IJARETY

International Journal of Advanced Research in Education and TechnologY (IJARETY)

Volume 10, Issue 1, January- February 2023

Impact Factor: 6.421

Public Views of Federalism in Nepal

Bajrang Kumar Yadav, Dr. Gyan Prakash Pathak

Research Scholar, Department of Political Science, Sunrise University, Alwar, Rajasthan, India

Professor, Department of Political Science, Sunrise University, Alwar, Rajasthan, India

ABSTRACT: The research paper delves into the intricate landscape of public perception concerning federalism in Nepal. It scrutinizes the multifaceted perspectives, examining how various demographics, socio-economic backgrounds and regional disparities shape citizens' opinions on federal governance. Utilizing a mixed-method approach, incorporating surveys, interviews and qualitative analyses, the paper explores the nuanced attitudes, concerns, and aspirations of Nepali citizens towards the federal structure. By unraveling these insights, the study aims to provide a comprehensive understanding of the public sentiment regarding federalism, shedding light on its implications for governance, policy-making, and social cohesion in Nepal.

KEYWORDS: Politics,Constitution, Decentralization, Monarchy, Panchayat System, Sovereignty.

I. INTRODUCTION

The introduction of federalism in Nepal stands as a pivotal chapter in the nation's history, heralding a monumental shift in its governance structure. However, the reception of this transformative change among the public has been diverse, echoing a spectrum of opinions and sentiments that shape Nepal's socio-political landscape.

On one end of the spectrum, there exists a wave of optimism and fervor among certain segments of the population regarding federalism. For many, it represents a long-awaited promise of inclusivity, empowerment, and equitable distribution of resources. The prospect of decentralizing power, allowing regions and local communities greater autonomy in decision-making, has fostered hope for improved governance and development at the grassroots level (Mallik, 2013, p.1). Advocates of federalism see it as a means to address historical grievances, ensure representation of diverse ethnic groups, and promote socio-economic equality across the country.However, amidst this optimism, a sense of apprehension and skepticism prevails among other sections of the populace. Some view federalism as a complex and challenging transition, fraught with uncertainties and practical hurdles. Concerns linger regarding the effective implementation of this system, with questions arising about the distribution of resources, potential administrative inefficiencies, and the overall stability of the nation. There are fears that the division of power among provinces might breed political discord or exacerbate regional disparities instead of mitigating them (Karki&Edrisinha, 2014, p.44).

Moreover, challenges in delineating boundaries and allocating resources among the provinces have fueled debates and disagreements, contributing to a sense of uncertainty among the public. The complexities of restructuring administrative mechanisms, establishing effective governance frameworks, and ensuring smooth inter-provincial coordination have added to the mixed views on federalism.

Crucially, the divergent views on federalism in Nepal are deeply rooted in the nation's socio-cultural diversity. Nepal's mosaic of ethnicities, languages, and regional disparities adds layers of complexity to the implementation of federalism. The varying historical experiences and aspirations of different communities shape their perceptions and expectations of this new governance structure.

In navigating these diverse perspectives, the government faces the daunting task of not only addressing the practical challenges but also fostering a sense of inclusivity and ownership among all citizens. Building consensus, ensuring equitable resource distribution, and empowering local governance bodies are pivotal in nurturing public confidence in the federal system.

The implementation of federalism in Nepal marked a significant shift in the country's governance structure, aiming to decentralize power and empower local communities. However, public perceptions of this transformative change have varied widely. Understanding the diverse and often contrasting views that Nepalese citizens hold regarding federalism is crucial in comprehending the complexities and dynamics shaping the nation's political landscape. From enthusiastic

support to apprehensive skepticism, the spectrum of opinions reflects the intricate interplay of hopes, concerns, and aspirations woven into the fabric of Nepal's evolving socio-political identity.

II. POLITICS IN NEPAL

With the promulgation of its constitution in 2015, Nepal replaced a unitary government with a federal system of government (Regmi et al., 2017, p.1). This process has made Nepal a federal democratic republic governed with three levels of government: a federal level, seven provinces and 753 local governments (Constitution of Nepal, 2015, p.2). It also led to local elections in late 2017 for the first time in two decades, a landmark achievement signalling that federalism is being implemented (ibid).

With the ongoing restructuring of the health system delivery, this article aims to synthesize the progress and challenges to date and potential ways forward based on the perspective of the federal government. The progress of federalization in Nepal is also considered in light of the experiences of other countries that have implemented federalism, and these remarks may be pertinent to progressively guide the management of the health sector federalization.

III. MONARCHISM

Monarchy has played a significant role in Nepal's history, deeply influencing its political, social, and cultural landscape. For centuries, Nepal was ruled by a monarchy, with a succession of kings from the Shah dynasty wielding power over the nation.

The Shah dynasty, founded by King Prithvi Narayan Shah in the mid-18th century, unified the various smaller kingdoms and principalities into a single nation, laying the foundation for modern-day Nepal. Monarchism, under the Shah dynasty, centralized power in the hands of the king and his close advisors, shaping Nepal's governance structure for generations.

