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How Nepal can learn from the experiences of others

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his special edition of Federations, published in both English and Nepali, is a contribution to the extraordinary process of political change that Nepal is passing through.

I was first in Nepal in February 2007 and returned for another visit in September 2008. The change between visits was amazing. During my first visit, the King was in his palace, the cease-fire was very shaky, the timing of elections was very uncertain, and the lack of consensus on such major issues as the monarchy, religion and federalism was palpable. I returned to a country that had become a republic, with an elected president. Elections had successfully produced a widely representative constituent assembly. A coalition government was presided over by the head of the former insurgency, with a commitment to completing the peace process. The country was declared to be secular, multi-national and multi-linguistic. And there was a broad consensus – and constitutional commitment – on Nepal becoming a federation.

These accomplishments are encouraging, though Nepal still faces huge challenges and complex issues. This magazine looks at several of them.

The article by Yash Ghai and Jill Cottrell discusses constitution-making and encourages Nepal’s leaders to learn from experience elsewhere and to have a broadly participatory process. They emphasize that the underlying question is to resolve the nature of Nepali

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nationalism and identity and this necessarily involves the larger public.

Khrisna Khanal looks at the choice of a parliamentary or a presidential system, of electoral system—whether the current regime of mixing first-past-the post and proportional representation or something different, and of federalism itself. He rightly observes that these choices will depend greatly on how the coalition government maintains unity and manages day-to-day government.

**Drafting an inclusive language policy**

Sujit Choudhry looks at language policy and draws on experiences in South Asia, both to show the importance of language policy and the risks associated with exclusionary policies. Of course, with over ninety languages, Nepal must balance demands for inclusion with the need for practical arrangements in relation to languages of work and of service to the public.

My own article demonstrates the importance of fiscal arrangements in shaping federations. In Nepal’s case, the federal government will necessarily dominate the collection of public revenues for the foreseeable future, so decisions will be needed as to how the federal government should provide financial support to the constituent units: through shared taxes, transfer payments or conditional program payments. As well, Nepal will need a staged approach to restructuring public finances and to balance the national and regional interests regarding the management of the country’s potentially huge wealth in hydro-electric resources.

Mukta Tamang illuminates the sensitive debate in Nepal on self-determination. He points out that while a Leninist approach might allow for a right to secession, this is not consistent with international law and is extremely rare in constitutional practice. However, he thinks the real substance of the debate in Nepal is not about secession, but about demands for inclusion, equality, human rights, and the rule of law – in other words, about accommodation in a united Nepal that respects diversity.

Bipin Adhikari reviews the current judicial structure and alternatives to adapt to a federal set up. He also makes the critical point that a key objective is a people friendly judiciary with good access at the constituent unit level.

**Meeting the needs for devolution**

Katy Le Roy draws lessons from Nepal’s history of devolution initiatives, including the challenges associated with limited capacity in the country to manage a highly devolved arrangement. She sets out a series of key questions that must be answered in determining the allocation of powers and makes the important point that in some areas the constituent units may share power with the federal government – or even be subject to some measure of federal oversight.

Finally, Nicole Töpperwien addresses the hot issue, to which I return below, of drawing the federal map.

Nepal appears to risk agenda overload in coping with so many complex and interrelated issues, especially because the country has limited experience and there is no consensus on some key questions. How to proceed? The Constituent Assembly (CA) has taken a positive step in identifying 10 well defined areas for its committees. So the next phase of the road map is reasonably well charted.

**Three suggestions**

That said, I have three suggestions.

First, it is important that the CA not be preoccupied with dealing with the ghosts of the old regime. The country has changed and it is important to focus on what is actually happening now and what makes sense for the future. You have an elected constituent assembly and government unlike any before. Neither is perfect, but have the legitimacy of election by universal suffrage and they include Nepalis from all castes, classes, and ethnicities. Thus today’s Nepal has already taken a giant step towards the recognition, accommodation and even the celebration of diversity. You may not need a new constitution full of provisions trying to correct the sins of the past.

Secondly, take time. A new constitution should last a very long time and it need not be written in a year. Time can help in understanding the strengths and weaknesses of your interim regime and help develop consensus on key points. It will be needed to implement a new regime, particularly a strongly federal system.

Finally, think about the sequence of issues. There may be some questions where it is easier to develop consensus first; such consensus may help resolve other, tougher, issues later.

Determining the territorial boundaries of constituent units in a federal Nepal is potentially very divisive. Too often, this dominates the debate about federalism. Nepal is unusual in being a unitary system...
opting for federalism, but without having clear internal boundaries – no historic constituent units, and no clear linguistic or ethnic boundaries. This makes the delimitation of constituent units difficult and causes passions to run high. Too many see the object of the exercise to be making their group into a constituent unit majority.

Passions might be lowered by considering some basic realities. As Nicole Töpperwien points out, the demographic realities in Nepal mean that there will be no ethnically homogenous constituent units and few with a clear ethnic majority.

“In a federal Nepal, the vast majority of Nepalis will live in a province (constituent unit) where their ethnic, linguistic or caste group will not be in the majority—and where no group will be in the majority. This means the vast majority of Nepalis have a stake in designing a federal Nepal that accommodates the diversity of citizens wherever they live.”

Settling how this would be done—what minority, land and language rights might be protected for citizens wherever they live—should make it easier to draw maps, when the time for that comes, because the stakes will be less.

This relates to how many constituent units and their sizes? There appears to be a notion that there may be ten or so. That could work well. But some advocate the whole of the terai being one constituent unit. About half of the country’s population would be in one constituent unit, which risks creating an unbalanced and poorly functioning federation.

There are some other important realities. Nepal’s revenue collection will be highly centralized. Thus the federal government may, through the power of the purse or through whatever constitutional powers it is given, have a major role in determining many public policies. The country does not have the capacity to move quickly to a highly decentralized federal system.

For these reasons, there must be careful attention to the central institutions: the legislature and executive; the courts; the civil service and army. Many federations have special provisions to accommodate their diversity in their central institutions. The role and the nature of the upper house can be important in this.

