

# Grounds of the State Restructuring Nepal

**Tara Nath Ghimire**

Associate Professor, Political Science, Patan Multiple Campus  
Email : tara.ghimire.@rrlc.tu.edu.np

## Abstract

*Unitary and federal systems are in use in the state-building process. Nepal has a long history of unitary rule and is in the process of institutionalizing the federal system. It is a form of governing structure. The unitary system and the federal system are the prevailing governing systems. Looking at the governing history, the unitary and the federal government can be found on normal. Both systems have their characteristics and process of formation. Some countries have transformed from a unitary system to a federal one, while others have adopted a unitary system after the collapse of federalism. Various reasons and causes have been guiding the form of federalism. This article provides a brief overview of the external and internal reasons for the demand for the federal system to restructure Nepal. The study has attempted to analyze the question that the external and internal reasons for the implementation of the federal system through the restructuring process of the unitary system in Nepal. The study is based on secondary data only to reach conclusions.*

**Keywords:** democracy, ethnicity, federalism, transformed

## Introduction

The interim constitution, which was created with the demise of the Maoist movement, covered the way for the restructuring of Nepal. It was during the time of restoration of democracy in Nepal that the foundation of state restructuring was prepared. The demand for federalism in Nepal was reflected at the time of the restoration of democracy. However, during the Panchayat system and the transformation in 1990, the issue was raised by Tarai regional parties and caste organizations. Even those voices did not get continuity. The basis of the fresh issue of federalism is raised from the then Maoist people's revolution. It had set up an ethnic autonomous base at the local level during the underground revolt. The Maoist insurgency was successful in the local people's autonomous front design. As a result, the Maoists have raised the issue of ethnic federalism for ethnic liberation. Similarly, the Madhes uprising that took place after the proclamation of the 'Interim Constitution' 2063 B.S, has brought the issue of federalism to the fore. Political influence plays an important role in forming the federation, though the country has its bases and reasons for forming it. The then Maoists and the Madhes movement are seen as the immediate factors in the demand for federalism in Nepal.

## Objectives

With the foundation of state restructuring, Nepal has been transformed into a federal system. State restructuring has transformed Nepal from a unitary state to a federal state.

There are some important reasons for implementing federalism in Nepal. This study focuses on those subjects. The main objective of the study is to analyze the external and internal reasons for the demand for a federal system in Nepal, which assisted in the implementation of the federal system from a unitary system. Some important reasons and characteristics have played a significant role in the national building process. In the article, some of the significant predictions for the causes of federalism. This study seeks to explore the causes of the new issue of state restructuring in Nepal. The article focuses on the following research questions:

- What were the internal reasons in Nepal that those reasons lead to state restructuring?
- What were the external factors that influenced the restructuring of Nepal?

### **Methodology**

The main objective of the study is to bring out the reality by analyzing the basis of state restructuring at that time. History and the then-political scenario have an important role in the state formation process. In this study, secondary materials have been compiled with the help of the library to reach the essence of the purpose. To get a conclusion, both descriptive and analytical approaches are applied. In this paper, only secondary data are used to analyze for the descriptive method. Different information based on the theoretical review of federal governing systems is used. Identification, dependent variables, and other methodological parts are consulted in their appropriate conditions.

### **Background**

The federal system is very beginning in Nepal that is implemented through the state restructuring process. Before the time of the unification of Nepal, there were many independent states which were an independent nature. There is a history of such states being united and divided by force or power. But those states were not operating in the framework of modern federalism or the old paradigm. 'Among the revolts against the unitary rule in Nepal was the rebellion of the Limbu and Tamang castes against the Gurkha state power in 1773, the revolt of the KirantKhambus in 1808 B.S, the revolt of the Gorkha against the Rana rule in 1870 B.S, the Gurung revolt in 1877 B.S and the Hindu revolt in Dhankuta. The revolt against it can be considered as a significant revolt,' (Baral, 2063 B.S). But these movements were not like the demands for federalism in today's Nepal. The demand for modern federalism has been strongly raised in Nepal even before the time of the Constitution Assembly election. The Nepal Terai Congress had demanded Terai autonomy during the 2007 B.S transition. But the demand raised by the Nepal Terai Congress could not be sustained. Many causes played an important role in arising the issue of federalized Nepal, which can be analyzed in two parts, the influence of external causes and internal causes

### **External Causes**

The federal system has been implemented in place of the long-standing unitary system of Nepal. There are many reasons for the transition from unitary rule to a federal system. In addition to internal factors, some external factors also play a vital role in the restructuring

process of the states. The influence of external factors has also played an important role in raising the issue of state restructuring in Nepal. In the days to come the state-building process would have to pay attention to the definition and recognition given by the United Nations, as it would affect the state-building process. The rise of the bipolar world after World War II and the collapse of the Soviet Union in 1989, a world divided into groups led to the decline of communist power in Europe.

