

**GANDAKI PROVINCE THROUGH FEDERAL LENS
A REVIEW OF CHALLENGES AND PROSPECTS**

A Thesis

**Submitted to the Department of Political Science, Prithvi
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As Partial Fulfillment of the Requirements for
the Master's Degree in Political Science**

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LETTER OF RECOMMENDATION

This is to certify that the thesis submitted by Chandra Shekhar Parajulee entitled **GANDAKI PROVINCE THROUGH FEDERAL LENS: A REVIEW OF CHALLENGES AND PROSPECTS** under my guidance and supervision. I am fully satisfied with his hard and original work. Therefore, I, hereby, recommend this thesis for final approval and acceptance.

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LETTER OF APPROVAL

This thesis prepared and submitted by Mr. Chandra Shekhar Parajulee entitled **GANDAKI PROVINCE THROUGH FEDERAL LENS: A REVIEW OF CHALLENGES AND PROSPECTS** has been evaluated and accepted as partial fulfillment of the requirements for the Master's Degree in Political Science.

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Abstract

Federalism refers to a political governing system with multiple tiers of government working together with coordination. It is preferred for self and shared rule. Nepal also has gone through federal system of governance and the provincial governments have massive authority including legislation and executive power. This research analyzes the discourses of federalism implementation in Nepal in special reference to Gandaki province.

It has critically examined the administrative and political system of Gandaki Province in terms of service delivery and development. Besides demonstrating the performances of provincial government and provincial assembly, it has analyzed inter-governmental relation of Gandaki province with other two tiers of government. For this research, people from provincial and local governments (elected representatives and government employees), provincial assembly members, academicians, civil society leaders and journalists were interviewed. The interview findings were analyzed by supplementing with published documents.

There is big paradigm shift in terms of governance in Nepal after implementation of federalism. Nevertheless, just going into federal structure is not the solution. As in case of other provincial governments, Gandaki province had also to start from scratch. It gradually took a shape of government and has been functioning sluggishly. This research highlights that the provincial government has many challenges ahead, which has badly hindered its plans and actions. Additionally, fundamental laws, infrastructures and human resources are found to be insufficient in sub-national level. Lack of clarity in jurisdiction is another main challenge. The Nepali Constitution assumes cooperation, coexistence and coordination as the fundamental principles of federalism which, unfortunately, appear to be lacking among the three tiers of government despite their efforts. Though the devolution of power to sub-national governments is essential for the successful implementation of federalism, the research shows that it has been delayed due to centralized mentality of bureaucracy as well as political leader.

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This study has basically focused on the theoretical perspective of federalism, its evolution in Nepal, the challenges and opportunities of Gandaki province and its relation with federal and local governments. During this research I received generous supports and encouragements from a large number of people.

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TABLE OF CONTENTS

Letter of Recommendation	II
Letter of Approval	III
Abstract	IV
Acknowledgements	V
Table of Contents	VI
List of Tables	IX
Acronyms	X
Chapter One: INTRODUCTION TO THE RESEARCH STUDY	1
1.1 Background	1
1.2 Statement of the Problems	2
1.3 Objectives	4
1.4 Research Methodology	4
1.4.1 Research Design	4
1.4.2 Nature of the Study	5
1.4.3 Justification of the Area of the Study	5
1.4.4 Sources and Nature of Data	5
1.4.5 Data Collection Methods	6
1.4.6 Population and Sampling	6
1.4.7 Data Presentation and Analysis	7
1.5 Literature Review	7
1.6 Limitations	12
1.7 Rationale of the Study	12
1.8 Organization of the Study	13
Chapter Two: THEORETICAL AND CONCEPTUAL FRAMEWORK	14
2.1 Concept of Federalism	14
2.2 Types of Federalism	16
2.3 Concept of Inter-Governmental Relation	17
2.4 Conceptual Framework of the Study	18

Chapter Three: EVOLUTION AND DISCOURSES OF FEDERALISM IN		
NEPAL		20
3.1	Decentralization Practice	20
3.2	Evolution of Federalism	21
3.2.1	The Maoist Movement	22
3.2.2	Jana Aandolan II	23
3.2.3	Madhesh Aandolan	23
3.2.4	First Constitutional Assembly (CA)	24
3.2.5	Second CA	25
3.3	Debates on Nature of Federalism	27
3.4	Rational of Federalism	28
3.5	Implementation of Federalism	29
3.6	People's Perception on Federalism	29
3.6.1	Citizen's Opinion on Federalism	30
3.6.2	Key Informants' Views on Federalism	33
 Chapter Four: FUNCTIONING OF FEDERALISM IN GANDAKI		
PROVINCE		36
4.1	Introduction	36
4.2	Provincial Government	36
4.2.1	Organizational Setup	36
4.2.2	The Functioning of the Provincial Government	39
4.2.3	Service Delivery and Development	41
4.2.4	Accountability	42
4.3	Provincial Assembly	44
4.3.1	Law Making	45
4.3.2	Constituency Infrastructure Development Program	47
4.3.3	Thematic Committees	48
4.4	Relation with Other Two Governments	50
4.4.1	Relation with Local Governments	52
4.4.2	Relation with Federal Government	58
4.4.3	Bill of Intergovernmental Relation	65

Chapter Five: CHALLENGES AND PROSPECTS OF FEDERALISM IN	
GANDAKI PROVINCE	66
5.1 Challenges	66
5.1.1 Employee	66
5.1.2 Physical Infrastructure	67
5.1.3 Lack of Coordination and Cooperation	68
5.1.4 Lack of Laws	69
5.2 Opportunities	70
5.3 Federalism: A Tool or a Boon?	73
5.4 'Faded' Federalism	76
CHAPTER SIX: CONCLUSIONS	81
6.1 Summary	81
6.2 Major Findings	81
6.3 Conclusions	82
REFERENCES	84
APPENDICES	98
Appendix 1: Check List for the Key Informants' Interview	98
Appendix 2: List of Key Informants Interviewed for Study	100
Appendix 3: Map of Gandaki Province	103
Appendix 4: Lists of Federal, Provincial, Local and Concurrent Powers	104
Schedule 5: List of Federal Powers	104
Schedule 6: List of Provincial Powers	106
Schedule 7: List of Concurrent Powers of Federal and Provincial Government	107
Schedule 8: List of Powers of Local Government	108
Schedule 9: List of Concurrent Power of Federal, Provincial and Local Government	109
Appendix 5: Some Letters	110
Appendix 5.1: A Letter Sent by Livestock Department from Federal Government to Veterinary and Livestock Service Expert Centre of Provincial Government Asking for Data.	110
Appendix 5.2: A Letter Sent by Veterinary and Livestock Service Expert Center of Provincial Government to Local Governments in Kaski Asking for Data.	111

LIST OF TABLES

Table 3.1: Public Support Toward Federal System and Unitary System.	30
Table 3.2: People's Response on the Direction of the Country (Gandaki Province) ...	31
Table 3.3: Trust on Provincial Government and Assembly (Nationwide Data).....	32
Table 4.1: Allocated Budget and Actual Expenditure 2075/76 B.S.	41
Table 4.2: Representation of Political Parties in Gandaki PA.....	44
Table 4.3: Thematic Committees in Gandaki Provincial Assembly.....	49
Table 4.4: Human Resources Adjustment at the three tiers of Government	62

ACRONYMS

AKC	Agriculture Knowledge Center
APA	American Psychological Association
B.S.	<i>Bikram Sambat</i>
CA	Constitution Assembly
CAO	Chief Administration Officer
CDO	Chief District Officer
CM	Chief Minister
CPA	Comprehensive Peace Agreement
CPN (M)	Communist Party of Nepal- Maoist
DCC	District Coordination Committee
DRCN	Democracy Resource Center Nepal
EDCU	Education Development and Coordination Unit
FDC	Finance and Development Committee
FPTP	First Past the Post
GDP	Gross Domestic Products
GoN	Government of Nepal
International IDEA	International Institute for Democracy and Electoral Assistance
IPC	Inter Provincial Council
LC	Legislation Committee
LGOA	Local Government Operation Act
LSGA	Local Self-Government Act
MoALMC	Ministry of Agriculture, Land Management, and Cooperatives
MoEAP	Ministry of Economic Affairs and Planning
MoFAGA	Ministry of Federal Affairs and General Administration
MoIAL	Ministry of Internal Affairs and Law
MoPID	Ministry of Physical Infrastructure Development
MoSD	Ministry of Social Development
MP	Member of Parliament
MuAN	Municipal Association of Nepal

NASC	Nepal Administrative Staff College
NC	Nepali Congress
NCC	National Coordination Council
NCEN	National Campaign for Education Nepal
NCP	Nepal Communist Party
NGO	Non Government Organization
NNRFC	National Natural Resource and Fiscal Commission
O & M Survey	Organization and Management Survey
OCMCM	Office of the Chief Minister and Council of Ministers
OPMCM	Office of the Prime Minister and Council of Ministers
PA	Provincial Assembly
PCC	Province Coordination Council
PCR	Polymerase Chain Reaction
PMAMP	Prime Minister's Agriculture Modernization Program
PPC	Policy and Planning Commission
PR	Proportional Representation
RJM	Rastriya Jana Morcha
SPP	Seven Political Parties
SRDSP	State Restructuring and Distribution of State Powers
ToR	Terms of Reference
UNDP	United Nations Development Program
VAT	Value Added Tax
VHLSEC	Veterinary Hospital and Livestock Service Expert Centre
WTO	World Trade Organization

CHAPTER ONE

INTRODUCTION TO THE RESEARCH STUDY

1.1 Background

Nepal has gone through big political shifts in the past three decades, i.e. from the one-party system to multiparty democratic system in 1990, monarchy to republican in 2006, and unitary to federalism in 2015. These changes were outcomes of different forms of movements, demonstrations, and agitations launched in the country. There is a huge diversity in caste, religion, culture, language, and geography. However, this diversity was not reflected in the state's mechanism (World Bank, 2006).

The governance of Nepali polity has long been highly Kathmandu centric. The country had practiced a unitary form of government for long and decentralization was the long-standing debate. The inclusive and participatory governing system had also been the issue of Nepali politics, particularly after the restoration of democracy in 1990. However, there was no meaningful inclusion and participation of marginalized communities.

In this context, federalism was deemed to be a good alternative governance system for Nepal, not only for the decentralization viewpoint but also in terms of inclusion and access to the state. After going to federalism, it has been expected that there will be proportional development in all parts of the country and the economic, social, and religious discrimination will be diminished.

After a long struggle for a robust democratic political system, a new constitution was promulgated on 20th September 2015 with the provision of federalism in Nepal. This constitution envisioned three levels of governments (namely federal, provincial and local government) whose relations are guided by principles of three Cs (coexistence, cooperation, and coordination) (GoN, 2015: Article 232).

The political system in Nepal has lately seen some significant changes. It has transformed from the unitary governing system to the federal governing system with three levels of governments. In Nepal, there are one federal government, seven provincial governments, and 753 local governments at the moment. Based on the idea

of decentralization, inclusion, and participation, local and provincial governments have massive authority over legislation and executive power.

The state restructuring process of the country in the federal system has created a way to build an egalitarian society by eliminating discrimination based on class, caste, region, language, religion, gender, and sexual minorities among other identity markers (Nepali, Ghale and Hachhethu, 2018). At the same time, it is expected that the federalism will take the state to the doorsteps of the citizens on the concept of self-rule and shared rule.

A major challenge at the moment for Nepal is to implement the constitution. It has to set up provincial institutions and local-level restructuring. This process is a bit complex and time-consuming. The federal, provincial, and local governments play crucial roles in the implementation of the constitution, research on this will also contribute to it.

1.2 Statement of the Problems

Political instability has been the dominant characteristic of Nepal since the democratic movement in 1950. Moreover, it practiced a unitary governing system for a long. It had the problem of representation within the civil service, security forces, and education (Whelpton, Gellner and Pfaff-Czarnecka, 2008). Despite its diversity in terms of ethnicity, language, and religious traditions, the political power had largely been in the control of so-called high caste Parbatiyas (Hoftun, Raeper and Whelpton 1998). In his book entitled *Towards a Democratic Nepal: Inclusive Political Institutions for a Multicultural Society*, Mahendra Lawoti (2005) has argued that there was a disparity in Nepal based on language, caste ethnicity, geography, gender, class, etc.

Scholars have argued that Nepali politics and governing systems along with other aspects of Nepali society were highly Kathmandu centric. There were some attempts of decentralization but were not successful. Bhim Dev Bhatta (1990: 100) rightly points out, "In practice, it has been realized that the distribution of power moved one step ahead but retreated two steps back to rest at the center again."

The agenda of federalism in Nepal was introduced strongly by then CPN (M) in the mid 1990s. The unitary system was unable to address the interests of diverse sections

of people and so federalism became unavoidable for addressing the concerns raised by Janajatis, Madheshis, and other marginalized groups (Baral, 2009: 33). However, there was nothing mentioned in the interim constitution-2007 regarding federalism. The clear provision of federalism came along with the *Madhesh Aandolan* (Madhesh Movement), which compelled to amend the interim constitution by introducing federalism in it. Federalism is generally understood as the distribution of powers and resources among the centers, regional and local units (Baral, 2013). Among the political parties in Nepal, Rashtriya Jana Morcha (RJM) argues that federalism is not home-grown agenda, but it was introduced by a few political elites, basically under external influence. Moreover, it has been advocating against the federalism from the beginning of state restructuring debates.

Federalism is concerned with the combination of self-rule and shared rule. As a political principle, it "has to do with the constitutional diffusion of power so that the constituting elements in a federal arrangement share in the processes of common policy-making and administration by right, while the activities of the common government are conducted in such a way as to maintain their respective integrities" (Elazar, 1987: 5-6). Unlike the unitary system, there will be devolution of authority and power to the unit of the state through a well-defined mechanism.

Among the 3 governments in Nepal, current federal and local governments had somehow been in existence for long, even in the unitary system. The province is new in the real sense and it has more challenges, as it has to begin from nothing.

In the federal system, sub-national governments are not creations of the federal government but, derive their authority directly from the people as done by the federal government (Elazar, 1987: 35). So, in a sense, the provincial government has enormous opportunity for economic and political growth since it has budget and authorities to mobilize in the provincial level (NCEN, 2018). Being in between federal and local governments, provincial governments are believed to play the role of back-office function to coordinate both governments (Poudel, 2018). But on the other hand, it has various internal and external challenges too. Moreover, the inter-governmental relation is a very broad concept referring mainly to the relations among the federal, provincial, and local governments. Additionally, it also deals with the

horizontal relations i.e. relation of the provinces to one another and among the local units to one another (Sharma, 2019).

The provincial governments have been running for over and half years. Their challenges and opportunities have been noticeably surfaced. In this context, there might be several questions in mind. Some of them are:

1. What is the present performance of the provincial government in terms of service delivery and development?
2. How are the relations among the three tiers of government in the changed context?
3. What are the major challenges and prospects of Nepali federalism?
4. What resources are required to sustain the federalism?
5. What is the status of social inclusion after the implementation of federalism?

1.3 Objectives

Provincial governments have been working for more than 2 and half years. People have big expectations from these governments. The assumption of federalism in Nepal was self-rule and shared rule. The general objective of this research study is to explore discourses of federalism in Nepal. Furthermore, the following are the specific objectives:

- a) To examine critically the administrative and political system of Gandaki province in terms of service delivery and development.
- b) To analyze the relation of the provincial government of Gandaki with the other two layers of governments in the changed context.
- c) To explore the challenges and prospects for successful implementation of federalism in Gandaki province.

1. 4 Research Methodology

1.4.1 Research Design

This research basically follows descriptive design to analyze the findings. There are explanations of findings along with the analysis. However, this research is also relatively new for its kind and also investigates the problems and opportunities of provincial government. Since this area did not have enough works and methods, the

researcher has tried to explore the fact on his own. Therefore, descriptive and explorative- both designs are adapted to conduct this research work.

1.4.2 Nature of the Study

This is a qualitative study. Ontology and epistemology are the most important phenomena in research methodology. Ontology finds out the reality. As described by epistemological theory, this research also believes that knowledge is social construct and there might be multiple realities. Since this study is primarily based on interviews with stakeholders in province and local level, it should be noted that the findings are the reality of perception of the people interviewed and there might be different realities other than this (Audi, 2011).

1.4.3 Justification of the Area of the Study

This study incorporates the performance of Gandaki province in connection to the implementation of federalism. This topic was chosen for the study, as it is very significant in the context of new governance and the political system in Nepal. This might be too early to judge the performance of federalism in Nepal, yet it is essential to know whether the process is on the right track.

The major challenges and prospects faced by a province are more or less similar to those of others. The objective of this research is limited in terms of time, cost, and purpose. Only Gandaki province was selected among the seven provinces for this study as convenience sampling.

Federalism is a new phenomenon in Nepali politics and informed debates on it are required for its right evolution. Nascent federal democracy in Nepal has a number of challenges ahead and research on it may help the people at large to understand the situation and also to make sure that the implementation of federalism is not derailed. Research work like this is expected to strengthen the functioning of provincial and federal governments.

1.4.4 Sources and Nature of Data

This research is based on both the primary and secondary sources of data. Primary data was collected from in-depth interviews with key informants and observation methods. Secondary data was collected from the publications of the government

offices, media and other researchers or research organizations. Primary and secondary data have complimented each other for this study.

In order to achieve the objectives, both qualitative and quantitative data are used in this research study. Basically, the qualitative information was collected from key informants' interview and the finding was analyzed. These analyses are supplemented with published documents. Quantitative data has also been used in case of understanding the people's perception on federalism. These were collected from secondary sources.

1.4.5 Data Collection Methods

- i. In-depth Interview:** Insightful information from key interlocutors was collected through in-depth interview with the help of checklists. This type of interview was conducted in province level as well as local level in Gandaki province.
- ii. Observation:** Observation is also a major tool for this study. The researcher observed some formal programs conducted by the provincial government and visited province level and local level offices during research.
- iii. Published Documents:** Newspapers and other documents such as research reports, books, official websites of provincial government, etc. were also analyzed for this research.

To administer the interview systematically, a checklist was prepared which guided the interview (See Appendix 1). The interviews were conducted in between August 2018 to April 2020. Notes were taken during the interview and those were typed after interview. Those notes were used for writing analysis.

1.4.6 Population and Sampling

Key informants were people from provincial government (elected representatives and government employees), provincial assembly members, civil society leaders and journalists. They were selected purposively which was non-probability sampling. They included wide variety of stakeholders of implementation of federalism in Gandaki province. The diversity in terms of gender, party affiliation (if applicable), ethnicity, profession, age, geography etc. were considered for the selection of key informants.

There were 80 key informants in total for this study. In province level, 1 minister from provincial government along with the Speaker and deputy speaker of Provincial Assembly (PA) were interviewed for this research. Out of 60 PA members, 22 PA members were interviewed as key informants. 35 government officials and 12 members from the civil society including journalists also provided their thoughts regarding to the implementation of federalism in Gandaki province.

In order to understand the relation of provincial government with local governments, 4 local units out of 85 in Gandaki province were also visited which were purposively selected. Though this was non-probability sampling, a mixed variety in terms of geographical locations and rural/urban set up was ensured in this selection.¹ 3 Mayors/chair, 1 Deputy Mayor, 3 Chief Administration Officers (CAO) and 1 Chief of Education Department were key informants from the local level (See Appendix 2 for list of all Key Informants interviewed for this research).

1.4.7 Data Presentation and Analysis

After each interview, a note was prepared. So before starting writing, the available data were accumulated, organized in a systematic order, and presented. The quantitative data were presented in tables. The information gathered was screened according to their themes and was duly analyzed.

The American Psychological Association (APA) style of referencing has been followed in this research.

1.5 Literature Review

One can find enough literature regarding state restructuring in Nepal since it was a highly debated topic particularly in the past two decades. But, there are a limited number of published materials that deal with the implementation of federalism.

In a research article, Gyawali (2018) claimed that federalism has been introduced in Nepal as a mechanism for eliminating the disparities caused by socio-cultural variables, but the restructuring initiatives appear not that satisfactory in that direction. Increased cost for additional parliamentary, administrative, and bureaucratic functions

¹ Those units were Waling Municipality from Syangja, Bulingtar Rural Municipality, Gaidakot Municipality and Devchuli Municipality from Nawalparasi east.

is a new challenge of federalism as mentioned by him. The inadequate number of civil servants with low technical skills and minimum logistic support are other constraints. Ensuring the local effective governance, social inclusion, and pluralism, fiscal autonomy, reduced conflict, more responsiveness towards citizens, etc. are the factors that Gyawali referred to as the opportunity of federalism. His work lacks ground-level information, it is based only on theoretical perspectives instead.

Shrestha (2019b) has also identified some key challenges of federalism in Nepal. She opines that weak public institutions and service delivery, concurrent rights and powers, and overlaps among government tiers, absence of a well-functioning fiscal federalism framework are the major challenges.

