments of the civil society by introducing two types of civil society; civil society I

and II. The type I civil society emphasized the idea of associations as well as its habits to create a pattern of civility and having a positive effect in governance in everyday actions of the citizens residing in a democratic policy. These are based on the idea s of Alexis de Tocqueville, Adam Smith, the Scottish Moralists, Adam Ferguson and Francis Hutcheson.

According to Foley and Edwards (1996: 38) civil society is described as a "dense network of civil associations that are all under the realm of private voluntary association like a neighborhood, church groups, philanthropic groups, professional groups". The main idea of civil association according to Foley and Edward is to "promote stability and effectiveness of the democratic polity through both the effects of association on citizens, habits of the heart and the ability of association to mobilize citizens on behalf of public causes "(Foley and Edwards 1996: 38). These associations according to Robert Putnam, who is one of the biggest proponents of the idea, led to the formation of the social capital. Social capital, as defined by Robert Putnam, is "The connections among individuals-social networks and norms of reciprocity and trustworthiness that arise from them" (Ester 2006:6-7). Therefore, social capital meant the level of trust and cooperation in the society. The social capital is the trust is based on the formation of groups which Robert Putnam describes as being bonding and bridging in nature. The bonding referring to the homogenous groups while the bridging referring to groups that are heterogeneous in nature (Ester, 2006:7).

Civil Society II in contrast is an independent entity which is active and being autonomous from the state could act as a counterweight against the state. These are based on the ideas of Jacke Kuron, Adam Mihnik and other associates at the height of the revolution against the Polish communist government in 1980's who advocated the involvement of groups that can enable citizens to form associations and mobilize themselves to voice their dissent against undemocratic

regime. They also emphasized on the idea of civil society to check the power of the state and encourage the formation of new association which had an unlikely possibility of being corrupted by the regime compared to traditional and political association which would have cooperated with the regimes. In order to achieve this Putnam stressed the idea of a horizontal network, as in groups of different associations as he believed such a network would traverse cross-cutting cleavages with people building similarities through associations that would help to mobilize and organize them and increase the collective action. According to him, horizontally organized networks help to improve the institutions in the community (Foley and Edwards 1996: 41, 42).

Putnam also pointed out that the civil society had a role to bridge political and social divisions but they must be politically independent or have no associations with political forces and rather should bridge the gap between the social and political divisions. He further stressed that for social capital, associations should not be polarized or politicized (Foley and Edward 1996:41).

However, it is difficult to separate the political and the civil when we talk about engagement because in order to bridge them together we would need to touch on some political issues (Foley and Edwards, 1996: 46-47). Both types of civil society regardless of their differing definition marginalized political association. Civil society is then considered to be this entity which can politically be active or apolitical in order to procure political benefit; it, however, cannot be linked with a political party (Foley and Edwards, 1996: 42, 43).

According to Stewart (2001 cited in Castells, 2008:79) the civil society and its various discussions in the public sphere helps in forming the ideas and projects that contributes to the public debate which thereby influences the decision making process of the state. But at the same

time, the state through the constitutional laws which ensures that the debate conducted is done in an orderly and organized manner to make it more productive. Therefore, the civil society, the state and their interactions ensures balance and stability with proper social conduct. In addition, what kind of associations is allowed or possible is shaped by the political rules of the game— what Foley and Edwards refer to the political arrangements in a given society (Foley and Edwards, 1996: 47).

However, in the case of Nepal, we see a high association between civil society and political parties due to which we need to explore the relationship between these two entities to understand what kind of association between the two would be highly conducive for democracy and representation. Foley and Edwards (1996: 49) also attenuated the need to conduct empirical work to understand the idea of political and civil society associations. They raised questions related to the possible relation between greater intraparty democracy and democratic governance, the limit of civil society in the absence of political representation and how could the interest of the civil society be reconciled in terms of "norms of compromise and accommodation", important during political settlements. The need for empirical work on these questions related to political association and civil society is important in the case study of Nepal due to the thin boundary between the political and civil society that is crucial to this paper.

These debates on the definitional form of civil society as an association, public sphere or a sphere for voluntary organization show how the concept of civil society has changed over time. These changes have been brought due to the various factors such as economic, social and political. The heart of all debate has been the separation of the civil society from the political institution in order for it to be an autonomous and independent sphere capable of holding the government accountable. However, most of the arguments regarding civil society and political

associations do not reflect how the associations and of what kind can be beneficial to the civil society and democracy as well as representation of the people.

3.1 Colonial times and impact

The development of civil society in the South has been greatly influenced by colonization of the country. However, Nepal is one of the few countries where colonialism did not take place although; it did become affected through it indirectly from the British colonialism in India that shared an open border with Nepal. The institution of colonialism in India has shaped many aspects of the civil society development in the country with the western concept of civil society slowly permeating the traditional culture of the country to define their own idea of civil society. Partha Chatterjee(2001:172) in his article " On civil and political society in postcolonial democracy" shows how the development of civil society in the sub-continent did not follow the Western ideals of an associational life based on-" equality, autonomy, freedom of entry and exist, deliberative procedure of decision-making". This is because despite the overarching reach of the colonizer's legal bureaucratic mechanism in most part of the population the concept of civil society was reachable to only a certain section of the population, mostly the elites or educated. Due to this , civil society could be termed as an incomplete project of modernization where the elites felt it necessary to pursue a pedagogical mission in order to relate the civil society with the rest of the population.(Chatterjee, 2001:175; Kaviraj, 2001:310-311). Furthermore, due to the nationalist fervor, the adoption of civil society was modified to adapt to the various dichotomy existent in the country. In the case of India, the concepts were adjusted according to "spiritual/ material, inner/ outer, alien/ indigenous" (Chatterjee, 2001: 175). However, their understanding of civil society did not extend to the rural population or urban poor city residents (Kaviraj, 2001: 311). The development of civil society as seen from the colonized

