

Critical Appraisal of Governance and Justice: Then and Now in Nepal

Lokindra Hari Bhattarai*

“Darkness cannot drive out darkness; only light can do that. Hate cannot drive hate; only love can do that. Hate multiplies hate, violence multiplies violence, and toughness multiplies toughness in a descending spiral of destruction.... The chain reaction of evil – hate begetting hate, war producing more wars- must be broken, or we shall be plunged into the dark abyss of annihilation.” Dr. Martin Luther King Jr. (1929-1968)

Abstract

Governance and justice strengthen systems in order to support security, economic, politics and socio-cultural progress in the country. Nepal since ancient period of Kirats, Lichhavis, Mallas to Shah to Rana period, to Panchayat system to republican democratic state governance and justice make our civilizations more accountable, transparent, inclusive, efficient and participative. Yet they are inadequate for reflecting development and prosperity. Nepal is the first country in the history of Asia to have made the most comprehensive code of law and justice called Manab Nyayasastra (the code of human justice). Also the first country to practice natural justice –jasko pap usko gardan (one who commits crime is liable to face the punishment). Dharma in the past was one of the method to enhance governance and justice whereas the transparency, accountability, management of human, natural, economic and financial resource and equity promote governance in the federal system in the present days. The paper aims at presenting critical appraisal of governance and justice since period of Dharmasastra to modern federal republican state. It highlights with diverse stakeholders involved in education, human rights, equity, inclusion and empowerment initiatives in federal republican state. Dharma was pillar in the past whereas equity, equality, transparency, accountability, rule of law and inclusion are grains of modern concept of governance and justice.

Key Words: Governance, justice, codes, Nyayasastra, transparency, constitutionalism.

Introduction

Though governance and justice play a key role in forming, building, rebuilding and transforming countries into ordered and systematic forms since past to present time, the road of acquiring them is challenging to attain. They masquerade in different forms in

* Mr. Bhattarai teaches English at Tri-Chandra Campus, Ghantaghar, Kathmandu, Tribhuvan University

the development of human civilization. The task of them is to make human civilizations more transparent, accountable, translucent, inclusive, efficient and participative. Modern concepts of using equality, transparency, accountability, disclosure, rule of law, inclusion etc. are making governance and justice more translucent, efficient and participative. Religion and dharma alone is not sufficient to represent governance and justice rather incorporation of transparency, accountability, rule of law and inclusion are the first and foremost ingredients. According to the United Nations Development Programme (UNDP: 1997), the word governance broadly defines as “the exercise of economic, political and administrative authority to manage a country affair at all levels.” Levels of security, economic, politics and socio-cultural progress. It comprises the mechanisms, processes and institutions, through which citizens and groups participate in their interests, exercise their legal rights, meet their obligations and mediate their differences.

In the context of Nepal, since ancient period of Kiratis regimes, the governance and justice laid in dharma or religion which was playing vital role for creating development and prosperity. Of course, governance and justice systems of pre-historic era had deeply rooted in their dharmas (religious belief). All of them including Kirats, and non-Kirats, Lichhavi non Lichhavi, Malla and non Malla ruled the country on the grounds of dharma. Mundhum, the holy scripture of Kirats was a main source of governance and justice of Kiratis. Lichhavi kings were the fountain of justice. Dharmasastra, Rajagya, King"s orders were the ultimate source of administration of the country (Chemjong, I.S.).

After the establishment of United Nation Organization (UNO), the governance is developed in the form of accountability, transparency, rule of law, inclusion, and decentralization. Governance is the exercise of political, economic and administrative authorities that manage a nation's affairs. Justice enhances social, cultural, political and legal rights for the prosperity and the development of the nation. About good governance (Kofi Annan: 2002) states, “it is perhaps the single most important factor in eradicating poverty and promoting development.” Similarly, Knight, Andy W. (2009) states good governance as “the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development, in the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law. Since time immemorial till days, all of the sectors such as politics, religions, law, anthropology, sociology, economics emphasize governance and justice for change and progress.

