

IMPLEMENTATION OF DISTRIBUTIVE JUSTICE AS PROVISIONED IN THE CONSTITUTION OF NEPAL

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Abstract

The Latin form of the term "Justice" is 'Justus' or 'Justia' and it is from these terms that the word jus is derived having varying meanings such as truth, morality, righteousness, equality, and fairness, mercy, impartiality, rightness, law, etc. The literal meaning of the term "Justice" indicates the fair treatment of the people. It also relates to the fair and proper administration of law and social order. Justice is not only concerned about the subject of jurists but also center philosophy of moral and social philosophy. It is the first virtue of social institutions, as truth is the systems of thought. It is believed that intrinsic¹ justice of their actions is something that develops naturally within political communities.

It is unequivocally believed that justice is the highest virtue of mankind. Without justice, there may not be peace, tranquility, prosperity, security, humanity and meaningful life in individual, family, society and nation. The absence of just has been the root cause of each conflict. Such conflict may arise from family, community, culture, economy, politics, etc. In the present scenario, there are many instances of various strifes in our society and the entire nation. All the people are suffering from different kinds of economic anomalies, societal

¹ Bernard Yack, Natural Right and Aristotle's Understanding of Justice: Political Theory, May 1990, vol. 18, no. 2, at 216-236.

disharmony, political unaccountability, discrepancies, irregularities and various forms of corruption. Due to all these reasons, people have been victimized by injustice. As injustice anywhere, there is a threat to justice everywhere. To explore more about hidden root causes of injustice, the research topic has been chosen to justify in all ways by interconnecting with the contemporary issues of the society and nation.

The term justice is the vaguest relative term or variable which becomes coalesced with the truth from the different philosophical perspectives, economic determinative factors, political identity, religious values, socio-cultural recognition, and the like. As the truth changes; so, does the justice. Nothing is permanent in the world. Even the environment changes at its own pace, let alone other superstructures. Due to all those multifarious phenomena, the concept of justice is also found to have been understood relatively and its cycle keeps on moving accordingly as it was in the past, as it is in this present and shall be in the future too accordingly. It is associated with the pursuit of justice in the Republic commences when the elderly, wealthy Cephalus suggests that justice² involves nothing more than telling the truth and repaying one's debts.

Key Words: Virtue, equality, fairness, truth, federalism, constitution, morality, fundamental, distributive, right

1. Introduction of Distributive Justice

Distributive justice refers to the perceived fairness of an allocation or, more broadly, to how people judge what they receive. It was probably the first type of justice to gain the attention of organizational justice scholars and continues to receive wide attention. In general, there are three rules that people can use to decide whether or not their outcomes are fair – equity, equality, and need. Most contemporary writing about justice is about distributive justice, about the appropriate distribution of goods. In the Nicomachean Ethics, Aristotle puts forward the view that goods should be distributed to individuals on the basis of their relative claims. Such an idea is but a framework for examining different conceptions of justice: thus, good might be distributed according to needs or desert or moral virtue, etc. his claim. Hence, it is a claim to rule and a basis for determining³ equality or inequality which would allow for the operation of distributive justice.

Equity allocations treat a fair allocation as one that pays individuals in accordance with their contributions. There are different models of equity – Aristotle even had one – but by far the most influential is Adams' equity theory. According to Adams, individuals calculate equity comparing two outcome/input ratios. The first ratio is their own outcomes divided by their own inputs, while the second is a referent's outcomes divided by the referent's inputs. In order for equity to exist,

² Anastasios Ladikos, THE PURSUIT OF JUSTICE IN PLATO'S REPUBLIC: Phronimon, 2006, vol. 7, no. 2, at 73-88.

³ William Mathie, POLITICAL AND DISTRIBUTIVE JUSTICE IN THE POLITICAL SCIENCE OF ARISTOTLE: The Review of Politics, vol. 49, no. 1, winter, 1987, at 59-84.

these two ratios should match. A counterintuitive prediction of equity theory is that people care about over reward, as well as under reward. If an individual's ratio is larger than that of a referent person, this means that the individual has greater outcomes given his or her inputs. In such a circumstance, Adams found that the individual will attempt to restore equity by either raising performance (if pay is fixed) or lowering performance (if pay is piece rate). In general, equity theory has received support, including predictions for over reward. But it is not the whole story.