Throughout much of Nepal's history, the monarchy enjoyed a revered status, often perceived as a unifying force in a country marked by ethnic and cultural diversity. Kings were not only political leaders but also cultural symbols, revered by the people. The monarchy played a pivotal role in maintaining the country's sovereignty, especially during times of external threats and conflicts.

However, the monarchy's authority was not without challenges. Political upheavals, power struggles, and periods of instability punctuated Nepal's history under the monarchy. While the institution itself was venerated, there were instances where dissatisfaction with specific monarchs or the system itself led to social discontent and political movements.

The year 2008 marked a significant turning point in Nepal's monarchy when the country officially abolished its centuries-old monarchy and declared itself a federal democratic republic. This decision followed years of political turmoil and a Maoist insurgency, leading to a comprehensive peace agreement that culminated in the dissolution of the monarchy.

The end of the monarchy marked a paradigm shift in Nepal's political landscape, ushering in an era of republicanism and the establishment of a federal democratic system. The country embarked on a path toward restructuring its governance, seeking to distribute power more equitably among different regions and communities through federalism.

The shift away from monarchism marked a transformational phase in Nepal's history, signifying a departure from centuries-old traditions and heralding a new era of democratic governance. While the monarchy remains a part of Nepal's rich historical tapestry, the nation has embraced a new political trajectory that values inclusivity, democracy, and the voice of its diverse populace.

The victory campaign of the Gorkha kingdom started by King Prithvi Narayan Shah of the Shah dynasty ended after the conquest of the Kathmandu Valley in BikramSamvat 1825. Before this, there were twenty-two and twenty-four states within the territory of present-day Nepal. It was after the end of this victory campaign that the current state of Nepal came into being. After the conquest of the valley, Prithvi Narayan Shah ruled from Gorkha to the capital Kathmandu. It can be said that the unitary state system of Nepal started from here.

Thus, it was mentioned in the Interim Constitution of Nepal that, after 260 years, a federal state would be restructured in place of the unitary state established by Prithvi Narayan Shah, which was issued in accordance with the spirit of the second people's movement of 2006. In Article 138 of Part 17 of the Interim Constitution of Nepal, 2007, it is mentioned that, after ending the centralized and unitary structure of Nepal, the progressive restructuring of the state with an inclusive, democratic federal system of governance and the finalization of the issues related to the restructuring of such state and the form of the federal system of governance is mentioned by the Constituent Assembly.

From this, it was confirmed that the form of government of the future state of Nepal will be federal. So it is now in its actual form and implementation.

IV. PANCHAYAT SYSTEM

The Panchayat System in Nepal stands as a significant chapter in the country's political history, representing a period marked by centralized governance under the monarchy. Instituted in 1960 by King Mahendra, this system replaced the democratic parliamentary system, heralding an era of autocratic rule that lasted for more than three decades.

Under the Panchayat System, political power was concentrated in the hands of the king, who appointed Prime Minister from the parliament and local councils known as "Panchayats" at various administrative levels were elected from public. The system aimed to decentralize governance but paradoxically concentrated authority in the monarchy. The king's direct control extended over political, administrative, and economic affairs, with limited room for dissent or opposition.

The Panchayat System suppressed political parties, curtailing their influence and barring their participation in governance. Instead, it promoted a political structure based on appointed representatives rather than elected officials. The absence of a multi-party democratic framework limited political freedoms and hindered the development of a vibrant political culture.

Despite its centralized control, the Panchayat System did introduce some reforms at the local level, aiming to address rural issues and promote development. It attempted to involve communities in decision-making processes through the Panchayat councils, although under the overarching control of the monarchy.

However, discontent brewed beneath the surface. Civil liberties were restricted, dissent was suppressed, and the aspirations for democracy and broader participation in governance grew among the populace. The lack of political representation, limited freedoms, and socioeconomic disparities fueled public dissatisfaction, leading to demands for change.

The winds of change swept through Nepal in the late 1980s, culminating in the pro-democracy movement of 1990. This movement, marked by widespread protests and political activism, forced the monarchy to concede to the demands for political reforms. As a result, the Panchayat System was dismantled, and Nepal transitioned to a multi-party democratic system, marking a significant shift towards political pluralism and inclusive governance.

The demise of the Panchayat System opened the doors to a new era of political evolution in Nepal, ushering in a period of democratic aspirations and the establishment of a constitutional monarchy. The country embraced a system that prioritized individual freedoms, political representation, and multi-party governance.

In retrospect, the Panchayat System in Nepal left a complex legacy. It centralized power under the monarchy while attempting to address local issues through decentralized councils. However, its suppression of political freedoms and limited scope for democratic participation ultimately led to its downfall. The transition from the Panchayat System to a democratic model represented a defining moment in Nepal's history, signifying the nation's commitment to democratic values, pluralism, and the voice of its people in shaping their collective future.