The definition of justice in the past was taken as to punish the dishonest and protect the honest. Whereas the inception of justice is as old as the evolution of human civilization. It has been honored as “the supreme principle of all principles” (Burner

E.:1945). The modern jurists and judges define justice as the social values which stand for liberty, opportunity, income and wealth. These should be equally distributed; any unequal distribution has to be justified and inequality should benefit the poorest. By providing equal opportunities to all and benefits to all, society can be made just and impartial. Justice is the response to the poor and needy ones. Some people equate justice with rule of law, moral values like truth, mercy, chastity. Others may emphasize equality as the essence of justice. It is also possible to define justice negatively as absence of discrimination, domination, exploitation and tyranny (Jaya Kumar: 2010).

Justice delivery in the kingdoms and principalities had its own system before the unification of modern Nepal. The diversity in justice delivery system continued even after the unification for a long time. But over the period of time the justice distribution system has been slowly integrated into a centrally administered national judicial system since the promulgation of the Interim Government of Nepal Act, 2007 BS (1951). However, the basic concept of law and justice were guided by Hindu religious scriptures and customary practices of the ancient and medieval history of the kingdom.

In the modern context of Nepal, the governance and justice system can be connected with the development of several constitutions since 2004 BS to 2072 BS. Such constitutional developments describe the significant of constitutionalism that proclaims the desirability of the rule of law, transparency and accountability. The promulgations of constitution in different years as 2004 BS, 2007 BS, 2015 BS, 2019 BS, 2047 BS, 2063 BS and 2072 BS have their own basic features regarding governance and justice. The earliest constitutions of Nepal 2004 BS, 2007 BS, 2015 BS, 2019 BS have failed to adopt the notion of constitutionalism. They have failed not to garner sovereignty to the people rather to provide authority to the Rana rules, the King, and the Panchayat system. Independence of judiciary, rule of law, accountability, separation of power, non-recognition of minority rights, inclusion rights were not institutionalized. People have rights to alter the government. The Interim Constitution 2006 (2063 BS) to some extent address constitutionalism and supremacy of law and justice. All of the constitutions are promulgated to provide governance and justice in one way or another. The constitution of Nepal 2072 has promulgated in order to fulfill the aspirations of governance, justice, development and prosperity. Now the implementation part has to be made more effective for governance and justice

This paper attempts to incorporate dharmashastras for the expansion of Nepalese governance and justice system smoothly for the reflection of the development and prosperity in Federal Nepal. Governance and justice are the key players of forming, constructing, reconstructing and transforming countries into ordered and systematic

forms. In this respect, governance and justice create human civilizations more transparent, accountable, translucent, inclusive, efficient and participative.

Meaning and Definition of Governance and Justice

Etymologically governance is derived from the Greek word “Kyberman”, which means, „steering or pilot or at the helm of things“. The Latin verb “gubernare” is to navigate and like Kyberman, the other forms of word primarily have nautical reference(Hofschneide:2001). The concept of governance is not new rather as old as human civilizations. Early discussions go back to no less than 400 B.C. to “Arthashastra”, a treatise on governance attributed to Kautilya, who presents key pillars of the art of governance, emphasizing on justice, ethics and anti-autocratic tendencies (Kaufmann and Kraay: 2008).

However, governance was almost unknown in English until the last few years of the 20th century. In simple term, governance means the process of decisions making and the process by which decisions are implemented or not implemented. Governance refers to the way a society set and manages the rules that guide policy making and policy implementation (Rijal, 2012). Governance is the exercise of power or authority-political, economic and administrative powers to manage countries resources. Governance encompasses the values, rules, institutions and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and legitimacy. Good governance is a synonym to effective governance.

The concept of governance operates at every level, such as household, village, municipality, nation, region or the globe. Harlan Cleveland has used the word governance as „What the people want is less government and more governance.’ According to Cleveland (Rijal: 2012), governance is now everywhere and appears to mean anything and everything. Governance is the structure of political institutions. Governance is the development of social capital, civil society, and high levels of citizen participation. Governance is the work of empowered muscular, risk-taking public entrepreneurs. Governance is inter-jurisdictional cooperation and network management. Governance is globalization and rationalization. Governance is corporate oversight, transparency and accounting standards. Governance is market based approaches to government

Further, Governance is defined by the American Heritage Dictionary (2000) as „the act, process, or power of governing; government“. Governance denotes an overall responsibility for both political and administrative functions. In another way, governance is an art and skill of utilizing political and collective power for the management of society at all levels (from the smallest village to the nation) and in its various aspects- social, economic, and political. The World Bank (1999), ‘governance’ means the manner

in which power is exercised in management of a country's economic and social resources. To OECD, governance is the use of political authority and exercise of power in a society in relation to the management of its resources for social and economic development. The UNDP (2004), some of the characteristics are attributed as rule of law including protection of human rights, responsiveness, consensus orientation, equity, effectiveness, efficiency and strategic vision.