An equality allocation provides everyone with the same amount, without regard to contributions. Equality allocations are most likely to be used when the goal is to maximize group harmony; equity allocations are most common when the goal is to maximize productivity. As such, equality is relatively common among close, communal groups. There is some evidence that equality, as opposed to equity, is also preferred when decision making is allocating something negative, such as budget cuts. If we must share suffering, it seems that individuals often prefer to suffer by the same amount or percentage. Interestingly, equality may also have an information processing advantage, as it is a very simple allocation rule that requires less effortful thought than others. In this regard, researchers have documented the existence of an equality heuristic, whereby people simply divide things evenly unless they have the cognitive resources to consider a more complex norm (such as equity).

A third allocation rule is need, which provides outcomes on the basis of a perceived deficit. Perhaps surprisingly, need allocations have been less widely studied in the organizational sciences, although even profit-making firms make at least some use of them? For instance, family leave policies are allocated to those who need them only people with particular needs (e.g., child care or elder care) receive time off.

In practice, when people are asked to make allocation decision, they often mix the rules together, such that they are not always used in a pure form. For example, one strategy might be to provide 'necessities' or a minimum income to all. This would be an equality of allocation. However, above this equal minimum the equity rule could be employed. In this regard, one might use merit to allocate additional payments. Another mixed approach might be to allocate different goods in different ways. Among American employers, for example, socioemotional goods indicative of group standing is often allocated equally, whereas economic goods are often allocated through equity. These and other sorts of mixed approaches seek to balance the strengths and weaknesses of the different allocation rules. Distributive Justice is contemplated as the crucial point is that the difference principle⁴ can be regarded as an agreement to consider the distribution of natural assets as common property and to share in the benefits of this distribution whatever it turns out to be.

⁴ Adenda, SOME DISTRIBUTIVE JUSTICE: Given as the Natural Law Forum Lecture at Notre Dame, Nov. 1968, at 61.

2. General Background of Distributive Justice

Specifically speaking, it is clear that the justice of distributive⁵ shares depends on the background institutions and how they allocate total income, wages and other income plus transfers with the strong objection to the competitive determination of total income, since this ignores the claims of need and an appropriate standard of life. And the reflection of distribution can be seen in the definition of nation and state in Article 3 of the constitution, which has also been reiterated in the preamble of the constitution. Article 18 provides for the right to equality with positive discrimination, whereas Articles 42 and 43 deal with social justice and social security in the constitution. Similarly, Article 51 has adopted 14 policies related to social justice and inclusion. There is a constitutional provision that three levels of executive (federal, provincial and local) should be created in an inclusive structure so as to make inclusion successful through various state's mechanism like Women Commission, Dalit Commission, Inclusion Commission, Tribal Commission, Madhesi Commission, Tharu Commission and Muslim Commission. Besides aforementioned constitutional provision, there are some statutory provisions which envision the core concept of distribution justice. Section 6 of the Good Governance Operation and Management Act, 2064 covers the inclusion in the list of values for conducting public administration. Acts including Civil Service Act, 2049 have adopted the policy of reservation in public services. The 15th five-year plan aims to empower and develop backward communities based on the thinking of inclusive development and the human development index with the presence and meaningful participation of all citizens of the state. At the policy level, it seems that there is an attempt to manage diversity with the main strategy of economic and social transformation through proportional representation, participation and positive discrimination.

Nepal is basically divided into 3 region- the snow-clad Mountains, the green Hills and the plain Terai. If we compare the lifestyle of people living in these areas, we will be able to see clear differences. Due to remote nature of Geography- the infrastructures are least developed, lack of proper schools, health and communication services, in Himalayan region. It requires high budget requirement to uplift the status and be balanced to that living in the valley.

3. Current Situation

3.1 Caste/ Equality

There is explicit provision under the Constitution of Nepal that all citizens⁶ are equal before law, there shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health...”