V. CEREMONIAL MONARCHY

The ceremonial monarchy in Nepal, a post-1990 development, held a distinctive place in the country's political landscape, symbolizing a transformation in the role of the monarchy from absolute power to a more symbolic and ceremonial position.

Following the restoration of democracy in 1990 after the end of the Panchayat System, Nepal transitioned to a constitutional monarchy. This shift delineated the powers of the monarchy, limiting its authority to ceremonial and symbolic roles. The king became a figurehead, with nominal responsibilities in state affairs while the elected representatives held actual political power.

The ceremonial monarchy in Nepal retained a significant place in the hearts of many Nepalese due to its historical and cultural significance (Malagodi, Nepal's Constitutional Foundations between Revolution and Cold War (1950–60), 2023). The monarchy, despite its diminished political influence, continued to embody a sense of unity and tradition in a country characterized by diverse ethnicities, languages, and cultures. The royal family was revered by a portion of the population, representing a link to Nepal's ancient heritage and traditions.

However, the role of the ceremonial monarchy was not without controversy. Divisions emerged among the populace regarding the relevance and necessity of maintaining the monarchy in a democratic setup. Some advocated for the complete abolition of the monarchy, viewing it as a relic of an autocratic past that was incompatible with modern democratic values. Others valued the ceremonial monarchy for its cultural significance and historical legacy, considering it an integral part of Nepal's identity.

The monarchy's role faced challenges and fluctuations in public perception over time. Events such as the royal massacre in 2001, where several members of the royal family tragically lost their lives, led to a shift in public sentiment. The incident sparked debates and discussions about the relevance and future of the monarchy in Nepal's evolving political landscape.

Subsequently, political dynamics in Nepal underwent significant changes. Amidst growing discontent and political instability, the monarchy's role came under scrutiny. In 2008, following the Constituent Assembly elections, Nepal declared itself a federal democratic republic, effectively ending the centuries-old monarchy.

The decision was a culmination of a shift in public sentiment and a desire for a more inclusive and representative form of governance.Nepal's ceremonial monarchy represented a transition from absolute power to a symbolic role within a democratic framework. It embodied historical traditions and cultural significance, but its relevance and role in contemporary governance became subject to debates and shifting public perceptions. Ultimately, the ceremonial monarchy's era came to an end, marking a significant milestone in Nepal's political evolution towards a federal democratic republic.

VI. FEDERALISM

Federalism in Nepal stands as a monumental shift in the country's governance structure, representing a transformative journey towards decentralization, inclusivity, and regional autonomy (Strengthening Fiscal Decentralization in Nepal's Transition to Federalism, July 2022). Instituted in the aftermath of the Comprehensive Peace Accord in 2006, federalism aimed to address historical grievances, empower local communities, and promote equitable development across diverse regions.

The transition from a centralized system to a federal structure sought to devolve power from the center to newly formed provinces, recognizing the ethnic, linguistic, and cultural diversity within Nepal. The country was divided into seven provinces, each entrusted with a degree of autonomy in decision-making processes, resource management, and governance. This move was seen as an opportunity to address historical inequalities and ensure representation for marginalized communities.

However, the implementation of federalism in Nepal has been a journey fraught with challenges. Delineating boundaries for the provinces, allocating resources, and establishing administrative frameworks proved to be complex tasks. Disputes over territory and resources arose, requiring careful negotiation and deliberation to ensure equitable distribution and prevent inter-provincial conflicts.

Furthermore, the transition to federalism necessitated significant reforms in governance structures and systems. Building institutional capacities at the provincial and local levels, empowering elected representatives, and ensuring effective service delivery became imperative. The process demanded extensive coordination, capacity building, and resource mobilization, which posed considerable challenges to the nascent federal system.

Despite these challenges, federalism in Nepal also brought about notable opportunities. It decentralized decision-making processes, allowing for greater participation of local communities in matters affecting their regions. It fostered a sense of ownership and accountability among elected representatives towards their constituents, paving the way for more responsive and inclusive governance.

Moreover, federalism opened avenues for diverse voices to be heard in the political arena. It provided opportunities for marginalized groups, historically underrepresented in national politics, to participate actively in shaping policies and priorities at the provincial and local levels. This inclusive approach aimed to bridge historical divides and promote social harmony through shared governance.

As Nepal continues its journey with federalism, the road ahead remains both challenging and promising. Strengthening inter-governmental coordination, ensuring fiscal sustainability, and addressing socio-economic disparities among provinces are ongoing priorities. Building trust, fostering cooperation, and nurturing a sense of national unity amidst regional diversity remain crucial tasks for the success of federalism in Nepal.

Federalism in Nepal represents a transformative shift towards a more inclusive, participatory, and regionally balanced governance structure. While the journey has been marked by challenges, it signifies a commitment to addressing historical inequalities and empowering diverse communities. As Nepal navigates the complexities of federalism, fostering cooperation and harnessing the potential of diverse regions, it aims to realize the promise of equitable development and inclusive governance for all its citizens.