It would be healthy to work towards some consensus on such questions early in your debate. Dealing with them before addressing boundaries has the advantage of everyone coming to the table having to think how they would like to be treated if they were—as they quite probably will be—not part of a majority in a constituent unit. This could lead to defining protections and rights and to establishing the role of the federal government in a way that accommodates all Nepalis, wherever they live in the federation.
Constitution-making in Nepal
People raise demands for justice and social transformation

BY YASH GHAI AND JILL COTTRELL

There are many ways to make a constitution. Even within Nepal, constitutions have been made in different ways. At first, they were "bestowed" by a Rana or a King. Even when they were not drafted by the palace, they came into effect by royal proclamation. Sometimes a constitution was drafted by an expert or a committee of experts. There was no consultation with the people, except in a limited way for the 1990 constitution, and even this had little impact on the substance of the constitution. That process seems to have been dominated by a small expert body, with close connections to political parties and the palace. Even the Interim Constitution, which replaced the 1990 constitution after the janaandolan or People’s Movement of 1990, was adopted without consultation, although it obliges the government to enable the people to draft their own, permanent constitution. The current process of constitution making is now the task of a popularly elected Constituent Assembly (CA), for the first time in Nepal.

Each constitution represented only marginal social and political advances, and continued to exclude the great majority of the people from political or economic power. As a result, each of these constitutions was challenged, as groups excluded from political power expressed their grievances and demanded justice.

As constitution making becomes more participatory, constitutions increasingly

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incorporate principles of democracy and social justice. The history of constitution making in Nepal reflects these global trends, which are reinforced by developing international norms, the easy availability of information about experiences of other countries, and sometimes a significant role of the international community. Nevertheless, the national context also influences the process, and although there is now considerable knowledge of comparative experience among Nepalis, the decision makers do not seem to have been much influenced by it. Key to the process in Nepal are negotiations among party leaders. Yet not everyone is happy with this process. One member of the CA called for maximum feedback from the general population during the process of drafting the constitution, to balance the risk of decisions being made by a small group of leaders.

Dealing with post-conflict issues

In post-conflict states, constitution-making is part of a series of processes that includes agreeing on a ceasefire and interim arrangements for administration of the country, bringing insurgents and dissidents into state structures, negotiating constitutional principles and the framework for deciding on the new constitutional arrangement, and holding elections for a new, legitimate government. Nepal has closely followed this sequence, and the progress on peace building determined the pace of constitutional change.

In some ways, the task of constitution making in Nepal is both easier and more difficult than in many other post-conflict states. It is easier because the insurgency was focused on political ideology, not deep-rooted ethnic conflict which leaves a bitter legacy of division and hatred – and the protagonists came from the same class background.

It is more difficult because the very settlement of that conflict, preceded by the 2006 People’s Movement or Jana-Andolan-II triggered new demands. The insurgency and the Maoist appeal to marginalized communities – rather than merely class struggle arguments that did not have much appeal – created or renewed awareness of oppression, and encouraged the emergence of identity politics, calling in question the old model – the dominance of essentially one group. This raised fundamental questions about the nature of the state and its "cultural" or "national" foundations. A critical issue that needs to be resolved is the nature of Nepali nationalism or identity. The question of identity is closely connected to, and finds sustenance from, social deprivation, discrimination and the poverty of many communities. This makes social justice a major issue. If the people’s movement of 1989, which led to the 1990 Constitution, was seen as concerned with political power and state structures, the present movement is seen as essentially about social justice and societal transformation.

Tackling transformation

Encapsulated in this movement are a number of inter-connected "revolutions" or transformations which need to be tackled simultaneously: most obviously, monarchy to republic; hegemonic Hindu and Nepali-language-based rule to inclusiveness; feudalism and authoritarianism to democracy; caste and social hierarchy to equality of gender, caste and ethnicity; and – as yet unresolved – feudal-capitalism to socialism or communism. Most of these are divisive, even though considerable lip service is paid to some of them, such as “inclusion." The complexity of change becomes obvious when the implications of each transition are analyzed. For example, the transition to republic is not merely a matter of form – as it might be if the monarchy were abolished in a Scandinavian country, for example. In the past, the monarch symbolized the state and nation, especially as head of the Hindu religion and as an icon of history. Some used to think it was the glue that kept the country together, but others, increasingly, think that it reflected the worst features of Nepal, such as hereditary tradition, source and support of hierarchy, exclusion, and authoritarianism. Nepal is now looking for new symbols in a post-monarchical age. There is more to this transition than merely what kind of presidency should replace the monarchy.

The transition from feudalism and authoritarianism to democracy is not only, or primarily, an institutional issue. It is fundamentally a matter of values and the culture of democracy, the empowerment of the people, awareness of and respect for human rights, and the centrality of political parties. Inclusiveness is perhaps the most difficult aspect as it involves identity and nationalism, electoral systems, the nature of the governmental system and its recruitment practices, perhaps the recognition of group rights, and fresh thinking about the place of language, religion and tradition. Federalism, which is very much on the agenda but also very controversial, as there are no Nepali precedents, will be extremely hard to conceptualize and harder to negotiate. And the Marxian dialectics of the change from a feudal to a market and then a socialist economy, which Maoist leaders have sometimes talked about, will compound these complexities.

Crucial steps in nation-building

Thus, the question is what kind of a process for making the constitution will facilitate these transitions? The challenge involves both state-building and restructuring, and nation-building.

Nation-building is crucial because the state must reflect the kind of Nepal the people can agree on. At one level, there seems to be agreement on the principles and values of the New Nepal, or Naya Nepal. On closer inspection, most of these appear to hide fundamental clashes of interests, approaches and priorities. Negotiating a constitution is a way to resolve differences, and agree on values, institutions and procedures to replace previous differences and modes of conflict. Properly organized, under enlightened leadership, constitution-making can also contribute to reconciliation and healing. Equally, without goodwill and wise leadership, it can be divisive. The process must allow the airing of grievances, but not allow them to take over. And the process must be one of moving on while acknowledging the past.

There is no better time than during constitution-making to engage people in discussion about public powers and institutions, and their purposes. Without some public awareness of the mechanisms of the state and an understanding of democracy, the new constitution, however well-crafted, would probably fail to take root. Democracy is almost never the result merely of a legal instrument or charter. There can be no democracy without the commitment of the people to it and their willingness and ability to participate in public affairs, co-ordinate their interests and lobby for them, exercise and protect their rights, and take seriously their own
responsibilities as citizens. As is common in many countries, people in Nepal, especially in rural communities, have only a fragmentary understanding of the institutions and procedures of the state. Moreover, in Nepal, people have been subordinated to feudal and authoritarian systems of government and need to be persuaded that they may now freely exercise their rights.