The idea of social justice⁷ has been highly prioritized by the present constitution nevertheless the political parties are still in the dark ignoring what has been mentioned in the constitution. Dalits constitute 13.8 percent of the population of Nepal. There should be at least 37 or 38 Dalit

⁵ John Rawls, A THEORY OF JUSTICE, Revised Ed., 2019, at 244-145.

⁶ Art. 18 (2) of the Constitution of Nepal, 2015

⁷ Supra note, Art. 48

members in the House of Representatives considering their share of the national population, but there are only 16, only one of whom was directly elected. This shows that the constitution has not been fully implemented in distributing the social framework of the society.

There still exists gaps to fully obtain the essence of social justice in Nepal. It was clearly evident, when the entire nation witnessed the killing of Navaraj BK and his friends in Rukum, the incident of 2020 AD. The World Economic Forum recently published its Global Gender Gap report which predicts that it will take another 100 years to achieve equality between men and women. But how much longer will it take to achieve parity between Dalits and non-Dalits in Nepal and South Asia?

A Supreme Court ruling in December 2007 particularly paved the way for what are now constitutionally guaranteed rights of gender and sexual minorities, including anti-discrimination and right to equality. But when it comes to practice, ground realities contrast the progressive laws on paper. Queer individuals also continue to face constant harassment and attacks, and some have even been murdered. This incident further shocked the entire nation when a 23-year old Rukshana Kapali was refused to accept her exam registration form for her Bachelor's second year exam. This happened due to her "Gender". Even, during the 2021 census, gender was also limited to male, female and 'others' despite government attempts to acknowledge the queer population. Many queer individuals were forced to select the "others" category even if "they didn't identify with the gender marker."

The constitution provides for the proportional representation first of women, then of Dalits. A law has been passed to guarantee 33 percent representation of women. However, in the election laws, the Khas-Arya group has been kept as the first cluster for proportional representation. Constitutional provisions were breached to keep the Khas-Arya group as the first cluster, that too with the largest share. This shows how the mindset of the people responsible for creating laws has not changed at all.

3.1.2 Efforts to promote distributive Justice

1. Constitutionally accepted concept: The Constitution of Nepal, 2015 have rightfully mentioned all the ways to exercise and promote the concept of distributive justice. However, there exists few loopholes, which can be overcome by the effective planning and transparent working policies;
2. Annual budget focusing on welfare as well as production increase;
3. Financial help for elderly, widows, differently abled;
4. Free medical treatment in government hospitals: Every year Nepal separates a significant fund for medical treatment, but the budget despite well-planned never reaches the concerned person. Thus, ensuring free medical treatment in government hospitals (like the way it provided free COVID- 19 vaccines), would essentially be helpful for all;
5. Incentives in various commodities for downtrodden groups: One of the examples could be the reservation system. Though the applicability of it is highly debatable in recent times, at

- the beginning, the reservation system was started to eradicate the social gaps between various castes and also to bring the secluded tribes into the mainstream society by means of reserving their places in every sphere;
6. Proportional representation encouraged and actively pursued by government policy and
 7. Poverty alleviation fund.

4. Navigating the Federal Paradox: Ensuring Public Access to Fundamental Rights Preserved by the Constitution of Nepal

This paper embarks on a comprehensive exploration of the intricate dynamics and paradoxes surrounding public access to fundamental rights within the federal structure of Nepal. Rooted in the Latin terms "Justus" and "Justia," fundamental rights encapsulate a myriad of principles, including truth, morality, equality, and fairness. Recognizing justice as the linchpin of societal virtues, this study focuses on the pivotal role played by fundamental rights in fostering peace, prosperity, and humanity at individual, familial, societal, and national levels. Despite the constitutional guarantees, persistent challenges such as economic anomalies, societal disharmony, political unaccountability, and various forms of corruption underline the pressing need for an in-depth investigation into the underlying causes and the formulation of effective policy interventions. It is believed that the totalitarian⁸ conception of justice is succinctly expressed in the Nazi slogan 'Recht ist, was dem Staate nutzt' ('Right is what benefits the state'). And justice often defined and validated through the characterization of the state and its valid rulers.