country has been political. Despite, the incorporation of the western idea of civil society association, the nationalist elites tried to use political association as the mediation point between the general population and the state (Chatterjee, 2001: 176). The Nationalist Movement led by elites successfully mobilized all sections of the society and through it permeated the overarching influence of the state over all aspects of social life in the post-colonial period; the social sphere that it had tried to protect from the colonizers.

Only in a few countries like India did the elites accept liberal ideas of limiting the state power, however, this idea was disregarded due to the increase of electoral politics. The civil society is further made more political by the increase in the developmental state or a welfare state that is promoted as one of the major instrumental of post democracy. The system tried to relate to the different section of the population based on classes, groups from the state welfare and the political societies tried to mobilize them through "parties, movements, non-party political formation "based on demands on the state by using the concept of democracy(Chatterjee, 2001:176). This thereby defined the people as the population deserving welfare instead of organizing people and promoting the civil society associations (Kaviraj, 2001: 314, Chatterjee, 2001: 176-177).

4   Development of the civil society in Nepal throughout its history

4.1   Historic Nepal: (Vedic Age): 2000 BC to 1769 A.D

Historically, the rules and laws related to governance, and the behavior and norms of the subjects and monarch in Nepal had been deeply influenced by the Vedic roots of Dharma. Dharma is the institutional duties and role and Shastartha, i.e. philosophical discourse which defined the barnashram dharma (referring to the public welfare) had shaped the idea of the public

sphere in the country (Panta, 2005:n.p ; Dahal, 2001:25). The book by Dev Raj Dahal, 2001, *Civil Society in Nepal: Opening the Ground for Questions* states that the idea of civility had been present in Nepal since Ancient times. He elaborates on the idea of how saints (rishi and munis) helped elucidate good governance, interpreting the dharmas regarding the characteristics that defined a monarch like virtuous behavior, loyalty and thirst for knowledge. They also promoted moral virtue and conduct called sanatan dharma which is essential for promoting moral duty. Furthermore, religion seems to have played a part in educating people about moral duty and relationships, a result of the duty-based society in both Buddhism and Hinduism. Buddhism's precept of Dharma (enlightenment) and Karma (fruit of one's deeds) similar to Hinduism was found to help increase the idea of social welfare, moral culture and conduct(Dahal, 2001: 15).In this sense civil society was conceptualized as the institutions that led to fostering civility among subjects of a particular society. This can be seen as a norm-based definition of civil society, relying less on associations and networks and more on the outcomes of trustworthiness built through institutions and ideologies of obligation and duty.

Additionally, the system in the ancient times included active public spheres where discussion regarding discourses on good governance organized in public was considered to be public property. These public discourses were autonomously carried out by various religious institutions based on Hinduism and Buddhism like the Buddhist bihars (Buddhist monasteries) and sangha (mass association), temples, gurukul (community based schools),which were autonomous and helped to disseminate information on good governance and the needs of the people as well as the state(Dahal, 2001: 16). Furthermore, the presence of associations like guthis also helped in developing forms of civility and social capital. The guthis are community groups based on lineage of family that are voluntarily sustained with the purpose of the socio,

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economic and cultural benefit of the members. They helped in promoting the idea of philanthropic practices especially for religion by land endowment as well as creating collective consciousness of the group and their relationship with the society and state (Bhattarai, Thapalia, Thapa&Ghimire, and 2002:6).

The practices of these kinds of associational groups in historical Nepal along with the discourses which helped to bridge the people with the authority created the moral consciousness regarding authority and responsibility to both the state and the people (Dahal, 2001:15-16). These associational groups were able to mediate between the state and the people due to the religious society of that time period which was duty-based having norms and regulations based on religious text and guidelines.

The historical context of Nepal shows how socialization process was assisted through religion and its precepts, which promoted moral conduct and a duty-based society. This kind of socialization points to the existence of civility from the historical Nepal which formed social norms and regulations based on religion and culture as seen in the case of communities and guthis. However, this civility is different than the one explained by Edward Shils aforementioned because the idea of civility in historic Nepal was closely related to duty-based religious society while Shils described civility in terms of individual and their conduct (Dahal, 2001, 15-16).

`   Furthermore, the socialization process was also assisted by the caste based hierarchy system after 1380 AD by King Jayasthiti Malla of the Malla dynasty. His interest in arts, literary also helped in furthering the spiritual basis for social and cultural consciousness in the masses that led to the establishment of panchkachhahari or council of five elders which dealt with

conflict and adjucation of justice in old Nepal (Dahal, 2001:16).This further assisted in the formation of civil society that was duty based.

Various rulers and dynasty of Nepal imprinted the idea of public sphere in the context of cultural and religious ideals and to these pluralism of social space was also added after the unification of Nepal by King Prithvi Narayan Shah through his governance, based on virtuous conduct and acceptance of cultural autonomy as well as views of all kinds of social and cultural organization existence (Dahal, 2001 :16).