A Nepali text written by Sapkota, Sapkota and Koirala (2075B.S) discusses the jurisdiction of the three tiers of government. Though the schedules of the Constitution of Nepal has distinguished the jurisdiction of each government, this book claims that there are contradictions, duplications, and confusions in jurisdiction across different spheres of government. It has highlighted the area of duplications regarding the jurisdiction among the three levels and identified the area in which the jurisdiction is to be addressed.

Baral (2075 B.S.) has dealt with the challenges faced by the three tiers of government in his book on the political evolution of Nepal. According to him, provincial governments have not become proactive to draft required laws, and their way ahead to federalism is doubtful as they are also in confusion. In the context of local government being able to deliver service at the local level and conducting low scale development projects, he has highlighted that questions have been raised towards the provincial government since the federal government has to bear its cost and conduct bigger construction projects.

There are some surveys conducted to measure the public perception basically on the recent change of political system. According to the survey conducted by NASC (2018: 95), those who were aware of the new constitution largely agreed that it devolves adequate power to local governments. Some 84% say they agree with this statement (33% completely agree, 51% agree to some extent).

A survey entitled 'A Survey of the Nepali People in 2017' (SoNP 2017 in short) revealed that nearly half of Nepal is (44.4%) trust that Nepal's transition to greater federalism will lead to improvements for themselves and their families and large number of people are either uncertain about the merits of federalism (15.3%) or think that it is too soon to tell (24.6%) or that they do not know whether federalism will lead to improvements or not (15.3%), possibly indicating that knowledge about how federalism will work in practice remains limited. Some 11.9% of respondents feel that federalism will make things worse (The Asia Foundation, 2018). Commenting on this survey, Dhruva Kumar (2019: 29) writes, "One significant aspect of the SoNP 2017 data is the positive public view of the 2015 Constitution and federalism and on the 2017 elections. A significant proportion of the population has expressed a generous attitude towards the future political process."

Another survey of the same kind conducted in 2018 found that the citizens of Gandaki province were more likely to report that the local level restructuring positively impacted service delivery capacity of their local government, however, the residents of Province 3 and Karnali Province were least likely to do so (School of Arts, Kathmandu University, Interdisciplinary Analysts and The Asia Foundation, 2019).

These kinds of opinion polls have provided the general mood of the people for the given time. But one should bear in mind that polling science is not exact. Moreover, the above-mentioned surveys have not dealt deeper with the issues influencing the implementation of the new political structure of Nepal.

Parajuli (2072 B.S.) argued that federalism might not be the solution of all problems prevailing in Nepali society, but can also create some problems such as financial burden, ethnic conflict, inter provincial conflict etc. He emphasized that honesty is needed in political leadership for the proper implementation of federalism. Krishna Khanal (2019) criticizes the lack of preparations for the proper functioning of the sub-national government of the federal system which was supposed to bring democracy closer to citizens. Referring to the inter-governmental relation, Khanal argues that the constitutional arrangements and the legislation enacted to manage sub-national governance seem to favor a very centralized structure since provincial and local governments are supposed to follow and comply with federal directives. Since there

are altogether 761 governments in Nepal, disputes among some of them are unavoidable. For instance, Sharma (2019) writes,

As the local governments are autonomous and receive significant resources from the federal government than the provincial governments, it is more likely that they will be more steered and guided by the federal government than the concerned provincial governments. This may create tensions and inter-governmental conflicts between the local governments and the provincial governments (p. 148).

Sharma further argues that the Constitution of Nepal has several provisions to settle the dispute raised among any two or more governments. According to him, disputes can be settled through a governmental mechanism such as the Inter-Province Council, courts like the constitutional bench of the Supreme Court, or statutory provisions such as various acts.

Federalism and state structuring are new phenomena for Nepal. There are some researches that simply compare various topics among the provinces. For instance, Governance Facility has produced 2 reports (one on Socio-Cultural profiles and the other on economic and administrative data and challenges of the seven provinces) (Governance Facility, 2018, Nepali, Ghale and Hachhethu, 2018). Similarly, the National Campaign for Education Nepal (NCEN) has conducted a study by comparing the Provincial Government Budget for the FY 2018/19 (NCEN, 2018). These researches give a comparative picture of some aspects such as budget, resources, socio-cultural diversity, Gross Domestic Products (GDP), etc. among 7 provinces of Nepal.

International Center for Public Policy (ICPP) in the Andrew Young School of Policy Studies at Georgia State University had carried out a capacity-need assessment of Nepal's federalism. This research was conducted at the request of the Government of Nepal to assess challenges and opportunities in federalism implementation. It reported the need and capacity assessment for the transition of Federalism in Nepal. According to the report, "The transition to federalism has been constrained because it went forward without the benefit of a comprehensive implementation plan or a timetable for sequencing the introduction of new policies" (ICPP, 2019). This report also

pointed out that the employ integration process was unable to fill the capacity-needs gap of sub-national governments in the initial level of employment devolution.

A significant amount of framework legislation such as laws to assign expenditure, revenue, and public management responsibilities among the three spheres of government are required for the initial functioning of federalism. The ICPP (2019) report says,

Much has been accomplished, but the time it has taken to pass or amend some national framework and operations legislation has contributed to a lack of clarity in the division of responsibilities and powers of the different levels of government, uncertainties about operating procedures, and an inability of local and provincial governments to deliver on all of their new responsibilities (p. V).

According to the study, the passage of provincial and local laws is also a challenge because the legal training and background of the staff at the sub-national government level are so far limited. This analysis, has identified the challenges of all three tiers of government and is a significant document to understand the need and capacity gap of Nepali federalism in this transition. Nevertheless, this report is silent in particular to any specific local or provincial government.

A research conducted by Democracy Resource Center Nepal (DRCN, 2019a) has revealed,

... the major issues like absence of framework legislation on matters of shared jurisdiction, lack of important institutions to implement plans and policies, and shortage of employees and staff meant that the activities of provincial governments were limited to drafting operational and procedural laws and setting up limited institutions and agencies (p. 24).

This research however deals with the functioning of both the local and provincial governments and has highly been dominated by stuff related to local governments and talks less about provincial government. This organization also published two research reports on provincial institutions and provincial assembly. The first report highlights that provinces were in the process of establishing more institutions under them (DRCN, 2019b). The second report indicated that the provincial government and

political parties were dominant while making a crucial decision through provincial assembly (DRCN, 2020). Moreover, DRCN's reports deal with the overall analysis of all 7 provinces and they say very little information separately from the individual province.

Issues of implementing federalism have surfaced only after the promulgation of the Constitution and the consequent establishment of sub-national governments. There are limited publications regarding it which might be due to the small period after the enactment of the new Constitution. From the above discussion, we can conclude that some works deal with the overall performance of the 7 provinces are available, but the one specifically focused on Gandaki province is rare. This work intends to fulfill that research gap.

1.6 Limitations

There was time and resource constraint while doing this research. Consequently, there are the following limitations:

- I. Out of 7 provinces, this research is confined only to Gandaki province. Hence, the findings of this research may not be generalized, though there might be many similarities with other provinces.
- II. The performance of Gandaki province is a vague topic to analyze. This research deals with only some aspects of federalism. Many issues could not be taken up in this study. Arguably, most important is the absence of a review of laws formulated by PA. Nor this thesis deals with issues related to the challenges of fiscal federalism in detail. The need and capacity gap of Gandaki province are also missing.
- III. While talking about inter-government relations, it does not speak on horizontal relation i.e. relation among provinces.
- IV. A limited number of interlocutors were interviewed.
- V. This study has not taken into account of events after April 2020. Many significant developments might have occurred since then, but this research had to set a cut-off point.

1.7 Rationale of the Study

Nepal has promulgated a new constitution to move forward by overcoming previous weaknesses. Though it has opened the door for rights of the people, political stability,

state restructuring, and sustainable peace and development, there are many prospects as well as numerous challenges for its proper implementation (Dahal, 2017). The newly established provinces collectively and individually, have a number of challenges and they continue to face challenges to stand as a viable and effective government.

This research has its own significance since it tries to address the contemporary debate regarding the significance of provinces. Similarly, it tries to trace the proper picture of service delivered and development through the provincial government.

Since Nepal has entered into a new experiment of new governing system federalism, tracking the evolution of it as well as the exploration of the attitudes and behaviors of key actors and stakeholders in the province level is also important. This research attempts to do so.

From the perspective of the implementation of federalism through cooperation and coordination, federalism will be institutionalized with a better understanding of the federal, provincial, and local governments, and this study helps to some extent in this course. Moreover, the finding of this study is also expected to contribute by assisting the policymakers and governments.

1.8 Organization of the Study

This thesis has six main chapters. It starts with an introductory chapter which deals with the objectives and rationale of the study. This also critically analyzes the previous works on the issue of federalism in the Nepali context. Theoretical and conceptual frameworks have been discussed in the second chapter. The third chapter sheds light upon the evolution of federalism in Nepal. The fourth chapter introduces with the provincial government and PA of Gandaki province.

Since the provinces are very new structures established first time in Nepal, only after the implementation of federalism, they have tremendous opportunities as well as a pile of challenges. The fifth chapter assesses those challenges and opportunities in special reference to Gandaki province. It also discusses the relation of Gandaki province with the federal and local governments. Finally, the conclusions of the study are presented in chapter six. References and appendices are slotted at the end of the thesis.

CHAPTER TWO

THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1 Concept of Federalism

In terms of the division of constitutional powers, there are three kinds of governmental systems: confederal, federal, and unitary. The factor that distinguishes one governmental system from others is the ownership of constitutional power (Breton, 2000). The word 'Federal' is derived from the Latin word 'foedus', which means covenant (Sharma, 2019: 43). In medieval Europe, the term "was applied to a wide variety of treaty-based relationships between all manner of political entities at the scale of cities, provinces, kingdoms, and even empires" (Aroney, 2016: 2).

The visionary scholar William Riker summarized federalism in 1975 as "a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions" (cited in Volden, 2004: 91).

Thus, federalism is the system of government in which sovereignty is constitutionally divided among multiple governing authorities. So there might be national and sub-national governments sharing the power to govern over the same territory. Krishna Khanal explains federalism in a general sense as "an umbrella organization of different units sharing common interests and destiny" (Khanal, 2009: 119). According to Lok Raj Baral, the desire to unite and live together within the broad national boundary is the basis of the federation (Baral, 2009). Similarly, V. D. Mahajan (2013: 423-424) compares the federal and unitary government in the following words,

In a federation, there is a strong desire on the part of the units to maintain their separate entity, although they would like to unite for certain purposes. The units are prepared to merge themselves. The federal sentiment of union without unity is essential for the successful working of the federation. In a unitary government, the units merge themselves in to the central government and lose their separate entity.

Mahajan further suggests that "a unitary government works successfully where the people are relatively homogeneous" (Mahajan, 2013: 424). The Canadian professor and federalism expert Ronald Watts compares the two systems of governments as follows:

In a unitary system, ultimate sovereignty and law making power resides totally with the central government. The central government may decide to adopt decentralization, but it also has the power to remove or withdraw powers provided to regions. In a federal system, the constitution ensures that no one level of government decides what the powers of different governments will be. Federalism gives guaranteed power to the regional units of government through the constitution, and those powers cannot change without a formal constitutional amendment which requires the consensus of both the federal government and a majority of constituent units. This provides a safeguard to regional units that other levels of government cannot simply take powers away from them (Watts, 2011: 10).

According to Watts, federalism is considered more appropriate to the countries with diversities in terms of ethnicity, language, religion, etc.

The discussion urges us to conclude that a federalism is a political system in which there will be multiple layers of governments with defined jurisdictions. Currently, there are around 29 countries with a federal system in the world. However, almost 40% of the world's population is under federal governance (Sharma, 2019; Khanal, 2009). Federalism emerged as an alternative to the unitary state system or a loose union (confederation) between different states.

Thus, an association of two or more states is a federal nation and the concept is known as federalism. It should have multiple governments functioning for the same territory. In the first few decades following the decolonization, states in Asia attempted to build unitary and homogenizing nation-states as there was distrust of federalism due to the split of India and Pakistan and Singapore and Malaysia. However, in recent years, federalism has been considered as an advanced form of government, and even as the ideal future form of governance at the regional and global level (He, 2007).

2.2 Types of Federalism

Federation and Confederation: Sovereignty is vested in the state itself in a federation while in a confederation, sovereignty remains vested in each of the several constituent states. Thus a federation is a state in which "governing powers are divided between levels of government, but in which sovereignty is concentrated in a unitary locus of constituent power" (Aroney, 2016: 5). "Confederations are a union of otherwise sovereign states, where the center is typically weak and subunits retain high degrees of sovereignty" (International IDEA, 2019: 3). The original model in the United States under the Articles of Confederation (1781) was adhered to it. Currently, the structure of the European Union could be understood as an example of confederation.

Aggregation and Disaggregation: Federations could take place in two ways, either through the aggregation of independent states or the disaggregation of a unitary state (i.e., through a devolutionary process leading to the federalization of a once unitary political system). The aggregation process is also known as the 'coming together' model and the disaggregation process as 'holding together' model (Topperwien, 2009).

Nepal's case is holding together model and symmetrical. Pitamber Sharma terms the federalization exercise in Nepal as 'devolutionary federalism' as it involves some form of democratic bargaining concerning the devolution of political and economic power to federal units and below (Sharma 2014: 93). Analyzing the cases of Nepal, Myanmar, and Sri Lanka, Michael G. Breen says a 'holding-together' model of federalism is established in response to a moderate secession risk when there is also a peripheral infrastructural capacity (Breen, 2018).

Examples of Federal countries formed by aggregation include the USA, Australia, and Switzerland. More relevant examples for Nepal are those federations that have been formed by a process of devolution such as Malaysia, Ethiopia, Nigeria, Spain, and Belgium or by a mixture of aggregation and devolution, such as Canada and India (Watts, 2011:13).

Symmetrical and Asymmetrical: The provinces or states might have either identical powers or powers varied formally or informally to suit the specific needs and characteristics of each province. The one which has identical powers to all provinces

is known as symmetrical federalism. If there is a special privilege to some of the provinces, it is called asymmetrical federalism (Thapa and Sharma, 2011). All the provinces might not have the same kind of power influence and some might be consistent on attaining more autonomy than others. Special arrangements may involve in representation and use of jurisdiction. Canada, Germany, and India are some examples of asymmetrical federalism (Aroney, 2016).

Centralized Federalism: Federalization does not necessarily mean decentralization. Federalism with a lack of significant implementation rights or of co-decision-making rights for sub-national units is centralized federalism (Braun, 2011). Some countries might have a federal system with a strong federal government at the center. According to Krishna Khanal, "In some countries, internal freedom is more and in others, it is less. In some contexts, the central government intervenes. Such a country is also called Quasi-Federal state. India, Pakistan, Malaysia, etc. fall in this category" (Khanal, 2009: 124). However, in Bagchi (2003)'s word, "[in India] The first three decades of independence were marked by a concentration of power at the Center." He commented that a reversal of this trend was thereafter in 1990.

2.3 Concept of Inter-Governmental Relation

In a federal structure of government, there are at least two layers of governments, one at the national level for the whole country and others at the regional level (Mahajan 2013). Some countries have 3 layers, two at sub-national level. Explaining the intergovernmental relation, Thomas Pfisterer writes, "The intergovernmental relations concern the measures, institutions, and processes used for performing the functions and achieving the aims of a federation. The federation should even have interactions that go beyond institutions but not beyond the rule of law and democracy" (Pfisterer, 2013: 98).

Undoubtedly, inter-governmental relation is crucial for a federal system of government, the situation always presents a delicacy that makes the state prone to conflict, most especially between the center and the federating units (Olaiya, 2016). Sub-national governments in the federal system enjoy extensive independence and jurisdictional autonomy from the federal government. The degree of autonomy enjoyed by the sub-national government might be more with the weight of historical and political tradition. This means that significant efforts and mechanisms are needed

to ensure cooperation and consultation among levels of government (Agranoff, 2007).

In India, the inter-state council can be set up by the President to inquire into the disputes amongst states and to make recommendations thereon (Chhabra, 1977). The article 234 of Constitution of Nepal has also such provision. This council led by the Prime Minister (PM) is for preventing conflict and misunderstanding between the federal and provincial governments. According to the Constitution of Nepal (Schedule-6), the province has exclusive power on 21 matters. Schedule 7 has defined the concurrent power of the province and the federal governments while Schedule 9 contains the concurrent power of federal, provincial, and local governments (GoN, 2015).

2.4 Conceptual Framework of the Study

By and large, federalism refers to a political governing system where there will be multiple tiers of government working together with coordination. It is preferred for self and shared rule. As discussed above, Nepal's federalism is 'holding together' model and it has cooperative characteristics in essence. In cooperative federalism, a wide spectrum of possible, more or less institutionalized sharing and exercise of powers is found while making joint-decisions (Sonnicksen, 2018).

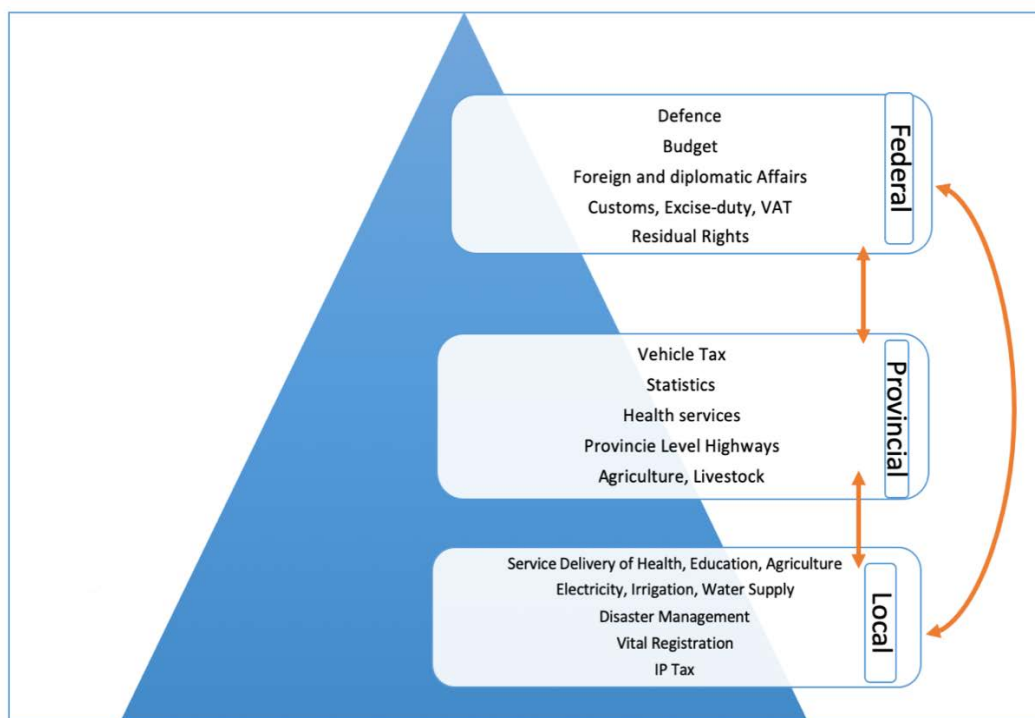


Figure 1: Conceptual Framework of Federalism in Nepal.

In the context of Nepal, the constitution suggests that the three tiers of government are based on the principles of coordination, coexistence, and cooperation. As shown in Figure 1, the three levels of governments have separate lists of jurisdiction.

Basically the constitution has envisioned that the local governments are responsible for delivering basic public services and the provincial and federal governments are supposed to perform advanced functions. Key services such as basic and secondary level education, health services, agriculture, and livestock development, basic public security, water supply and sanitation, social security, etc. are dealt with by the provincial and local governments. According to the constitution, the residual power remains with the federal government.

Nepali federalism assumes to have participation, development, aggregation of population, inclusion, decentralization, and improved access to the state. This study aims to examine if it is moving in the right direction to achieve these goals.

CHAPTER THREE

EVOLUTION AND DISCOURSES OF FEDERALISM IN NEPAL

3.1 Decentralization Practice

According to Baral, Hachhethu and Sharma (2001), there was an unequal distribution of power that had arisen much strikingly from the caste and ethnic angles in Nepal. They write:

Though caste domination and discrimination has been legally abolished since Nepal entered into modern phase by the mid-20th century, the domination of the hill high caste groups has been retained by the two principal factors: one is the ascendancy of Brahmin and Chhetri in acquiring new sources of power i.e. education, communication and modernization and the other one is the continued trend of social disparity based on traditional ethos of the past (p. 85).

Nepal practiced a centralized unitary governing system for long. However, there were some attempts for decentralizations in the past. Its decentralization exercise can roughly be divided into 3 phases based on political shift. From 1960 - 1990, 1990 – 2006 and 2006 to present.

Administration units were created for convenient governance even during the Panchayat era. Bhuwan Lal Joshi and Leo E. Rose (2004 [1966]) write:

As outlined in the 1962 constitution, the panchayats have been organized on a four-tier structure, modelled to some extent after the 'basic democracy' system in Pakistan and the 'Panchayati Raj' in India. The lowest and primary units are village and town panchayats, approximately 3,700 in number. Superimposed on these are district panchayats, one for each of the seventy-five development districts and zonal panchayats in each of the 14 regional units established under the new administrative reorganization program. Finally, at the highest level, is the national panchayat- the parliament under the 1962 constitution (p. 399).