There are three very specific reasons for participation. And three elements constitute the core of the People’s Movement: a new identity as a Nepali, inclusive democracy, and social justice. None of these can be achieved without the active participation of the mass of the people, representing Nepal’s myriad social and ethnic communities. Participation means a great deal more than voting to elect delegates to the CA. It also encompasses the active commitment of the people in defining the agenda of reform and the instruments for social and economic change, through debate, argument and consultation, not only in Kathmandu but throughout the country. It means identifying, through the narratives of victims, the causes of oppression, injustice and the silencing of inconvenient voices. It means allowing opportunities for the people to learn about Nepal’s constitutional history, and the experiences of other countries with similar problems, and to enhance their capacity for developing democracy.

Finding the perfect mechanism

On the surface, it seems that Nepal has found a perfect mechanism for participation. It has a constituent assembly elected by the people, through rules that, while not ensuring full proportionate representation of marginalized communities, are infinitely better than ever before. A constituent assembly has eluded Nepalis until now, despite promises, and much is expected of it. But the people’s expectations might not coincide with those of the party leaders. There has been growing public impatience with the CA for not beginning to write the constitution after several months of deliberations. Elections for the Assembly were twice postponed, but they could not be avoided forever. If public pressure could no longer be resisted, it could perhaps be deflected once the CA was in place. An assembly tightly controlled by party bosses, with members of the marginalized communities brought in by courtesy, and under the auspices of the existing parties and subject to their whips, could yet undermine participation – unless the CA members assert themselves, and civil society supports them – by making submissions and demanding accountability.

Even though a CA is in place, with the potential for a national, participatory process, the constitution could effectively be made by a small group, and the 601-member assembly could become a rubber stamp. Even participatory processes need the support, if not the sponsorship, of political parties, with either an inter-party coalition, or a dominant party. Which way will Nepal go?

Phases of constitution-making

There have been three phases of constitution-making in Nepal since April 2006. The first was the truncated 1990 Constitution, stripped of provisions regarding the monarchy, and of some democratic accountability, by a resurrected House of Representatives (which had been previously dissolved by the king and whose natural term of office had expired). The second was the Interim Constitution, which was drafted by the parties, with decisions taken at the highest level. Its dominant principles, which now reach into the proceedings of the CA, are twofold and interdependent: control by eight parties; and consensus among them. The second is under pressure – and has already jeopardized the first. If these principles collapse, the procedure will revert to a form of qualified majority voting – and open up possibilities for a participatory process. But it also could threaten the process itself.
Nepal has chosen a federal system because it is widely believed that constitutionally guaranteed shared rule and self-rule will help alleviate poverty and promote development.

It is also believed that federalism will help eradicate discrimination against oppressed minorities. But if federalism is to fulfill this promise, members of the Constituent Assembly (CA) will need to remember these goals when they decide how the federation is to be structured, how much autonomy the constituent units—Nepal’s future states or provinces—will have and how the fiscal side of federalism will operate. Among the questions that must be addressed are the powers of the constituent units and the nexus between taxing powers and spending responsibilities at each order of government. Decisions on these issues are bound to require difficult negotiations among the 25 political parties represented in the 601-member CA.

**Attempting decentralization**

Nepal has already made some attempts at decentralization, but progress has been slow and uneven. While there has been some decentralization to local and district bodies, central control and supervision over such bodies has remained strong. Many of the efforts at decentralization thus far have involved administrative delegation rather than granting any degree of real autonomy or devolving power.

When it was adopted in 1999, the Local Self-Governance Act was hailed as a landmark for decentralization and participatory development in Nepal. Under
the Act, 25,000 primary schools, all sub-health posts and agriculture extension services were among the responsibilities to be transferred to local bodies in a phased manner. However, this legislation was never fully implemented. In 2007, the decentralization of activities in primary health, primary education, agriculture extension, and rural infrastructure was being implemented in 14 districts, including one district from each zone. But in most parts of the country, such decentralization has not occurred.

It might be useful for members of the CA to consider whether there are lessons to be learned from previous unsuccessful attempts at decentralization. They could attempt to build on such lessons when determining how legislative and executive powers are to be divided and what kind of support is required to enable constituent units to fulfil their role, including mechanisms to facilitate the effective implementation of the division of powers.

Placing federal design in context

Nepal has a population of about 25 million, with considerable cultural and language diversity, a very low rate of literacy and more than 80 per cent of the people living in rural areas. An estimated 30 per cent live below the poverty line and about 45 per cent of children under five suffer from malnutrition. The state has limited resources and relies heavily upon foreign aid.

Improvement in this situation will require a commitment to more equitable resource distribution and more even economic development, as well as improved delivery of, and access to, essential services. Development and service delivery could be improved through a carefully designed federal balance of powers and resource-sharing. But Nepal’s demographics and low literacy level mean the capacity of constituent units to fulfil wide-ranging responsibilities in policy and service delivery might be limited.

Members of the CA and other key actors are aware of the need to meet this challenge so the purported benefits of greater regional autonomy will result in tangible improvements across the country and in all sections of society.

It is important for CA members to also be aware that if powers allocated to constituent units grossly exceed their capacity, poverty and the uneven distribution of resources might be exacerbated rather than alleviated.

Dividing powers

Given the apparent objectives of the introduction of federalism in Nepal, there are likely to be many key areas of government activity that will have to be granted to the constituent units, notwithstanding the resource and capacity constraints referred to. There is a strong case in Nepal, and strong demand, for powers over such areas as education, health and agricultural reform to be allocated to the new...
constituent units. Giving such powers to the constituent units will bring government and services in these key areas closer to the people, enabling greater participation in decision-making.

However, the number, size, and territorial or ethnic basis of the constituent units are still unclear. These factors are closely interrelated with the nature and scope of the powers to be allocated to the units. The basis of representation of the constituent units at the central level is also unclear and is similarly interrelated.