“When the communist regime in Eastern Europe came to an end, it was called the end of history... the liberal age had now dawned but the history of the conflict at that time was not over. In modern liberal states, in a multi-ethnic, multi-religious, and multicultural society, not only individual freedom based on religion, culture, and caste but also the demand for representation of political beliefs and groups in the state has increased,” (Topperwien, 2009, p: 79).

In today's world, new demands for inclusion are taking a new form, even more than the polar problems between nations created after World War II. In many parts of the world, the issue of inclusion is taking the form of war. The issue of the representation of groups with identities is taking the form of conflict. ‘The issue of the equal presence of all in the state is a problem for the new world. The International Convention on the ‘Elimination of All Forms of Racial Discrimination, 1965’, adopted by United Nations Resolution 2106A (20) of December 21, 1965, states that ‘Everyone, without distinction of race, sex, language, religion, or political affiliation, shall be all rights and freedoms of national and social origin, property and others shall be enjoyed, and the government shall prohibit all forms of discrimination (Article 2),’ (Manaw Adhikar, 2070 B. S.). This law has opened all the rights of the individual. The treaty was ratified by the Government of Nepal on January 30, 1971,’ (Jatiya, 2064). ‘Over the past two centuries of practice and experience have shown that socialism or communism is based on liberal principles and class concepts based on democratic values such as legal equality, freedom, rule of law without discrimination also raising a single or homogeneous belief. According to some scholars, the United Nations has spent the last half-century trying to preserve the state by this definition. Especially in the management of multi-ethnic, multi-cultural states, these beliefs are becoming not only inadequate but also irrelevant. In today's world where internal conflicts are more prevalent, most people do not agree with the commitment to protect or accept the existing state,’ (Khanal, 2066). It is becoming a rising problem for multi-ethnic-based countries. Nepal has been affected by these kinds of international institutional influences.

In a country like Nepal with a multilingual and multicultural identity, such events in the international arena are of even greater importance. After the post-1990 changes in Nepal, some voices were raised on this issue at the state level, as the 1990's constitution had initiated the institutional development of democracy in Nepal. The issue of the identity of religion, language, caste, gender, and culture has powerfully come to the fore from that period. The constitution was drafted after 1990 and has provided for the guarantee of civil rights. Such natural rights guaranteed by the state could not be addressed by the proponents of immediate change. Due to the lack of high determination at the political level and the lack of competent leadership, the hopes of the people have not been fulfilled for a long time.

On this issue, the then Maoists had laid the groundwork for a people's uprising during the period of restoration of democracy. In addition, the search for the identity of caste, religion, language, gender, region, and culture in Nepal was started based on such arrangements made by the United Nations. Castiel and rights organizations in Nepal sought identity and justice on these issues. These organizations also presented working papers on federalism, including meetings, seminars, training, and publications for the search for identity and justice. Some of these racist and rights organizations were supported by international donors. It has been found that a large amount of money has been provided to such Castiel organizations in Nepal in favour of a state with a single ethnic identity. The first Constitutional Assembly of Nepal failed to draft a constitution as it could not decide on this issue.

“At the time of drafting the constitution, the European Union and CARE Nepal had provided Rs. 40 million for the drafting of a constitution with a single ethnic identity in Nepal. The Janajati Federation has been assisted with Rs. 80 million at the rate of Rs. 20 million annually since 2009. After the seventh general convention of the federation elected Rajkumar Lekhi as the president, the stand of the federal state with his multiple identities started the money to go to the ethnic federation and not through the umbrella organization. This kind of support for a mono-ethnic state is also being provided to the Federal Socialist Party that has opened in Nepal,” (Kantipur, 2071 B. S.02.24. p. 6).

Statistics have come out that some of the non-governmental organizations in Nepal are working outside the rules set by the country. “In terms of policy and political circles, the constitution could not be drafted due to the issue of single ethnic identity raised in the first Constituent Assembly due to foreign aid infiltrated into the politics of single ethnic identity. As foreign aid began to increase, strife and division were created in the Federation of Indigenous Peoples of Nepal. Raj Kumar Lekhi, a young leader of the Tharu community, says that after he voted against a single ethnic identity, the big donors stopped supporting him and started investing through ethnic organizations,” (Gorkhapatra, 2072 B.S.-01-07. p. 6).