However, the development region and zone could not function well, neither as administrative unit nor as coordinating unit among districts due to Kathmandu centric politics and centralized administration (Sharma, 2004).

After the restoration of democracy in 1990, there were some efforts to devolve powers to local governments. These efforts included the 1999 Local Self-Government Act (LSGA), which created two levels of local bodies- i) District Development Committees (DDC) and ii) Village Development Committees and Municipalities (Brand, 2014). However, implementation of the LSGA was difficult because of the Maoist insurgency which started in 1996. Even the local elections could not take place due to the insurgency and that led to the absence of elected local authorities after 2002. As an interim arrangement, the central government handed over the power of local authorities to respective secretaries with the assistance of all party mechanism. After the *Jana Aandolan* (People's Movement) II that took place in 2006, the country got a big paradigm shift in terms of government. The previous two phases of decentralization (i.e. 1960-1990 and 1990-2006) were with a heavy dose of centralism, but the latter is embedded with the broad issue of federalism in which state's power is shared by three tiers of government.

3.2 Evolution of Federalism

The political demand for federalism was first raised in 1951 by the Nepal Tarai Congress. Vedananda Jha formed this party by splitting the Nepali congress in that year and one of its objectives was the establishment of an autonomous Tarai state (Gaige, 2009 [1975]:109). Nevertheless, it received no attention. Additionally, some issues raised by Tarai organizations were largely ignored while drafting the 1990 constitution (Hutt, 2001). The Samyukta Jana Morcha (the United People's Front)² was also not happy with the compromise made among NC, United Left Front, and the King at the climax of the *Jana Aandolan* (People's Movement) I and also with the constitution of 1990 (Adhikari, 2014a: 3).

Gajendra Narayan Singh formed Sadvawana Party in 1990 and demanded 3 ecological provinces including Tarai as one of the provinces (Mabuhang, 2014: 138). The demand for state restructuring was also raised by identity-based organizations

²A faction of it formed Communist Party of Nepal (Maoist) that started insurgency in 1996.

and some other political parties after the 1990's movement (Sharma, 2014; Tamang, 2065 B.S.). However, its agenda was spread over to the people at large by the Maoists. *Madhesh Aandolan* in 2007 compelled the government to amend the interim constitution by inserting state restructuring agenda.

3.2.1 The Maoist Movement

The Maoist insurgency was started in 1996. On 4 February 1996, a radical faction of Samyukta Jana Morcha, (the CPN (M)), submitted a 40-point demand to then PM Sher Bahadur Deuba with a warning that they would lift arm for a 'People's War' if the government did not fulfill the demand. But the government did not take the demands seriously and the CPN (M) started 'People's War' on 13 February 1996 (Upreti, 2006: 23). Its insurgency expanded across the country, attacking police posts and other government bases and more than 13,000 people lost their lives in total during the decade-long conflict (TCC, 2014).

The CPN (M) formed the United Revolutionary People's Council (URPC) in 2001 at the time of the first ceasefire. The main aim of the URPC was to govern the New Democratic Republic Nepal under the leadership of the CPN (M). Its constitution had a four-layered organization which were Central, Regional, District, and Village/town. They had also proposed nine autonomous regions where they somehow practiced 'People's Governments'. Six of those regions were on the ethnic basis (Tharuwan, Magarant, Tamuwan, Tamang, Newar, and Kirant) and rest three were on the territorial basis (Seti-Mahakali, Bheri-Karnali, and Madhesh where there was no dominant ethnic group) (Boquerat, 2009). Gandaki region was termed Tamuwan Autonomous Region (Upreti, 2006: 126). "The Maoists had promised that once they took over state power, they would transform the Gandaki Region into the Tamuwan Autonomous Province" (Adhikari, 2014b: 146). Not only in this region, "the Maoist, during the course of insurgency, strongly raised the concept of federalism as the resolution of exclusion (Sarbahara, 2009: 184).

The Nepali state did not reflect the diversity of Nepali society and a large population was optimistic that CPN (M) insurgency was an opportunity to reform that state. The ownership of many communities had adversely eroded which created a conducive atmosphere for CPN (M) insurgency.

3.2.2 *Jana Aandolan II*

King Gyanendra imposed an absolute autocratic rule on 1 February 2005. Seven Political Parties (SPP) were agitating against the King's move which was not that effective. Political parties including CPN (M) and civil societies deemed an urgent need of fundamental change in governance. The 12-point understanding was reached between SPP and CPN (M) on 22 November 2005 (Sharma, 2019). The preamble of the 12-point understanding expressed this need, calling for democracy, an end to the monarch, and a new political structure. This realization was further refined in the Comprehensive Peace Agreement (CPA) in late 2005, but the word federalism failed to be included. However, the spirit of article 3.5 of CPA which has a clause- "inclusive democratic and progressive restructuring of the state" is "not just about improving service delivery but is also envisioned as an instrument to end the exclusion of all kinds," as noted by Seira Tamang (2014: 24).

Jan Aandolan II was a republican movement in essence. Hachhethu and Gellner (2010: 141) reported, "The rising wave of republicanism was so radical that popular support for a republican system of government increased from 15% in 2004 to 59% in 2007".

3.2.3 *Madhesh Aandolan*

An interim legislature was formed which promulgated the interim constitution of Nepal in 2007. This was a significant achievement in Nepal's transition in politics. However, various social groups were disappointed since there was no specific content on inclusive democracy (Hacchethu, 2009). There was nothing about federalism in the interim constitution of Nepal as well. It said that Nepal was an "independent, indivisible, sovereign, secular, inclusive and fully democratic State" (GoN, 2007). Mara Malagodi (2019a) writes, "The commitment to federalization resulted from the *Madhesh Aandolan*, a mass movement against discrimination of Madheshi groups, which led to prolonged strikes and violence in January 2007. To appease the protestors, the Interim Government eventually accepted their demand for federalization and amended the Interim Constitution accordingly." The *Madhesh* uprising brought the authority at that time to consider federalism. The social pressure groups became key actors to negotiate directly with the authority and this was the consequence of *Madhesh Aandolan* (Hachhethu, 2009: 65). The provision of

federalism was inserted into the interim constitution of Nepal as 'a means of progressive restructuring of the state' (Sharma, 2019).

3.2.4 First Constitutional Assembly (CA)

There was a general agreement that federalism with its provincial and local governments equipped with appropriate power and responsibilities can deliver most public services more efficiently than the agencies of the central government for various reasons (Pandey, 2009). All political parties, except one-RJM, a small leftist party that got 1.5 percent of the popular vote and 4 seats in the first CA election- of the 25 political parties with representation in the CA were in favor of replacing the longstanding unitary nature of the Nepali state by a federal structure (Hachhethu, 2009). Although almost all of the parties in the CA agreed that the federal system was the right structure, they differed explicitly on the standards for federalizing Nepal (Karki, 2014). The debate on federalism polarized basically into two ways: based on identity or based on geography (Adhikari et.al., 2008).

Political parties agreed on ending the centralized power of the government primarily with provinces and local government was less in their concern. According to their manifestos in the first CA election 2008, almost all of the political parties had clear political promises for establishing the autonomous provinces but limited attention on autonomous power of the lowest governing units (Rai and Paudel, 2011). A research on promises from 25 political parties representing CA, analyzed through their manifestos showed, "The term 'autonomous' has been used 197 times (66.3 % of total) with respect to the provincial government. In contrast, it is used only 23 times (7.7 %) with respect to local government" (Rai and Paudel, 2011: 11). Despite this, Nepali Congress (NC) and Communist Party of Nepal-United Marxist and Leninist [CPN (UML)] were not much comfortable on federalism. For sure, federalism had not been a policy goal of these two parties before the Madhesh movement in 2007. So, they remained silent on identity-based federalism for a long time (ICG, 2011). Initially the leaders from these parties used to criticize identity-based federalism in private, but could not say so in public. Later they became vocal against it after the termination of first CA.

Though the first meeting of the first CA declared Nepal as a federal democratic republic country, its modality undecided for long. The demise of this CA on 28 May

2012 was primarily due to its inability to articulate a compromise on the issue of state restructuring, especially on the issue of federalism (Acharya, 2013).

The thematic committee on State Restructuring and Distribution of State Powers (SRDSP) in first CA focused on the federal design of the country and agreed on a division of powers and functions between the central, provincial and local government, where like in South Africa, there would be a strong center (Edrisinha, 2014). In January 2010, SRDSP proposed the creation of 14 provinces which had significant disparities among them. They were variation in size of population, topography, infrastructure, economy and resource availability, and accessibility (Brand, 2014). However, there was no consensus over it in the CA. In 2011, a State Restructuring Commission was formed which affirmed identity and viability as the main criteria for delineation and proposed a model with 10 provinces plus a non-territorial Dalit State (Guinee, 2015: 12). But no consensus was reached. A monitoring report on political transition report says, "The commission itself was divided, issuing a narrowly won majority report in favor of identity-based federalism and a minority report against" (TCC, 2014: 17).

Throughout the first CA, the nature of the province was the crux of the debate, that could not be resolved in time. Thus the first CA was dissolved due to its failure to settle the issues on province and promulgate the constitution in a given time (Baral, 2075 B.S.). Actually the consensus requiring provision to settle these issues was responsible for CA's inability to promulgate the constitution (Snellinger, 2015).

3.2.5 Second CA

The second CA elections resulted in a paradigm shift of debate on federalism which changed its course. The NC and CPN (UML), often labeled as "conservative" by ethnic parties due to their opposition to ethnicity-based federalism, emerged as the first and second-largest parties in the elections. The Maoists, which had been more sympathetic to the ethnic causes and was the largest party in first CA got a distant third position. The Madheshi parties were also not much successful and the aspirant ethnic parties could not show up (Basnet, 2019: 365). In Dhruba Kumar's word, "The social composition of the second CA also signified the reassertion of the traditionally dominant groups. And, even though it led to the promulgation of the Constitution of Nepal 2015, it was possible mainly through the Maoist's acquiescence in the agenda

set by the other two parties" (Kumar, 2019: 6). First CA was applauded for creating history in terms of inclusion, but the representation of minority and marginalized groups decreased the second CA (International IDEA, 2015b).

After the devastating earthquakes on 25 April and 12 May 2015, the three largest political parties in the CA were able to bring the consensus needed to complete a draft of the long-awaited constitution on June 30 through what has become known as the 'fast-track process' (DRCN, 2015). The most contentious issue of constitution-making was federal restructuring, presidential versus parliamentary government, and the judiciary. But, these were soon removed from the CA and put in the hands of the main political parties' leadership outside the CA (Malagodi, 2019a: 24). These issues were tactfully dealt with by the leaders of political parties on their petty interests.

The constitution of Nepal was passed by an overwhelming majority of the CA on 20 September 2015 though there were protests from Madhesh-based parties and a few Janajati groups. Constitutional provisions including the federal structures in Nepal sparked protests among Madheshis and Tharus that killed 57 people and India imposed an unofficial blockade from September 2015 to February 2016 that adversely affected imports of petroleum and earthquake relief materials (DRCN, 2015).

Tactically, the constitution of Nepal did not clearly name the provinces and adopted a hybrid solution to the various proposals for federal demarcation that were on the negotiating table in second CA. Madheshi and Janajati activists contended that this demarcation entrenched Pahadi Bahun-Chetri demographic dominance in each province except Province 2 (Malagodi, 2019b).

The position of Madheshi and Janajati groups was that the new constitution failed to address the concerns of historically marginalized groups and to facilitate their wider representation in state structures and the government, and should provide details on federal provinces (DRCN 2015). It was claimed that the interim Constitution 2007 was more liberal to the statue of 2015 in providing rights to minorities and ethnic populations (Jha, 2017). Most of the changes to the draft of the constitution seemed to be done for appeasing the dissenting forces rather than being an attempt to address genuine grievances that continue to be raised by protesters against the delineation of federal provinces as well as other provisions in it (DRCN, 2015).

3.3 Debates on Nature of Federalism

There were wide debates within and outside of the CA on federalism which were reflected in published documents at that time.³ However, the discourses they were propagating could not go beyond the issues such as type of federalism (ethnic or non-ethnic), number of provinces, territorial boundary, etc. They did not deal enough with the challenges and rights of sub-national governments. For a reference, Swiss federalism was regarded as the successful model of federalism (Upreti, Topperwien and Heinigr, 2009).

The differences in the nature of federalism among political parties and activists can largely be grouped into two approaches. The first one advocates for homogeneous units (in terms of ethnicity, language, culture, and region) and the other for heterogeneous units with due emphasis on economic viability and administrative feasibility (Hachhethu, 2009: 90). Broadly, the CPN (M) and Madheshi parties along with ethnic groups were with the first approach while NC and CPN (UML) were in favor of those who advocate for federalism based on territory. "Although the NC and CPN (UML) accepted federalism in principle, they sought to dilute ethnic demands" (Adhikari, 2014b: 222). Madheshis were demanding the whole Madesh from Jhapa in the east to Kanchanpur in the west to form a single province that constitutes 49 percent of Nepal's population (Karna, 2009). Claimants of a federal system based on the identity were driven by the idea of self-determination which was conflicting to the factors such as national unity, sovereignty, and development that had been central to debates around federalization (Lecours, 2014).

Scholars like Lawoti (2012) argued that one of the bases of federalism should be the identity. On the other hand, others asserted that ethnicity should not be the basis of federalism (Chhetri, 2014; Baral, 2011a; Baral, 2011b) basically due to the fact that there were over a hundred castes and ethnic groups and none had the majority in the proposed ethnic-based region. Devraj Dahal and Yubraj Ghimire (2012) suggested a model of federalism based on cross-ethnicity cooperation since ethnic federalism does not suit Nepal. The debate for and against ethnic federalism was so escalated at some point and not only general people, but scholars were also polarized (Bergman, 2011).

³Martin Chautari published a bibliography on state restructuring and constituent assembly in 2009 and that includes hundreds of entries on that topic (Rai and Manandhar, 2009).

The nature of federalism was the most controversial issue in constitution-making in Nepal. There were dozens of structures proposed by political parties, civil society organizations as well as experts and consultants for restructuring provinces (Thapa, 2017). Those ranged from three to twenty-five provinces with names.

3.4 Rational of Federalism

Countries have different rationale for adopting federalism. For instance, countries like the United States and Switzerland adapted to federalism for the advantages of political, economic, and cultural unity. Similarly, Belgium, Spain, and South Africa transformed into the federal system from a unitary system to settle the conflict resulted from geographic or ethnic/language discrimination or disparity in the distribution of natural resources (Dhungel, 2009).

The rationale for federalization in Nepal has to be appreciated from three perspectives, as suggested by Pitamber Sharma (2014). The first, the reality of Nepal's social and cultural diversity has to be reflected in the identity of the Nepali state and the nation. The second perspective is related to inclusive development, the idea that socioeconomic development has to be equitable and inclusive based on the principles of social justice. The third perspective relates to decentralization and the devolution of power and autonomy. Budhi Karki (2014) argues that the objectives of state restructuring in Nepal were to: end the centralized and unitary structure, end discrimination, make political restructuring, make fiscal restructuring, make social restructuring, and create a democratic federal system.

Krishna Khanal has further simplified the reasons for the need for federalism and states, "The first is the desire of Nepali people to get their identity reflected in the structure of the state and the second is the creation of strong popular base of democracy and the third is the maximum expansion and distribution of opportunities and amenities of life" (Khanal, 2009: 130). Furthermore, Bishnu Raj Upreti (2009) believes that Nepal adopted federalism in order to end all sorts of discrimination and to promote inclusive democracy whereas Mahendra Lawoti (2012) claims that the shift to federalism in Nepal would give a greater number of ethnic groups a plurality status in their respective provinces.

3.5 Implementation of Federalism

Finally, the second CA promulgated the Constitution adopting a three-tier state structure – federal, provincial, and local – with residual power kept at the center. However, the Madheshis and the Janajatis, the early advocates of federalism in Nepal contested over the new Constitution. There was an attempt to address the demand of Madheshi *Morcha* by the coalition government consisting of CPN (M) and NC in 2016, but the opposition party, CPN (UML) showed its usual indifference to the constitution amendment (DRCN, 2017).

The new constitution designed the seven province model of federalism. As per the constitution, the Local Level Restructuring Commission was formed which finalized 753 local units. Constitutionally, the elections to all three newly restructured levels of government had to be conducted by 21 January 2018. On 20 February 2017, the Government of Nepal announced the local elections for 14 May 2017. However, the elections were conducted in three phases due to political reasons later. The first phase was on 14 May, the second on 28 June and the third phase on November 26. Elections of House of Representatives and members of PA were conducted together in two phases: the first phase on 26 November and the second on 7 December 2017 (DRCN, 2018).

Since provincial assemblies were formed for the very first time, the PA members were new faces for it. The left alliance⁴ that swept both elections of the House of Representatives and members for PA had a distinct majority in six of the seven provinces. Dhruva Kumar further argued, "the results of the first federal election have confirmed that there is no room for extremism of any kind, including secessionist forces" (Kumar, 2019: 6).

3.6 People's Perception on Federalism

Following the longstanding debate of state restructuring, Nepal formally entered the federal structure after the promulgation of the constitution of Nepal on 20 September 2015. There were mixed voices for and against the federalism since its inception. Even those who supported federalism were also divided into an identity-based or

⁴There was an alliance between UML and CPN (M) for the elect. These parties united later as Nepal Communist Party (NCP).

based on geography only. Here in this chapter, the perception of stakeholders on federalism and its implication in the Nepali context with reference to Gandaki province is discussed.

3.6.1 Citizen's Opinion on Federalism

Federalism is widely discussed in recent decade in Nepal. However, when the interim constitution introduced it, many people were unaware of it. Certainly, almost no one among those who decided to amend the interim constitution for federalism, had any real understanding of the institutional structures and functioning of federalism, and hence there was no guidance on principles or substance of the federal system (Ghai and Cottrell, 2011: 291). Therefore, there was confusion among the people about federalism. A large number of issues and questions were being raised amongst various actors ranging from political parties and ethnic groups to civil societies regarding the types of federalism that Nepal should adopt.

In this section, the people's perception of federalism has been discussed based on the surveys conducted by some organizations. There were some opinion polls which had covered the people's perception of the constitution and state restructuring in Nepal.

Sen (2018) has compared some of the surveys conducted between 2006 and 2012 on public support to the federal and unitary systems (See Table 3.1). This shows that the public support towards both the system has increased over time. However, it is surprising that the majority of the people were still ignorant about federalism even till April 2012.

Table 3.1: Public Support toward Federal System and Unitary System.

SN	Support to:	2006 Sep	2008 Jan	2008 Aug	2009 Jul	2010 Aug	2011 Feb	2012 Jun	2012 Apr
1	Federalism	5%	16%	16%	16%	27%	22%	24%	28%
2	Unitary system	1%	5%	2%	8%	18%	14%	16%	24%
3	NH/NU/DK	94%	79%	82%	76%	55%	64%	60%	58%
4	Sample Size	3000	3010	3025	3004	3000	3000	3000	3010

Source: (Sen 2018: 60), NH= Not Heard, NU= Not Understood and DK= Didn't Know.

International Institute for Democracy and Electoral Assistance (International IDEA) conducted a nationwide survey on Nepal's constitution building process in 2015 and

there was a question about the most important constitutional issue for the people. Federalism received the highest response with slightly more than 50% among a list of seven issues, with the option to name any issue not listed as well. Social inclusion was in second with 10% of the respondents. Interestingly, the importance of federalism varied considerably among ethnic groups with approximately 44% of hill Brahmin-Chhetri respondents identifying it as most important, compared to 77% of Madheshi Brahmins, 73.5% of Madheshi Dalits and 74% of Madheshis. This shows the keenness of Madheshi people with federalism and can be linked to their movement for federalism in 2007 (International IDEA, 2015a: 15).

Another survey conducted in 2017 says, "Nearly half of Nepalis (45.6%) feel that the 2015 constitution is a step forward, but over a third of them either think that it is too soon to tell or are uncertain what to think about it. A quarter of Nepalis (25.7%) are unable to cite a single change introduced by the constitution" (The Asia Foundation, 2018: 53). According to the survey, nearly half of Nepalis (44.4%) trust that Nepal's transition to greater federalism will lead to improvements for themselves and their families and a large number of people are either uncertain about the merits of federalism (15.3%) or think that it is too soon to tell (24.6%) or that they do not know whether federalism will lead to improvements or not (15.3%), possibly indicating that knowledge about how federalism will work in practice remains limited. Some 11.9% of respondents feel that federalism will make things worse (The Asia Foundation, 2018: 53).

A research report compares the opinion of people in 2017 and 2018 from Gandaki province on the direction of the country after federalism. As mentioned in Table 3.2, the majority of people were optimistic that the country was heading in the right direction after the new constitution and state restructuring. However, there was a decrease of around 6 percent from 2017 to 2018. This could be interpreted as people were not satisfied with the performance of the governments.