Sir James Mansfield states let justice be done though the heaven fall. The quest of justice has been an ideal which mankind has been aspiring for generations. Modern jurists Rawls (1972) emphasizes an equilibrium concept. As he says equality should be maintained in each and every social order. Now the Nepalese societies run towards enjoyment of achieving autonomy and using optimum equality, equity, inclusion and fairness. Human beings have been wandering in the quest of justice. The development of federal republican state Nepal has exercised all the possible ingredients of governance and justice. The prime and ultimate goal of each and every society is to establish just and valid social order. Several jurists and philosophers have spent their life with utmost effort in putting forward a satisfactory explanation of justice. The children, the disabled and even the cattle maids are found aware of some aspects of justice. The poorest of the poor of the society may feel that justice for them could be a good livelihood. According to Iyer (1983), the state must give primacy to justice compatible to the social condition. If the people are below poverty line primacy may be given to the socio-economic justice. Justice is the first virtue of social institutions as truth is of systems of thought.

Regarding governance and justice, the constitution of Nepal 2072 has provided some of the aspirations in the federal republican state as the supremacy of law, rule of law, representative system, citizen's importance, separation of power and balance of power, provision of civil rights and multilateral relations. The proper and strong regulatory mechanisms disperse the actual reflection of development and prosperity in federal Nepal. For the successful implementation of federalism in Nepal the governance and justice are primary requirements.

Historical Perspectives of Governance and Justice System in Nepal

Ancient to Medieval Period

Since time immemorial, Nepal discharged her justices and responsibilities in an effective, transparent and accountable manner through the medium of Dharmasastra. In ancient period, the governance and justice laid in religion which was playing vital role for creating development and prosperity. Up to 1178 AD, there were Gopal period, Mahishpal period, Lichhavi period and Thakuri period where governance and justice was the instrument of the orders of the Kings. Kirat kings of the Mongoloid family

administered justice as per the Mundhum – their holy scripture. Kirats respected justice and they thought Dharma or Mundhum as the integral part of justice (Chemjong, I.S). The king was said to be the representative of God and his main duty was to enforce law and dispensed justice and governance according to divine law or Dharmasastra. The first ever known justice system in Nepal was introduced by Kirat dynasty; a Mongoloid tribe originally migrated from some province of China via Tibet (Sangroula: 2010).

After Kirats era, Lichhavi period began in 250 B.C. which ruled in Nepal accordance with Dharmasastra namely Manusmriti, Yagyavalkyasmriti, Sukraniti, Kautilya Arthashastra, Customary laws, Rajagya (king order) and Sanad (order on specific topic). Several Smritis and Sastras were the greatest instrument of governance and justice during Lichhavi period. The kings were regarded as the fountain of justice and promoter of governance. They introduced a limited form of local self-governance system, which was known as panchali stated by Nepalese Historians (Sangroula p. 13). The Lichhavi dynasty introduced Brahminic (orthodox) Hinduism as an official religion as well as the foundation of the social relations and governance. The Lichhavi era reveals a series of efforts made to systematically Hinduize the law and justice system of Nepal. The governance system was administered by Hindu scriptures and the system of justice could not be an exception (Sangroula p. 15).

During the medieval era, Malla period ruled especially in Kathmandu, Patan and Bhaktapur cities before unification of Modern Nepal by Prithivi Narayan Shah in 1771 (1828BS). Governance and justice were provided through the means of Dharmasastra, Customs, Rajagya and Sanad and Codes. Jayesthiti Malla"s contribution of Manab Nyayasastra (Code of Legal Rules for Human Justice) was one of the seminal written code before Napoleon code in France which represented the beginning of governance and justice in the history of Nepal. The code of Manab Nyayasastra was fully based on the concept of governance and justice. Based on the statement of Prithivi Pal Malla, one of its kings, found in a golden inscription, some historians have described its judicial system as highly developed and permeated with high sense of justice. This inscription mentions "Only society respecting the value of justice could be a civilized society. The religion means justice, and the king, not being above the religion, is not above the justice. So, Justice is to punish the dishonest and protect the honest" (Shah 1992). Malla kings emphasized the need of decentralization in administration and justice. Codified law existed to operate the society having full of justice and governance.