This kind of foreign assistance has an important role to play in bringing forward the demand for an ethnic state in the demand for federalism in Nepal. This situation continues even after the establishment of the republic. These were visible and fact-proven influences, other unseen issues may be the shadow that needs to be explored. Including these incidents, the above provisions made in the United Nations had a significant impact on the demand for federalism in Nepal. Apart from internal, social, or political reasons, such external factors have also played an important role in bringing the issue of state restructuring to the fore in Nepal.

### **Internal Causes**

Internal factors also have a significant impact on the demand for federalism in Nepal. Internal causes can also be analyzed by classifying them into different parts. Nepal is a landlocked country. Political, geographical, and social factors of the country have also had a

significant role in the demand for federalism in place of the unitary system of Nepal, which has been ruled by a monarchy for a long time. Some internal causes have a significant role in the demand for federalism, which can be analyzed as follows:

### **Political causes**

One of the main reasons for the demand for federalism is the state restructuring of Nepal, political factors have been more important. Today, the issue of political recognition, and inclusive democracy, has gained importance. One of the main reasons for the demand for federalism in Nepal is political issues. The main political issues are participation, identity, and development in politics have brought the debate on state restructuring to the fore. Nepal had an autocratic monarchy since the unification period of the time of Prithvi Narayan Shah. In the unitary system, the monarchy ruled for about 240 years. From the time of unification, the monarchy ruled around the allies and allied warriors of unification.

‘The unification of Nepal is the merger of the territory of the hill tribes. The aim of the campaign for the unification of Nepal was to form a large Hindu state by uniting the twenty-two, twenty-four, and other states established by the Hindu Rajputs,’ (Sharma, 2066 B.S.). Due to the influence of Hindu culture, there was getting a stronger governance system. The Muluki Act enacted during the reign of King Surendra Bikram also made Hindu rites and customs the main basis of law. Looking at the legal system from the Shah period, Rana period to the Republic period, it is found that Hindu culture influenced in addition to other bases of law-making. Dissatisfaction over the behaviour of the unitary state arose in the regions, classes, and communities that had been under the influence since the unification period as the influence of one class and only one religion was the basis of governance. Citizens have been deprived of their political rights in Nepal for a long time. Citizens were deprived of their natural rights due to non-acceptance of the principles of equality and freedom of governance. In the unitary system, the state regarding economic, social, and cultural rights has been silent for a long time. Even the smallest human rights opportunity was not available to the people. Citizens were still deprived of necessities such as safe motherhood, necessities of life, and basic health care. Thousands of people suffered from malnourishment and starvation due to a lack of basic health and education. Due to these causes, some people have had a very painful end even before the time of the republic.

“Even today, mothers in Himalayan and remote hilly districts are losing their lives due to famine due to infertility,” (Gorkhapatra, 2070 B.S., 10, 11. p.4c). On the one hand, the state has been dominated by one class and one culture for a long time, on the other hand, the people have reached the stage of suicide for not getting the necessities of life. The maternal mortality rate in Nepal is still alarming. “Looking at the statistics of Nepal up to ten years ago, it is seen that the maternal mortality rate is 529 per lakh mothers” (Gaurkhatra, 2071 B.S., 02.17. p. 5). The lack of minimum state services in many parts of the state was the fault of the unitary state system. The dominance of one region and class in politics for a long time and the neglect of other regions and classes at all levels of the state including politics led to disgust towards the unitary system. Due to the one-sided attitude in this type of

governance, the demand for restructuring the unitary state and implementing the federal system of governance came to the fore.

### **Geographical causes**

The heterogeneous topography of Nepal has also played a role in the failure of unitary governance and the search for a federal system as an alternative. For a long time, the state has not been able to provide basic infrastructure for development in all regions of the country equally. People in remote and inaccessible areas, life is still suffering from lacking basic food, cloth, health, and other natural and basic needs. In the mountainous and hilly districts people in remote areas, even today must commit suicide due to hunger and famine. 'Advocate Madhav Kumar Banskota against the Prime Minister said that some families in Humla, Jumla, Mugu, Kalikot, Dolpa, Bajhang, Bajura, and Darchula districts were forced to relocate due to food shortages in the districts. It was mentioned that children had to surrender their lives after consuming poison. Scarcity has killed scores of people in those areas,' (Human Rights Report, 2070 B.S.). Development in remote hilly districts of Nepal is not balanced till today. Even now in the republican era, such issues are not taken seriously for administrative work.