Federalism is a territorial distribution of power based on the sharing of sovereignty between central (usually national) bodies and peripheral ones. The term federalism was originated from the Latin term "foedus" means unions (Wikipedia, Federalism). Federalism is based on the assumption that its constituent parts are to a considerable degree self organized and self managed. The generally common structural characteristics of federations, as a specific form of federal political systems are the following:
- at least two orders of government, one for the whole federation and the other for the regional units, each acting directly on its citizens;
- a formal constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government ensuring some areas of genuine autonomy for each other;
- provisions for the designated representation of distinct regional views within the federal policy-making institutions, usually provided by the particular form of the federal second chamber;
- a supreme written constitution not unilaterally amendable and requiring the consent for amendments of a significant proportion of the constituent units;
- an umpire (in the form of courts, provisions for referendums, or an upper house with special powers);
- processes and institutions to facilitate intergovernmental collaboration for those areas where governmental responsibilities are shared or inevitably overlap (Watts, 2008).

Federalism is now almost a national consensus issue. Almost all the political forces (except few) are infavour of federal structure. The Interim Constitution of Nepal, 2006 has already made the provision to bring an end to discrimination based on class, caste, language, gender, culture, religion and region by eliminating the centralized and unitary form of the state. The state shall be made inclusive and restructured into a progressive, democratic federal system(Interim Constitution of Nepal, 2006). The constitution also made the provision that the final decision relating to the structure of the state and federal system shall be made by the Constituent Assembly(Ibid.). After above provision made in the constitution, the political parties of Nepal started to make their ideas public in regard to federalism in Nepal.

NCP (Maoist) proposed three levels of state structure (centre, autonomous republics and local level) based on ethnic formation, geographical suitability, lingual basic, economic possibility and other things (Commitment Letter, 2008). Party proposed 11 autonomous republic states and three sub-states. Among them-Seti-Mahakali and BheriKarnali are the states to be formed on the basis of geography and Magarat, Tharuwan, Tamuwan, Newa, Tamsaling, Kirat, Limbuwan, Kochila are the states to be formed on the basis of ethnicity and, Madhesh is a lingual state. But under Madhesh, MithilaBhojpura and Awadh sub-states are proposed to be formed on the basis of language(Ibid.).

Nepali Congress proposed three-level state structure. The party proposed a federal state with autonomous regions to be created by abolishing unitary and centralized state structure of present Nepal. Main basis of the creation of autonomous region is national internity of Nepal, geographical location and suitability, lingual/ethnic and cultural affinity, The debate surrounding the federal system of government is a multifaceted discourse that encapsulates contrasting

perspectives on its merits, challenges and implications for governance. Federalism, as a political system, decentralizes power, dividing it between a central authority and subnational units, aiming to promote regional autonomy, inclusivity, and efficient governance. However, the debate over federalism spans a spectrum of opinions and considerations.

Proponents of the federal system advocate for its capacity to accommodate diverse regional needs and identities. They argue that decentralization fosters localized decision-making, allowing subnational units to tailor policies to address specific regional challenges (Carrasco et al., 2023). Proponents often highlight federalism's role in accommodating cultural, linguistic, and ethnic diversity, preserving local autonomy while ensuring representation in the national political framework.

Moreover, supporters of federalism assert that it serves as a check against centralized authoritarianism, preventing the concentration of power in the hands of a single authority. They argue that the distribution of authority among different levels of government promotes a system of checks and balances, safeguarding against potential abuses of power and enhancing accountability.

On the other hand, critics of federalism raise concerns about its potential drawbacks and challenges. They argue that the division of power between the central government and subnational entities might lead to administrative complexities and coordination issues. Critics highlight the risk of duplication of efforts, conflicting policies, and jurisdictional disputes between different levels of government.

Furthermore, opponents of federalism caution against its potential to exacerbate regional disparities. They argue that, while federalism aims for local empowerment, it might inadvertently lead to inequalities among regions, with some areas benefiting more than others in terms of resources, development, and opportunities. Critics emphasize the importance of maintaining national unity and cohesion, expressing concerns that federalism could fragment the nation along regional lines.

The debate over federalism is also influenced by contextual factors specific to each country or region. Socio-cultural dynamics, historical experiences, economic disparities, and geopolitical considerations shape the discourse on whether federalism is a suitable system of governance for a particular nation.

The debate over federalism encompasses a wide array of perspectives, reflecting divergent opinions on its advantages and challenges. While proponents advocate for its capacity to accommodate diversity and promote local empowerment, critics express concerns about administrative complexities, potential inequalities, and its impact on national unity. Ultimately, the discourse surrounding federalism underscores the complexities of governance, urging careful consideration of its implications and implementation within the context of each nation's unique circumstances.