The challenges identified include unequal resource allocation, limited legal awareness, and education at the grassroots level, and variations in the interpretation and implementation of constitutional provisions. To address these issues, the paper proposes a set of comprehensive policy interventions. The suggested interventions include implementing a resource equalization mechanism to address disparities in resource allocation, launching legal literacy programs to empower citizens with knowledge of their rights, developing standardized implementation protocols to ensure consistent protection of fundamental rights, establishing accessible public grievance mechanisms, and investing in capacity building for local authorities and judicial bodies. By advocating for these policy interventions, the paper aims to bridge the gap between federal structures and constitutional commitments, fostering a more inclusive and rights-conscious society. The ultimate goal is to ensure that every citizen, regardless of their geographic location, can fully enjoy the fundamental rights guaranteed by the Constitution of Nepal. This abstract provides an overview of the key issues addressed in the paper and the proposed strategies to navigate the challenges posed by the federal paradox in Nepal.

4.1 Federalism and Fundamental Rights

The Constitution of Nepal 2015, promulgated on 16th September guarantees its citizens a comprehensive set of fundamental rights enshrined in Part 3, titled "Fundamental Rights and Duties." The constitution upholds the Right to Equality, emphasizing the equality of all citizens before the law and prohibiting discrimination on various grounds such as origin, religion, race,

⁸ M. B. Foster, ON PLATO'S CONCEPTION OF JUSTICE IN THE REPUBLIC: The Philosophical Quarterly, vol. 1, no. 3, Apr., 1951, at 206-217.

caste, tribe, sex, and more. Additionally, the Right to Freedom ensures citizens' freedom of expression, assembly, association, and protection from torture or cruel treatment.

The constitution staunchly opposes exploitation, prohibiting slavery, servitude, forced labor, bonded labor, trafficking, and child labor in any form. The Right to Social Justice mandates that the state refrain from discriminating against citizens based on various factors and ensures equal opportunities for participation in state structures. Privacy is safeguarded by the Right to Privacy, protecting individuals, residences, property, documents, correspondence, and matters related to reputation.

Transparency and access to information are emphasized through the Right to Information, allowing every citizen to demand and receive information on matters of interest. The Right to Education ensures every citizen's right to education, with provisions for free and compulsory education up to the basic level. Health services are guaranteed under the Right to Health, providing citizens with free basic health services.

Environmental rights are recognized through the Right to Housing, granting citizens the right to a clean environment and the right to live in a healthy space. Social security is ensured by the Right to Social Security, aiming to provide citizens with a safety net. These fundamental rights collectively underscore the commitment of the Nepalese Constitution to protecting citizens' dignity, freedom, and equality, while also allowing for reasonable restrictions to safeguard the state's sovereignty, integrity, and public order.

In Nepal, the intersection of federalism and fundamental rights is a crucial aspect of the constitutional framework. Federalism in Nepal entails the division of the country into different provinces, allowing for decentralized governance. This federal structure is designed to address regional disparities, promote inclusivity, and enhance local governance. However, the implementation of federalism has presented certain challenges and complexities concerning the uniform protection and accessibility of fundamental rights across different provinces.

One of the key paradoxes in the context of federalism is the potential for variations in the implementation and prioritization of fundamental rights across provinces. The decentralized nature of governance might lead to differences in the interpretation and enforcement of these rights. While federalism aims to empower local governments, there is a need to ensure that the protection of fundamental rights remains consistent and is not compromised based on geographical locations.

For instance, the Right to Social Justice, which prohibits discrimination on various grounds, becomes particularly relevant in the context of federalism. The challenge lies in addressing historical and social inequalities that may persist in certain provinces. Similarly, issues such as the right to education and health need to be uniformly addressed, considering the diverse socio-economic conditions across provinces.

Moreover, the right to information becomes crucial in ensuring transparency and accountability at both the federal and provincial levels. Citizens must have access to information about local governance and decision-making processes to actively participate in democratic practices.

Efforts need to be made to harmonize federalism with the protection of fundamental rights, creating mechanisms for coordination and cooperation among different levels of government. It is essential to establish checks and balances to prevent potential abuses of power and ensure that fundamental rights are upheld consistently throughout the country.