4.2 Civil society under the Rana Regime (1846-1950)

The Nepali civil society due to its history of pluralistic as well as cultural inter-relation between Hinduism and Buddhism helped to ensure a liberal institutional structure. The civil society at that point was divided into two different branches. The one that worked for the social and the one that worked for the political. Along the way these two diverged as one with the increasing clampdown of the rights and freedom of the people to information and positive changes that was brought through the Rana regime (Dahal, 2001:17).

After unification, the uprising of the Rana minster which led to oligarchy in Nepal did not interfere in the cultural and social spaces of the people. Moreover, due to the lack of access to government officials in remote places where travelling was difficult due to the tough geographic landscape, most of the day to day governance work was carried out by the tribal heads who ruled through tribal laws and rights and claims on the resources. However, the Rana had a tight leash on the state and its bureaucracy that did not promote democratic values and ideals to the masses. Therefore, social behavior was mostly limited to cultural aspects like festivals, the life-style and

not on dissemination of knowledge that used to occur through gosthis and discussion (Dahal, 2001:17-18).

The government centralized around the Rana regime, with the monarchy role as that of an invalid.The Rana benefitted by using the name of the monarchy that was still seen as the legitimate, traditional and stable institution by the people to whom it represented the political history of Nepal(Dahal, 2001:16). Their rule was based on monopolizing state power within their immediate family circles and high caste elites. They had complete control over the state mechanism due to their territorial expansion, control over the administrative and the military which was successful in preventing ethnic and territorial conflict (Dahal 2010:12).To further suppress democratic value in the polity and to ensure their dominance, the Rana's tried to control the social behavior of the people through the introduction of the Muluki Ain or the civil code in 1854, to ensure a societal model of vertical integration based on caste hierarchy and patriarchy. This was later edited in 1910 where laws and punishments given were based on caste (Dahal, 2001 :16). Furthermore, to gain allegiance, lands and titles were distributed to various groups through the MulukiAin (Dahal, 2010: 12).

To promote Nepali as the language of the state they further banned other regional languages and excluded groups like the dalits or untouchables, women from the public sphere (Dahal, 2001 :16-17).Despite accepting the cultural pluralism and the acceptance of local tradition instead of civil code when judging local disputes, the Rana oligarchy was not "autonomous of dominant interest groups of society". The idea of prosperity and advancement became linked with the custom of high caste Hindus. Additionally, the necessity of having ties with the Rana elites which according to Pfaff-Czarnecka(1999 in Caddell, 2007:3)led ethnic groups to adopt customs to be eligible to gain favors from the Rana . This secured the ethnic

elites strong position and worked well in terms of Rana by dividing potential opposition to their rules. Therefore, the boundary between the public and private sphere became very blurred in this time period since the Rana regime tried to promote the special interest of high caste people and their oligarchic rule and suppress the voices of the common people (Dahal, 2010:12).

Although, Nepal was not colonized, one of the very few in South Asia and the rest of Asia, it however faced the indirect effect of colonization. One of them was due to the Treaty of Sagauli, that had imposed political restriction due to which the Rana led state had to communicate through the British for any negotiation with a third party. However, they were greatly influenced by the Western ideas and institutions, some of which they used to ensure their continued dominance in Nepal. One of them was a western-style education (Caddell, 2007:2).

The Ranas saw the need for the ruling class to have a Westerns style education in order to negotiate with other states as well as increase their legitimacy in terms of politics. However it feared in providing education for the common people in fear that the common people through education would come to understand their civil rights and this could lead to dissent against the authoritarian government (Caddell, 2007:4).This is evident from the ruthless clampdown during the 1900 against civil society groups and individuals that was emerging as modern form of social organization that advocated for basic rights of citizens through elucidating people about public consciousness and mobilization through Hindu religious treatise like the Bhagabad Geeta. Civil society leaders were jailed for carrying out these activities like Sukra Raj who was hung for conducting discussion for the public through teachings of the Bhagbad Geeta which advocated for the citizens to have freedom for participation, public office and decision which are related to the public's welfare (Bhatta, 2011:n.p).

Education was at first limited to the Rana class and a few high-caste people but was later opened for everyone. The Rana's undertook the provision of education under their wing for their own benefit. In fear of having dissent of educated non-Rana students, they attracted them by offering them government jobs or providing them with the opportunity for higher education in Nepal by establishing colleges for higher studies. The Rana's tried to clamp down on all kinds of reform activities that could lead to spread of democratic ideals (Sharma 1990: 3).

According to Mihaly(1965 cited in Caddell 2007:5-6) the promotion of Nepali , declared the official language in 1934 was to first increase the Rana's nationalist activity to secure Nepal's identity as a nation from the British colonizers and India's Princely state in order to secure their oligarchy. Additionally, to limit the learning of students so that they do not participate in political activities as seen in the case of India, the Rana' built a school for civil service studies where students only studied matters related to civil service work and governance (Sharma, 1990: 3-4).The idea was to limit the education of the people, providing them an education that would easily help them to join the bureaucracy. This would thereby limit the spread of knowledge regarding democracy and other principles that could pose as a threat to their regime with students mobilization which was growing in the India (Sharma, 1990:4-5)Political parties were banned in Nepal who however, operated from India who based their ideas and activities being influence by the Indian nationalist movement in India against the British (Dahal, 2001: 17).