Prithivi Narayan Shah formulated important rules for dispensation of justice. He respected Ram Shah's formulating rules and edicts (Thiti) on various aspects for running administration of justice. Though king Ram Shah did not promulgate a comprehensive codes of laws, he developed a series of Thiti (rules establishing system) to be followed by

ordinary people. Where he recognized the principle of natural justice in the administration of justice. The 14th edicts of Ram Shah deserved special position in the natural justice system that provided governance to people.

Ram Shah administered justice on the basis of Sukraniti (ibid). Ram Shah himself presided over the Dharmadhikara. The court was called Dharmadhikara because justice was dispensed on the ground of Dharmasastra. After unification of modern Nepal, Prithivi Narayan Shah followed traditional justice system as well as the law propounded by Yagyavalkya Smriti, according to which king should appoint competent judges to administer justice in his absence. PN Shah's codes had been followed by the Muluki Ain in 1854 (1910 BS) which was promulgated by Janga Bahadur Rana.

Prithivi Narayan Shah, Builder of Modern Nepal to Rana Period

Prithivi Narayan Shah administered justice and governance on the basis of the legacy of Ram Shah. No other kings after Ram Shah had made remarkable legal reforms except King Surendra Bikram. However, King PN Shah developed reforms in making judicial system for creating justice and governance in the nation. In such reforms, he composed of different types of cultures, society, and people living in different geographical conditions. In one context he said, "King should provide complete justice to the people. Let injustice not be prevailed in the land. Those who offer bribe and accept bribe are destroyers of the justice and the great enemies of the state. It would not be injustice even to take lives of such people" (Shah, p.195).

Rewati Raman Khanal claimed that PN Shah had developed legal charter and codes to maintain governance and justice. According to him PN Shah issued Penal Code in 1825 for governance and justice. Some of the provisions of this Code were also incorporated in the code of 1910 (Tripathi 2016). The Muluki Code in 1854 had been promulgated by King Surendra Bikram. The historians and lawyers claimed that Janga Bahadur was inspired by the Napoleon Code and designed to make codified law. The code was promulgated to provide equal punishment for the same crime from the preamble of the Ain 1943 BS. The administration of justice before 2007 BS was based on country code and religion.

Period form 2007 BS to Present Days

After the promulgation of the Interim Government of Nepal Act, 2007 BS, several changes occurred in our legal system. The reception of foreign law started in Nepal when the Pradhan Nyayalaya Act, 2008, an Act of constitutional importance. It was influenced by West-ministerial model of polity, or the British Indian tradition. Previously we had inquisitorial or civil law case model for delivering justice and governance. This Act introduced the precedent and writ system in Nepal. Hari Prasad Pradhan was an Indian

who took the post of Chief Judge of the Pradhan Nyayalaya. Different Acts were commenced to establish governance and justice such as Civil Right Act, 2012, Essential Goods Protection Act, Foreign Currency Control Act, Interpretation of Statute Act, 2010.

The contribution of Sir Ivor Jennings for drafting the constitution of the Kingdom of Nepal, 1959 transplanted the West-ministerial model of government (Tripathi, p. 278). Similarly, more other Acts such as the State Case Act, 1961, the Land Reform Act, 2021, the Evidence Act, 2031 were the most remarkable Acts creating governance and justice system. The later constitutions 2047 BS and the Interim Constitution of Nepal 2063 BS brought major fundamental changes in the legal system. The present constitution of Nepal 2072 BS has brought essential changes and provided Nepal is an Independent, indivisible, sovereign, secular, inclusive, democratic, socialism-oriented, federal democratic republican state. The main objectives of all the constitutions, Acts, Rules and Regulations of Nepal were/are to administer and promote governance and justice.