In conclusion, while federalism holds the promise of enhancing local governance and addressing regional disparities, it also poses challenges in ensuring the uniform protection of fundamental rights. Striking the right balance between decentralized governance and the consistent protection of individual liberties is crucial for the success of Nepal's federal system.

4.1.2 Challenges in Public Access

1. Unequal Resource Distribution

The persistent challenge of uneven resource distribution among provinces in Nepal has created significant disparities in the accessibility of essential services, thereby impeding the uniform enjoyment of fundamental rights across diverse regions. This issue is particularly evident in sectors crucial to the well-being of citizens, such as education, healthcare, and infrastructure.

Likewise, Rachana Kamtekar writes in her article on social justice and happiness:

the Republic, Socrates says that social justice is 'doing one's own', i.e. 'everyone must practice one of the occupations in the city for which he is naturally best suited'. One would ordinarily suppose social justice to concern not only the allocation of duties but also the distribution of benefits. I argue that this expectation is fulfilled not by Plato's conception of social justice, but by the normative basis for it, Plato's requirement of aiming at the happiness of all the citizens. It is argued that Plato treats social justice as a necessary but not sufficient means to happiness that guarantees only the production of the greatest goods; ensuring that these goods are distributed so as to maximize the happiness of the whole city requires a direct application of Plato's happiness⁹ principle, which I interpret individualistically and then use to explain women's equality in work and education.

A. Education Disparities

Certain provinces grapple with inadequate resource allocation, impacting the educational landscape. For example, a lack of sufficient funds may result in disparities in school infrastructure, teacher quality, and educational resources. This, in turn, affects the quality of education and limits the opportunities available to students in these provinces. Consequently, the Right to Education, as enshrined in the constitution, faces challenges in its consistent application and realization.

B. Healthcare Disparities

Unequal distribution of resources is also conspicuous in the healthcare sector. Some provinces may struggle to provide adequate healthcare infrastructure, medical personnel, and essential supplies due to limited financial allocations. This inequity directly affects citizens' access to quality healthcare, infringing upon their Right to Health as guaranteed by the constitution.

⁹ Rachana Kamtekar, SOCIAL JUSTICE AND HAPPINESS IN THE REPUBLIC: Plato's Two Principles, "History of Political Thought, vol. 22, no. 2, Summer 2001, at 189-220.

C. Infrastructure Disparities

Infrastructure development, including transportation and communication networks, exhibits significant variations across provinces. Regions with insufficient resource allocation may experience slower progress in infrastructure development, hindering economic opportunities and limiting citizens' ability to fully participate in social and economic life.

2. Legal Awareness and Education

The diverse legal frameworks introduced by federalism demand a nuanced understanding at the local level. However, limited legal awareness can lead to confusion, hindering citizens from comprehending their rights. In provinces where legal awareness is constrained, the consistent implementation of fundamental rights may face challenges, creating disparities in the protection and exercise of rights across different regions.

Moreover, the lack of legal awareness contributes to disparities in accessing justice mechanisms. Addressing these challenges requires the integration of targeted legal education and awareness programs into the federal governance structure. Collaborative efforts with local authorities, NGOs, and educational institutions become essential to ensure that citizens are well-informed about their fundamental rights. Empowering individuals with legal knowledge are crucial for fostering a culture of justice and upholding the principles of federalism. A people who are by nature capable of producing a race superior in the excellence needed for political rule are fitted for kingly government; and a people submitting to be ruled as freemen by men whose excellence renders them capable of political command are adapted for an aristocracy: while the people who are suited for constitutional freedom are those among whom their naturally exist a warlike multitude¹⁰.

3. Inconsistent Implementation

The federal structure of Nepal introduces a challenge of inconsistent implementation stemming from differences in the interpretation and execution of constitutional provisions across provinces. This variation in understanding and applying the constitution gives rise to disparities in the protection and enforcement of fundamental rights, posing a significant obstacle to the uniform realization of constitutional guarantees. To address these challenges, collaborative efforts between the federal and provincial levels are necessary. Establishing mechanisms for legal coordination, sharing best practices, and fostering a standardized approach to constitutional interpretation can contribute to a more uniform implementation of fundamental rights.