One way of proceeding is to decide first on the borders of constituent units and the manner in which they will share in the central government. Then the most sensible and feasible distribution of powers could be determined, based on the size, capacity and demographic composition of the constituent units.

An alternative method of proceeding, one that might be adopted because of the difficulty in deciding how the borders of the constituent units are to be drawn, is to identify principles for the distribution of powers, then to include these among the criteria for determining the territorial boundaries.

Principles for the distribution of powers could be arrived at by asking some key questions:

- In what areas are regional and local diversity, and therefore autonomy, particularly relevant? Examples might include language, culture and education.

- For optimal service delivery, what areas require autonomous provincial decision-making and local interaction with the public? Primary health care might be one example.

- What areas should have national consistency, and therefore centralized (or concurrent) power?

- What powers typically fall under the exclusive jurisdiction of the central government in federal systems? Foreign affairs, defence and currency are clear examples.

- Are some areas clearly beyond the capability of the constituent units, however their borders are drawn?

- Would some areas benefit from the provincial management, combined with federal oversight or coordination, which should therefore be shared with the central government, including perhaps water, transportation and agriculture?

- Are there areas in which the most feasible solution would be to divide the power between the newly created constituent units and the central government? For example, giving primary and secondary education to the constituent units and tertiary education to the federal level.

- What impact would the proposed distribution of powers have on responsibilities for spending? (It is advisable, of course, to balance fiscal powers and spending responsibilities for each order of government.)

In drafting the new constitution, the CA must consider whether taxation and spending powers are balanced, and what provision should be made for federal transfers to the constituent units, as well as for fiscal equalization. Sharing of resources is a major source of friction in all federal countries, but determining an equitable distribution of resources is also an important part of making federalism work.

Whatever the final distribution of powers, the new constitution – by virtue of its federal design – will provide greater opportunities for political participation to many groups that have been excluded. One way to maximize this is to design a constitution that is non-centralized, in terms of the spectrum of federal systems. Another option preferred by many actors in the constitution-making process is to concentrate on the shared rule aspect of federalism, maintaining a strong central government, but designing more inclusive central institutions. The latter approach seeks to take account of the resource and capacity constraints of the constituent units, as well as the dispersal of the country’s diverse groups.

**Determining power distribution**

The technical aspects of the distribution of powers include determining whether the new constitution will provide for one, two or three lists of powers, and where to assign such lists. Some federal constitutions list only the powers allocated to the federal order (exclusive and concurrent powers), with all other powers left to the constituent units. Others contain a list of federal powers, one for state or provincial powers and a third for concurrent or shared powers.

The detailed description of powers can be included in the main body of the constitution, or appended to it. Residual powers, those not expressly listed in the constitution, may be left to the federal level, as in India, or to the constituent units, as in Australia. Some federal constitutions also provide for flexibility in the distribution of powers, for example by specifying that one or both levels of government may refer or transfer powers to the other. The CA will also have to decide whether provincial or central government legislation will prevail in the event of inconsistency. These choices will be influenced by the general approach to the degree of centralization or provincial autonomy, and the degree of federal co-operation or competition, that is envisaged.

Whether there will be grounds for considering an asymmetrical distribution of powers – that is, granting different powers to different constituent units – will depend on how the boundaries of the constituent units are drawn and whether any individual state or province has special needs or demands.

**Moving toward consensus**

The CA has until May 2010 to draft a new constitution for Nepal. While there is for now a consensus among political parties, as well as a constitutional prescription, that federalism is the way forward for Nepal, this consensus might be strained when it comes to working out the details of what this actually means. At this early stage, there are still basic questions to resolve, such as deciding on the boundaries of constituent units, issues of resources and capacity, and the distribution of powers. The CA will need to rise to the challenge and negotiate the details of Nepal’s federal design constructively, with a close eye on the stated objectives.
Nepal’s interim constitution is straightforward: it states that Nepal shall have a “federal system of governance”. The Constituent Assembly has the task of filling these words with life.

The debate on federalism in Nepal is active and heated. One of the hardest nuts to crack seems to be these two questions: “What will be the basis of federalism in Nepal?” and “Should Nepal adopt ethnic federalism or would this be a recipe for disaster?”

The current territorial organisation is easier to map. For administrative purposes, Nepal is currently divided into about 4,000 Village Development Committees (VDCs) and municipalities at the local level as well as 75 districts, 14 zones and five development regions. Actual decentralization, however - national legislation aimed at devolving powers to VDCs and municipalities - was never fully implemented. Nepal has remained a highly centralized state. Federalism shall change this.

Now the questions get tougher. In the coming months, the Constituent Assembly (CA) is expected to establish a new, middle level of government. It is not clear yet what these new constituent units will be called. Currently, the terms ‘province’ and ‘state’ are most frequently used. The introduction of federalism shall vest the to-be-created constituent units with their own powers and resources as well as with special representation at the centre.

In any discussion, whether among political actors, civil society leaders, Dr. Nicole Töpperwien works as an expert on federalism with the Forum of Federations; since 2006 she has been involved in peace-building programs through the Swiss Department of Federal Affairs in Nepal.

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Drawing the federal map of Nepal
Agreement needed on inclusive democracy and the powers of the constituent units.

BY NICOLE TÖPPERWIEN
experts or the general public, the following questions almost inevitably come up:

- What shall be the basis of federalism in Nepal?
- How shall constituent units be constituted?
- Shall constituent units’ boundaries be established primarily based on ethnicity?
- Should the basis be other factors instead, such as economic viability and availability of natural resources?

Political parties and scholars alike have been proposing maps which outline constituent units’ boundaries for Nepal. More than 15 maps are currently circulating, and these maps are proof of very diverse approaches.

**Protecting ethnic identities**

Why are ideas about how to form constituent units so far apart? The answer can partly be found by looking at why federalism has been proposed in Nepal. Two main reasons are normally mentioned. On the one hand, federalism is advocated to help end marginalization of disadvantaged groups and regions by improving self-rule and representation (shared rule). Especially Madhesi groups from the plains (Madhesh/Terai) but also Maoists advocated for federalism in order to bring an end to the marginalization. On the other hand federalism is advocated to promote democratization and foster development for all throughout the country. Both concerns, the eradication of marginalization and the promotion of development, are genuine and seem to be shared by a majority of actors and activists. Both aim at strengthening the state. However, there is disagreement as to how these two aims can be achieved and where priorities shall be.