Challenges in Promoting Governance and Justice in Nepal

Albert Einstein says that peace is not merely the absence of war but the presence of justice, of law, or order in short of government. Authoritarian rules, poorly functioning legal system, bad governance and improper justice and dilapidated education and health infrastructure usually challenge justice in the societies. Where government fails to meet public needs and provide essential services or cannot solve basic development problems (UNDESA and UNDP 2007). The challenges faced in governance and justice can be categorized into several key areas: security, politics administrative, judicial, economic, socio-cultural, access to information, political leadership and climate, culture and practice of bureaucracy, and the challenges of accountability and transparency (Dr. Rijal).

Security Challenges. According to the National Security Policy 2016, national sovereignty and territorial integrity of the country shall not become a subject of discussion and compromise, and all forms of extremist and separatist tendencies will be discouraged. The Nepalese Army, the strong force of the nation and peace building campaign of the world, is purely a peace keeping force of the nation but it is not sufficient for maintaining peace, justice and security. Compared to the military, the police force is ill-equipped and poorly trained. Rule of law, justice and governance as a priority area for security sector reform in Nepal. The reform of police, justice and intelligence needs to emphasize. The government reports suggest that corruption is endemic in the police force, pointing to widespread acceptance of bribes and extensive police involvement in organized crime. The insufficient oversight of the security, lack of co-ordination and information sharing between civilians and military authority and lack of political will for empowering security forces are major challenges.

Political-administrative Challenges. The Nepalese people since 2007 BS fought for democracy but it remained incomplete until the promulgation of the constitution of Nepal 2072 BS. The revolution of 1990 brought a new constitution but the hopes and expectations of the people were failed. Lok Raj Baral notes that democracy was turned into 'Kleptocracy' that produced a new generation of nouveau rich and elites, who paid no attention to minimizing the disparities in the societies (Baral, 2003).

However, new political leaders fail to change traditional hierarchies fundamentally. The extensive peace agreement between the seven political parties and the Maoist movements brought fundamental changes where people have practices new agendas as federalism, secularism, democratic republican state and the promulgation of constitution through constitutional assembly. Seven decades long struggle of people for making constitution from constitutional assembly successfully enacted from 2072 onwards. Yet the corruption, horse-trading and instability became the order of the day. The half educated and fully unemployed are already radicalized by the moderate leftist, who promised to deliver utopia but failed to provide clean government (Rijal, 2012). Still the weakness and the lacks of unity jeopardize the concept of governance and justice.

Economic Challenges. Economic freedom is the fundamental right of every human being. The government should address people rights to produce and supply openly in the liberal market economy. But in Nepal there are several hurdles. Nepal is a land locked country that faced India's blockade many times without any cause. Blockade of India to Nepal makes life of peasantry, industrialist and others much more difficult. The primitive style of farming still prevails that cannot be sufficient to sustain from the agricultural sector. The hydroelectricity and tourism sector are an important source of economy but they have suffered significantly due to the insecurity and proper law and order.

Socio-cultural Challenges. Nepal is the land where several religious, ethnic people speak more than 123 languages. They live in different geography with different cultural domination. The ethnic groups live in the primitive stage lacking the basic needs of human development, illiteracy, poverty, lack of basic health services, gender discrimination, exploitation of women and children, caste hierarchy, superstitious belief and fatalism are the basic socio-cultural challenges. The ethnic organization wants fundamental changes in the society and the state. The rigorous efforts are needed to bring governance and justice in the Nepalese societies. Such socio-cultural challenges are to be settled only by the decentralization, distribution and rotation and representation of power (Jalali and Lipset, 1992).

Judicial Challenges. The purpose of law is to provide justice and reduce pain. The major work of judiciary is to deliver justice in time with efficiently and

economically. Many years we practiced unitary method in judicial system having three tiers of courts including Supreme Court, Appellate Courts and the District Courts. Federal Nepal exercises Supreme Court, High Courts and the District Courts respectively. Judiciary has failed to deliver timely and equitable justice and have been complimented with the controversy of appointment. Nepal is still struggling to have a political collaboration trying to manage an effective judicial system. The constitution provides for an independent judiciary, but most of the courts suffer from endemic corruption and many people have limited access to justice (NHRC, 2011). Such activities encourage the culture of impunity posing serious threat to justice system in Nepal.