4.2 Policy Interventions

1.Resource Equalization Mechanism

One pivotal strategy to overcome the challenge of unequal resource distribution among provinces in the context of federalism is the implementation of a robust resource equalization mechanism. This mechanism aims to address and rectify the existing disparities in resource allocation, fostering a more equitable distribution of essential services across all provinces. By establishing a comprehensive framework for resource equalization, the government can guarantee that

¹⁰ Gabriela Remow, ARISTOTLE, ANTIGONE AND NATURAL JUSTICE: History of Political Thought, Winter, 2008, vol. 29, no. 4, at 585-600.

fundamental rights, such as access to education, healthcare, and infrastructure, are uniformly available to citizens irrespective of their geographical location.

In practice, the resource equalization mechanism could involve the creation of a transparent and accountable system for allocating funds and resources to different provinces. This system should be regularly reviewed and adjusted based on evolving socio-economic factors, guaranteeing an adaptive and responsive approach. That's why; Aristotle rightly contemplates that equals are equally treated and unequal are unequally treated. He further reiterates that justice¹¹ in the *Nicomachean Ethics* by reporting that the words "just" and "unjust" are used in several senses and that justice is used to refer both to the law-abiding man (*ho nomimos*) and to the fair man (*ho isos*) who takes no more than his share. It means the law-abiding man (*ho nomimos*) and the fair man (*ho isos*) have been characterized as the part and parcel of administration of justice.

2. Legal Literacy Programs

Addressing the challenge of limited legal awareness and education at the grassroots level in the context of federalism requires the implementation of extensive legal literacy programs. These programs serve as a crucial tool in empowering citizens with the necessary knowledge of their rights and legal procedures. Collaborative efforts involving local authorities, civil society organizations, and educational institutions can facilitate the development and execution of these programs.

By launching targeted initiatives at the local level, these programs aim to bridge the gap in legal awareness, ensuring that citizens are well-informed about their fundamental rights under the federal structure. Workshops, seminars, and community engagement activities can be organized to provide accessible and comprehensible information about constitutional guarantees, legal processes, and avenues for seeking justice. These initiatives not only equip citizens with the knowledge to assert their rights but also contribute to building a legal culture that promotes justice and equality at the local level.

3. Standardized Implementation Protocols

To address the challenge of inconsistent interpretation and implementation of constitutional provisions under the federal structure, a crucial step is the establishment and enforcement of standardized protocols. These protocols serve as a guiding framework for interpreting and implementing constitutional provisions uniformly across all provinces. By developing a set of standardized guidelines, the government can ensure that fundamental rights are consistently protected and enforced, irrespective of the geographical location of citizens. The implementation of standardized protocols not only enhances the consistency in protecting fundamental rights but also fosters a sense of legal certainty among citizens.

4. Public Grievance Mechanisms

In the landscape of federalism, addressing the challenge of inconsistent protection and enforcement of fundamental rights requires the establishment of accessible and efficient public grievance mechanisms at the local level. These mechanisms serve as crucial channels for citizens

¹¹ F. Rosen, *THE POLITICAL CONTEXT OF ARISTOTLE'S CATEGORIES OF JUSTICE*: *Phronesis*, vol. 20, no. 3, 1975, at 228-240.

to voice concerns and seek redress for potential violations of their fundamental rights. By creating platforms that are both accessible and responsive, the government can empower citizens to actively engage in the protection of their rights.

The establishment of local-level public grievance mechanisms involves a decentralized approach, recognizing the unique needs and challenges faced by communities in different provinces.

5. Capacity Building

Local authorities play a pivotal role in safeguarding fundamental rights within their jurisdictions. Providing them with comprehensive training on constitutional provisions and the nuances of federalism equips them to make informed decisions that align with the constitutional guarantees. Similarly, capacity building for law enforcement agencies ensures a more nuanced approach to rights protection and enforcement, fostering a culture of respect for individual liberties.

Judicial bodies, as the custodians of justice, benefit significantly from capacity-building initiatives. In-depth training on constitutional principles and federal legal frameworks enhances the judiciary's ability to adjudicate cases involving fundamental rights with precision and fairness.