Those who promote federalism as a means to protect identity groups and to end marginalization tend to advocate for a federalism that acknowledges ethnicity or regional identity. For the creation of constituent units, they suggest putting focus—not exclusively but primarily—on actual or traditional settlement patterns of ethnic or linguistic groups. Indigenous groups and prominent Maoist leaders, in particular, perceive of a form of federalism that takes ethnicity into account as necessary for harmony and unity among different communities. Regional political parties from the Madhes/Terai have their own vision for establishing constituent units. They advocate that the plains, stretching 1,000 km from east to west, should form one province. Madhesi leaders argue along the lines that if Madhesis are united in one constituent unit this can best guarantee the end of domination.

**Should ethnicity or the economy set borders?**

Those who oppose predominately ‘ethnic’ and Madhesi proposals argue that these notions threaten national unity. One political leader stated that “ethnicity-based federal structure will ultimately invite civil war in the country.” They also point to another challenge. In Nepal there are about 100 ethnic groups and more than 70 linguistic groups. Additionally, settlement patterns are complex. Only in a small number of districts does one group form more than 50 per cent of the population. In many others, no group has a clear majority, according to the census of 2001. Not even 100 constituent units would bring about pure ethnic-based federalism unless ethnic groups as such receive the status of constituent units. Any kind of territorially-defined constituent units will inevitably provide mixed populations.

The fear is that ethnic federalism might uplift some groups who could then use their new power to dominate others within their constituent unit.

The notion seems to be spreading that control over a constituent unit based on a relative or absolute majority is necessary to protect a group’s rights. For instance, new demands for their own constituent unit by Tharu groups in the South follow this logic. The current debate on ‘ethnic’ or identity based constituent units seems to lead to the mobilization of various communities that fear they will end up as a minority in a constituent unit controlled by another group. Proposed names for constituent units that refer to the dominant group further increase these concerns.

The other approach focuses on development and on an equitable resource allocation. Some propose constituent units that encompass the major river basins, run from North to South and include mountains, hills and plains. To some extent, they rely on the already existing zonal and regional structures. Proponents of this approach argue that if constituent units stretch from North to South comparable economic conditions can be created. In their view only such an approach can foster development for all. The mountains, hills and plains are interdependent and dividing them into different constituent units would create barriers of development and provoke conflicts between constituent units, such as disputes over water.

However others fear that the advocates of North-South proposals are not serious about changing the way Nepal is governed and that the proposed constituent unit structure will lead to the continuation of marginalization and elite rule. It can be expected that such North-South proposals will meet resistance.
Additionally, though such an approach might limit conflicts about resources between constituent units, it could lead to resource conflicts within constituent units.

**Drafting a mixed model**

All approaches have their merits – and they were developed to address genuine concerns and root causes of conflict. However they also provoke new concerns that have to be taken seriously. How can these different approaches be reconciled? Unfortunately, law and international experiences do not provide guidelines and easy-to-copy recipes for how to establish constituent units. International experts, to the same degree as Nepali experts, will disagree about the most adequate basis of federalism. In the end, political actors will have to convince their opponents and the people that the proposed federal system will address the major concerns and will not further entrench existing dominance structures or create new winners and losers.

Comparative experiences show that not only the actual boundary lines of constituent units will determine whether constituent units are acceptable to their populations but also other factors. To reconcile the different approaches might require agreements that do not concern the basis of federalism as such but that combine federalism with an agenda of inclusiveness and development and thus reassures all, individuals and groups alike, that their major concerns will be addressed no matter how constituent units are designed. Such pre-agreements might smoothen the way to constituting constituent units’ boundaries.

**Ending marginalisation**

Marginalisation can also be addressed by the protection of minority rights by the central government and by guarantees of inclusive institutions and governance at all levels. These guarantees – which could also be set out at the constituent unit level – could include proportional representation, reserved seats, positive discrimination for vulnerable groups and centrally-mandated policies or minimum standards for the promotion of different groups. If necessary, identity groups can also be granted powers in areas such as culture or education. Possibilities of cooperation among groups across constituent units’ boundaries might further reassure communities.

For promoting development, a country-wide development strategy can be promulgated, co-operation and resource-sharing between constituent units can be encouraged or made mandatory, and fiscal equalization schemes can be designed to address regional differences. Last but not least, dispute resolution mechanisms within constituent units and among constituent units can be put in place. Agreeing on boundaries – even internal boundaries – tends to be one of the hardest tasks decision-makers can be confronted with. To have reliable data on the population as well as on resources is crucial and can help. However, in the end boundaries cannot be established by mathematics. Decision makers will have to provide convincing reasons to the people of each constituent unit that it is both risk-free and worthwhile to belong to their constituent unit. As such, identifying these reasons will be even more important than agreeing on the basis of federalism. One thing will facilitate the process: all political actors want a strong Nepal that belongs to all groups and citizens and provides development for all.
Restructuring Nepal's judiciary

Few changes needed to add constituent unit dimension to court system

BY BIPIN ADHIKARI

One of the major issues before the Constituent Assembly of Nepal is deciding on the mechanics of devolving judicial power to the far-flung villages in the new state structure.

The Constituent Assembly (CA), a body of 601 members formed in the election held on 10 April 2008, is tasked with writing a new constitution for Nepal within two years under the authority of the interim constitution.

The history of the modern independent judiciary in Nepal dates back to 1950, when a revolution overthrew the hereditary and despotic prime ministerial system, a system in which the post of prime minister was passed from one member to another member in the same family. It was replaced by an interim constitutional regime meant to be a modern constitutional democracy. Different forms of judiciary have been in place during the last 58 years within the framework of Nepal's unitary state. Thus,

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one of the key subjects of national debate in modern Nepal is restructuring the judiciary - in particular, devolving judicial power to the autonomous constituent units, according to the aspiration of the people of Nepal.

**How Nepal’s judiciary works today**

Nepal’s judiciary operates within the framework of its parliamentary democracy. All powers relating to justice in the country are exercised by courts and other judicial institutions in accordance with the constitution, the laws and the recognized principles of justice. Judicial procedures are adversarial, largely based on common-law principles and lawyers play a key role in the process of judicial decision making.