However, the Rana's were not able to stop the flow of information despite their harsh rules that tried to control people by sanctioning penalties for people who were found to be teaching materials that was not approved by the state (Caddell, 2007:6).This is evident from the clamp down of the AryaSamaj, founded by Madhab Raj Joshi in 1909 which meant a civil

society for the noble that worked for eradicating social practices and superstition and prejudices surrounding women and children in particular like widow remarriage, child labor and various other social reforms. However, Joshi was jailed and Arya Samaj could not revive itself later due to the strict clampdowns(Dahal, 2001:16-17; Bhatta, 2011:n.p). The civil society especially the literary and educational circles tried to protest against the authoritarian Rana rulers, notably Subba Krishna LalAdhikari wrote *Makaiko Kheti* that portrayed their subjugation of the farmers and workers who were living miserable lives. Charity and Voluntary organization like the Paropokar Sansthan and Nepal Gandhi Charkha Pracharak Samiti were also established with the aim to elucidate people, usher transformation and increase the civility of the society (Bhatta ,2011:n.p).

Most of the activities carried out were based on Dharma, as it was easy for the people to relate to it but later on the activities started focusing on elucidating people about contemporary studies to aware the public about modernization and human development. This was evident in the protest by the Sanskrit school who showed protested against the Rana regime by openly fluttering anti- rana Flags with the leaders expressing a desire to change the Sanskrit teaching with contemporary subject to expand the ideas of the people for political and social awareness (Dahal, 2001:17).

Despite the clampdown, people found ways to pursue education based on contemporary studies by using their homes for covert teaching. With the increase in educational opportunities plus the inflow of ideas through students studying abroad, especially in India, ideas were transferred through the India-Nepal border. Additionally, the period right after World War II saw servicemen returning home with the ideas that posed a threat to the Rana. Furthermore, India-Nepal border proved to be the transaction point for the transfer of ideas and helped in mobilizing

dissent among the people through the Nepali Congress party activists living in exile (Caddwell, 2007: 6-7). The call for more political demands and rights, in 1950 brought the downfall of the one hundred years of Rana rule in the country and the establishment of a multi-party political system (Dahal, 2001:17).

The civil society during the Rana period could be seen as consisting of educated people, who felt it was their duty to enlighten people about civil rights to show them the injustice that was being carried out under the authoritarian Rana regime. As the educated people mostly comprised of the wealthy and aristocrats, their idea of civil society were influenced by the Western teachings that they experienced in India and abroad. This is similar to the case of the rise of civil society in colonized countries like India where the forefront of civil society ideas were the western educated elite.

4.3   First Democratic Experiment (1951-60)

The Rana's had pursued institutional development especially of education by the Rana through the   construction of colleges like Tri Chandra, launching the first newspaper like Gorkhapatra to ensure control over the social sphere. However, it   provided a platform for the emergence of a civil society consisting of educated people, literary circles and such, who were aware of their civil rights and freedom and demanded it from the government. However, the civil society hardly had any sort of conflict with the state because the first fight for democracy was aimed for the overthrow of the Rana regime (Dahal 2001:17). Furthermore, the small group of educated people in the civil society later got integrated in the state apparatus and political parties. Due to this, the concept of civil society was not strongly pursued with occasional mention the writings and speeches of political leaders and literary people (Dahal, 2001:17-18). An Interim constitution was promulgated which had a power sharing agreement with the King,

the Rana's and the political parties. However, due to the lack of resources for the political parties to increase their outreach to rural areas, plus internal problems, which saw the leadership developing as a cult and a dwindling civic institution led to questions of legitimacy of the government. Furthermore, the political leaders instead of directing their efforts for democratic and participatory government and its development in Nepal focused on establishing themselves and their power hold through alliances with aristocrats, business as well as technocratic sector of political economy. Due to this, the leadership took to a centralized model that overlooked national planning and organization. The leadership developed a clientalism model, which was like the Rana period and therefore could not promote or help others who promoted participatory politics . Due to these reasons, the Monarchy abrogated the parliamentary system in 1960 establishing an authoritarian regime that jailed political leaders and banned political parties (Dahal, 2001:17; Baral, 1994:123).

Although the Constitution of 1951 got replaced by a parliamentary constitution in 1959, it could not realize a constitutional culture that could lead the people to trust in a democratic culture. The leadership was also unable to develop the concept of democratic citizenship as well as civil culture due to the patrimonial culture initiated by the Rana's .

The early experiment with democracy showed many of the same traits seen in the Rana regime which included the patrimonial model as well as political practice based on clientalism. Moreover, the idea of civil society was based only in terms of mobilization of people against the regime and not for holding the state accountable. Furthermore, the small numbers of educated people in the country were assimilated in the bureaucracy or in political parties who did not pursue the idea of civil society strongly.   It can also be inferred from the inability of the political parties to reach the rural people that the civil society development was urban centered.

These characteristic are similar to the colonial civil society described by Kaviraj(2001) . Kaviraj (2001:311) highlighted how elites in India due their influence of Western education were able to participate in discussion regarding civil society, by forming associations based on economic or intellectual interest like forming newspaper or journals. However, the rural population did not participate in any of these activities because of its lack of education especially English.

4.4   Panchayat System (1960-1990)

The monocratic Panchayat system according to Dahal 9 2001:18) not only enforced a partyless political order but also took control of the political economy and private sector activities. By establishing and strengthening public sector, the state was able to influence the economy and development process in Nepal. Through this, the Panchayat system increased their social control by strengthening the coercive apparatus, the bureaucracy as well as organization under the aristocracy.