Lack of Access to Information. Press is one of the important source of information. Press freedom continues to face a serious threat. The ongoing attacks, threats and harassments to media personnel and organizations sufferable for press freedom. The beauty of democracy is freedom to deliver information. If such freedom is curtailed, governance and justice move away from at the hand of the people. Without genuine freedom of press people cannot achieve democracy, human rights, governance and justice.

Geo-political challenges. Thinking of geopolitical sensitivity and geo-strategic balance, the issue of national security is regarded as a very sensitive issue. The promulgation of the new constitution through the constituent assembly has now received federalism of three forms of government as local, provincial and federal. The small and poor countries seem to be deprived of many things because they lack resources, economy, and the proper mechanism to settle the crisis and depend on the neighboring and other countries. In place of their cooperation, the donor countries try to intervene them taking advantages of their vulnerable situation. Along with the traditional threats, the trend of separatism and national identity of ethnic groups is increasingly affecting the very nature of state system and will be a major security concern (Thapa, 1997). However, Nepal's major concerns are size, location, regional conflicts, and poverty and ethnic diversity.

Similarly, growing public disappointment reflects the poor performance of all the governing institutions. Weak governance is felt in daily lives. Building public trust is the foundation of good governance and justice. It requires not only improvement in performance to produce more but also the capacity to distribute them reasonably.

Political leadership and climate. Political leaderships for a long time seem to be less serious on public welfare but rather emphasis the personal and party interests. Consequently, people dissatisfy and alter autocratic government. "A successful politician in Nepal is, therefore, a corrupt person generally. In this respect, the politicians in the

local elected political bodies too are generally no different, as their national counterparts (Shrestha 2004).”

Culture and Practice of Bureaucracy. For governance and justice, a real need of mindset of the majority of civil servants to change their behaviour and mindset. Cultural values of them should be improved to competence and to achieve better results by enhancing the quality of services. Today Nepali bureaucracy remains much more criticized by the people. Today neither the political leaderships nor the permanent civil service personnel are looked up positively for the development of administration and mitigation of poverty (Shrestha, p. 31). Building public confidence over the integrity and efficiency over bureaucracy is one of the serious challenges for promoting governance and justice.

Accountability and Transparency. Proper accountability and transparency are not clearly defined in most of the cases. As a consequence, facts are distorted and they sometimes create mistrust between state and public.

From these above premises, developing countries and newly emerging democratic states are facing multiple challenges in providing good governance and justice.

Prospects of Promoting Governance and Justice

The construction of security, economic, political, legal and judicial trust are the major foundation of good governance and justice. The reforms in civil service, the improvements in financial management and accountability, the adaptation and implementation of anti- corruption strategy and decentralization of power to local and provincial level are the key matters of federal government. The following components are the major prospects of consolidating, reforming and making governance and justice more effective in the federal democratic system of Nepal.

Security prospects. Security measures to maintain peace and order in the society. Security must be provided to all the citizens. Police and security forces are essential to the promotion and protection of human rights and human securities.

Political prospects. Creating system is an absolutely the crucial matter. Political arrangements are crucial for governance and justice.

Economic prospects. Economic prosperity is another main pillar for governance and justice. It provides an excellent opportunity to flourish economic activities. It creates jobs, earnings and material survivals. Foreign investment in electricity, and mega projects create job opportunity to the citizens. The success of governance and justice lied in the legitimacy of economics concerns. The different international agencies like WTO, IMF, UNDP, directly invest for promoting national income.

Judicial prospects. Implementation of proper policy is the outcome of judiciary. Justice overcomes violence. Judiciary creates public trusts and transparency. The constitution of Nepal 2072 has provided for an independent judiciary which controls endemic corruption and many people have access to justice.

Information prospects. Media is much border than news sources. Media communicates information to the public. It provides and delivers substantial information about the means of governance and justice.

Without peace, stability, human rights, and effective law we cannot achieve rule of law, good governance and justice. The peace, security, prosperity, access to information, rule of law and judicial activities are the inevitable things for justice. All of the prospects are at the center of governance and justice for sustainable development and prosperity.