The reason for such a hasty situation in Nepal for a long time is the inconvenient topography of Nepal. The unitary rule has not been able to solve this problem for a long time. Due to such reasons, a negative feeling was created in the unitary system itself. Due to the remote and inaccessible geographical location in many areas of the state including education, and health, the fact that the people of those areas have been deprived is still there. Due to the lack of presence of the state, the people of Nepal are far away from the belief that the duty of the state lies with the people. Such problems persist in unitary governance due to the deteriorating geography of Nepal and the persistent indifference of the state towards it. Due to the state's constant neglect of inequality, discrimination, and deprivation, there was a demand for restructuring the state from a unitary system of government and implementing a federal system of government.

### **Social Causes**

Another important reason for the demand for a federal system of government in state restructuring is the social situation in Nepal. 'According to government statistics, there are currently 126 ethnic groups, 123 language speakers, and 10 different religions living in Nepal', (CBS, 2013). Since the time of Nepal's unification, Hindu culture has been influential in Nepal, which has different castes, languages, religions, and cultures. Hindu culture began to blend into the smaller unified states. During the expansion of the Gurkha kingdom, the rites and customs of the Gurkha kingdom were implemented in the merged states. Increasingly, the Hindu religion and the hill tradition followed by the Shah dynasty became the religion and custom of the whole country.

“Cultural changes have taken place in the hill tribes over the past several hundred years. Such changes include the Nepali language and Nepali customs. Scholars have called it culturalization or Hinduization, but it is not limited to linguistic and

religious changes. Going beyond that, the interrelated cultural change is also included,” (Gage, 1975, p. 24).

The culture of the hills has gradually merged with the Terai region of Nepal as the customs of the Terai are in tune with the Indian Hindu culture. Because the Hindu culture of Nepal and the Hindu culture of India have the same source, the culture of the hills of Nepal and the culture of the Terai have easily merged.

The issue of unification and Hinduization of other languages, religions, and cultures of Nepal has been the subject of research since the time of the restoration of democracy. From the time of unification, the people of the geographically integrated lands began to search for the existence of their language, religion, and tradition. Even in the Rana period and Panchayat system, this issue could not come to the fore due to political reasons. Not all the tribes were satisfied with the process of unification in language and Hinduization in religion. During the Rana period and the Panchayat period, the law-making process in the name of the Nepali language and Hinduism was given priority and Hinduism had the opportunity to be strengthened throughout the nation. Due to this only one section of the mainstream of the state and state bodies remained. Only one class's access to state bodies, including politics, had the effect of creating disgust among other classes and communities towards the unitary system. This was an opportunity that has come to the fore during the restoration of democracy. After the Maoist people's uprising and the people's movement part two, the issue of existence and identity of caste, language, and religion got priority. The search for social justice and identity has begun, especially since the second period of democracy, due to the long-standing social discrimination in the state. This issue also became a major reason for the search for a federal system as an alternative to the unitary system of Nepal.

As the state has not been able to provide justice in Nepal for a long time based on language, religion, and caste, an alternative to a unitary system of governance was sought for access to all regions, religions, and castes in the state. Due to the state's indifference to the diverse social structure in Nepal and the inability of the state to provide proper justice in those areas, the demand for a federal system came to the fore in Nepal as a single solution to all the problems. The immediate problems and causes for state restructuring in Nepal were not created, even though long experiences have worked to make this voice raised in Nepal. It had a significant impact on restructuring the federal system.

### **Conclusion**

There are several reasons for Nepal's long-standing unitary system in bringing the issue of federalism to the fore in state restructuring in Nepal, external factors have also had an impact along with the internal political transformation. The persistence of ethnic, linguistic, religious, and class problems, including the regional oppression perpetuated by the Kathmandu-centric unitary regime, in democratic times also raised question marks over the unitary system. The Maoist movements of the time and the movements in the Terai were the movements against these problems. The Madhes movement that took place immediately after the proclamation of the Interim Constitution made the issue of federalism the subject of the Interim Constitution in Nepal. From the time of unification till the second period of

democracy, the problem of language, caste, gender, religion, caste, and the region remained the fault of the unitary system. The lack of proper implementation of decentralization in Nepal led to the persistence of discrimination in language, caste, gender, religion, caste, and region, resulting in a state of despair among the people. Due to these reasons, the issue of federalism has come to the fore in the restructuring of the state in Nepal. Due to the long-standing problems in the unitary system, the unitary system itself was questioned. But before finding an alternative to the existing centralized unitary system, it was necessary to discuss and debate the issue of autonomy or strong decentralization within the unitary system. Therefore, internal, and external factors had important for the restructuring of Nepal.

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