Although the Panachyat government banned political parties, it however allowed social political mobilization through class-based organization of women, youth, workers, ex-servicemen and peasants. The local government level also helped in social mobilization of the people to increase the state's sphere especially the elite based system through the "Back to the Village National campaign" that was aimed for development work. The social mobilization of people from the grass root level was carried out by the division of the liberal and illiberal Panchas as well as the illiberal extra constitutional forces, called *BhuimgatGiroha*(underground groups). The main aim of the Panchayat system was to ensure that the citizenry was dis-associated from political parties by banning the political parties. The Panchayat systems aim was to control each and every aspect of political, social and economic life which was evident

with their initiative to stop the flow of capitalist and communist economic model by promoting a welfare model for Nepal (Dahal, 2001:18).

The public did not get to have any say in the economy of the country as it was strictly monitored by the state. However, the lax hold on education and media institution helped to ensure a space for creating association and mobilization of the people for political parties (Dahal 2001:18) And this led to the referendum of 1980 that allowed citizens to have their say in matters related to macro-politics(Dahal, 2001: 18).

This democratic reform led to conflict within the Panchayat members the hard core loyalist and the ones who were considered to be soft-liners who were sympathetic to the political parties and their cause the Movement for the Restoration of Democracy (MRD). This led to systemic crisis in the Panchayat system (Khadka,1993: 45-46).The Movement for the Restoration of Democracy was launched by the Nepali Congress party who had formed an alliance with the Communist party who were starting to agree for the Nepali Congress demand for a liberal democracy. The Nepali congress despite being banned organized a "National Awakening week to educate the population against the government's political and economic failures and highlight the need of the liberal democracy (Baral, 1994: 123).

The political parties during the Panchayat regime played an important role in forming association groups too. Despite being banned and in exile the Nepali congress and the various factions of the Communist Party who had conflicting ideologies came together agreeing to the to the Nepali congress' demand for the establishment of a liberal democracy. The political parties through their relentless struggle against the authoritarian regime were able to mobilize the people, especially students. The growth of the educated urban class and the student force also

helped in developing a mobilized civil society body who were organized with strong opinions against authoritarian government (Khadka,1993:45-46).

Furthermore, the active involvement of the associations ranging from literary, to student and teacher unions, human right organization and social and cultural association helped to fuel the associational life of the people. Additionally, due to the lack of coherence and frameworks provided to form coalition in the ruling classes, the Panchas who were supportive of the political parties and liberal were also involved in the civic organizations which helped in creating a horizontal network based on solidarity for people who wanted democratic reforms in the country that acted as a "buffer against negative sanctions by the government" (Dahal, 2001:19).

The decreasing unity of the Panchayat workers along with the loss of faith in the system also led to the weakening of the Panchayat system with the oppositional Panchas against the MRD also criticized the government for "for its divisive and confrontational stance and its failure to correct systemic distortions (Khadka,1993:46)." This showed the systemic crisis due to the lack of political accountability, responsibility and effective political participation of the Panchas which led to widespread practice of ensuring to maximizing their own benefits instead of the state which led to increased poverty and inequality in the population (Khadka, 1993: 46). In the hegemonic structure monarchic regime, the absence of a civil society body that was organized was greatly missed during the partyless Panchayat system with the rampant corruption and poverty experienced during the Panchayat times with the civil society structures unorganized and the state not enabling the civil society. This is in line with Tocquville's idea about free political association and civil society in which he stated that only free association for political freedom can prevent" either despotism of parties or arbitrary rule of a prince and that one may think of political associations as great free schools to which all citizen come to be taught the

general theory of association,… where political associations are forbidden,… civil associations will always be few, feebly conceived and unskillfully managed and either will never form any vast designs or will fail in the execution of them" (Foley and Edwards,1996:44).

4.5   Jana Andolan 1 and civil society 1980's- 90

According to Krishna Hachhethu(n.d: 7)the revival of civil society in Nepal was propelled by two factors. One the entrance of the Nepali Communist party in the National politics and the other being the third wave of revolution experienced in the East European countries against the Stalinist countries as discussed above in the literature regarding civil society discussion. The communist party helped in reviving civil society by building and forming various professional groups under the Party banner. Furthermore the formation of the open forums like Democratic National Unity Forum, National People's Forum, Civic Rights Forum, People's Right Protection Forum, and Human Rights Protection Forum witnessed the overlapping of political and civil society in Nepal. The new form of civil society saw an overlap between the political and civil working for the advocacy of a democratic regime. Furthermore, the professional like the teacher association, the lawyers, engineers etc formed under different political ideologies like the communist and the congress.

Hachhethu (n.d:8) remarked in the overlap between the political and civil by pointing out how the civil society's objective and goal were political, same as the banned political parties. Since, both the civil society and the banned political party were working autonomously and outside the border of the state, the distinction between what constituted a civil society body and a political party was difficult. However, despite the different political ideologies, the civil society members were found to work towards the same goal, which is for a multiparty democracy . This

is explained by Hachhethu by the formation of the Nepal Human Rights organization with its 89 founding members that had different political ideologies (Hachhethu, n.d: 8).

The First Jana Andolan saw how the political parties mobilized the population especially the students like the Nepali congress through their "National Awakening Week" aforementioned above. Also to the weeks that led to the Jana Andolan , party cadres marched the capital streets calling for democracy and were able to mobilize nearly 10,000 students calling for the end of the Panchayat system (Baral,1994: 123).