Conclusion

Governance and justice demand accountability, transparency, rule of law and independent judiciary. All of the eras seek equal opportunities to all for the benefit of the society. Institutions, divisions of power, decentralization, electoral systems, periodic, elections, independent judiciary, capacity building, and other characteristics of the states are the foundation of federal governance. Promoting good governance faces a multidimensional challenge. Justice establishes order if there is a riot in the street. Justice threats starvation and mitigates hunger. Many of the theorists, social scientists, critics, anthropologists, feminists, Marxists loudly demand governance and justice for the prosperity and development of federalism. For example, anti-corruption is essential to the rule of law and peace building because corruption negatively impacts state capacity, social inclusion, and management of natural resources. Governance and justice in the past incorporate with dharmasastra and in the present days they are adjusted with rule of law, accountability and transparency. Federalism also necessarily to combat effectively with violence, conflict, unlawful activities for inviting governance and justice. The development and prosperity is administered only through the stability of the governance and proper justice system. So, governance and justice is a matter of recreating issues then and now in Nepal as well as in the world.

References

- Adhikari, R.C.. “Lichhavi Kalin Nyaya Vyavasthama Manu, Yagyavalkya Ra Kautilyeko Pravab: Ek Tulanatmak Adheyayan,” *Nepal Law Review*. year 6, No. 2 p. 17.
- Annan, Kofi. (2002). “Speech to the UN General Assembly” United Nations Department of Public Information: New York.
- Baral, Lokraj. (2003). “The Spector of Terror and its Impact on Democratic Process in Nepal. In *Terrorism in South Asia: Impact on Development and Democratic Process*” edited by Shridhar and Gert W Kueck, Delhi. P. 33
- Burner, E. (2000). *Justice and Social Order*, Butterworth, London. pp 140-141.
- Chemjong, I.S. *Kirat Mundhum Khanoon (Shikshya)*. Pp. 9,10,96, 101.
- Graham, John and et.al. (2003). *Principle for Good Governance in the 21st Century*. Policy No. 15 Ottawa: The Institute on Governance, p. 1.
- Jaya Kumar, NK. (2010). *Lectures in Jurisprudence*. (2nd ed.). LexisNexis Butterworths Wadhwa: Nagpur,
- K.C, Kaisher Bahadur. (1971). *The Judicial Customs of Nepal (Part I)*. Ratna Pustak Bhandar.
- Knight, Andy W. (2009). “Democracy and Good Governance,” *The Oxford Handbook on the United Nations*. Oxford Handbooks Online, p. 624.
- Nepal, Ram Babu. (2007). *Development Government and Management*. Aurawati Publication: Kathmandu.
- Paudel, Dr. Devraj. Raja Jayesthiti Mall ko Kramagat Kanoon: Manab Nyayasastra”. Nyayadoot. Year 23, Vo. 69, no.6, pp.48-54
- Pierre, J. and B.G. Peters. (2002). *Governance, Politics and the State*. London: Macmillan.
- Regmi, Dr. Jagadish Chandra. (1979). *Nepalko Baidhanik Parampara (Judicial Custom of Nepal)*. Tanneri Prakashan: Kathmandu.
- Sangroula, Yubaraj. (2010). “History of Nepalese Criminal Justice System: Some Milestones and Cracks” *Nepal Bar Council*. pp. 13-22.
- Shah, Rishikesh. (1992). *Ancient and Medieval Nepal*. Ratna Pustak Bhandar: Kathmandu,. See also Sangroula, p. 21

Shrestha, Krishna Bihari. *Civil Servant in Government: Cross Careerism or Innovation, Readings on Governance and Development*. (Vol III), Institute for Governance and Development, Jan. 2004, p.30

Tripathi Rewatiraj. (2073). *Nepalese Legal System*. Lumbini Prakashan. p. 260.

The Government of Nepal Act, 2004 Bs (1948); Interim Government of Nepal Act, 2007 BS (1951); The constitution of the Kingdome of Nepal 2015 BS (1959); Constitution of Nepal 2019 BS (1962); The Constitution of the Kingdom of Nepal 2047 BS (1990); The Interim Constitution of Nepal 2063 BS (2006) and The Constitution of Nepal 2072 BS (2015)

United Nations Development Programme. (1997). *Governance for Sustainable Human Development* (UNDP policy Document), New York: UNDP. p. 7.

V.R. Krishna Iyer. (1983). *Indian Social Justice in Crisis*. Affiliated Press Madras. p 83