Table 3.2: People's Response on the Direction of the Country (Gandaki Province)

SN	Year	Right direction (%)	Wrong direction (%)	Don't Know (%)
1	2018	58.7	34.0	7.2
2	2017	64.5	22.4	13.1

Source: School of Arts, Kathmandu University, Interdisciplinary Analysts and the Asia Foundation (2019: 10)

The survey had also asked the people about their trust in various institutions. Table 3.3 presents their trust only on the provincial government and provincial assembly. Both institutions have very similar figures. More than half percent of people seemed to have moderate trust in both institutions. Around 31 people responded that they have no trust with these institutions.

Table 3.3: Trust on Provincial Government and Assembly (Nationwide Data)

SN	Institution	Total no. of Respondent	Trust			No trust		
			Trust Total	Fully Trust	Moderately Trust	Don't Trust Total	Don't quite trust	Don't trust at all
1	Provincial Government	7,048	61.7	6.3	55.5	30.7	19.6	11.1
2	Provincial Assembly	7,047	61.3	5.6	55.7	31.0	20.0	11.0

Source: School of Arts, Kathmandu University, Interdisciplinary Analysts and The Asia Foundation (2019: 71)

Another survey conducted by Nepal Administrative Staff College (NASC) with a sample of 12,920 Nepali populations in 2018 on their perceptions of the political reforms revealed a tremendously positive response towards the reforms. People gave a sense that things were moving in the right direction. Overall, 60% of Nepalis had heard about the Constitution of 2015 but two fifths (40%) had not, as suggested by the survey. In Gandaki province, slightly over four-fifths (81%) of the respondents were aware of the New Constitution and this was the highest among all provinces (NASC, 2018: 63). This survey shows that people's perception of federalism was positively increasing with time. However, this survey reveals that still, a large number of people are indifferent to the knowledge of federalism.

Though the interim constitution of Nepal ensured the federalism, its actual practice was started with the new constitution promulgated in 2015. Provinces came into light only after the election of PA. As in other provinces, Gandaki province also has spent more than 2 and half years. However, even people from the ruling party- Nepal Communist Party (NCP) formed with the merger between then CPN (UML) and CPN (M)- are not satisfied with the performance of the provincial government. A survey conducted in 2018 also revealed that very few people were aware of the service provided by the provincial government. According to that survey, "Almost half of the

respondents (46.4%) have some level of knowledge about the services provided by their local government but their awareness level about the services provided by provincial government and federal government is significantly low at 16.3% and 24.3% respectively" (School of Arts, Kathmandu University, Interdisciplinary Analysts and The Asia Foundation, 2019: 71). Regarding Gandaki province, the survey reports that 20.3% of respondents were aware of service provided by the provincial government while 65.7% and 33.1% of them were aware of local and federal governments respectively.

As claimed by a PA member representing NCP, there are doubts in general citizens that federalism will fail. She clarified that people are not very happy as they have to pay more tax and public resentment, especially after the increment of tax by the local units, is at peak.

3.6.2 Key Informants' Views on Federalism

The key informants interviewed for this study argued that the function of the provincial government has not been distinct. As told by a PA member affiliated to NCP, there has been a voice that federalism will not last long, and it seems that the federal government and even the bureaucrats do not want federalism and hence not cooperating fully. She further added that there have been too many negative remarks about federalism and lots of rumors are widespread. She was, time and again, questioned by general people and her political cadres that the provincial government has not been efficient and effective.

Mostly, the representatives of the Civil Society were unaware of the activities and structure of the provincial government. Their general perception was that the federal system has become costlier due to three tiers of government. They argued that the cost could be reduced by having only two layers of government, one as federal and the other as local. The Secretary of *Sushasan ka Lagi Nagarik Samaj* said, "There was an interaction program organized by our organization and most of the participants said that the provincial government has not done any significant things and there is no need of province."

One of the NC leaders said that the provincial government could not run properly since there are controversies among the rights of three tiers of government. He further

added that there is no feeling of the presence of the provincial government. He criticized the ministers for being busy in inauguration and travel while the province assembly could not function well due to a lack of laws. An Advocate said that the provincial government is like a dummy, not showing any performance.

Generally speaking, there were 3 types of people in terms of perception towards federalism. First, people thought that the journey of federalism would pave a way to prosperity. Some people were worried about its sustainability, especially on the economic ground since it would need a large amount of budget, almost 9 trillion Nepali rupees (NRs 900,000,000,000) within five years in the provinces and local bodies beyond regular budget only for construction of physical infrastructures. Thirdly, some others further thought federalism might lead to secession (Sharma, 2019).

Despite the problems and challenges, provincial leaders and government employees said that they should keep working as they have just begun and as the system is new. They were aware that more problems and debates will arise in the days to come. Some people are skeptical about the longevity of federalism. Some of them are not against federalism but think that there should be only two levels of government.

A political analyst said that there is a clear lack of coordination among 3 levels of government. He argued that we had better have only two levels of government i.e. by keeping local units under the province so that the coordination and consequently the functioning of governments will be more effective.

Respondents including two PA members, one male from NCP and other female from RJM were found to be aware of the increasing negativity towards the provincial government, and even they had overheard people saying that there is no need for the provincial government. The first asserted that the government is trying to do its best, but is hindered by structural challenges to show significant performance. According to him, the provincial government will take a pace soon.

Federalism in Nepal is judged on the basis of success of provincial governments because the provincial arrangement is one of the vital and new measure adopted in the Constitution of Nepal. "If provincial governments do not enhance their capacity, efficiency and effectiveness, and their performance and impact is not visible to

ordinary citizens, the discourse of the 'provincial tier being the unnecessary fifth wheel of a vehicle' will be powerful" (Bhurtel, 2020: 17). Thus, provincial government has to show its best performance and it should be enhanced with the laws and other resources for its smooth functioning.

CHAPTER FOUR

FUNCTIONING OF FEDERALISM IN GANDAKI PROVINCE

4.1 Introduction

Gandaki province, somehow centrally located in the map of Nepal, consists of 11 districts, which are Mustang, Manang, Gorkha, Lamjung, Kaski, Syangja, Myagdi, Baglung, Parbat, Nawalparasi (East), and Tanahun (See the map in Appendix 3). Having Pokhara as its the headquarters, it includes 85 local units (1 Metropolitan City, 26 Municipalities, and 58 Rural Municipalities). Hydropower, tourism, and agriculture are the major strengths for the prosperity of this province. Its population is 2,403,757 as per the latest census in 2011 (PPC, 2075 B.S.).

Province is a new concept for Nepal and it came into existence after the promulgation of the new Constitution 2015. Constitutionally, the power at the executive and the legislative level was devolved in the local, provincial, and federal governments. But the judiciary remained at the federal level only. So, this chapter deals with executive and legislative wings of the state at the provincial level.

4.2 Provincial Government

The government in Gandaki province has 6 ministries with directorate offices and district level offices. It had to start from zero, as there was nothing with it in the beginning. There were neither offices nor employees. It gradually took the shape of the government and showed its existence.

4.2.1 Organizational Setup

After the establishment of the provincial government, some offices such as Planning Commission, the Office of the Chief Attorney, Directorate under various ministries, Agriculture Knowledge Center (AKC), and Veterinary Hospital and Livestock Service Expert Center (VHLSEC) were established in province level. However, crucial institutions like the Police and Public Service Commission are yet to be founded. Though some preparations for initiation of these institutions have been

made, the federal government has not drafted related laws, so, the process initiated by the province could not go ahead.

The district offices from the previous governing system were dissolved. Those were: District Education Office, District Public Health Office, District Agriculture Development Office, District Veterinary Office, District Technical Office, District Forestry Office, District Welfare Committee, Peace Committee, District Water Supply Office, Urban Development Division Office, District Sports Office, District Irrigation Office, District Hospital, District Forestry Office, Women and Children's Office, Cottage and Small Industries Office, District Soil Conservation Office and District Cooperative Office (The Himalayan Times, 2018). It was assumed that the local government would look after the issues administered by those dissolved offices. However, the federal government gradually opened some of the above offices. For instance, the federal government decided to have 35 health offices to look after 77 districts and later opened them in all 77 districts (My Republica, 2018). Similarly, offices like VHLSEC and AKC were established under the provincial government.

Newly established offices received their Terms of Reference (ToR). However, there were complaints that there were some unclarified provisions in ToR. For instance, the director of Livestock and Fishery Development Directorate said that the ToR for VHLSEC has missed the issue of hatchery and poultry. A survey officer of Land Management and Resource Mapping Section said, "Our role is monitoring and evaluation. But we don't have a clear mandate on how to do that. Though issues such as land reform, land survey, and land revenue were supposed to be looked after by the local government and monitored by the provincial government, but the federal government is handling these all in practice so far." An Under Secretary of Health Directorate emphasized pertaining confusion of who is responsible for performance assessment and leave approval of employees as well as registration and renewal of medical firms such as private hospitals, clinics, pathology labs, etc.

Officials from provincial offices unanimously alleged the federal government for providing inadequate institutions to the province. Though the federal government had conducted an Organization and Management (O&M) survey, the interlocutors claimed that it was erroneous. A personal assistant of Social Development Minister claimed that O&M survey conducted by the federal government had numerous flaws. He

exemplified that there was no position for an accountant in an office. An Under Secretary from the Ministry of Social Development (MoSD) said, "Province is conducting its own O & M survey that will later guide the type of offices and the number of employees we need. Once the public service commission in the province starts working, state apparatus in province-level runs smoothly." According to him, there is no office related to women, cooperatives, and so on at the province level. He also emphasized the need for a district-level education office under the provincial government since the existing one is under the federal government.

Nepal Administrative Staff College (NASC), Jawalakhel has been conducting an O&M survey for Gandaki province and it has already presented a preliminary report. According to the spokesperson of the Office of Chief Minister and Council of Ministers (OCMCM), the report has been shared with cabinet members and high ranking bureaucrats in the provincial government. He did not wish disclose the details of the preliminary report. However, it was learned that the report had suggested to increase the number of ministries in the province from 6 to 10 and add some more offices (Kafle, 2076 B.S.). Mentioning the lack of institutions and offices at the province level, the main opposition leader in PA promised that his party will help the government to establish the required new offices. This indicates there will be more offices under the provincial government in the days to come.

Gandaki province has attempted to have some offices on its own. There was Cottage and Small Industry Office in Kaski for long and this has come under the provincial government now. It has also added a new office of the same in Nawalparasi (East), but only its committees in other 9 districts. The provincial government has also established Cooperative Registrar's Office and Tourism Office. The Cooperative Registrar's Office was entirely commenced by the provincial government even by drafting laws related to it whereas others were active previously in some way under central government and laws associated with them were already there. Among them, Tourism Office came under the provincial government after federalism. According to an Under Secretary of OCMCM, the Ministry of Industry, Tourism, and Environment proposed two such offices, one in Kaski and other in Baglung, but the provincial cabinet decided to run it only in Kaski as there was crunch of staff to operate two offices then. He added that Transportation Offices have been opened in Nawalpur and Tanahun to smoothen the revenue collection.

There was a regional level office of education to look after 16 districts in the western development region in the pre-federal structure. Now this office has been dissolved and a similar office named Education Directorate has been formed under the provincial government and it looks after 11 districts of this province. The director of this office said, "We are in Directorate, but there is no office to be directed. There is no office under us and we are having a tough time working. This is like a body without limbs. Education Development and Coordination Unit (EDCU) in the district should have come under us, but it is now with the federal government." Other interlocutors also argued that there is no use of EDCU in districts under the federal government. It seems that the province wants more offices so that it can function independently. However, some of the interlocutors highlighted that the province should coordinate with the local governments instead of opening offices in each district. A PA member elected from Lamjung and affiliated to NCP said, "There is no need to open separate office for a province, it can coordinate with local governments and work together."

Thus, the organizational set up of Gandaki province was very chaotic in the beginning, but it seems that the situation is improving and the offices of the government are taking their firm shape.

4.2.2 The Functioning of the Provincial Government

First one year (fiscal year 2075/076) of the provincial government was spent on setting up new offices and drafting basic essential laws. It had a hard time promulgating procedures for implementing projects. It could not spend a big chunk of allocated budget for the development projects. It must have taken lessons from yester-years. Some of the respondents were optimistic that the provincial government will show its significance in this fiscal year (2076/077) by providing good services and development projects. Its performance in this fiscal year is yet to be judged in its full fledge. The provincial government has envisioned short-term, mid-term, and long-term plans and has been implementing projects accordingly.

However, the provincial government is sandwiched between federal and local governments and could not function on its fullest. Interlocutors mentioned that the performance of the provincial government has not been satisfactory. Even PA members from the ruling party (NCP) do not seem much happy. The main opposition

party's leader said that the provincial government has not brought any project to make citizens feel its presence. He further added that there is a trend of allocating a budget in package without proper defined allocation so that they can manipulate it later according to vested interest. A PA member associated to Samajbadi Party from Gorkha criticized that citizens are not optimistic about the provincial government due to its poor performance.

According to a PA member affiliated to NC, the provincial government has not been effective and efficient. He alleged that the provincial government, as well as provincial assembly, have been influenced by the central level leader of the ruling party. He resented that there has not been meaningful participation of marginalized groups despite their presence due to mandatory provision. He further added that Council of Ministers, provincial committees and commissions have not been formed inclusively since there was no mandatory provision. Another representative from NCP in PA advised, "I hear some arguing that this new political system cannot go long. This is the time to strengthen this system instead. If we keep changing political system time and again, we will never get political stability and then prosperity."

According to a PA member elected from Tanahun, people expect a budget for projects from PA members. It is a bad practice. There should be an awareness program for the people that PA members are not for development works, but for policy making and monitoring the government's functions. Likewise, a PA member affiliated to NCP has noticed that people are no more excited about the new system as they are financially burdened. Another PA member from NC acknowledged that there is no sign of province since it is unable to show up with efficiency while federal and local governments are visibly functioning.

To sum up, the provincial government in Gandaki has envisioned short-term, mid-term, and long-term plans. However, it could not function on its fullest due to the high influence of federal government. Therefore, it has not been able to show satisfactory results so far. At the same time, one should not forget that the provincial government was the most inexperienced government among the three tiers and it has been functioning in a more challenging situation.

4.2.3 Service Delivery and Development

The Council of Ministers (CoM) had taken the plans and policies 2075/76 B.S. as a guiding document and have declared the first year as "provincial policy and infrastructure development year." As the provincial government allocated the budget and is planning to implement it in this year (2076/77 B.S.), their function and major achievement are yet to be seen.

As shown in Table 4.1, Gandaki province spent slightly over a half of development budget in fiscal year 2075/76 due to various reasons. However, this was not only case of this province. Three of the seven provinces were only able to spend less than half of the budgeted expenditure in that fiscal year (The World Bank, 2019).

Table 4.1: Allocated Budget and Actual Expenditure 2075/76 B.S.

	Budget allocated	Budget Spent	Percentage
Current Expenses	8,115,500,000	5,235,000,000	64.51
Capital Expenses	15,907,800,000	8,722,300,000	54.83
Total	Rs. 24,233,000,000	13,957,400,000	57.6

Source: Baral (2076 B.S.).

The provincial government has yet to do a lot in this fiscal year (2076/77) and there is no enough time. Projects with outdoor infrastructure are also difficult to conduct as the rainy season has already started. Moreover, development works are adversely impacted due to lockdown following the fear of Covid-19. The provincial government defends that these delays are basically due to the reluctance of the federal government to provide required human resources and laws.

Gandaki province announced the annual budget of Rs 32.13 billion for the fiscal year 2076/77 out of which Rs 12.28 billion is for the current expense and rest Rs. 19.85 billion is for capital expenditure (Nepaldailylive, 2019).

The provincial government is preparing to draft the laws for the provincial police and provincial service commission for which they have also corresponded to the federal government. The Minister of Ministry of Internal Affairs and Laws (MoIAL) shared that there has been some discussion regarding whom the Chief District Officer (CDO) shall be accountable to and they demand CDO to be accountable to and under the provincial government, and allowing to carry out the usual jobs (citizenship, passport,

and security) for the federal government. They are awaiting the decision from the federal government regarding the CDO issue too. He further mentioned, "Three prerequisites of government, namely: budget, administration, and security are most required for running a state, but at the moment we have the control only over budget, but neither police nor administration." With this comment, he was indicating that the administration of the province is adversely affected by the inadequate employees and most of those who have joined province so far are inexperienced and inefficient. Though the province could have recruited its employees on its own, the laws related to public service commission and civil service are yet to be formulated by the federal parliament.

From the discussion above, it can be concluded that the government could not spend a big chunk of budget in the last fiscal year despite its utmost effort. In the beginning, there were no employees and offices. It gradually took the shape of the government and showed its existence. It had tried its best to provide the services and conduct development projects in this fiscal year (2076/77 B.S.) and its performance will be visible in the years to come.

4.2.4 Accountability

The essence of federalism is to increase the access of the state to its citizens and vice versa. It is also supposed to increase the accountability of the government. Since the provincial government is more participatory and closer to the people, it should be more accountable. Provinces are moving towards devolved service delivery which is good. The budgets will also need to follow the devolution along with adequate powers and improved accountability measures in order to maintain good governance.

The provincial government in Gandaki has attempted to uphold accountability. It started Hello CM program on August 20, 2018 to redress people's grievances to achieve the goal of good governance using the latest technology involving all stakeholders. It entertains the grievances freely and conveniently, tracks and responds them as well. Apart from lodging complaints, citizens can also interact with the government easily and transparently. Till end of March 2020, 583 out of 650 grievances were addressed while the rest 67 are under the process. Provincial government telecasts a TV program on a fortnightly basis called *Janatasanga Mukhyamantri* (Chief Minister (CM) with the people) which is envisioned to share the

government's vision, mission, goal, policy, program, and achievements with the people and get feedback from them (OCMCM, 2020: 26). The information officer of OCMCM said that all the decisions made by the CoM and other related documents are uploaded in the official website of OCMCM. There are also designated Information Officers in each Ministry. As in other provinces, this province also has not prepared Provincial Government Citizen Guide informing residents how to access provincial services. Similar to others, Gandaki province also does not publicize its budget in a layman version (ICPP, 2019).

In policy and plan of the provincial government for this fiscal year (2076/77 B.S.), one point reads:

Good governance will be maintained by making public service simple, transparent, accountable, standard, result-oriented, and citizen-friendly. To ensure good governance by making effective service delivery of government institutions of province, laws related to good governance and a directive for public service conduction by the province will be drafted and implemented (OCMCM, 2019: 51).

In the parliamentary process, the ministers are to be accountable to the PA and address questions and issues raised by its members. At the same time, they are accountable to the people as well. However, the government was alleged for paying less attention to the assemblies and the thematic committees. The chairperson of the Province Affairs Committee informed that it was difficult to get the required responses and documents from the government. The chairperson of the Finance and Development Committee (FDC) also indicated the reluctance of the ministries to implement the directives and recommendations made by the Committee. According to the report of the FDC, out of the 11 decisions and directives, 3 were not implemented, 5 partially implemented, and 3 fully implemented (Provincial Assembly Secretariat, 2076 B.S.a: 13).

To sum up, the provincial government had to struggle a lot since it was started from zero. It has been trying to keep up its spirits of responsibility towards its citizens. However, there are some unutilized measures to make it more accountable. It has to scale up its efforts to make its functioning more transparent and accountable.

4.3 Provincial Assembly

The 2015 Constitution has a provision for the formation of a unicameral assembly at the provincial level. There are altogether 60 seats in the PA of Gandaki province. NCP is the largest party with 40 seats and it has formed the government. As shown in Table 4.2, the opposition seems relatively weak, NC has 15, RJM has 3, and Samajbadi Party has 2 seats.

Table 4.2: Representation of Political Parties in Gandaki PA

SN	Political Parties	Seats		
		Male	Female	Total
1	NCP	27	13	40
2	NC	10	5	15
3	RJM	2	1	3
4	Samajbadi Party	1	1	2

Source: Election Commission of Nepal

The PA in Gandaki has been doing good. It has already been able to finalize the name and capital city of the province respectively as Gandaki and Pokhara by a two-third majority. Some of the provinces are still struggling with this. It also adopted traditional parliamentary practices of discussion such as zero hours, special hours, discussion over bills, etc. The PA had also to suffer from the constraint of lack of infrastructure and employees.

Moreover, a secretary for the assembly could not be appointed as the law regarding the Secretariat of the PA was yet to be promulgated. The Speaker of PA said, "The model law issued by the federal government requires the secretary to the PA to be an employee of the special class. The bill was not taken forward because that provision would have ranked the secretary above the deputy speaker in the order of precedence. So, an acting secretary has been operating the secretariat." Recently, the federal government had settled the debate on the order of precedence and PA members interviewed were expecting the law related to the secretariat needed to be promulgated.

Though opposition seems weak in a way in terms of representation, they have been occasionally raising their voices. Moreover, they obstructed the parliamentary process during the budget session by encircling the rostrum in fiscal year 2075/76 B.S. They

resorted against the government even in March 2020 as they realized the allocation of funds for PA members was unfair.