Nepal has a National Code which deals with traditionally important:

- civil laws
- penal laws, and
- court procedures

Many of the modern areas of criminal and civil laws are not covered by the National Code as such. They were dealt with by special statutes enacted by the legislature after 1962 on different dates.

The judicial branch is led by the Supreme Court, the highest court in the judicial hierarchy of the land. In this capacity, the constitution confers upon the Supreme Court not only original and appellate jurisdiction, but also extraordinary constitutional jurisdiction. This includes the authority of the Supreme Court to hear petitions challenging the constitutionality of any law, and declare such law or any part of it void in order to ensure that justice is done. It can also, when convinced, respond to public-interest litigation involving constitutional issues regarding the rights of the marginalized.

As the guardian of the constitution, the Supreme Court has all the requisite powers and status that such responsibilities call for. All other courts in the country -- that is Appellate Courts (of which there are currently 16), and District Courts (of which there is one for each of the 75 administrative districts in Nepal) -- are subordinate courts and are administered by the Supreme Court.

Based on constitutional prescriptions, the Administration of Justice Act of 1991 has empowered the Supreme Court to inspect and supervise its inferior courts, and give them directives, which are obliged to implement them. The Supreme Court is a court of record -- its decisions are accepted to be of evolutionary value and are not to be challenged when produced before any court. They are binding on all and the Court has the power to mete out punishment to anyone it holds in contempt of court.

**Moving towards a devolved system**

In addition to Nepal’s three-tier unitary judiciary, there are several tribunals and specific types of courts established by parliamentary statutes. They are meant to hear special types of applications, claims and controversies.

There is one Administrative Court, two public-debts courts, four revenue tribunals, one Town Development Committee Court, one Military Court, one Labour Court and one Constituent Assembly Court.

The Constituent Assembly Court has been functioning since early this year. It deals exclusively with complaints regarding CA elections.

Except for the CA Court, all these special courts and tribunals are created and regulated under the terms of their enabling parliamentary statute. These statutes define the number, size and location of courts, as well as their territorial and subject-matter
jurisdiction. Where there are complicated questions of law, or issues of fundamental rights and constitutional interpretation, cases decided by these courts or tribunals may be referred to the appellate courts, or the Supreme Court, according to the terms of the enabling law.

The structure of Nepal’s court system is one of the simplest in the region. It is constitutionally defined in substance, and statutorily elaborated in detail.

The unified and unitary judiciary makes it easy to administer and to ensure necessary quality control. All judges are appointed on the recommendation of the Judicial Council led by the Chief Justice who, in turn, is appointed and supervised by a high-profile constitutional body. A flourishing law profession, a legally qualified judiciary and an independent body. A judiciary complement each other. This does not mean that the present three-tier structure and the workings of the judiciary are not in need of reform. But, to effect change, it may not be necessary to start from a blank slate and create everything anew.

There are many issues that could be reopened to ensure devolution of judicial power to the newly formed constituent units. It is important that the political issues are settled first -- including the degree of internal autonomy of these constituent units and their law-making powers. Establishing the number of constituent units and their territorial limits is also a substantial part of the job.

Options for change

However, there are feasible options. A four-tier judiciary is one option, with a National Supreme Court at the top, almost as it exists today, including a National Court of Appeal in each devolved territory, acting under national laws. The court of appeal would have appellate jurisdiction over the lower courts and tribunals. No doubt, in such a changed context, the National Supreme Court should be looked at more as a constitutional court.

Apart from carrying out its normal duties as guardian of the fundamental rights of Nepalese citizens, it would deal with inter-constituent unit as well as national-constituent unit issues. Similarly, the National Courts of Appeal, replacing the existing Appellate Courts, may well have to serve as the top courts in each constituent unit, assuming some additional constitutional jurisdiction, and in effect become the local arm of the National Supreme Court.

Simplifying existing trial-court procedures should encourage greater respect for the law, making the judiciary more accessible to the public and self-represented litigants. Such restructuring at the district-court and constituent unit court level could provide greater uniformity in rules and procedures — simplifying the tasks of lawyers, clerical personnel and judges, and cutting the costs of litigation.

For example, each district court (as suggested above) could have three or four separate one-member benches, according to the subject specificity, such as a family bench (dealing with marriage, divorce, domestic violence and women’s rights), civil bench, criminal bench and small business bench.

There have been principles established and lessons learned in the restructuring of many other smaller democracies, especially in budgeting, planning and personnel administration, integration and standardization of the judiciary’s information-management systems, judicial compensation and access to justice. These may be applicable in a wide variety of court-reform contexts, whether to justify a court’s existence or its closure, or to accommodate political sensitivities. The CA must also be mindful of serious flaws in the current judicial system, that it is not accessible to most people in the countryside. Even worse, it is increasingly acquiring an elitist character. The problems start right there.
Nepal’s fiscal dimension

Who can spend and who can tax in a federal Nepal

GEORGE ANDERSON

A critical task confronting the designers of Nepal’s federal system will be to determine who raises government revenues and who spends them.

Fiscal questions are at the core of the operation of every federal system. They shape the federal dynamics and play a major role in determining the real functioning of the federation.

The laws or constitutional articles governing these tasks are known as "the fiscal regime."

Lawmakers in Nepal will first need to determine the powers of the federal and constituent unit (state or provincial) governments to raise taxes and other government revenues, including debt.

Then they will have to decide which order of government will have the responsibility for delivering and paying for particular services and programs – such as defence, education, roads, and health. If there is a potential mismatch between the responsibility for raising and the responsibility for spending money, there will need to be a way to resolve this problem.

The federal debate in Nepal is still at an early stage. As I suggest in my introduction to this special edition of Federations, the debate so far may have been too preoccupied with the number and boundaries of constituent units and not paid enough attention to other important questions. While there seems to be a strong current of opinion that Nepal’s federal system will

Buddhi Lal Maharjan, left, chops ginger with his family at Lachitole in Kathmandu. Agriculture is the main source of food, income and employment for most Nepalese. It employs about 71 per cent of the population and generates 32 per cent of GDP. About 25 per cent of Nepal’s land area is suitable for farming.

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be highly decentralized, the practicalities of this decentralization have not been worked through.