According to Sharma (2001 in Hachhethu, n.d:10) study conducted in regards to the First Jana Andolan found that despite the fact that the revolution was started by the political parties, after a week or so, the mobilization and action of non-political actors were also visible. Another study mentioned by Hachhethu (1990 in Hachhethu, n.d: 9) highlighted how people from all walks of life for the first time, like teachers, professors, and other professionals became involved in the democracy struggle . The middle class played an important role in three most important part of the movement that were – "giving continuity to the movement, paralyzing the machinery of the regime and motivating the rest of the population". The civil society had played an important role in the revolution for democracy contributing to the movement which was acknowledged by Ganesh Man Singh, party member of the Nepali Congress who was also the commander of the movement, according to Hachhethu (n.d :9-10) who stated how "people moved ahead faster" than leaders and parties.

4.6 Post- Janadolan and Civil Society (90's- 2000's)

The post 1990 saw increase in NGO's in Nepal but at the same time a decrease in the civilness among the people that occurred due to the highly politicized civil society that led to fragmentation of the civil society. Furthermore, by establishing a democratic country, political parties that were banned could run for election. It also saw the marginalized section of the population like women, dalit groups forming associations and sending their representative to the government and other national power centers (Bhattarai, Thapalia, Thapa and Ghimire, 2002: 5).

Chandra Bhatta in his article "Civil society in Nepal: In search of reality,"(2007:52) described the present civil society to be branched into two types. The first was the NGO's or what he termed as 'isation culture,' which according to him was the NGO'isation that proliferated in Nepal through the global multilateral assistance program as well as introduction of International NGOs in the South and were increasingly being referred to as civil society in Nepal (Hacchethu, n.d:2).

Furthermore project developed are based on donor and the state which causes several problems. Donor based NGO's can create an urban bias in terms of providing funds when identifying agencies that are focused on a certain cause like poverty reduction which would mostly be run by educated elites thereby ignoring the agencies that are run by the poor. Furthermore, projects are mostly designed by retired government officials, urban-based elites and such aiming to maintain the status quo who aim to call themselves civil society leader but failing to extend their work to rural peripheral areas nor encouraging the engagement of the other members in the civil society group (Bhatta, 2007:52-53).

The other type of culture that Chandra Bhatta(2007:52) talked about was the civil society that was promoted by political elites and political parties. According to Hachhethu (n.d 8-)the civil society during the 1990 was very political mostly due to the affiliation with various political parties as well as the increased interference of the political parties in the social spheres. Due to this, many civil society groups acted as political groups and the political parties introduced the idea of the so called "partyness" with various groups based on not only profession but caste, gender and ethnic groups and the so called dalits (untouchables) as well. As a result of the so called idea of partyness, party affiliated groups are also present in sectors like civil servants and human right as well as ethnic activist.

Bala Raj Niku (n.d176) in his article "A triangle of peace, politics, and people's voice: Nepal" stated how civil society organization that work under political parties such as trade and student union and other service organization due to excessive involvement in party politics and agendas do not look after the interest of its members (Niku,n.d:176). Furthermore, this has mobilization is similar to the post-colonial countries experience where civil society grew due to the political impetus with the elites nationalist ambition who took it upon themselves to mobilize the people of different sector of the society under party, movements as mentioned above in the section on colonialism and civil society.

Bhatta's idea of two civil societies can be explained through what Cox (1999) refers to as bottom-up and top-down civil societies in his article "Civil Society at the Turn of the Millennium". In the bottom up sense, civil society represented the realm for collective action and mobilization in the form of protest and to seek alternatives by who had been disadvantaged by globalization of the world economy. Cox stated that mobilization could be carried out through local community groups that portray diversity, a heterogonous mixture comprising of different

culture which is an evolving social practice worldwide. Here the idea of a civic state is being based on participatory democracy. But in a top-down model the idea of civil society is influenced by state and corporate interest that according to Cox makes it "an agency for stabilizing the social and political quo (1999: page number)." Cox stated that in a top-down sense the dominant hegemonic forces co-opt the popular elements of the movement by provision of funds such as state subsidies, and organizations would incline themselves to conform in the presence of an establishment order which would increase their legitimacy. The NGO's outlook would change for competitiveness of fund from the objective of transformation of the social order to securing financial assistance to fund their project or jobs. He further stated how for "many people, clientelism may seem preferable to revolutionary commitment, especially when backed by the force of state and economic power. Moreover, the basic conflicts between rich and poor, powerful and powerless, are reproduced within the sphere of voluntary organizations, whether trade unions or the new social movements (Cox,1999: 11)".By analyzing the growth of civil society in Nepal, we can see that most of it has been a top-down approach from the ideas being transferred from the elites, educated people and political institution to the masses.

Furthermore, political parties and their mobilization of people and associations promoting partyness, is shown to hinder the growth of civil society with the civil society being fragmented along ideological lines. Moreover, the political association and civil society also miss the main important function of the civil society, that is to hold the government accountable. So far, Nepal's civil society has only shown the side of mobilizing itself for regime change and not for ensuring a democratic government.

5   Political arrangement in Nepalese history that shaped civil society over time

The concept of civil society is also influenced by the political arrangement that is provided by the state. This aspect of civil society was discussed above in the section related to the debate of civil society in the western concept by Foley and Edward(1996) who stated how the political arrangement influences the kind of associations that are allowed and possible in a given society. This explanation is directly linked with the reason of why Nepal's civil society organizations have a difficulty in organizing themselves due other legal framework in Nepal.