The PA members (who came through Proportional Representation (PR) category) agreed that there is a discrimination in practice between First Passed the Post (FPTP) elected and those elected from PR. Even the Deputy Speaker of the PA highlighted that there is discrimination between the members of FPTP and PR in the assembly. The PA members from smaller parties also complained that the bigger parties exercise unfair domination in assembly. Moreover, it was reported from multiple respondents that the PA has been the shadow of the government. However, the Speaker of PA, said, "Despite the assembly being neutral and common space, there appear some disagreements between the government and the assembly but there is no big intervention." The Deputy Speaker of the PA further pointed out that women members from the assembly are also less satisfied as they have no significant roles to play.

A PA member from NCP who was elected under PR category admitted to have encountered some uneasy remarks like- it was easy for them to be a PA, they had done nothing to be a PA or they were handpicked, etc. several times from her colleagues. She also commented that these kinds of attitudes and remarks are counterproductive to the system.

Gandaki province has a special provision allowing a citizen to present a motion on issues of public interest. According to its provincial assembly regulations, a citizen may use this provision if decisions made by the government or non-government agencies adversely affect him/her residing in the province. For this, a request letter clarifying the subject, signed by a minimum of 700 individuals and verified by three PA members, should be presented as a motion before the assembly. However, this democratic system was not used in the assembly as of March 2020 since citizens were not aware of it (Provincial Assembly Secretariat, 2018).

4.3.1 Law Making

The PA in Gandaki province has promulgated 23 acts barring the budget allocation acts and financial acts, which are drafted routinely every year (OCMCM, 2020). Most of them are basic in nature. They are useful for the functioning of the provincial assembly and provincial government, but the laws affecting the day to day life of citizens are yet to be drafted.

Two undersecretaries, one from MoIAL and the other from PA Secretariat said that the province relied on sample drafts sent by Ministry of Federal Affairs and General Administration (MoFAGA) initially and the provincial government started drafting laws on its own later. As told by Under Secretary from MoIAL, only general and basic laws (such as salary, perks, the benefit of the minister, code of conduct etc.) are drafted. There was no effort made for implementing laws drafted so far.

Law commission or similar bodies have not been set up in this province. Chief Attorney said that the province has not felt necessary for such a body. According to him, they might need such an institution to review laws' performance and conduct research when there are many laws promulgated and implemented.

In exercising the constitutional powers of the province, there have not been any conflicts or issues of jurisdiction so far. The secretary of MoIAL said, "We have drafted the laws accordingly by referring to the constitution and enlisted powers of the province. We are also directly in touch with the center as well. No such laws are passed which are outside the jurisdiction of the provincial assembly." The Under Secretary of MoSD, had a similar view. He said, "Provincial government could have promulgated laws required for it. But there is no meaning of making law today and amend it tomorrow. The federal government has not drafted relevant laws and hence the provincial government has faced difficulties." According to the Secretary of MoIAL, it is difficult to draft and promulgate laws at the provincial level in the absence of federal laws. He argues on complexities about promulgating provincial laws before the federal laws.

The Minister of MoIAL argued, "We drafted laws so that the local level could make their laws. But federal assembly is not making us easy by drafting their laws and we are having a hard time." However, an NCP's PA member elected from Lamjung said that the provincial government is not doing good homework to draft laws. He speculated that this was due to a lack of human resources and other required laws at the federal level.

The provincial assembly has made laws only relating to their exclusive jurisdiction and laws regarding the concurrent jurisdictions are not yet made. They are awaiting the federal parliament to pass their laws first. Moreover, two PA members, one from

NCP and the other from RJM, acknowledged that the laws they promulgated have some discrepancies since they were passed in rush.

Lack of understanding as to kinds of laws to be drafted or required for the province is construed as one of the biggest challenges, as told by the Secretary of MoIAL. The main problem that is pervasively noticed is lack of participation and consultation with civil society and political parties, prior to taking of any political decision or adoption of any act. A journalist mentioned that the process of involvement of representatives from various organizations and stakeholders should be ensured which directly helps the government and ensures the participatory democracy. An advocate and civil society activist also asserted that no wider discussions are held while drafting laws. However, some of the members of the provincial assembly claimed that they have initiated consultation with stakeholders while promulgating laws. A member of the legislation committee in PA said, "Initially we passed the laws in rush. But we discuss them a lot these days. We have even started to consult with other stakeholders. We had an interaction with stakeholders before passing a bill related to transportation."

4.3.2 Constituency Infrastructure Development Program

Gandaki province did not introduce the 'Constituency Infrastructure Development Program' in the last fiscal year (2075/76) sticking on the principle that lawmakers are for making laws, not for implementing development projects. The PA members demanded that they should have control over the development budgets or separate PA members' funds since people have expectations from them. A PA member elected through PR further remarked that they have to totally rely on ministers to bring the budget to their respective constituency. She said, "It is also hard for me to convince people that our job is to make laws and policies, not to bring budget. I also feel like PA members who won from the PR category are overlooked and undermined."

Prithvi Man Shrestha (2019a) critically comments, "But the provincial government was forced to introduce it due to pressure from the provincial lawmakers. When it introduced the regulation, it followed the federal government and other provinces that allow the fragmentation of limited resources." Moreover, this treats differently to the PA members elected through FPTP and PR, which has created some tension among the PA members while selecting projects with this fund (Shrestha, 2076 B.S.). Citing to the unsystematic allocation of the funds, the opposition obstructed the PA session

in March 2020. They alleged that the government allocated budget in a package without defined line item and manipulated it with political interests (Naya Patrika, 2076 B.S.).

According to a PA member from NC, each federal MP can spend 4 crore rupees under Constituency Infrastructure Development Program and a procedural law has been made for it. The law says that MPs from federal parliament, PA member, and local units' chief are in committee to implement a project with this fund. He added that this also says that federal MP can decide on his or her own if there is no consensus and this is not good practice. Other MPs also mentioned their concern regarding this kind of fund. According to a PA member from RJM, PA members should take care of policies, acts, and regulations, but all are like agents of physical development and paying attention to development projects.

Another PA member elected from Lamjung and affiliated to NCP said, "People get development projects either from local government or from federal MPs. If they do not get such a project from us, they will be unhappy with us. It should be stopped for MPs from the federal parliament as well. We are not elected for a development project." The other two members from NCP also seconded him.

4.3.3 Thematic Committees

Arguably, it is impracticable to discuss the minute details of the bills in the full body of parliament. Moreover, oversight of governments is more efficient through small groups looking after specific ministries rather than all the assembly members being involved in it. Thus, thematic committees are formed to increase the efficiency of parliamentary functions. They are also called 'mini-parliaments' as they perform similar parliamentary tasks, with a smaller number of members (DRCN, 2020).

There are only 4 thematic committees in the assembly of Gandaki province. As in the traditional practice of the parliamentary system, the Public Account Committee's chair is from the main opposition party. Since RJM supported NCP while forming the government, NCP offered one chair position to it. The rest two are chaired by the NCP's representatives. There are no female members chairing these committees. Regarding caste and ethnicity, one of them is *Janajati* and the rest are *Khas Arya* (See

Table 4.3). Deputy Speaker of the PA criticized that no woman is trusted to lead any thematic committee.

Here, the Finance and Development Committee (FDC) was overseeing four ministries. A PA member from Lamjung said, “We should have made one committee each for every ministry. That would have made oversight more effective.” This province has Legislation Committee (LC) only which deals with bills.

Table 4.3: Thematic Committees in Gandaki Provincial Assembly

S.N.	Name of the committee	Chair	Cast/ethnicity	Gender	Political Party
1	Public Account	Kumar Khadka	Khas Arya	Male	NC
2	Finance and Development	Dipak Koirala	Khas Arya	Male	NCP
3	Province Affairs	Krishna Bahadur Thapa	Janajati	Male	RJM
4	Legislation	Mohan Regmi	Khas Arya	Male	NCP

Source: Provincial Assembly, Gandaki Province

There are some examples that the thematic committees monitored and investigated, prepared reports, and provided instructions and recommendations to provincial governments on various matters. For instance, there was a charge to the Ministers in Gandaki province of misusing fuel. Though they get 150 liters of fuel per month, they were using more than the ceiling. Public Account Committee of PA formed a sub-committee coordinated by Ramji Prasad Baral to investigate it. The committee submitted its report to the Public Account Committee (Provincial Assembly Secretariat, 2076 B.S.b). According to the coordinator of the sub-committee, there were some irregularities that might not be intentional but was against the process. As told by the chair of the PAC, Ministers were subsequently instructed to avoid doing so.

Grants provided by the Ministry of Agriculture, Land Management, and Cooperatives (MoALMC) were under dispute as some of the grantees had misused the grants. The Public Account Committee interrogated the Minister regarding this as well. However, the Minister defended that the ministry is not going to distribute on whims and there is a procedure in place for that (The Himalayan Times, 2020).

There were accusations on the ministers of representing them through the officials to the meetings called by the thematic committees. However, the Minister of MoIAL in Gandaki province defended that the ministers might have missed few meetings due to lack of time. According to him, it is, sometimes, better to send officials as they have a better knowledge of particular topics than the ministers.

These thematic committees have also visited a number of places and provided recommendations to the government. As said by its chair, the FDC visited the currently closed Gorakhkali Rubber Industry and proposed the government the ways to revive it.

To sum up, the PA in Gandaki province has been functioning well despite the challenges. Being a new institution, it had to start with no previous experiences or precedents. But gradually it has developed its own strategies and policies and has been able to draft laws and discuss over contemporary issues. The thematic committees are growing as significant platforms for the debate over the bills and other relevant issues.

4.4 Relation with Other Two Governments

Article 232 of the constitution of Nepal clearly says that the relationships among federal, provincial, and local governments will be guided by the principles of cooperation, coexistence, and coordination (GoN, 2015). However, it was widely reported that these principles are little understood or ignored. No doubt, the success of federalism lies in intergovernmental relations. These relations should act as a bridge among the governments to bring harmony, coordination, and cooperation.

The federal government of Nepal has initiated a series of activities for enabling the provinces to function and for the formation of provincial governments. The roles and responsibilities of all three governments are basically guided by the schedules where exclusive and concurrent rights of these governments are explained (See Appendix 4).

The schedules of the constitutions clearly show that the federal government kept much power with it which was against the principle of devolution of power. Moreover, lists for exclusive rights of the province and local governments have few items while those of concurrent rights are heavily loaded. According to work

distribution regulation of federal and provincial governments and Local Government Operation Act (LGOA), the federal government has 606 subjects to deal with while provincial and local governments have 267 and 302 respectively (Sapkota, Sapkota and Koirala, 2076 B.S.: 10). Though concurrent rights among the governments are common in federal structure, a large set of functions in this category dilutes accountability since there will be lack of clarity on which level of government is eventually responsible for which concurrent power (The World Bank, 2017). This clearly indicates that the federal government is reluctant to decentralize power. A large set of concurrent powers demands fine coordination among the governments. On the other hand, a journalist from the *Adarsha Samaj* daily said that the problem with all three governments is that they all want to be superior. According to him, provincial and local governments think that they are not only autonomous but independent as well and are behaving in a way as if they are answerable to no one.

There was no election for more than 15 years and due to this there was an absence of elected governments that created the political vacuum. There were a number of temporary arrangements between 2002 and 2017, such as extending tenure of previously elected representatives for a year, politically nominated authorities, all-party mechanisms, and giving responsibility to the civil servant (Khanal, 2019). There was a vacuum in terms of governance at local levels.

Now, the challenge to the federal restructuring is to establish vertical and horizontal linkages between the federal, provincial, and local governments. Though the schedules of constitution delineate exclusive and concurrent lists of functions of the three tiers of the governments and Unbundling Report⁵ also explains the functions of the three governments, there are grey areas in which the jurisdiction of the three tiers of government overlap (Government Facility, 2018). For instance, drinking water is included in the exclusive rights of local government and provincial government and also mentioned in concurrent rights of the provincial and federal government. Furthermore, it is also mentioned in the concurrent rights of all three governments.

⁵Government of Nepal has prepared an "unbundling report" for clarifying concurrent jurisdiction among three tiers of government. (For more details, please see: GoN, 2017).

Therefore, a well-defined demarcation of functional roles and responsibility, and coordination among all government tiers are important (Shrestha, 2019b). Conflicts are inevitable in federal structure since there are multiple tiers of government for the same territory. George Anderson (2008: 29) writes, "Federations can deal with conflicts over the distribution of powers by using the courts, emergency powers, constitutional amendments, political compromise, and elections."

After the adoption of federalism, Nepal has altogether 761 governments. Each government has vertical as well as horizontal relations to other governments. In the case of provinces, the horizontal relation i.e. province to province relation has no significant issues. In this chapter, the relation of the province with the other two forms of government is discussed.

4.4.1 Relation with Local Governments

Province has grievances towards the federal government for not cooperating and not delivering the power to the province. It was true with the local governments. They blamed the province for not coordinating and not delivering power to local units. During this research, some issues were encountered regarding the relation between local and provincial governments as well.

Local governments are supposed to collect data and send it to the provincial government, which also sends them to the federal government so that it can make the data public. However, this is not happening in many cases. According to the Chief of VHLSEC Kaski, local governments have not been coordinating with them. Local units, in the past, used to send data related to epidemic to district-level office in the pre-federal structure. These data were to be sent to the Center since Nepal is the member country of the World Trade Organization (WTO). But he criticized that local governments are reluctant to do so even after following up with them a couple of times verbally and they sent a letter (See Appendix 5 for the letters). This type of problem of reluctance of local government to send data was reported by representatives from the AKC and Health Office as well.

There was a clear lack of coordination between local and provincial governments and projects. Public Health Administrator of Health Office Kaski, said, "It was easy to organize a program at the local level in the past. We used to decide what to do. We

just went there to implement it. But these days, we need to coordinate with the local governments. The health sector is not in their priority list and it is difficult to get their time for our programs."

On the other hand, the representatives from the local government have their own story. Amrit Subedi (2076 B.S.a: 1) writes in the *Samadhan* daily:

Mayor of Bhirkot Municipality resented, "We don't know whether there are projects from province level in our unit. I have already told that we will not allow any project to run if the province brings them without our knowledge." He was furious since the provincial government has been implementing development projects in various units without coordinating with the elected representatives at the local level. Similar to him, Mayors of Putalibazar and Baglung also alleged that all the local, provincial and federal governments have allocated the budgets for the same projects, but work quality is poor due to the lack of coordination in implementation.

These are the complaints raised by the local level representatives in an interaction program organized by the Municipal Association of Nepal (MuAN) of Gandaki province. This researcher also heard many comments like these in Nawalparasi (East) and Syangja during this research. It was reported that the provincial government was not coordinating with local government while formulating projects. The same was true between federal and local governments. This has resulted in overlapping and duplication. For instance, the province and local government both had conducted programs like vaccination, purchasing medicine, training, but there was no coordination between them and most of the participants and beneficiaries were the same. Province and Municipality both invested budget in the same road and the banner of both governments was kept in Putalibazar Municipality of Syangja, as said by Vice President of Sayapatri Society Kaski.

The Mayor from Waling Municipality explained that the province does not accept the local unit as a separate government. The CAO of the Waling Municipality also had a resembling opinion that the provincial government dominates local governments as if they are under the province.

Last year (fiscal year 2075/76), Gandaki province called for proposals from local governments to their project proposal and they had to bid for it. Elected

representatives from local units commented that the provincial government was treating them as a Non Governmental Organization (NGO) that submits proposals to the donors and gets funding.

The CAO of the Waling Municipality clarified that most of the correspondences made from the provincial government sound imposing and commanding. He expressed that the provincial government has allocated some 2 Crore and 72 Lakh Rupees for drinking water under complementary fund. It was just the 40% of the estimated budget and thus, the provincial government made a provision that local government had to contribute rest 60%. He rationalized, "Such one-sided decision and budget allocation are problematic and difficult to be enforced." According to the Deputy Mayor of the same Municipality, they did not know it in advance that they had to contribute 60% and had no funds for that in the middle of the fiscal year.

The Mayor of the Devchuli Municipality said that the local government knows genuine farmers, but the provincial government does not coordinate while identifying them for grants and they encounter fake farmers either by deliberation or by chance. It was reported that there is a road project going on which was implemented by the provincial government. The Mayor said that the local government could have monitored it effectively if it had received a letter in time.

The CAO of Devchuli Municipality said, "The Education Directorate is in Pokhara. Local schools come to us for estimation of construction. But they have to travel to the Education Directorate based in Pokhara multiple times even for a project of hundred thousand rupees. They could have done this easily through us instead." This was also mentioned by the Chief of the Education Department in Gaidakot Municipality.

There is NCP's two-third majority government in this province. The local units which have NC's majority have reportedly been indifferent to the provincial government due to political differences. The representatives from Bulingtar rural Municipality, Devchuli Municipality, and Waling Municipality complained that there are less or no projects from provincial (and also from federal) government due to this reason.

Another friction was observed between district-level offices under province-level government and local government. There was no concept of the district in the new political set up of federal Nepal. Existence of District Coordination Committee (DCC)

and some other district-level offices under provincial and federal governments have created confusion and suspicions to the local governments. The role of the DCC has not been clear since the constitution does not have its well-defined provision. Article 220 of the Constitution of Nepal 2015 has only mentioned the DCC's role to coordinate the local units and monitor development and construction works. Section 12 of the LGOA 2074 has also explained DCC's role which is not more than settling inter-municipal disputes and coordination issues (GoN, 2074 B.S.).

Districts were used as the basis for the restructuring of the province and the local units and their existence should have ended at that point. Initially, the district level offices from the old political system were dissolved. However, some of them were restored later under provincial and federal governments. In Pitamber Sharma's words, "Going to federalism with the old political and administrative hangover of the district is paradoxical" (Sharma, 2075 B.S.).

Instead of coordinating and cooperating with local governments, the province government re-established the previous district level offices in different names such as VHLSEC, Health Office, AKC, etc.⁶ The CAO of the Waling Municipality opines that the district level offices like AKC, Health Office, VHLSEC are not necessary and their staff can be deployed in DCC instead. Other respondents also believed that the federal government's decision to restore district level offices under provincial governments was against the true spirit of federalism. There are no offices like VHLSEC, and AKC in Nawalparasi (East) and thus, are observed by those in Tanahun. The Mayor of Devchuli Municipality in Nawalparasi (East) said that they could provide the services of those offices if they were upgraded in time. Unfortunately, people have to go all the way to Tanahun headquarters (Damauli) seeking those services.

The Chief of VHLSEC in Pokhara said, "All the three governments provide grants for model farm and, sadly, the same farmer is taking benefit from multiple governments. Though a recommendation letter is required for this from the local government, the latter easily provided the letter without any concern." According to him, 30 farms that

⁶Some of these offices are in all 77 districts while others have to look after 2 to 3 districts by one office.

were selected for grants from the provincial government and already received the first installment, were found to have nothing at all on the spot monitoring. Even PA members from the ruling party were not satisfied with the process and the way of providing grants (Chhetri, 2076 B.S.).

The Under Secretary of Health Directorate mentioned that alike type of training of vaccination was conducted by MoSD from the provincial government, Health Directorate, Health Training Center, and Local Government in the same year. She asserted that there was no coordination among one another for this and most of the participants in the training were the same. Another serious concern was regarding the lack of coordination and communication between the provincial and local governments especially while allocating budget for different plans. The CAO from the Waling Municipality told that there are duplications of plans where budget was allocated from provincial as well as local government. According to him, there should be clear demarcation on the type of projects to be conducted by each government.

However, there were some attempts to avoid the duplication of projects among federal, provincial, and local governments. Concerns on duplications were raised in inter Province Coordination Council (PCC) and National Natural Resource and Fiscal Commission (NNRFC) and hence the National Planning Commission has prepared a document called "Criteria for categorizations and allocations of development programs and projects falling under federal, provincial and local level governments, 2076".⁷ Similarly, federal ministries and provincial ministries have also tried to avoid duplication in this fiscal year (2076/77 B.S.).

In reference to the interrelation among the three governments, the CAO of Devchuli Municipality shared that there is no coordination institution in day to day affairs with the province as in the MoFAGA. Moreover, MoFAGA has assigned an Under Secretary as the focal person for each province to coordinate with local units⁸. Respondents from local units indicated that such focal persons are needed for the provincial government as well.

⁷See https://npc.gov.np/images/category/Mapadanda,_2076.pdf

⁸See <https://www.mofaga.gov.np/uploads/notices/Notices-20200316123358366.pdf>

4.4.1.1 Provincial Coordination Council

To manage and foster cooperation between governments, a system of intergovernmental consultation and cooperation is needed. The LGOA (Article 105) mandates the establishment of the PCC under the leadership of the CM of the province. This council is envisioned to facilitate the coordination between local and provincial governments on matters of coherence in policies, strategic co-ordination in planning, concurrent-jurisdictions, and delineation on the use of natural resources.