There are various debates among scholars regarding the definition of federalism. Scholars have pointed out many theories about the character of federalism. Anderson called federalism a constitutional system of two tiers of government that are truly autonomous from each other and primarily accountable to their constituents.He also called federalism the value of incorporating unity and diversity and the political principle of union and decentralization (Non centralization).

Federalism is a government system with at least two levels of government that are formally recognized as autonomous. Federalism is only one of the many governmental systems in the world (Simon et al, 2018). Federalism alone is not the best government option. The suitability of the government system is situational, that is, there is no certainty that the system that is suitable for one country will be suitable for another country. In other words, each country adopts the government system according to its suitability. Scholars analyze the principles in the government system adopted by the countries and classify the government system. Countries adopt a unitary or federal or mixed system of government according to their conditions and circumstances. The government system of any two countries cannot be completely fixed.

At present, about 28 countries of the world have adopted the federal system of government. It seems that federal government system exists in all the countries that have a large population and have adopted a democratic political system. The big countries that have embraced the federal government system include India, the United States of America, Brazil, Russia, Mexico, Germany, Australia, Nigeria, etc., while very small countries like St. Kitts, Micronesia, and Comoros have also adopted the federal government system.

Although the number of countries adopting the federal system is small, in terms of population, about 40 percent of the world's population lives in countries with a federal government system. Despite the diversity of the federal government system of these countries, some specific principles existing in the government system have made these countries a country with a federal government system. Anderson points out the following six principles underlying federalism (2008):

a) At least two tiers of government: one for the entire country and one for the regions.

b) Written Constitution: A provision that some parts of the constitution cannot be amended by the federal government alone.

c) A situation where the constitution provides legislative and financial powers to provide autonomy to both levels of government in a real sense.

d) Special arrangements for regional government participation in the central decision-making process.

(e) Provision of an arbitral tribunal or procedure for the resolution of disputes between the two levels of government.

f) Provision of certain procedures and institutions to facilitate relations between governments.

At least two tiers of government is the minimum character of federalism, although three tiers of federation, region and local government exist in all federal systems. However, regarding the role and place of local government, there is a big difference between the countries that have adopted the federal government system. In some countries, the arrangement of local government is considered as the right of the regional government, while in some countries, it is given constitutional recognition and given the status of a separate government. In fact, even when there is a constitutional system of local bodies, since these bodies are given the right to provide services rather than to make laws, it is appropriate to limit the issue of distribution of rights between the federation and the region. That is why the discussion of distribution of rights is mainly focused on two levels of associations and regions.

In Nepal, the system of local bodies through decentralization of power has started since the establishment of democratic system in 2007. The Local Self-Government Act, 1999 established three levels of local bodies namely village, town and district and strengthened their role. Local bodies have become an integral part of Nepal's government system. For this reason, it is certain that the constitutional system of local bodies will remain in the future federal government system of Nepal. The preliminary report of the subject committee of the Constituent Assembly also identified the local level as one of the levels of governance. When discussing the federalism of Nepal, it is necessary to discuss about the three levels of government namely the Union, State and Local Government.

At one time and at the same time, the powerful desire to unite for some purposes and the internal deep desire of the regional autonomous government for the remaining purposes appear as a common character in all federalism. This character determines the pattern of distribution of rights between the federation and the regional autonomous government in federalism. Similarly, the specific conditions and distribution of rights varies according to the common purpose and diversity of the society. In most of the countries with a federal system of government, legislative and executive powers are divided at the federal and regional levels. However, there is diversity in the distribution and use of such rights.

Union and region are given separate full rights and one level is independent from another level to exercise this right. There is no equality in the distribution of such rights in all countries that embrace federalism. Some countries seem to have relatively more rights in the union, while some countries seem to have less rights.

In the Constitution of the United States of America, the power of the Union is mentioned only in 8 of the 18 titles and the rest is in the jurisdiction, while the details of the distribution of power in the Constitution of India are mentioned in the weekly schedule, 97 details are found in the full jurisdiction of the Union and 66 details are in the full jurisdiction of the 9 territories.

Although the constitutional distribution of rights between the Union and the regions is a special feature of federalism, based on the belief that the rights of some subjects cannot be clearly divided into the Union or the region, the rights of some subjects are divided into both the Union and the region and are placed in such a way that they can spread in each other's jurisdiction (Paramountcy). Such rights are called divided rights. If there is a dispute between the union and the region regarding the issue of the use of divided rights, the rights of the union will be recognized as priority rights. Even in the distribution of divided powers, there is no equality between countries with a federal system of government. In some countries such as the United States of America, Australia, Germany, and India, the details of the divided jurisdictions are broad, while in Canada, there is a narrow description covering only six subjects.

At a glance, the right of share looks like a divided right, but it is very different from a divided right. When the right of a subject is related to two levels of government, such a right is called the right of stake. For example, the nature of the right related to the existing environment in many countries with a federal government system can be taken. Both federal and regional governments have full authority to regulate major environmental projects in Canada. The permission of both levels of government is required for the construction of such projects. The right of share is also different from the right of division because the right of share does not have priority in the case of dispute, while the right of association has priority in the case of division.