In Nepal, the Society Registration Act of 1960 was enacted that gave legitimacy to the private sector to work for development under the state patronage. This act was later amended and named the Association Registration Act. This association stated referred ," public libraries, literary societies, self-help groups, NGO's and cultural groupings" (Dahal, 2006:23). As per the act the Chief District Officer had the authority to oversee the registration,, control and supervision of these associations (Dahal, 2006: 23).

Under the demand for more autonomy of civil society the constitution of the Kingdom of Nepal 1990   promulgated the Social Welfare Council that replaced the 1977 Social Service National Coordination Council (SSNCC) and was reconstituted as the Social Welfare Act 1992. The Social Welfare Act 1992 mandate included facilitation, promotion, mobilization and coordination of the activities of the NGO's but   this legislation could not sufficiently provide a proper framework that encompasses all of the civil society(Uprety, 2011:54-55). The lack of a proper civil society act and the confusion regarding civil society organization (CSO) their nature and function has led the CSO to be treated as NGO's are not institutionalized (Dahal, 2006:23).

Furthermore, the Social Service Act which was enacted during the Panchyat regime to control the work of the NGO's and to ban political parties that is still in use reduces the scope of CSO work being mandated only for relief and service-delivery activities. Additionally, this act creates the definitional confusion for what constitutes a civil society organization as all organization are legally considered to be NGO's (Uprety, 2011: 58).

Although, these NGO were able to provide welfare for the people, however what the people needed were the fundamental rights to association in the public sphere where they could discuss about pressing issues, free from state authority, an autonomous body that could hold the government accountable and act as a mediator between the state and the public. And for that the civil society need to be political because if they are to ask for policy changes, the civil society at some point will have to be involved politically and cannot stay apolitical as NGO's (Rehman, 2006: n.p).

CSO's are therefore working under different mandates like the trade unions under the Department of Labor, or under different institutional departments like the student unions under universities or as unregistered informal organizations.. In the absence of a proper legal framework for the CSO's to work under, the civil society in Nepal would have a difficult time carrying out their functions (Dahal, 2001:20). Therefore, there is a high need for a proper civil society act in order for the civil society to carry out their work properly.

According to James (1995 in Hachhethu, n.d :2) civil society is not the " sum of total of the NGO community." Mouzelis(1996 in Hachhethu, n.d : 2) has given three important points that are needed for a civil society which according to him are-

"a)the existence of rule of law conditions that effectively protect citizens from state arbitrariness, b) the existence of strongly organized non-state groups, capable of checking eventual abuse of power by those who control the means of administration and coercion, and c) the existence of balanced pluralism among civil society interests so that none can establish absolute dominance"

5.1   Political arrangement and Nepalese civil society

The political arrangement and shits in the Nepali society has played an important role in the development and evolution of civil society. This is evident from the civil society development during the civil war in Nepal to the April uprising.

5.2   Civil Society during the Civil War 1999-2005

The civil society in Nepal in the early years was mostly seen as being mobilized for regime change, however, during the civil war, the civil society played an important role as a mediator for the peace process.

At the beginning of the civil war, the responsiveness of the government towards the civil society for peace mediation was negative since the civil society in Nepal is donor aided because of the lack of necessary means to procure fund locally as well as not having expertise to procure sources of funding it became donor dependent (Dahal, 2006:3). This led to the Parliament Public Account Committee questioning the donor dependent NGO's about their motives and accused of trying to run a parallel government. Due to this, the proposal of the civil for the formation of the National Peace Commission was rejected. They were also accused of having loss of rationality and the growing concern about their accountability and accusation of

providing benefits to only their members and not the general public . Furthermore, civil society mobilization was also frustrated by the government's strategy co-opting the vociferous civil society leader by providing lucrative projects and grants to pacify them(Dahal, 2006:3) .

Furthermore, it was considered that the civil society of Nepal was not capable of handling the mediation between the Maoist and the government. This was due to the perception that the civil society as being donor driven rather than the social cause along with the thoughts of the opportunity for furthering profession through the grants given by the donors (Dahal, 2006:6).

Moreover, civil society legitimacy as mediator was also weakened by geo-political play in the 12- point political understanding organized between the Seven Party Alliance and the Maoist with the help of Indian Mediators in, India. This was due to the absence of accessing information and contact with the political parties. However, the political changes which saw the king acknowledge the civil society as the source of state power and sovereignty and the restoration of the parliament and the invitation to the SPA to join the government opened up avenue for the civil society to work alongside political party for democracy and peace (Dahal, 2006: 6-7).

The relationship of the government with the civil society points how it fundamentally shapes the content and strength and potential of the civil society as loci of creating positive democratic change.

5.3 April Uprising 2006

The engagement of civil society with the political party to ensure democracy increased further with its role in promoting the SPA's campaign against the authoritarian monarchy. At the beginning the alliance was not able to convince the public about campaign against the monarchy

due to the growing dissatisfaction of the public against corruption, partisan and squabbles that during the 12 years of democracy. However, the public started responding to the campaign with the authoritarian activities of the monarch. The civil society played a decisive role in ensuring that the Maoist joins the SPA alliance during the New Delhi accord in 2005 (Shah, 2008:15).