The chief and deputy chief of all 85 local units and DCCs, secretaries of provincial Ministries along with the members from the provincial cabinet are members of PCC. It held three meetings so far, and the latest was in Pokhara on 19 and 20 of December 2019.⁹ A facilitation committee (known as Province Coordination Council Facilitation Committee) of the provincial coordination council has also been formed since the whole body cannot meet frequently. This consists of 21 members including cabinet members from the provincial government and some representatives from local governments as well.¹⁰ The provincial government has already passed the procedure for conducting its meeting.

Areas of cooperation and coordination are not practiced via any formal mechanism and are dependent on personal contact/relation and informal communication. The Deputy Mayor of the Waling Municipality believed that except for the formation of the PCC, no other formal mechanism has been established among the governments to establish and regularize their relation.

The interviewed elected representatives did mention that they took part in those meetings, but equally conceded that the meetings were not effective. Since there was no two-way communication and very few from the local government got a chance to speak, otherwise, their role was to listen to the ministers from the province. The Chairperson of Bulingtar Rural Municipality said, "They invite us and we go. But our role is to listen to them and get back home. "Such meetings were concluded with

⁹For the decisions of the meeting, please see <http://ocmcm.gandaki.gov.np/images/news/15840075455298>

¹⁰ For further details, please see <http://ocmcm.gandaki.gov.np/images/news/1544516410>

formalities where a few representatives from local governments complained and concerned ministers from provincial government responded.

Though these meetings were anticipated for being a good platform of coordination, the forum ended up a fair in practice since there used to be big crowd and elected representatives could not discuss minutely on their complaints.

4.4.2 Relation with Federal Government

Gandaki province had asked the federal government for many things, but there was no response at all. Those demands include assigning them the PA building, ministerial buildings, naming the newly established district as Nawalpur and granting required institutions for the new district, administrative plaza, international sports complex, establishment of provincial university, etc. But the federal government seemed apathetic to its demands. In fiscal year 2075/76 BS, the government allocated budget for permanent infrastructures, but could not do anything as it was unable own land for it. Thus, the budget remained unspent.

Corroborating some of the political events that have occurred over the last two and half years have vividly reflected that a level of friction does exist between the provincial and the federal governments. The federal government seems quite indifferent to the provincial demands and perhaps not well prepared and serious to discuss the provincial agendas. Contrarily, the provincial government is determined and adamant about affixing their roles, powers, and jurisdiction as soon as possible. They are aware of the growing negativity against their government and their performance and intend to prove themselves as one equal government against the other two (federal and local).

The provincial government has requested the federal government for the ownership of the current offices building where they are currently residing. No decisions have been made so far, this could be an interesting issue to observe as to how events will unfold especially the reaction of the provincial government. As informed by the Information Officer of PA Secretariat, the federal government is unlikely to hand over the buildings to the province as the former decided to relocate the PA somewhere from the training center (where PA is currently housing its office).

Some employees are yet to join the province. Especially, a few seats of Under Secretaries are still vacant. The federal government has the intention to send some officers as secretaries. Hence Under Secretaries are reluctant to join in the province as they see no sign of their promotion to Secretary.

Duplication and overlap of budget allocation for the same project was seen in between province and federal government as well. The Chief Whip of the ruling party in Gandaki province said, "There are some problems of overlapping in budget allocation. The federal government is also allocating the budget of a small amount simply because somebody requested to do so. But, the bigger projects with national pride should definitely be handled by the federal government, those of medium size be conducted by province and smaller by the local government." According to an engineer from the Ministry of Physical Infrastructure Development (MoPID), there was a verbal understanding that whoever has allocated bigger amount will implement the project in such a case for the given year.¹¹

Government representatives complained that provincial and federal offices have lengthy and not-a-straight-forward process of communication. For instance, if the health directorate in the province has to send a letter to a ministry in the federal government, it should go through MoSD, CM's office, PM's office and the concerned ministry.

The MoIAL could not do anything related to internal affairs since the federal government has not passed any law related to this. The Minister of MoIAL in Gandaki said, "A government should have 3 elements: governance, administration, and budget. But we have the only budget, but not the rest two and hence it has been very difficult to perform well." He mentioned that the CDO's current role may raise problems in the changed political context. According to him, the security of any district so far is controlled by the CDO who is under the federal government, and the MoIAL in the province-level would also have the right to control the security of the district. In that case there might be conflict.

EDCU in every district is under the federal government. Both EDCU and local governments have responsibilities for school education at the local level. The local

¹¹This was the case of the last fiscal year (2075/76).

and provincial governments are not happy with this and believe that this was against the essence of state restructuring and decentralization. Service delivery of these two offices will badly be hampered if there is no clear understanding of the roles and authority of these offices (Shrestha 2019b). Representatives from provincial offices mentioned that EDCU could be given to the provincial government. Moving one step ahead, the Chief of the Education Department of Gaidakot Municipality expressed that EDCU should be closed if we respect the constitution and really want federalism.

According to an NC's PA member from Kaski and a journalist, the CM of this province is quite vocal about the federal government not being very supportive and has publicly expressed his views on many platforms. The CM alleged that the federal government is not coordinating with the province and reluctant to share the power to provinces (Onlinekhabar, 2076 B.S.). Another PA member affiliated to RJM stated that the federal government is trying to limit or seize back the rights that are conferred to the provincial government.

4.4.2.1 Centralized Mentality

Decentralization was one of the motivations for the restructuring of Nepal. However, the federal government was alleged to not being generous in handing over the power to sub-national governments. Even after two and half years, the provincial government still has not got enough staff. Most of those who have been sent are new and inexperienced. Moreover, there is a lack of required laws for the province. Some province-level respondents raised their concerns over security issues- including the attempts of the federal government to curtail the right of the provincial government to deploy police for peace and security, keep district level structures including the CDO offices, which the constitution does not recognize, and give extra powers to CDOs (Pradhan, 2019). This obviously brings conflict between the MoIAL of the province and the CDO of the federal government. Since the federal government is pulling back the power even of those subjects which were mentioned in exclusive rights, there will be more such attempts while dealing with concurrent rights.

It is also blamed that the federal government is not willing to transfer the power to sub-national governments (My Republica, 2019). This might be partly true as some scholars also indicated that this kind of inertia is normal during the transformation

from the unitary system to the federal system. Dr. Devendra Raj Pandey speculated this phenomenon in 2009. He writes:

Fiscal federalism is a challenging proposition in a country that has little or no tradition of vertically sharing the power of the purse in governance. Decentralization has been a much talked about issue in political and development discourse in the country. But the idea has been peddled not to facilitate but to block such sharing (Pandey, 2009: 56).

Moreover, "The 2015 Constitution has not noticeably enhanced the ability of sub-national governments to collect tax revenues or other sources of own revenues" (The World Bank, 2017: 17). The main sources of revenue such as income tax, Value Added Tax (VAT), custom and excise are all with the federal government (Shah, 2019) and hence, there is no significant alteration in revenue collection in pre- and post-federal Nepal. That means the sub-national governments are highly dependent to the federal government for fiscal transfer. The federal government determines its budget ceiling on its own first and only remaining would be transferred to the sub-national government. The reluctance of the federal government to provide required human resources and laws somehow indicates that it is not happy to hand over the power to the sub-national government.

The CDO office and the EDCU are the offices of the federal government in the district level. Provinces have no such offices in districts. The federal government is slow in handing over police and make a legal atmosphere for that at the province level. Many old laws do not recognize province and hence new laws are required for this changed context. But the federal government has no enthusiasm for this. Whatever laws have been drafted have clearly given more power to the federal level. Though the works related to land reform, land survey, and land revenue were supposed to be performed by local government and monitored by the province government, all such issues are taken care of by the federal government in current practice.

With no any specific criteria, a few offices in some provinces were handed over to the province while others of the same kind from other office were withheld by the federal government. There was no coordination with the provincial government when these kinds of decisions were made. The Pokhara Academy of Health Science (formerly

known as the Western Regional Hospital) is now under the federal government. According to a journalist from the *Setopati* and an NC's PA member elected from Kaski, the provincial government was ignored initially by the hospital in March 2019 while establishing a Polymerase Chain Reaction (PCR) machine to test the virus of Corona which was under the responsibility of provincial government. Moreover, the hospital reportedly hid the fact that it had already had a powerful machine like that. This seems to be sheer indifference of the hospital under federal government to the presence of provincial government.

According to the CM, the provinces were new, and therefore, they needed new laws, physical infrastructure, manpower, and other sources for the effective functioning of offices, but the federal government is reluctant in making provincial government efficient.¹² He clarified, "All powers and their devolution are under the command of the federal government, we have asked the federal government to demarcate what our powers and jurisdiction are" (Onlinekhabar, 2076 B.S.). A PA member affiliated to NC also said the federal government was treating the provincial government as a lesser entity. As told by a PA member from NCP, the provincial government seems opposition in terms of relation with the federal government.

Stakeholders alleged that the political leadership, as well as bureaucracy in the center, has Kathmandu-centric mentality and the leaders are reluctant to devolve the power to the provinces. The Chief Attorney of Gandaki province emphasized that the federal government is responsible for the delay in the implementation of federalism through the province.

Table 4.4: Human Resources Adjustment at the three tiers of Government

SN	Governments	Approved positions (Including Health sector)	Adjusted Employees
1	Local	67,719	43,807
2	Province	22,297	13,821
3	Federal	48,606	39,960
4	Reserve Pool	0	2,443
	Total	138,622	100,031

Source: (ICPP, 2019: 21)

¹²Told by CM Prithvi Subba Gurung on a formal discussion program related to the features of the constitution held in Pokhara on 18 Sep 2018, the researcher attended this program.

As shown in Table 4.4, there are 48,606 positions in the federal government out of which 39,960 were occupied after employee-adjustment. No doubt, they both are big numbers, given that more responsibilities and roles have been shifted to provincial and local governments. According to Pitamber Sharma, the political parties had to lead the implementation process of federalism, but they handed over that responsibility to bureaucracy which was indifferent to the spirit of federalism. He further added that the unbundling of the list of rights mentioned in the constitutions was done by the bureaucratic team led by the Chief Secretary and the report was passed by the cabinet without consulting with the political parties, experts, or stakeholders. According to him, this report tries to pull the rights given to sub-national governments back (Sharma 2075 B.S.). Likewise, Krishna Khanal argues that the constitutional arrangements and the legislation enacted to manage sub-national governance seem to favor a very centralized structure. He writes, "Despite enumerated jurisdictions and grant of autonomy, both provinces, and local governments are required to comply with and follow federal directives" (Khanal, 2019).

According to a profound political scientist William Riker, "The federal relationship is centralized according to the degree to which the parties organized to operate the central government controls the parties organized to operate the constituent governments" (cited in Volden, 2004: 101). In other words, the federal system will be more centralized if the central parties control the parties competing at the sub-national level. This has been true in Nepali context as well, the political parties in the center not only control the parties competing at the province and local level, but their party organization is yet to go in a federal structure.

4.4.2.2 Inter Province Council (IPC)

Article 234 of the constitution mentions that there shall be an IPC to settle political disputes arising between federal and provincial governments or between provincial governments.

The first meeting of IPC was called for 9 September 2018 by the PM Khadka Prasad Oli. On 7 September 2018, Gandaki province managed a meeting among the CMs in Pokhara. It intended to discuss common problems of provinces and take consolidated voice to the proposed IPC meeting (Setopati, 2018). All chief ministers (except CM

from Karnali province Karna Bahadur Shahi) attended it and proposed a 9-point declaration to address the problem forming a high-level political mechanism under the PM to institutionalize federalism and also to set up a temporary secretariat of the IPC. However, this seemed to have backfired to the CMs as PM seemed offended. The journalist who interviewed the CM for the *Onlinekhabar* news portal said that despite his multiple attempts to have a meeting with the PM, the PM ignored.

The PM canceled the IPC meeting after learning of the meeting of CMs in Pokhara. Analyzing this cancellation, John Narayan Parajuli (2018) writes, "The Prime Minister's anger may be understandable from a party functionary point of view given that six out of seven chief ministers are his subordinates in the party, but not acceptable for the head of a federal government". The relationship between the provinces and the federal government was particularly difficult, and high-level representatives of the province were publicly critical of the federal government after the cancellation of the meeting. IPC's first meeting took place only on 10th December 2018 in Kathmandu. All CMs put forward their major grievances, which were lack of staff and laws. The meeting had formed a taskforce under Minister for Home Affairs to suggest the ways to settle the issues of provinces (Pradhan, 2018). After the IPC meeting, the relationship between the federal and provincial governments was considered to be relatively better. Its second meeting held on 18 December 2018, which endorsed the report on Inter Province Facilitation produced by the taskforce. This meeting endorsed a 29-point 'Federalism Implementation Facilitation Action plan'¹³, which consisted of deadlines on the formulation of umbrella laws, filling vacant positions of civil servants in provinces, and bringing the crucial NNRFC into operation (Sapkota, 2018). The federal government committed to complete all the outstanding tasks, including the legislation of key federal laws and completing the process of employee integration (DRCN, 2019c). The third meeting held on 26 April 2019, basically, discussed the issue of budget overlap and duplication.

These meetings are a good sign of cooperation and coordination between provincial and federal governments. However, some of the commitments made by the federal government in these meetings have not been met yet. For instance, the laws related to inter-relation of 3 governments, federal police, federal civil service, etc. were

¹³See the action plan at: <http://ocmcm.karnali.gov.np/node/255>

supposed to be drafted by Fagun 2075 (February/March 2019) as per the 29-points commitment have not been penned yet.

4.4.3 Bill of Intergovernmental Relation¹⁴

Article 235 (1) of the Constitution says that the federal parliament shall make necessary laws in order to maintain coordination among the federal, provincial, and local levels. Based on this, the federal government has prepared a new law regarding the intergovernmental relation of three tiers. This attempt was to address the confusion on exercising concurrent jurisdictions and to settle conflicts that emerged among them.

This bill was tabled at the National Assembly first by the Office of Prime Minister and Council of Ministers (OPMCM) in April 2019. It has proposed a National Coordination Council (NCC) for coordination in law-making, power-sharing, and other issues among the three tiers of government (Dahal, 2019). It attempted to clarify the jurisdiction of the three different governments as well. National Assembly endorsed this bill with some amendments on 20 January 2020 and now this has been tabled to the federal parliament. This long-awaited bill is deemed crucial since it would play a significant role to grease the friction that exists among the three layers of governments.

¹⁴ See the bill at: <https://na.parliament.gov.np/uploads/attachments/12lzksjimj4evxx.pdf>

CHAPTER FIVE

CHALLENGES AND PROSPECTS OF FEDERALISM IN GANDAKI PROVINCE

Nepal is in the transition from a unitary to a federal system of governance. Despite a number of challenges, the provincial government has achieved several milestones including formulation and approval of new laws, and initiated of development projects with increased ownership.

5.1 Challenges

Being a new institution, the challenges were inevitable for the province in initial days as it had to start from zero. But even after more than 2 and half years of its establishment, it still struggles with a number of constraints. This might be due to certain structural or inherent challenges which are discussed below:

5.1.1 Employee

The provincial government had to begin with no experience and limited human resources obtained through the reallocation of the existing employees who were used to with the central governing system. Many employees were reluctant to come to provinces from the center since they did not see their career brighter at the province. According to the Bureau Chief of the *Annapurna Post* daily in Pokhara, staff are reluctant to stay in the province as they have less chance of getting perks and going to foreign countries from here. “Only 3 bureaucrats from Gandaki province went to China so far (October 2018),” he added. According to the CM, Gandaki province asked for 3,200 employees from the federal government, but got only 2,000. He lately (February 2020) claimed that the province needed 700 additional staff (Subedi, 2076b).

The federal government initiated employee integration and offered some benefits to those who preferred the province. But the integration became chaotic and has not come to the desired end so far (as of 2020 March). As said by an Under Secretary of

PPC, his office demanded 21 positions to the federal government, but it has received no approval yet.

Directorate of Livestock and Fishery Development lies under the provincial government. Its Director said, "Every district used to have a District Agriculture Office with 50/60 staff in each. All the VHLSECs have to look after two districts through only 10 staff. Whereas such an office in Baglung has to look after Baglung, Parbat, and Mustang. Coverage area has been increased with substantial reduction in the number of employees."

There was more complication in the health sector with no employee integration for a long time. A dispute over the level and grade of employees prolonged the process. An Under Secretary of Health Directorate informed that employ could not get their salary for 3 months due to this delay.

The Under Secretary of OCMCM highlighted that Under Secretaries do not want to join provincial offices since the CAO in local government and Secretary in provincial ministries are selected from the federal government. So, they do not see any benefits in the province. He further added, "There is a lack of technical staff. We also do not have enough Under Secretary level staff. There were 27 Under Secretaries. Many of them including me were integrated at the federal level. Only 3 out of them opted for the province. One of the 3 has already retired." The Spokesperson of OCMCM further clarified, "New 4 Under Secretaries have joined this province after transferring their service from other sectors such as parliamentary service, miscellaneous service to general administration. An information technology officer came as a Revenue Officer while a Geographer became Under Secretary of general administration. Woman Development Officer was sent as a Revenue Officer." Most of the bureaucrats have been schooled in a centralized form of governance and seem that they have a hangover of the previous system. This has made the transition difficult.

5.1.2 Physical Infrastructure

Provincial institutions and offices have some problems with office space. The functioning of provincial governments was also majorly affected by inadequate infrastructure. Setting up permanent offices was a difficult issue for provincial governments. The best available physical structures were appropriated by provincial

ministries, with their institutions occupying the remaining structures. Even the ministries were found to be facing an acute lack of infrastructure. The Director of Directorate of Livestock and Fishery Development said, "We were in confusion where to establish our office for long." Gandaki province easily settled the issue of capital and intended to build a permanent infrastructure to house various offices. Although it allocated a budget for buildings in the Fiscal Year 2018-19, the budget was frozen because it could not obtain the necessary land.

There were also controversies regarding which institution would use preexisting physical infrastructure. For instance, there was a confusion between the Prime Minister's Agriculture Modernization Program (PMAMP) and the AKC regarding who would make use of the physical infrastructure. Since AKCs were established after the first quarter of the previous fiscal year, the PMAMP had already been utilizing the district agriculture offices' buildings. Even though they did not need an entire office building, they were occupying it and using its assets such as vehicles, computer, printers, furniture etc. In some districts, AKCs were operating out of leased buildings while in others they were sharing the office space with PMAMP.

All the government offices that the provincial government has been using are under the ownership of the federal government. For instance, PPC in Gandaki province has used the building of the former Regional Administration Office. The Under Secretary of PPC mentioned that they have been using not only the office space but also other materials from the previous office.

The Under Secretary of OCMCM highlighted that the plan of the provincial government to build Province University, stadium, technical school, etc. was adversely impacted last year since it could not acquire land for these infrastructures.

5.1.3 Lack of Coordination and Cooperation

The Constitution of Nepal (article 232) believes that the three tiers of government exist independently on the principle of three Cs which are coordination, cooperation, and coexistence (GoN, 2015). However, the intergovernmental relation has some problems and concerns. Subjects enlisted under exclusive rights of a government are also in concurrent rights and this has created confusion. There are contradictions, duplication, and confusion in jurisdiction across different spheres of government

(Sapkota, Sapkota and Koirala, 2076 B.S.). Smooth coordination and cooperation among the three governments are much needed in this context. However, there is a severe lack of coordination among them. Respondents mentioned that the federal government has been indifferent towards province and local units. All the 3 governments were found to be allocating a small amount of budget to similar projects and there were chances of duplication. Local governments were reluctant to provide data and other information to the province. These instances evidently show the laps of coordination and cooperation among the vertical governments. (Please see Chapter 4, Section 4.4 for more details on it.)

5.1.4 Lack of Laws

Constitutionally, all the governments are free to promulgate their law and implement them as per their requirement and comfort. However, the laws drafted by the lower level governments will be void in case it contradicts with the higher level governments. DRCN's report rightly says that laws had not been passed at the provincial level to address issues like internal security, education, health, forest, etc. The report further says,

Provinces were not in a rush to create these laws because the federal government had not made them yet. The situation had become tenuous because, on the one hand, existing laws continued to be in effect until replaced by new laws, while on the other hand, old laws did not mention the new structure in place. In a sector as sensitive as education, confusion had arisen due to the lack of necessary laws (DRCN, 2019b: 18).

Government officials highlighted that the lack of concerned laws has been adversely affected the functioning of provincial as well as the local governments. The Section Officer of EDCU, Kaski Loknath Acharya stated that there is big chaos in the education sector since there is no education act at the federal level. Constitutionally, the jurisdiction of high schools falls under local government, but the Compulsory and Free Education Act 2075 has envisioned that federal and provincial governments can form education institutions up to high school level (Sapkota, Sapkota and Koirala, 2076 B.S.). Now, schools have to coordinate with various levels of government as well as outside actors to accomplish plans and this has limited the efficiency and productivity of these schools (Shangraw, 2019).

Being a new institution, the provincial government had to draft procedures for implementation of projects and hence it had a big pressure to do so for all the projects in fiscal year 2075/76. It could not implement some of the projects scheduled for that year as it started lately only after drafting procedures. The Chief Attorney opined, "The Deuba government should have made the required laws before the election. If the laws were made earlier, the province could have done more works".