In the federal system of government, the constitution itself has distributed the powers of different levels of government. Despite this, constitutional arrangements have also been made regarding the rights of subjects that are not mentioned in the constitution. The system in which the rights of subjects not mentioned in the constitution are designated as constitutional rights are called residual rights. Residual rights are in the Union in some countries and in the regions in some countries.

In countries like the United States of America, Switzerland, Australia, and Germany, which are made up of regions, there are residual rights in the area, while in countries like India, Canada, and Malaysia, which have gone from a unitary government system to a federal government system, such residual rights are found in the union.

In the case where the constitution distributes the powers in detail among the levels of government, the area of residual rights is narrow and the power is less, while in the case of the distribution of powers in a narrow way, the area of the residual rights is wide and the power is also high. In the constitution of countries like India and Malaysia, the details of the distribution of powers between the levels of government are very detailed.

There, the value of residual rights is automatically reduced. In countries like the United States of America and Germany, the details of the distribution of rights in the constitution are brief. Therefore, the importance of residual rights is automatically increased in such countries.

The constitutions of some countries that have adopted a federal system of government have provided specific emergency or top-riding powers to the union to enter or reduce the authority of the region in certain situations. Such a right is especially reserved by the founders of the federal government system to prevent the possible disintegration of the union in the future. Such non-union rights are mentioned in the Indian, Pakistani, Malaysian and Argentinian constitutions.

In most countries with a federal system of government, local bodies are placed under the responsibility of regional governments. In such a case, the jurisdiction of the local body is determined by the regional government. In countries with a federal system of government, where local government is regulated by the constitution, the rights of the local government are also mentioned in the constitution. For example, the provision of local bodies in the Indian constitution is mentioned in the constitution itself and the details of the powers of local bodies are mentioned in the eleventh and twelfth schedules of the constitution. In most countries, local governments are not given legislative powers, only executive powers.

In the federal system, according to the distribution of power prescribed by the constitution, the work of making laws is done at two levels-federal and regional level. For the implementation of the laws created in this way, it is not found that all the countries with a federal government system have the same executive system. When conducting a comparative study of associations, it appears that there are three types of executive system in practice for the implementation of laws approved by the association or region.

VII. DUALIST SYSTEM

An executive system is also known as the traditional model of federalism. Especially in associations with traditional traditions, at each level of government, the executive authority is also assigned in accordance with the subject in which he has received legislative authority. In this system, almost every level of government implements the program using its civil services and departments in its area of responsibility. In such a system, the departments of the federal government are spread across the country. This kind of dual executive system exists in the United States, Canada and Australia.

Integrated or interlocking system

An integrated or inter-branch executive system is found in countries where one level of government has complete authority in some matters, but in most matters there is a constitutional system of divided authority between the federation and the regions. Germany, Austria, South Africa are examples of this.

In the countries where there is such a system, the federation makes a draft law on matters under the division of powers, while the region can make a law that complements it so as not to be adverse to it. The regions also implement the programs within such divided jurisdictions in their respective regions.

In this case, there is a very small civil service limited to the area where the union has full authority within the geographical boundaries of the region. This system is sometimes called the system of administrative federalism because the main authority of the region is the administrative authority.

Mixed System

In any country with a federal system of government, the above-mentioned purely executive system does not exist. Whatever is said theoretically, practically speaking, the dual system has not been able to make a clear division of rights. Some issues have regional, national and international dimensions, while many different responsibilities of the government are interrelated. In this case, even in the same country, the amount of both systems is more or less. Canada, the United States of America and Brazil are mostly countries with dual systems, while Germany, Austria, and Spain are countries with mostly integrated or inter-governing systems. India and Switzerland have strongly adopted both systems. Nepal has also adopted the mixed system.

The ancient public service was based on loyalty to the individual and the feudal system. As the authoritarian system began to be replaced by the democratic system, the recognition of "winner's everything" came and the feudal system began, where the winning political party distributed public administration posts to its supporters as rewards. This Bhandantra system increased irregularities and corruption in public administration. Against this backdrop, efforts to improve public administration began in America and Europe. In the year 1854, the report of the British NorthcountTravilyan indicated the beginning of the merit system in the British public administration.

The effect of this effort to reform British public administration also reached America across the Atlantic. The Civil Service Act came into being in 1883 in America. This law started the merit system based on competition instead of the bureaucracy in the American public administration. 16. Widrow Wilson, a great personality of American public administration reform, argued that politics and administration are different, and brought forward the idea that administration is a tool for implementing public policy and a technical subject. Europe's Max Weaver, presenting the theory of public administration, put forward the idea of specific and professional public service, recruitment and appointment based on merit, politically fair and absolute civil service with change of government.