The civil society linked itself with the Joint People's Movement Cooperation Committee that was led by the junior leaders of the seven parties which helped in launching the "Let's go to Kathmandu Program" for strikes against the government in April which was followed by the Maoist and the SPA plan in New Delhi for a four day protest (Shah,2008: 18). Prior to this , the civil society had launched a protest against the government decrying against the violent approach it had shown towards protestors in a sit-in demonstration. This organizational and associational mobilization of civil society groups that included women, ethnic group members and professional groups was successful in making the state isolated making it vulnerable to the attacks from the SPA and Maoist alliance(Shah, 2008:15-24).. Due to the increased civil society participation which saw people from not only the urban area but the rural as well led to the successful April uprising that saw the overthrow of the monarchy and the entrance of the Maoist in mainstream politics with the signing of the comprehensive Peace treaty in 2006.

The civil society presented here is in line with Foley and Edward (1996: 45-47) idea of civil society II . The civil society II advocated the idea of civil society as a counterweight against the state especially when the established "political parties have been repressed, weakened or used as stools by the authoritarian state, autonomy from traditional politics seems to be a prerequisite for oppositional advocacy."

5.4 Post- April Uprising- 2006 to the present

Post-war Nepal successfully conducted a constituent assembly election to draft a constitution, which despite the four deadlines, the last one in May 2012, could not fulfill its mandate due to bickering among political leaders regarding the constitution based on federal structure or ethnicity(Himalayan News Service 2013 February, 2). Adding to the political upheaval was the frequent change in Prime Ministers, each from different political party and nearly a month long political deadlock between political parties for the appointment of the fifth prime minister (Gautam 2013, March 13). This led to the President Dr. Ram BaranYadav issuing a Presidential appointment the Chief Justice Khil. Raj Regmi as the Prime Minister of the interim cabinet of the country despite civil society members arguing against the decision as it is against the core principle of democracy that believes in balance of power by separating the executive, legislature and judicial(Pasricha, 2013 March 14).

During all these political upheaval, the civil society in Nepal presented itself as a weak and fragmented society . One of the possible reasons could be due to the idea of civil society post-revolution which has been highlighted by Chandra Bhatta (2008: 10). Chandra Bhatta (2008: 11-12) stated the aftermath of the Jana Andolan2 saw the increase in rallies by organization and leaders for khabardari or warning which implied that the Nepali society consciousness in terms of political awareness had increased . It also reinstated how the Nepalese public believed in democracy. However, the uprising also influenced the notion of people of being civil society activist despite not having a political affiliation through attending the rallies and chanting slogans that promoted the interest they believed in (2008:11). This is negative in the long run because the mass being uncoordinated or an uncoordinated liquid mass could become violent in nature. Furthermore, the idea of resorting to rallies for each and every demand

could lead to the civil society becoming what Bhatta terms as the " Banana state" which believes in the idea of needing to have a loud voice to win (Bhatta, 2008:12).

This concern of Bhatta can be seen in the present scenario of Nepal where the culture of bandhs (nation-wide shutdown) is occurring in a frequent basis. The article Region: bandh against bandh" by the Himal South Asians (2011) states how in the number of bandhs in the country are increasing. The bandhs are not only being called by political parties but various civil societies and ethnic based groups as well. However, at the same time the Nepali civil society also seen the increasing disapproval of bandhs through rise of social movements that have called for their ban.

At the present, there is an urgent need for the civil society body to come together to ensure that the second election of Constituent Assembly takes place successfully. It has to ensure that the elections take place without any of the political parties bickering that was seen after the dissolution of the Constituent Assembly in May 2012 which resulted in a nine-month lapse before the appointment of the Chief Justice as the Prime Minister (Sha, 2013). This is only possible if the civil society come together and works towards holding the government accountable to ensure that the elections are carried out in the stated time without any hindrances. It is also equally important to elucidate the mass regarding the importance of the constituent assembly meeting and the need to have a proper constitution in the country as well as the important idea and function of the civil society as an entity that can hold the government accountable and promote democratic principle. For this the political repertoire of using bandhs should be controlled or Nepal could head towards becoming just another banana state.

6   Conclusion

The development of civil society in Nepal has been affected with the shifting political arrangement in the country that affected the civil society development of Nepal. Each regime change had an effect on how civil society developed in Nepal for that particular time period. This is evident from the Rana regime which had tried to suppress the growth of a well informed civil society due to which the concept of civil society became restricted to the urban educated people. The Panchayat period saw how the government tried to control each and every aspect of the political, social and economic life for stronger social control. However, it failed due to the mobilization of the civil society by banned political parties that formed various associations under its party wing that helped revive civil society.

However, the period after the first revolution saw fragmentation of the civil society due to increased political association between the civil society and political party and the idea of being part of one party. This was not in line with the definition of civil society aforementioned that states it as an autonomous entity that is separate from the market, state and political parties. At the same time, the mobilization of the people through the political parties in every revolution of democracy shed light on the importance on the need for political association in order to achieve democracy. But at the same time political associations co-opted the process of mobilization for their own benefits. Furthermore, the Nepali civil society has also been rendered weak due to the laws that do not clearly provide legitimacy to civil society. Therefore, in the case of Nepal, it is important to define the civil society in terms of its association with political association and not just as an autonomous and independent body working away from the state structure due to the high level of association between them.   Due to this there is a need for

empirical study that can show the ideal form of association between the civil society and political

party in Nepal.

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