An NCP's PA member elected from Kaski said that the Public Procurement Act of Nepal is very conservative. He said, "It asks for a 35-day-deadline for bidding notice which was in practice in Rana regime when there was no modern development of transportation and communication. It could be reduced into a week or so in modern days."

To sum up, Gandaki province has a number of challenges such as lack of human resources, physical infrastructure, coordination and cooperation, and laws. Equally, it has tremendous opportunities to win people's hearts with smooth service delivery and better development. It has been trying its best, but the dominating challenges have hindered its performances.

5.2 Opportunities

Nepal opted for federalism so as to promote the access of people to the state. The province is closer to the people than the federal government and it is based on the principle of promoting public participation in democracy. Hence the role of the province is to promote people's participation in governance and make them feel that they are also part of the government.

Gandaki province ranks second after Bagmati in terms of human development index values as per the Human Development Reports of 2014 (Nepali, Ghale and Hachhethu, 2018). The province is urbanization is rapid with the rate of 3.4 percent of urban population growth per annum and this is nearly three folds high compared to that of the country (PPC, 2019).

This province has identified five key enablers of prosperity which are Natural Beauty; biodiversity; unity between social diversity; cultural prosperity, co-existing and identity; and demographic dividend. It has also identified seven key drivers of prosperity which are tourism, agriculture, energy, industry, infrastructure, human

resources, and governance. It is expected that these key drivers will play an instrumental role in fostering the prosperity of Gandaki province (PPC 2019). It is really rich in culture, nature and adventure which has made it a popular tourist destination. It has five of the world's tallest mountains (Dhaulagiri, Annapurna, Macchapuchhre, Manaslu and Himchuli). Three major rivers (Budhi Gandaki, Kali Gandaki and Seti) for rafting, the five trekking circuits including Annapurna Circuit, paragliding above the Phewa Lake are some of the unique tourism adventures. Moreover, almost 46 percent of the area in Gandaki province is occupied by Chitwan National Park, Annapurna and Manaslu Conservation Area, Panchase Conservation forest, and Dhorpatan Hunting Reserve area, among others. This province is also rich in biodiversity (PPC, 2019). Traditional culture of indigenous people dwelling in this province such as Gurung, Magar, Tamang, Newar etc. have significant value in terms of tourism as well as art. It has opportunities to preserve and promote local arts, culture, and heritage on which the federal government had not paid any attention in the past.

According to a member of PPC, it has prepared status paper and been helping the government for planning based on the data generated from its visits to all 11 districts.

Development activities have also been on track. Unlike the unitary system, the provincial government has been able to find out its own priorities and plans. It has prepared a basis paper of the first five-year plan. It has also prepared a mid-term plan of 12 years and a long term plan of 25 years. According to CM Gurung, 154 offices have been established under Gandaki province and these have been involved in service delivery and development activities (Kantipur, 2076).

Initiatives like a brighter province, 1 house 1 tap, 1 constituency 1 road are some positive indications of development projects. It has also identified 110 tourist hubs and has started to build the required infrastructure in 44 out of them. In order to preserve Phewalake, it has been building 5 siltation dams in coordination with Pokhara Metropolis. This province has allocated Rs 60 million to install solar lights in around 1,500 households in Manang, Mustang, Myagdi, Gorkha and Lamjung districts. Likewise, Rs. 510 million has been earmarked for rural electrification in 32 local units. Additionally, the provincial government has planned to establish a university and an industrial estate at the province level (MoEAP, 2019; the Kathmandu Post, 2019).

One of the major objectives of restructuring Nepal into the federal set up was to address the uneven distribution of power among different social groups and geographic areas. Despite the contestation for the seven-province model adopted by the constitution, the PA election results indicate that the Madheshi and most Janajati groups have received proportional or, in some provinces where they are dominant, more than their proportional share of political representation (Nepali, Ghale and Hachhethu, 2018).

The province is a major component of the devolution of power. It holds executive as well as the legislative power. Therefore, it can draft laws according to its requirements. So far, the Gandaki PA has promulgated 23 acts, excluding the budget allocation and financial, that are drafted routinely every year. The responsibility of the naming of the provinces and designation of provincial capitals had also come under PA and Gandaki province performed this without any significant disputes. This has also become a serious issue in provinces such as province 2 and 5.

Evidently, Gandaki province embodies enormous opportunities for its prosperity. Provinces are free to draft laws, generate revenue, make their own plan and budget, and serve their people directly. These governments can find their own identity, and function according to their specialty for the betterment of their people without any intervention from others. Due to the decentralization of certain policies, the provincial government and other institutions under it are free to make decisions on their own. For instance, the subject of training used to be determined in Kathmandu in pre-federal system, but Livestock Service Training Center in Kaski (this is under the provincial government now) has initiated training based on demands from the farmers recently after the establishment of provincial government. According to the information officer of Livestock Service Training Center in Kaski, farmers can fill up a forms demanding training and the Center organizes the training evaluating the depth of demands. Similarly, the provincial government in Gandaki has been supporting homestay-practice since it is identified as one of the key factors for the prosperity of this province is tourism. It was unlikely to be executed through the unitary government.

Since there is the same party's government in the provincial and federal levels at present, their coordination and cooperation seems relatively less problematic. NCP

has a powerful government at the federal level and has sub-national government outside of Kathmandu in six out of seven provinces. In this connection, Gandaki province is lucky to have the same party government even in the federal level. This certainly curtails the possible confrontations on intergovernmental relations. Likewise, provincial government can conduct and monitor projects closely due to their presence at limited territory.

To conclude, Gandaki province entertains numerous opportunities due to its natural resources. The human development index of this province is also better than that of other provinces. It has started to plan on a periodic basis and development activities have already been on track. The presence of the provincial government has provided an opportunity for the people in this province to have a powerful government close by them. Same party governments in both federal and provincial level can smoothen the development dreams of the province.

5.3 Federalism: A Tool or a Boon?

Federalism itself is neither good nor bad. It should not be considered as the solution to every problem prevailing in a country. There are varieties of federal designs and success of any federal system depends on how well it is adapted to the context, oriented at the specific needs and values of the country and its people, and supported by the political elites and general public. It is challenging for federalism in Nepal since it is still in the primitive phase. The administrative capacities of provincial and local governments to deliver and manage services are not yet well developed, and the federal government has little experience with managing an intergovernmental system (ICPP, 2019: iv).

Media expressions show that some people sound still pessimistic towards federalism. People claim that it is good for unifying separate small countries, but not for already unified countries like Nepal. The RJM argues that federalism is not a home-grown, but an imported agenda introduced by a few political elites, basically under external influence. It adds that decentralization would have been enough to address all our issues. There are some successful examples of federalism in Switzerland, the USA, Germany, Australia, Canada, etc. However, "The wrong handling of the implementation of federalism could cause civil war and the disintegration, for instance, Yugoslavia and the USSR in 1991, the splitting of Czechoslovakia in 1992,

Serbia and Montenegro in 2006 and the civil war in Nigeria in 1967" (Upreti, 2009: 220). Ethnic radicalization and extremism in multiethnic societies without tolerance and co-existence may contribute to ethnic conflict and may turn into civil unrest (feeling of injustice to others). The federal structure of the state is more appropriate in countries with a diverse community in terms of language, culture, religion, historical tradition, social system, etc. (Khanal, 2009). There are several examples of successful unitary governments in highly developed countries like Japan and China.

So federalism could be regarded as a tool, but not a sufficient condition for development. Federalism has neither fostered development nor pleased all its citizens in all the countries. Basically, prosperity and satisfaction depend on how the federal system is practiced.

Federal system consists of different levels of government, commonly a national government, and a set of regional or sub-national governments. So, it is a state organization with power-sharing. Countries adopt federalism to ensure the citizens more ownership of the system through its self-rule and shared rule principle. It is a complicated as well as costly governance system because each federal unit has a structure of governance and demands much resources (Sharma, 2014). The complexities of federalism however, could be simplified through transparent and systematic principles, laws, structures, and procedures of interrelation between the governments (Paudel and Sapkota, 2018).

Needless to say, the federal system is costly in comparison to the unitary system. Having multiple tiers of government is naturally expensive. Since there will be more public institutions, the costs for offices, staff, salaries, and allowances put a heavy burden on the treasury of a country (Elliot, 2015: 10). "But the shift to a federal structure might produce long term benefits that far outstrip these costs" (ICPP, 2019: 126). Actually, both the costs and benefits cannot be easily measured or compared. Moreover, the costs will be frontloaded and highly visible, but the benefits will be long term and only indirectly realized (e.g., in the form of higher incomes or better schools, or less civil unrest) (ICPP, 2019: 123). With the services availed by the local government, federalism benefits the people who had to spend big on accessing the state as it reduced their travel/accommodation cost. Moreover, there is a high chance that Nepali people and their economy will benefit significantly if federalism is allowed to contribute to achieving the goals such as conflict mitigation, social

inclusion, good governance, self-rule and shared rule, etc. Conflict is inevitable in the federal structure since there are multiple layers of governments in the same territory. That is why the dispute settling mechanism is envisioned in advance even in successful federal countries (Sharma, 2019).

The Nepali constitution and LGOA 2017 also have provisions such as IPC and PCC. The main source of disputes has already been the jurisdiction of each government. Federalism has two integral parts, namely political and fiscal federalism. The debate in Nepal on federalism is primarily dominated by political federalism. Fiscal federalism is less discussed and less understood issue in the Nepali context. According to Dr. Devendra Raj Pandey (2009), fiscal federalism is a challenging proposition in a county like Nepal where there is little or no tradition of vertically sharing the revenue. In Krishna Khanal's word, "The fiscal basis of sub-national government, which is key to autonomy at the provincial and local levels, is very weak and heavily reliant on central grants. Since the country has only just begun its journey on federalism, much will depend on how federal practices evolve in days to come" (Khanal, 2019).

No doubt, the federalism requires many offices and employees for multiple governments. However, the report of the committee for federal administration restructuring led by Kashi Raj Dahal suggests that the institution created should be small and efficient (GoN, 2075 B.S.). According to DRCN's research report:

The O&M survey commissioned by Gandaki province had recommended an increase in the number of ministries to 10 from 6. The provincial government would have to pay the additional cost of salaries, allowances and other benefits arising from an increase in employee numbers from that approved by the federal government from its internal revenue. A large organizational structure might also be challenging from a fiscal point of view for a province with limited internal income (DRCN, 2019b: 23).

As a matter of fact, the provincial and federal governments should have strengthened and provided more responsibilities to local units instead of opening their own institutions. In order to function well, federalism needs a number of checks and balances since it is a complex political system with multiple governments. It is always challenging when there is extensive ambiguity on federalism's capacity to do and

expectations as if it is a panacea for all problems. Even when all the prerequisites are fulfilled, "Constitution is a living entity and federalism, however, well it is crafted, is a work in progress" (Rao, 2016: 43).

5.4 'Faded' Federalism

The democratic development history of Nepal shows that political parties were good in struggle for better political structure, but failed to build institution while they were in power (Malla, 2013: 235). Criticizing Nepali governments, Dhurba Kumar writes, "Nepal has always been misgoverned rather than governed. Irrespective of the political system Nepalis have lived under over the last two and a half centuries, the question of governance has always loomed large" (Kumar, 2019: 1). There was a high expectation of significant positive changes from federal governance in Nepal. However, there are reports of disillusionment in this direction.

The three major parties (CPN (M), NC and CPN (UML)) had to negotiate on federalism, a topic that two of them did not even really desire, "but had to commit to in some form as they were constitutionally bound by their promise" (Nilsson and Madsen, 2014: 36). Scholars believe that first CA had a powerful progressive force for federalism. In this connection, Deepak Thapa writes, "The second CA saw the return of more conservative forces to power but the general principles of a more inclusive society and polity had already been established. The new constitution adopted in 2015 watered down some of these provisions, but it also gave birth to a federal Nepal" (Thapa, 2019). According to Dhurba Kumar (2019), traditionally dominant groups asserted the second CA and the agenda of NC and UML prevailed while promulgating the constitution. The constitution was drafted in a rush with fast track after the earthquake and influential leaders from the major parties were decisive for the draft. The changes made in previous drafts were not intended to address the genuine problems raised by the marginalized communities. Secularism, citizenship, fundamental rights were some instances where the previous drafts and interim constitution were more liberal (DRCN, 2015). Moreover, the dissatisfaction of dissenting forces prevailed also due to the delineation of federal provinces.

The draft constitution was presented for voting in the second CA. 57, including the representatives from Madheshi parties, out of a total of 598 sitting members (the CA had the strength of 601 members) boycotted the voting process and 25 lawmakers of

the Rashtriya Prajatantra Party-Nepal voted against it. So, it was passed with a tremendous majority, but there were protests on the street especially in Madhesh at the time when many other parts of the country were celebrating new Constitution. The Madheshi and Tharu political parties were extremely dissatisfied with the restructuring of provinces and this sparked violence including numerous deaths, particularly in the southern plains (International IDEA, 2015b). This is a big challenge for Nepal's federalism to hold the people together according to its model of 'holding together'.

The characteristics of federalism have much been changed from the time of its conception right after the People Movement II in 2006. Sharma (2019: 192) writes, "It was initially demanded mostly by ethnic communities, and it appeared that ethnic federalism was being demanded. Over the years, the economic and administrative justification of federalism appeared to be more prominent than the ethnic aspect of federalism." The other main carrier of the agenda of federalism was then CPN (M) which united with then CPN (UML). A PA member from NCP (formerly Maoists) told that there are certain factions even in his political party who do not want federalism to succeed and primarily the bureaucracy is a major hindrance and is not cooperating fully.

There were some opponents of federalism when the debate of state restructuring was at peak and major political force along with civil society was a proponent of federalism. With time, the opponents of federalism seem to have been mostly consistent in their arguments while there is a lack of consistency among proponents of federalism (Karki, 2014).

Now, the Constitution is expected to direct the implementation of federalism, but opinions are brewing up against the senior leaders from major political parties. John Narayan Parajuli writes, "The prime minister and much of his party were reluctant federalists prior to the unification, more so in the case of province two. But one had hoped that the reality of governing a nascent federal system, alongside the obligation of delivering prosperity, would force them to appreciate the importance of delegating authority to sub-national structures" (Parajuli, 2018). A report on capacity needs assessment of transition of federalism in Nepal argues that there is "absence of a strong 'champion' for the federalism envisioned in the Constitution, i.e., the person or

the office that becomes the public face of federalism and is its strongest advocate" (ICPP, 2019: 10). The report further states that the champion has been a strong Minister or strong Mayor, a collection of legislators, or even a head of state in various countries. But such a personality is not evident to push the federalism agenda hardest. The tragedy of Nepal's federalism is that it did not get a genuine propeller for its implementation.

The CM of Gandaki province correctly pointed out, the fear of Province 2 is being used as a justification to deprive all the provinces of autonomy enshrined in the constitution (Onlinekhabar, 2076 B.S.). The federal government has been unable to set up the legal and institutional infrastructure to transfer services or employment to the sub-national governments on time (ICPP, 2019). The provincial, as well as local governments, also are not fully functional yet for new service delivery and other public responsibilities.

Some fundamental challenges are obvious in the structure and functioning of federalism in Nepal. The legislature system in Nepal is highly dominated by the executive system and the bureaucracy is much powerful. The Constitution of Nepal has projected a meaningful sharing of power and opportunity with the sub-national governments. But that is not taking place as expected. Anomalies have been surfaced due to a lack of sincerity and political will in the implementation of federalism.

There might be multiple underlying reasons for the slow pace of implementing federalism and identifying them is very tough. Circumstances show that the federal government has not been smoothening the process and this might be because it did not have enough capacity to handle the workload involved in setting up the implementation duly. Moreover, the federal spirit is absent in the main players of today's political system which is a big irony. So, there are some doubts about whether the federal system in Nepal is just a keepsake or a substantive.

We have seen federalism falling flat in some countries. Elazar (1987: 240-242) has argued that a federal country fails for the following reasons:

1. If the federal arrangement has not come out through internal demands, but from external pressure instead.

2. If attempts to link independent provinces in the larger federation have failed because of competing and conflicting interests of influential leaders in each province.
3. If the ethnic conflict prevails even after the federalism.
4. If there is a lack of resources and sufficient common interests.
5. If federally inclined political culture is absent.
6. If there are unbalanced federal arrangements.

Some of these reasons are relevant to the Nepali context and hence special attention is needed to make the federalism in Nepal a success mitigating the potential risks.

Instead of coordinating with and promoting the capacity of local government, provincial and federal governments are trying to establish their own offices at the district level. This was not the real spirit of federalism and the Constitution. Both the political leadership and the bureaucracy at the federal level seemed reluctant to hand over the power to the sub-national levels. This might be partly because the former groups think that the sub-national governments are premature for entertaining the power and partly because they do not want to release the power they have been exercising. Whatever be the reason, the federal government has no right to paralyze the sub-national governments.

This is too early to judge the impacts of federalism in Nepal at its infantile stage. Despite some dissatisfactions, some positive indications such as inclusion, ownership, decentralization etc. show hope to the beneficiaries. Citizens can now feel the presence of government at their premises. Meanwhile, it has also been functioning with its full effort and the result will be visible in a couple of years to come. As mentioned in a report, "It may be time for the governments to take a step back, plan the implementation more carefully, and put a more realistically-timed and better-sequenced implementation plan in place" (ICPP, 2019: 123). Most importantly, federalism is a continuous process rather than a once-for-all design. Amendments and adjustments can be made over time regarding the devolution of power as in Belgium as well as in the demarcation of boundaries as in India and Nigeria (Suhrke, 2014).

There is a silver lining in the federalism as well. The job of implementation of federalism was a lot to handle in 2 and half years, and many of the problems will be resolved with time. One can see a learning curve for all tiers of government as well.

Attempts have been made to avoid duplications seen in project implementation. The bodies made for smoothening the coordination and cooperation such as IPC and PCC have met multiple times and tried to do their best.

There are great opportunities for Gandaki province since it is rich in natural and cultural resources. Its human development index is also better than that of other provinces. It has started to plan periodically and development activities have already been on a remarkable pace. The presence of the provincial government has provided an opportunity for the people in this province to have a powerful government politically supportive them. It has drafted several laws on its own and passed from the PA with nominal obstructions.

CHAPTER SIX

CONCLUSIONS

6.1 Summary

This study was focused on the challenges and prospects of Gandaki province in order to understand the status of implementation of federalism. Gandaki province is found with a number of challenges such as lack of human resources, physical infrastructure, coordination and cooperation, and laws. Equally, it has tremendous opportunities to win people's hearts with smooth service delivery and better development.

Gandaki province had to initiate federal structures out of limited resources. It gradually took the shape of government and has been functioning its best coping against a number of distinct as well as unforeseen challenges. However, necessity of additional consolidated efforts is realized to make its functioning more transparent and accountable.

During this research, I came across 3 types of people in terms of perception towards federalism. Some were very positive towards it while others were worried about its sustainability, especially on the economic ground since it would need a large amount of budget. A third group of people further thought that the federalism might lead to secession.

6.2 Major Findings

- Gandaki province along with other provinces slugging with lack of infrastructure, employee, and laws; has adversely impacted its functioning of service delivery and development.
- Though the Nepali Constitution assumes Cooperation, Coexistence, and Coordination as the fundamental principle of federalism in Nepal, there is a severe lack of coordination and cooperation among the governments.
- The federal government seems to be reluctant to deliver authority and power to the sub-national governments.
- Overlaps and ambiguities embedded on the list of the jurisdiction in the schedules of the constitution have hindered the efficacy of these sub-national governments.

6.3 Conclusions

There is a paradigm shift in terms of governance in Nepal after the introduction of federalism. Nevertheless, just going into a federal structure is not the solution. Being a new structure, these provincial governments have many challenges. Apparently, the federal government is enjoying much power and authority and is reluctant in sharing with the other two governments.

Regarding to the first objective of this study, it is found that provincial governments are yet to go-ahead from their early stage of learning to administration and service delivery, and they are not provided with enough human and physical resources. This is why, the transition to the new federalism in Nepal is yet to realized in its full fledge. If there had been a well-defined implementation plan of federalism in hand and a more realistic timeline had been set, the federalism in Nepal could have achieved more than this. Nepali federalism looks highly centralized and sub-national governments are impatiently seeking the power to practice their rights on their own.

The second objective of this study deals with intergovernmental relation which has not been so smooth due to unclear jurisdiction and ambiguity in laws. These are explicitly noticed mainly in sharing resources, jurisdiction of the three tiers of government, law making, integration of employees etc. Such confusions jeopardize the aspirations of the public. Hence, there should be good coordination among not only the governments, but all the elements of Nepali society should cooperate for the implementation of federalism. The result will be seen in a few years to come.

As far as the third objective is concerned, it has been explored that there are a number of opportunities for Gandaki province. Nevertheless, challenges are also prevailing. There is no perfect political system that can solve all the problems in one go. Federalism is simply a tool to solve most of the problems in the country. Nepal adopted federalism assuming that it entertains the majority, but at the same time addresses the voices of the minority.