A strong case can be made for the federal government dominating the collection of taxes and other revenues, at least for the foreseeable future. In such a system, the constituent units will likely be very largely funded by the federal government in some combination of shared revenues and more discretionary transfers, some of which may be highly conditional for particular programs. A new federal regime will also confront difficult questions regarding the allocation of revenues amongst the constituent units because there may need to be significant transfers from the richer to the poorer parts of the country. Federal dominance of the fiscal regime could have a substantial impact on how decentralized the federation becomes in practice.

Analyzing the current system

To see how this would unfold, start by looking at the current fiscal arrangements with the unitary system of government. With a very low per capita income, the government has had only a limited capacity for raising revenues. As with many developing countries, the size of government is quite small in relation to the economy – currently the revenues raised by the government are only about 12 per cent of gross domestic product. In addition, the international aid community provides the government with additional revenues equivalent to a further four per cent of GDP.

The revenues which Nepal currently raises, in order of importance come from:

- value added tax – 30 per cent
- income taxes, mainly from corporations – 18 per cent
- commodity taxes on foreign trade – 17 per cent
- excise duties, largely on cigarettes and alcohol – 9 per cent
- property and land taxes and fees – 6 per cent
- royalties and sales of government property – 3 per cent
- smaller fees, rents, dividends and taxes – 16 per cent

In addition, foreign assistance provides about one third additional resources.

The first four sources, totalling about 65 per cent of government revenue, are likely to be central revenues in a federal Nepal. The value added tax is a powerful fiscal instrument, and the decision on who controls it is an extremely important one for Nepal to make. The experience of other federal countries with decentralized VAT regimes is that they are extremely difficult to administer and prone to major problems. The most effective VAT systems have been the ones determined and administered by the central government.

Allocating taxes

Some federations have decentralized or shared corporate and income taxes, but this would be difficult to do, at least initially in Nepal.

Charges levied at the border, such as import duties, are always imposed by the central government in a federation because the imports being taxed may cross the border into one constituent unit but may be sold in other constituent units. Against this, excise duties on cigarettes and alcohol and property and land taxes could be devolved to the constituent units, as could some of the other small fees and revenues. (The constituent units could set the rates for such taxes, but gain efficiency by delegating their collection to a federal agency.) These revenues might give the constituent units and local governments their own independent revenues of about 20 to 25 per cent of total government revenues.

Longer-term revenues, such as those on hydro-electric resources, could be very important. The current government has an objective of developing 10,000 megawatts of hydroelectric power. This goal would be a huge increase from current levels though still well short of the potential some believe to be possible. Technically, such revenues could be collected by either the federal or constituent unit governments. There are some advantages to giving constituent units a share of such revenues, especially if the developments impose costs on the local region. However, the disadvantage is that the country could end up with enormous fiscal disparities between constituent units if individual constituent units had full ownership and control of hydro-electric resources. This issue will need to be resolved in a new constitution, but its short-term impact on the functioning of the new federation is likely to be minor.

In the end, a federal Nepal would likely be fiscally very centralized. It will not be alone among federations in this regard. Australia, Malaysia and Nigeria are all federations where the central government collects over 80 per cent of all revenues.

Funding the constituent units

But it is likely that the constituent units in a federal Nepal will require revenues well in excess of their own sources to meet responsibilities they may have for local education, health and infrastructure programs. This will require special measures to finance the constituent units from central revenues.

(The issue of foreign assistance is clearly important as well. The constitution will need to determine whether the federal government alone can enter agreements with donors or whether individual constituent units can. The donors themselves will of course need to be agreeable to the new arrangements.)

Some who advocate a very decentralized federation may want the constituent units to be financed entirely through their own sources plus a set share of federal revenues. This is essentially the approach in Nigeria. However, the federal government may wish to have more control over some transfers so that it can use the power of the purse to influence some constituent unit-level activities. Thus in India, states are financed from their own sources, plus a share of federally collected revenues, plus strategic investments, plus program-specific investments. The strategic and program-specific investments involve various federally imposed conditions that the states must meet if they are to get the money. (In many federations, the central government can also influence constituent unit activities through shared legislative responsibility, where federal law predominates.)
Detailed fiscal arrangements in federations are hard to fix in constitutions. The appropriate share of spending by the federal, constituent unit and local governments can change dramatically over time, depending on circumstances (such as military conflict, the economic cycle, or the level of development). Similarly, different revenue sources have quite different values over time. So most federations where the constituent units rely very heavily on federal revenues establish basic principles and mechanisms, sometimes in the constitution, and have regular review of the precise allocation or formula.

**Determining needs**

India is a very relevant example. Every five years the Union government establishes a Finance Commission to review the revenue capacity and needs of the governments in the Indian federation; the commission recommends what share of federal revenues should go to the states and what the allocation to states should be. These funds are one important part of financing for the states, along with strategic and program funds.

If constituent units are to be heavily financed by the central government, should they have some accountability to the central government for how they manage the money? Certainly this would be true for conditional transfers. But even for unconditional transfers, there may be a case for some controls or sanctions in relation to basic procedures of good budgetary management and reporting. Brazil’s financial accountability law is an important example, which involves strict reporting, as well as controls on debt and spending.

South Africa moved to a type of federalism after the end of apartheid. It had a major challenge decentralizing major program responsibilities to the provinces because many of them had so little infrastructure and human capacity. They also found that the sudden shift of spending away from the richer parts of the country to the poorer regions created two problems: the richer areas were hurt by the deterioration of services and infrastructure, while the poorer areas sometimes could not absorb the money and ended up spending it badly. Their experience underlines the importance of a phased approach to moving to a decentralized regime.

At the end of the day, developing a federal Nepal will involve defining a vision for the country and putting in place mechanisms of good governance to serve the public. These are two very large challenges and in both cases, establishing appropriate fiscal arrangements will be central to this task.
Meeting demands for self-determination in Nepal

Constituent Assembly must accommodate ethnic diversity in a federal system

BY MUKTA S. TAMANG

Nepal’s Constituent Assembly abolished its long-reigning monarchy on May 28, 2008, transforming the country into a republic from a kingdom in one fell swoop.