In the second half of the twentieth century (80s and 90s), the economic subject in public administration began to gain importance. With the introduction of financial approach in public administration, the traditional concept of public administration has been displaced by the concept of new public management. In the service provided by the public administration, it was also praised for achieving results with efficiency and effectiveness. The concept of different spheres of politics and administration was weakened. With the economic liberalization of the nineties, the role of the government was also redefined. Alternative measures were used to make the service flow effective. In addition to civil services based on permanent and professional development, alternative measures of manpower acquisition for public service flow were adopted. Despite these far-reaching changes in public administration, there has been no change in some established principles of civil administration.

VIII. PUBLIC VIEWS OF FEDERALISM IN NEPAL

All levels of government have the same objective for the welfare and well-being of the citizens. Once the objective is the same, disagreements between governments about the means of achieving the objective have little significance. From this point of view, it will not be difficult to harmonize the services, conditions and facilities of civil service employees when all levels of government work together. In the case of working together, since both union and field employees have similar work experience, it is easier to broaden the professional development, which is also great from the point of view of efficient operation of the civil service. This opportunity for skill development also helps to strengthen the relationship between the association and the region. When the union and the region work together, they create mutual tolerance and harmony, which helps to strengthen the federalism. It prevents the creation of an

environment of mistrust between the union and the region. The inter-regional civil service seen in federal countries is the culmination of the concept of different levels of government working together.

Sovereignty is the most glorious and beloved subject of any country. Both the people and the ruler have the mentality that sovereignty is stronger in a unitary state system. Federalism is the opposite of unitary state system. That is why, when the countries that have embraced the unitary system enter into federalism, the issue of how the country can be kept as a sovereign nation is a serious issue for the political forces.

Especially in the countries that have gone from a centralized governance system to a federal governance system, the psychology that federalism can promote separatist activities exists in the federal government as well as in the public mind. Since it is assumed that sovereignty may be affected when any country enters federalism, federalism is not formulated by weakening the center and strengthening the regions.

In this situation, the center also wants to control the area through civil administration. The Center has insisted on adopting an integrated civil service system to maintain national unity and maintain central control. Integrated civil service works to assure the center to keep the country as one nation.

Globalization is another important issue affecting the federal framework. Due to increasing globalization, the sovereign rights of the traditionally maintained states have been divided at the international level. The environment outside the country is influencing the behavior of the country. Public policies within the country are becoming a valued commodity in the international world.

The success achieved by the country today is becoming embedded in the efficient management of the effects and opportunities arising from globalization. The regional government cannot deal with the changes in the external environment as quickly as the central government can. In addition, the management of the effects of globalization on the whole country is not something that can be done only by the regional government that takes responsibility for a limited geographical area. That is why the demand for a strong center has become a necessity of increasing globalization. In order to be strong, the center needs to strengthen its position in civil service. In addition, the management of the effects of globalization on the whole country is not something that can be done only by the regional government that takes responsibility for a limited geographical area. That is why the demand for a strong center has become a necessity of increasing globalization. In order to be strong, the center needs to strengthen its position in civil service.

Federalism is the modern management of diversity. When you manage your civil service according to your situation and capacity, you practice federalism in the true sense. By managing one's work in one's own way, ambiguity and duplicity in work will be removed, there will be no situation of dual responsibility. In the federal government, it also creates a situation of rivalry between the Union and the regions. The efficiency and effectiveness of the civil service increase with the competition between the Union and the regions and regions. A parallel or dual civil service system creates a competitive environment. By managing the civil service at the regional level, the civil service gets a more regional face, which is essential to make the service flow more people-friendly. In addition, the people of the region have a greater sense of belonging to the civil service organized at the regional level. In this situation, it is said that federalism is strengthened when all levels of government organize civil services in their own way.

When Nepal enters federalism, it is necessary to thoroughly analyze the current state of civil service. In the same way, the excellence of civil service, harmony, national unity and integrity, globalization and innovation, etc., which are connected with federalism, should be studied in detail and the format of civil service should be made. Considering the current situation in Nepal, it seems appropriate for Nepal to start with integrated civil service and adopt a mixed civil service system between federations and regions. In this process, appropriate adjustment of the existing civil services is also inevitable. It is also necessary to pay equal attention to the fact that if we proceed with federalism only as an opportunity to reorganize the civil service without study and research, it may lead to difficult situations.

Federalism in Nepal emerged as a pivotal solution to address societal disparities and administrative gaps following the monarchy's downfall. Madhesh, advocating for its political identity, played a crucial role in pushing for federalism, seeking to institutionalize its long-muted voice. However, despite federalism's centrality, it was frequently sidelined, leading to discontent and protests within Madhesh. Eventually, an amendment guaranteeing federalism was made to Nepal's constitution, aiming to enhance autonomy and governance outcomes.

The implementation of federalism in Madhesh brought about a notable shift in political engagement, empowering marginalized communities to actively participate in governance at local levels. This resurgence of representation has fostered inclusivity in decision-making processes, promoting diversity in cultural, caste, and gender representation. Madhesh distinguishes itself within Nepal's federal framework, resisting being classified solely as a developmental unit of Kathmandu, emphasizing the distinct powers granted to provinces separate from central authority.