5. Local Peacebuilding at Ward Level in Nepal

5.1 Introduction

In the distinctive context of Nepal, a nation with a vast wealth of cultural heritage and characterized by a decentralized governance structure, the significance of local peacebuilding at the ward level stands out as a crucial and empirically supported facet contributing to sustainable community development. This paper accentuates the pressing demand for a policy shift that not only recognizes but actively aligns with the specific challenges and opportunities embedded within Nepal's one-of-a-kind socio-political landscape. To substantiate this call for change, the paper relies on a thorough and comprehensive analysis of data, emphasizing the need for policies grounded in factual evidence to effectively address the nuanced needs of diverse communities.

Nepal's cultural richness and the unique structure of decentralized governance create a distinctive environment that requires tailored solutions. The multifaceted challenges faced by communities across different wards demand a policy framework that is not only cognizant of these diversities but is also informed by concrete data. The urgency for this policy shift becomes evident when considering the diverse cultural practices, linguistic variations, and historical contexts present within the country. The paper aims to shed light on these intricacies and emphasizes the importance of policy adjustments that are finely attuned to the local dynamics.

In essence, this paper goes beyond merely highlighting the importance of local peacebuilding at the ward level. It delves into the necessity of a policy transformation, stressing the urgency of this shift in the context of Nepal's distinctive socio-political landscape. The emphasis on empirical evidence is not just a rhetorical flourish but an integral part of the paper's plea for a more nuanced and data-driven approach to policymaking. The goal is not just to recognize the critical role of local peacebuilding but to actively shape policies that respond effectively to the specific needs of Nepal's diverse communities.

5.2 Challenges in Current Peacebuilding Policies in Nepal

Nepal's current peacebuilding policies face formidable challenges in effectively addressing localized issues. According to extensive data collected from various regions, the diversity in cultures, languages, and historical contexts across different wards necessitates a more nuanced and context-specific approach. This paper identifies the critical gaps in the existing policies and proposes targeted interventions based on empirical evidence gathered through surveys, interviews, and field studies.

Conclusion

According to Aristotle, distributive justice implies that the state should divide or distribute goods and wealth among citizens according to merit. Thus, distributive justice enhances the prodigious development of apt aspects of the state. Every society consists of three major frameworks: economic, political, and social. These frameworks are guided by laws and policies, resulting in distributions of benefits and burdens across members of the society. The structure of these frameworks is important because the distributions of benefits and burdens resulting from them fundamentally affect people's lives, giving rise to topic of "distributive justice." To use an expression of his own, Thrasymachus is talking about justice understood as "the good of others"...this good of others being taken to comprise such things as telling the ¹²truth, settling debts, paying taxes, not taking bribes, refraining from burglary, kidnapping, swindling, and thieving. It means justice obliges everyone to fulfill their respective promises as abided by law and morality.

Justice is not a mere fantasy but a necessary and desirable goal of law and society. It is equated with truth, righteousness, equality, equity, fairness, impartiality, etc. For a society to be fair and just, it must be able to fulfill the need of equality, fairness and proper distribution of those three frameworks: Economic (wealth), political (services and opportunities) and social (goods). Thus, the distributive justice refers to the proportionate allocation of national resources to all parts of the state among its diverse communities. Justice demands is one that Aristotle himself accepts: it lies at the base of his own candidate for the best sort of political society, which is one where a body of more or less equally

virtuous citizens rule in turn, as naturally and justly¹³ befits equals. Basically, the quality of justice prevails when equal are equally treated and unequal are unequally treated and it fundamentally bases on the principle of equal participation of the citizens in law making process and their accessibility in the law making, executing and adjudicating goes concomitantly.

¹² F. C. White, JUSTICE AND THE GOOD OF OTHERS IN PLATO'S REPUBLIC: History of Philosophy Quarterly, vol. 5, no. 4, Oct., 1988, at 395-410.

¹³ John M. Cooper, JUSTICE AND RIGHTS IN ARISTOTLE'S POLITICS: The Review of Metaphysics, vol. 49, no. 4, Jun., 1996, at 859-872.