6.4 Suggestions

- Action Plan for Implementation of Federalism passed by IPC should be followed. The federal government was supposed to execute most of it by mid-April 2019. Drafting various laws and fulfilling the positions in NNRFC are some of the jobs from the Action Plan that are yet to be done.
- Federal government should facilitate the devolution of power to the sub-national government. The ambiguity in the jurisdiction list in the schedule of the constitution should be sorted out.
- The IPC and PCC should meet frequently so that the coordination and cooperation among the governments remain smooth.
- Provincial governments should act proactively so that the federal government gets pressure to release the power.
- The intergovernmental relation bill should be passed as soon as possible.
- The employee integration process could not encourage the employees to choose the offices in the sub-national governments. There should be a good alternative for this.
- Instead of forming new offices, the authority should opt for strengthening the local governments and the service delivery through them.
- All the governments should encourage the research on various issues of governance, democracy, and federalism so that there can come informed debates resulting support to the policymaking process.

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Appendices

Appendix 1: Check List for the Key Informants' Interview

I. Provincial government

- a) How do you think the provincial government in Gandaki province is functioning?
- b) What are the challenges faced by the provincial government of Gandaki province?
- c) How is the performance of provincial government regarding to service delivery and development? What are its challenges for those?
- d) How is the government drafting bills to submit in PA for discussion?
- e) What are the mechanisms of the provincial government to ensure the accountability and transparency?

II. Provincial Assembly

- f) How is the law drafting procedure of PA in Gandaki province going? What are the challenges of PA?
- g) How is the performance of thematic committees in PA? How frequently the meeting takes place? What is the depth of discussion on bills?
- h) What is the relation of PA and provincial government?
- i) What do you think about allocation of budget to constituency infrastructure development program?

III. Relation of Local and Province

- a) How is the Communication and coordination with the provincial government?
- b) Has there any instructions/guidelines from provincial government?
- c) What kind of support did the local government receive?
- d) Has there been any grievances, protests on various issues of jurisdiction- on taxation, revenue collection etc.?
- e) Has there been any instance of conflict in the exercise of provincial government's constitutional authority/competence with the local government's authority/competence?

- f) How many times the Province Coordination Council's meeting held? How fruitful was the meeting?
- g) Is there any duplication or overlap in development projects between the two government?
- h) Has there been any court case of dispute between local and provincial governments?

IV. Relation of Provincial and Federal Government

- a) What kind of relation exists between province and local, province and federal government? If there are any disputes, how these were resolved? Any triggers for future conflict?
- b) Has the local government sought assistance/trainings from either federal or provincial government or other agencies/organizations on law making? If yes, describe such assistance.
- c) Has there been any instance of conflict in the exercise of provincial government's constitutional authority/competence with the federal government's authority/competence?
- d) Has there any court case of dispute between federal and provincial governments?
- e) How many times the Inter Province Council's meeting held? How fruitful was the meeting?
- f) Is there any duplication or overlap in development projects between the two government?

Appendix 2: List of Key Informants Interviewed for Study

1. Amrit Bhandari Vice-President, Sayapatri Society Nepal, 6 August 2019
2. Amrit Subedi Reporter, *Onlinekhabar*, 13 October 2019
3. Aruna Joshi Under Secretary, Internal Affairs and Law Ministry 27 August 2018
4. Asha Koirala PA Member NCP, 10 April 2020
5. Balkrishna Chapagain Chief, Education Department, Gaidakot Municipality, 24 February 2020
6. Basanta Nath Bhattarai TB/Leprosy Inspector, Health Directorate Office, 28 June 2019
7. Basu Dev Regmi Chief Admin Officer, Putalibazar, Municipality office, 9 March 2018
8. Bharat Koirala Editor, *Samadhan* Daily, 20 October 2019
9. Bhesh Raj Subedi Officer, Education Directorate office, 30 June 2019
10. Bhim Prasad Tiwari Under Secretary, Ministry of Social Development (MoSD) 27 June 2019
11. Bikas Thapa Magar Communication Officer, OCMCM, 2 March 2020
12. Bindu Kumar Thapa PA Member NC, 10 April 2020
13. Binod Hamal Chief, Silk Development Office, 1 July 2019
14. Bishnu Prakash Acharya Officer, OCPCM, 30 June 2019
15. Bishnu Prasad Pokharel Section Officer, MoIAL, 19 October 2018
16. Bishnu Prasad Bhusal CAO, Devchuli Municipality, Nawalparasi East, 24 February 2020
17. Chandra Bahadur Buda PA Member NCP, 25 April 2019
18. Chandra Mani Sapkota Personal Assistant, Social Development Minister, 27 June 2019
19. Dev Raj Chalise NC Leader, Kaski, 5 August 2019
20. Dhananjaya Dawadi PA Member NCP, 17 October 2019
21. Dilip Pratap Khad Mayor, Waling Municipality, Syangja, 4 March 2019
22. Dipa Gyawali Information Officer, VHLSEC, 1 July 2019
23. Dipak Koirala PA Member NCP, Chair, Economy and Development committee, 18 Oct. 2019
24. Dobate Biswhokarma PA Member NC, 14 October 2018
25. Dr. Bishnu Raj Baral Member of the Provincial Planning Commission, 27 June 2019
26. Dr. Man Bahadur Pun Director, Livestock, Bird and Fishery Development Directorate, 28 June 2019
27. Dr. Umanath Baral Professor and HoD, Political Science, PNC 27 December 2018
28. Fadindra Pokharel Secretary, Internal Affairs and Law Ministry, 27 August 2018
29. Ganga Lal Pokhrel Chief Land Measurement Officer, MoLMAC, 27 June 2019
30. Guru Dutta Subedi CAO, Waling Municipality, Syangja, 3 March 2019
31. Hari Bahadur Chman Minister, Internal Affairs & Law Ministry, 18 October 2019
32. Hari Prasad Bastola Secretary, PA Secretariat, 21 October 2019
33. Harisharan Acharya PA Member, Naya Shakti Party, 28 August 2018

34. Indra Dhara Bista PA Member NCP, 18 October 2019
35. Indra Lal Sapkota PA member, NCP, 18 October 2019
36. Jhalak Ram Subedi Under Secretary/Spokesperson, OCPCM, 30 June 2019 & 4 August 2019
37. Kalpana Tiwari Deputy Mayor, Waling Municipality, Syangja, 3 March 2019
38. Keshav S. Lamichhane Bureau Chief, Annapurna Post, 13 October 2018
39. Khem Bahadur Khadka Director, Health Directorate Office, 4 August 2019
40. Krishna Bahadur Thapa PA Member RJM, Chair, Province Affairs Committee, 18 October 2019
41. Krishna Chandra Nepali Main Opposition Party(NC) Leader, PA, 1 July 2019
42. Krishna Prasad Pokharel Section Officer, MoPID, 6 August 2019
43. Kumar Khadka PA Member NC, Chair, Public Account Committee, 20 October 2019
44. Lal Prasad Sharma, Chair, *Samsadiya Reporting Patrakar Manch*, 17 October 2019
45. Liladhar Sharma Admin Officer, Gaidakot Municipality, Nawalparasi East, 24 February 2020
46. Lok Nath Acharya Officer, Education Development and Coordination Unit, Kaski, 30 June 2019
47. Maharaj Dhakal Information Officer, Provincial Assembly, 30 August 2018
48. Man Bahadur Gurung PA Member NCP, 20 October 2019
49. Manibhadra Sharma PA member, NC, 18 October 2019
50. Mayanath Adhikari PA Member NCP, 28 April 2019
51. Mina Gurung PA Member NCP, 17 October 2019
52. Mitra Kumari GS PA Member NCP, 26 December 2018
53. Mohan Bahadur Thapa Under Secretary, Provincial Planning Commission 27 June 2019
54. Mohan Regmi PA Member NCP, Chair, Legislative Committee, 21 October 2019
55. Narayan Prasad Adhikari Under Secretary, PA Secretariat, 20 October 2018
56. Netra Nath Adhikari Speaker, PA, Gandaki Province, 17 October 2019
57. Nilkantha Pokharel Senior Agriculture Officer, Agriculture Directorate Office, 1 July 2019
58. Piyari Thapa PA Member RJM, 26 December 2018
59. Prakash Dhakal Reporter, *Aadarsha Samaj*, 28 April 2019
60. Puran Giri Under Secretary, Tourism Office, 5 August 2019
61. Purna Kumar Shreshtha Mayor, Devchuli Municipality, Nawalparasi East 24 February 2020
62. Rabindra Bastola Secretary, *Sushasanka Lagi Nagarik Samaj*, 28 June 2019
63. Rajendra Ghimire Chief Attorney, Gandaki Province, 20 October 2018
64. Rajendra Neupane Chief Engineer, MoPID, 6 August 2019
65. Rajendra Neupane Under Secretary, PA secretariat, 21 October 2019
66. Rajendra Prasad Ghimire Chief, Health Office Kaski, 1 July 2019
67. Rajiv Pahari PA Member NCP, 27 December 2018

68. Ramji Prasad Baral PA Member NCP, 26 April 2019
69. Sanjeev Bastola Crop Protection Officer, Crop Protection Laboratory, 28 June 2019
70. Sarita Gurung PA Member NC, 14 October 2018
71. Shashikiran Bastakoti Chair, Bulingtar Rural Municipality, Nawalparasi East, 26 February 2020
72. Shree Prasad Tiwari Legal Officer, PA Secretariat, 30 June 2019
73. Shrijana Sharma Deputy Speaker, PA Gandaki, 26 April 2019
74. Sundar Gaurung Civil Society Member, 5 August 2019
75. Surendra Thapa Vice President, Nepal Bar Association, 14 October 2018
76. Thagendra Prasad Aryal Chief, VHLSEC, 1 July 2019
77. Tikaram Poudel Under Secretary, MoPID, 6 August 2019
78. Tilak Bahadur Silwal Director, Education Development Directorate, 4 August 2019
79. Uma Gautam Under Secretary, Health Directorate Office, 28 June 2019
80. Yuvaraj Shrestha Reporter, *Setopati*, 10 April 2020

Appendix 3: Map of Gandaki Province



Appendix 4: Lists of Federal, Provincial, Local and Concurrent Powers

Schedule 5: List of Federal Powers

SN	Matters
1	Relating to defense and military
	(a) Protection of national unity and territorial integrity
	(b) Relating to national security
2	War and defense
3	Arms and ammunitions factories and production thereof
4	Central Police, Armed Police Force, national intelligence and investigation, peace, security
5	Central planning, central bank, finance policies, monetary and banking, monetary policies, foreign grants, aid and loans
6	Foreign and diplomatic affairs, international relations and United Nations related matters
7	International treaties or agreements, extradition, mutual legal assistance and international borders, international boundary rivers
8	Telecommunications, allocation of radio frequency, radio, television and postal matters
9	Customs, excise-duty, value-added tax, corporate income tax, individual income tax, remuneration tax, passport fee, visa fee, tourism fee, service charge and fee, penalty
10	Federal civil service, judicial service and other government services
11	Policies relating to conservation and multiple uses of water resources
12	Inland and inter-State electricity transmission lines
13	Central statistics (national and international standards and quality)
14	Central level large electricity, irrigation and other projects
15	Central universities, central level academies, universities standards and regulation, central libraries
16	Health policies, health services, health standards, quality and monitoring, national or specialized service providing hospitals, traditional treatment services and communicable disease control
17	Federal Parliament, Federal Executive, Local Level related affairs, special structure
18	International trade, exchange, port, quarantine
19	Civil aviation, international airports
20	National transportation policies, management of railways and national highways
21	Laws relating to the Supreme Court, High Courts, District Courts and administration of justice
22	Citizenship, passport, visa, immigration
23	Atomic energy, air space and astronomy
24	Intellectual property (including patents, designs, trademarks and copyrights)
25	Measurement

26	Mines excavation
27	National and international environment management, national parks, wildlife reserves and wetlands, national forest policies, carbon services
28	Insurance policies, securities, cooperatives regulation
29	Land use policies, human settlement development policies, tourism policies, environment adaptation
30	Criminal and civil laws making
31	Security printing
32	Social security and poverty alleviation
33	Constitutional Bodies, commissions of national importance
34	Sites of archaeological importance and ancient monuments
35	Any matter not enumerated in the Lists of Federal Powers, State Powers and Local Level Powers or in the Concurrent List and any matter not specified in this Constitution and in the Federal laws

Schedule 6: List of Provincial Powers

SN	Matters
1	State police administration and peace and order
2	Operation of banks and financial institutions in accordance with the policies of Nepal Rastra Bank, cooperative institutions, foreign grants and assistance with the consent of the Centre
3	Operation of Radio, F.M., television
4	House and land registration fee, motor vehicle tax, entertainment tax, advertisement tax, tourism, agro-income tax, service charge, fee, penalty
5	State civil service and other government services
6	State statistics
7	State level electricity, irrigation and water supply services, navigation
8	State universities, higher education, libraries, museums
9	Health services
10	Matters relating to the State Assembly, State Council of Ministers
11	Intra-State trade
12	State highways
13	State bureau of investigation
14	Physical management and other necessary matters of State governmental offices
15	State Public Service Commission
16	Management of lands, land records
17	Exploration and management of mines
18	Protection and use of languages, scripts, cultures, fine arts and religions
19	Use of forests and waters and management of environment within the State
20	Agriculture and livestock development, factories, industrialization, trade, business, transportation
21	Management of trusts (Guthi)

Schedule 7: List of Concurrent Powers of Federal and Provincial Government

SN	Matters
1	Civil and criminal procedure, evidence and oaths (legal recognition, public acts and records, and judicial proceedings)
2	Supply, distribution, price control, quality and monitoring of essential goods and services
3	Preventive detention for reasons connected with the security of the country, prison and detention management, and maintenance of peace and order
4	Transfer of accused persons, detainees and prisoners from one State to another State
5	Laws relating to family affairs (marriage, transfer of property, divorce, persons on the verge of extinction, orphan, adoption, succession and joint family)
6	Acquisition, requisitioning of property and creation of right in property
7	Contracts, cooperatives, partnership and agency related matters
8	Matters relating to bankruptcy and insolvency
9	Drugs and pesticides
10	Planning, family planning and population management
11	Social security and employment, trade unions, settlement of industrial disputes, labour rights and disputes related matters
12	Legal profession, auditing, engineering, medicines, <i>Ayurvedic</i> medicines, veterinary, <i>Amchi</i> and other professions
13	State boundary river, waterways, environment protection, biological diversity
14	Matters related to means of communication
15	Industries and mines and physical infrastructures
16	Casino, lottery
17	Early preparedness for, rescue, relief and rehabilitation from, natural and man made calamities
18	Tourism, water supply and sanitation
19	Motion pictures, cinema halls and sports
20	Insurance business operation and management
21	Poverty alleviation and industrialization
22	Scientific research, science and technology and human resources development
23	Utilization of forests, mountains, forest conservation areas and waters stretching in inter-State form
24	Land policies and laws relating thereto
25	Employment and unemployment aid

Schedule 8: List of Powers of Local Government

SN	Matters
1.	Town police
2.	Cooperative institutions
3.	Operation of F.M.
4.	Local taxes (wealth tax, house rent tax, land and building registration fee, motor vehicle tax), service charge, fee, tourism fee, advertisement tax, business tax, land tax (land revenue), penalty, entertainment tax, land revenue collection
5.	Management of the Local services
6.	Collection of local statistics and records
7.	Local level development plans and projects
8.	Basic and secondary education
9.	Basic health and sanitation
10.	Local market management, environment protection and bio-diversity diversity
11.	Local roads, rural roads, agro-roads, irrigation
12.	Management of Village Assembly, Municipal Assembly, District Assembly, local courts, mediation and arbitration
13.	Local records management
14.	Distribution of house and land ownership certificates
15.	Agriculture and animal husbandry, agro-products management, animal health, cooperatives
16.	Management of senior citizens, persons with disabilities and the incapacitated
17.	Collection of statistics of the unemployed
18.	Management, operation and control of agricultural extension
19.	Water supply, small hydropower projects, alternative energy
20.	Disaster management
21.	Protection of watersheds, wildlife, mines and minerals
22.	Protection and development of languages, cultures and fine arts

Schedule 9: List of Concurrent Power of Federal, Provincial and Local Government

SN	Matters
1.	Cooperatives
2.	Education, health and newspapers
3.	Health
4.	Agriculture
5.	Services such as electricity, water supply, irrigation
6.	Service fee, charge, penalty and royalty from natural resources,
7.	Forests, wildlife, birds, water uses, environment, ecology and bio-diversity
8.	Mines and minerals
9.	Disaster management
10.	Social security and poverty alleviation
11.	Personal events, births, deaths, marriages and statistics
12.	Archaeology, ancient monuments and museums
13.	Landless squatters management
14.	Royalty from natural resources
15.	Motor vehicle permits

Appendix 5: Some Letters

Appendix 5.1: A Letter Sent by Livestock Department from Federal Government to Veterinary and Livestock Service Expert Centre of Provincial Government Asking for Data.

नेपाल सरकार
कृषि तथा पशुपन्छी विकास मन्त्रालय
पशु सेवा विभाग

सिंहदरवार, काठमाण्डौ

प.सं: २०७५/०७५
चन्पुनी नं.: १९०५

सिंहदरवार, काठमाण्डौ

दिनांक: २०७५/०७/०५

विषय: सहयोग गरिदिने बारे ।

श्री कृषि तथा पशुपन्छी विकास मन्त्रालय
सिंहदरवार, काठमाण्डौ ।

प्रस्तुत विषयमा बिगतमा जिल्ला पशु सेवा कार्यालयबाट नियमित रूपमा रोगको इपिडेमियोलोजिकल रिपोर्ट भेटेरिनरी इपिडेमियोलोजिकल केन्द्रमा प्राप्त हुने गरेको र भेटेरिनरी इपिडेमियोलोजिकल केन्द्रबाट राष्ट्रियस्तरमा पशु स्वास्थ्य सुचना व्यवस्थापन प्रणाली सन्चालन गर्दै आइरहेको व्यहोरा विदितै छ । नेपालले अन्तर्राष्ट्रियस्तरमा प्रतिबद्धता गरे अनुसार पशुपन्छीको रोगको सुचना प्रणालीलाई भरपर्दो, पारदर्शी र व्यवस्थित गरि विश्व व्यापार संगठन र विश्व पशु स्वास्थ्य संघ (ओ.आई.ई.) मा रोगहरूको सुचना प्रवाह गर्नुपर्ने बाध्यता पनि रहेको छ । हाल मुलुक सङ्घीयतामा प्रवेश गरिसकेको अवस्थामा पशुपन्छीको रोगको मासिक इपिडेमियोलोजिकल रिपोर्टिङ सबै भेटेरिनरी अस्पताल तथा पशु सेवा विज्ञ केन्द्रहरू र स्थानीय तहहरूबाट पशु सेवा विभागको भेटेरिनरी इपिडेमियोलोजी शाखामा प्राप्त नभएकोले नेपाल सरकारले राष्ट्रिय र अन्तर्राष्ट्रियस्तरमा प्रतिबद्धता गरे अनुसार पशुपन्छीको रोगको सुचना प्रणालीलाई भरपर्दो, पारदर्शी र व्यवस्थित बनाउन समस्या हुने र राष्ट्रको प्रतिष्ठामै आघात आउने देखिएकोले पशुपन्छीको रोगको सुचना प्रणालीलाई प्रभावकारी बनाइ राष्ट्र मासिक इपिडेमियोलोजिकल रिपोर्ट भेटेरिनरी इपिडेमियोलोजी शाखा, त्रिपुरेश्वरमा पढाइ सहयोग गरिदिनुहुनको लागि तहाँ मन्त्रालयबाट संघीय मामिला तथा सामान्य प्रशासन मन्त्रालय मार्फत सबै प्रदेश र स्थानीय तहहरूमा जानकारी गराईदिनुहुन अनुरोध गर्दछु ।

बोधार्थ
श्री संघीय मामिला तथा सामान्य प्रशासन मन्त्रालय, सिंहदरवार, काठमाण्डौ ।
श्री भूमिव्यवस्था, कृषि तथा सहकारी मन्त्रालय, प्रदेश १ / २ / ३ / गण्डकी / ५ / कर्णाली / सुदूरपश्चिम
श्री पशुपन्छी तथा मत्स्य विकास निर्देशनालय, प्रदेश १ / २ / ३ / गण्डकी / ५ / कर्णाली / सुदूरपश्चिम
श्री भेटेरिनरी अस्पताल तथा पशु सेवा विज्ञ केन्द्र ।
श्री पशुपन्छी रोग अन्वेषण तथा नियन्त्रण महाराष्ट्र, भेटेरिनरी इपिडेमियोलोजी शाखा, समन्वय तथा रिपोर्टिङ को लागि ।

डा. बशी शर्मा
महानिर्देशक

Appendix 5.2: A Letter Sent by Veterinary and Livestock Service Expert Center of Provincial Government to Local Governments in Kaski Asking for Data.