However, challenges persist in the effective execution of federalism. Disputes between the central government and Madhesh have arisen over jurisdictional boundaries, with instances of the central government initiating projects within provincial mandates. Expectations on Madhesh to excel in executing federalism are high, considering the struggles endured to achieve this status, leading to a perception of this opportunity as long-awaited.

Despite challenges, tangible transformations are evident in Madhesh, showcasing a comparatively more stable government, significant legislation promoting empowerment (like the Dalit Empowerment Act), and increased opportunities for women through employment reservations.

In Madhesh, optimism prevails regarding federalism in Nepal, despite acknowledged deficiencies. While some anticipate gradual improvement in the long-term implementation, a growing negative sentiment pervades the country. This negativity is directed particularly at the provincial governments, seen as inflating administrative expenses without delivering expected outcomes over the past six years.

Initially hailed as a solution to bring governance to grassroots levels, federalism, notably the provincial structure, has incurred substantial financial costs yet fallen short of expectations. Intended to address poverty and discrimination, federalism has instead birthed new complexities. The emotional impetus behind its hurried implementation has led to heavy reliance on federal grants for sustenance, fueling arguments against the entire provincial framework.

Nepal's federal setup, comprising a complex three-tiered governance system, with 761 governing entities, has escalated the cost of governance significantly. This proliferation, while advantageous for political representation, has strained the nation's financial health without yielding desired progress, leading to disillusionment among citizens who perceive federalism as burdensome, linked with increased taxation and little improvement in their lives.

IX. CONCLUSIONS

In conclusion, the exploration of public views on federalism in Nepal reveals a nuanced tapestry of perspectives influenced by historical, socio-cultural, and political contexts. The research findings underscore the diversity of opinions among Nepali citizens, reflecting a complex interplay of factors such as regional identities, socio-economic disparities, and experiences with governance structures.

It is evident that while some segments of society perceive federalism as a mechanism for empowerment, decentralization and cultural representation, others express concerns about its implementation, effectiveness and potential for exacerbating divisions. The multiplicity of views underscores the need for inclusive dialogue, education, and civic engagement to foster a shared understanding of federalism's objectives and benefits.

Moreover, this research emphasizes the significance of addressing socio-economic disparities among regions, ensuring equitable resource distribution, and strengthening institutions for effective governance at all levels. Recognizing and respecting diverse cultural identities while fostering a sense of national unity remains a critical challenge that requires sustained efforts from both policymakers and civil society.

The implications of these varied perspectives on federalism in Nepal are far-reaching, impacting the country's socio-political landscape, governance structures, and democratic processes. Moving forward, it is imperative to heed the voices of the populace, engaging in participatory decision-making processes to shape inclusive policies that resonate with the aspirations of all Nepali citizens.

Ultimately, this research serves as a starting point for further in-depth exploration and continued dialogue on federalism in Nepal, emphasizing the importance of continual assessment, adaptation, and responsiveness to the evolving needs and aspirations of the diverse Nepali population.

REFERENCES

1. Anderson, George. (2008). Federalism: An Introduction. Oxford University Press. Building Common Ground: A New Vision for Impact Assessment in Canada.Government of Canada. https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental assessment-processes/building-common-ground.html
2. Carrasco, Bruno, Hanif A. Rahemtulla, & Rainer Rohdewohld (editors).(2023). Decentralization, Local Governance, and Localizing the Sustainable Development Goals in Asia and the Pacific.Routledge. Commitment Letter of NCP (Maoist) for the Constituent Assembly Elections. (2008). p. 21. Constitution of Nepal.(2015). Government of Nepal.http://www.easynepalityping.com/nepali-sanvidhana.
3. Federalism. http://en.wikipedia.org/wiki/federalism Karki, Budhi, &RohanEdrisinha. (2014).
4. The Federalism Debate in Nepal. UNDP/SPCBN.FES Asia Editorial.(2021). Nepal's renewed struggle for democratic consolidation.FriedreichEbert Stiftung. https://asia.fes.de/news/nepal-democracy Interim Constitution of Nepal, 2006 (as amended by First Amendment 2006), Article 138 (1).
5. Malagodi, Mara. (February, 2023). Nepal's Constitutional Foundations between Revolution and Cold War (1950–60). Cambridge University Press. (Online)
6. Mallik, Vidyadhar. (2013). Local and Community Governance for Peace and Development in Nepal Bonn German Development Institute.
7. Regmi K, Upadhyay M, Tarin E. et al. (2017). Need of the Ministry of Health in Federal Democratic Republic of Nepal. JNMA J Nepal Med Assoc., 56(206):281–287.
8. Strengthening Fiscal Decentralization in Nepal's Transition to Federalism. (July 2022). Asian Development Bank.

IJARETY

International Journal of Advanced Research in Education and TechnologY (IJARETY)