Over the coming two years, the Assembly will define and design the country’s federal structure. Consensus is emerging among political parties, civil society actors, and academia on the need for using criteria such as ethnicity, language, culture and territory as the basis for the future federation. However, there are divergent views on the right to self-determination. The issue remains contentious and has generated considerable anxiety, fear and uncertainty.

The thorny issue of the right to self-determination cannot be ignored. It must be addressed in the federal design with utmost care to strike a balance between accommodating cultural diversity and not encouraging violent conflict or secession. This need for balance requires a careful analysis of the available options.

First raised by indigenous peoples

The demand for the right to self-determination was raised first in Nepal by indigenous peoples, known as adivasi janajati. During the last two decades, activists within indigenous movements have championed this cause and brought it to national attention. The

People from the Kirat community perform their traditional dance during the Sakela festival in Kathmandu on December 12, 2008. Sakela is the main festival of the Kirat which is celebrated during the full moon by praying to Mother Nature for good crops and protection from natural calamities.

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Nepal Federation of Indigenous Nationalities, an umbrella organization representing 54 organizations, for example, stated that its chief demand for state re-structuring is the enshrining of the principle of "ethnic autonomy with the right to self-determination."

The group considers such a right essential to redress historical injustices imposed upon their society by Nepal's dominant group. The political parties that emphasize ethnic, linguistic and cultural rights – including Sanghiya Loktantrik Rastriya Manch, Tamsaling Nepal Rastriya Dal, Nepal Rastriya Dal and various factions of Rastriya Janamukti Party – have identical views on this issue.

As well, the Communist Party of Nepal (Maoist) commonly known as CPNM, engaged in armed rebellion in 1996 and because it incorporated the agenda of a right to self-determination into its political program, the notion has spread across the country. The CPNM endorsed the right to self-determination and ethnic autonomy as early as 1994 when it held the so-called First National Conference.

Maoist ideologues Baburam Bhattarai and Hisila Yami, writing on the Nationality Question in Nepal, stated that their party "declared Nepal as a multinational and multi-lingual country and, having accepted the principle of rights of nations to self-determination, proposed autonomy for different nationalities." As the people's war – as it became known – developed further, the CPNM announced in 2004 the formation of 11 autonomous regions in the country which were to have a right to self-determination. The party's view is that the right to self-determination includes the right to secession. For the CPNM, the right to secession is closely linked with the people's right to revolt against oppression.

Movements made same demands

To complicate the situation, there were similar demands made by movements in the Madhes, the southern strip of Nepal bordering India, also called the Terai. The Madhesi movements – involving the Maithili, Bhojpuri and Avadhi-speaking people and other groups living on the southern plains – which surfaced vigorously beginning in 2006, have adopted the vocabulary and made the same demands. The Madhesi Janadhikar Forum – a regional political party that won 50 seats in the Constituent Assembly (CA)– says in its election manifesto that it wants "complete autonomy of the Terai with the right to self-determination."

While demands for the right to self-determination have escalated to a non-retractable level, details about how this should be done have not been made clear yet. Neither the indigenous peoples' leaders, who demanded self-determination as a fundamental right upon which other rights depend, nor CPNM, which promised self-determination of the nationalities with the right to secession, have come up with details about how this powerful and emotive principle should be dealt with by the federal constitution.

Adding to anxiety

The open-endedness of the concept as it is advocated by some people has added to the anxiety of political actors who see the right to self-determination simply as the gateway to secession. Such anxiety is particularly strong among conservative sections of Nepali society that believe Nepal was a "creation" and "possession" of the Shah Dynasty, the former royal family of Nepal, and therefore, must be kept unitary and centralized. In a recent television interview, Kamal Thapa, a leader of the Rastriya Prajatantra Party and a supporter of the former royal regime, said that granting the right to self-determination would undoubtedly ultimately lead to the disintegration of the country.

Major political parties such as the Nepali Congress (NC) and the Communist Party of Nepal (United Marxist Leninist) have for now dodged the issue by saying that the powers of constituent units will be determined by the CA or by a special high-level commission on state restructuring.

Such resistance is understandable as states around the world are generally reluctant to recognize the right to self-determination of groups within a state because this can conflict with the principle of territorial integrity. The dynamics in Nepal reflect this, as on one hand, the state primarily wants to avoid disintegration, while on the other, indigenous peoples and distinctive...
population groups living in the state want their right to identity recognized. Postponing, ignoring or dismissing the issues does not help in developing a solution that contributes to peace or strengthens democracy. Attempts to maintain territorial integrity of the Nepali nation-state through force would obviously bring more tragedy than good to the people. Instead, demand for self-determination in the context of Nepal must be considered in the context of the historical experience of marginalization of indigenous peoples and other groups. These groups were not only excluded from power, but also experienced economic exploitation, political suppression and cultural discrimination. The demand for autonomy and self-determination is aimed at creating an inclusive state based on democratic values of equality, human rights and the rule of law.

**Accommodating cultural diversity**

Self-determination must be understood in a broader sense in relation to accommodation of cultural diversity in multicultural states such as Nepal. Secession would then become only one possibility, perhaps as the extreme form of self-determination.

Secession, as one dimension of the right to self-determination, is more of a concern to the opponents than the proponents of such a right in Nepal. There was never a demand for a separate state even when marginalized groups characterized the unitary and centralized state of Nepal as one of "internal colonization" by minority caste Hindu elites under the patronage of a feudal king.

Thus, holding the Nepali state intact – using a reconfigured formula and restructured political institutions – is still a common value for all contending political forces. Indeed, indigenous scholar-activist Krishna Bhattachan, argued the new constitution must clearly mention the right to self-determination as a collective right of indigenous peoples.

"This shall not mean secession," Bhattachan added.

Bhattachan made the statement at an event organized on the occasion of World’s Indigenous People’s Day on August 9, 2008.

Indeed, the right to self-determination as a recognized principle in international and constitutional law can have a range of meanings and dimensions supporting its implementation. Professor Antonio Cassese, an international law specialist who served as the first president of the International Criminal Tribunal for the Former Yugoslavia, distinguishes between external and internal dimensions of the right to self-determination. The external dimension of the right to self-determination mainly concerns the international status of the people concerned. Secession would be one example of this. The internal dimension, on the other hand, is related to state structure and legal regulations to ensure democratic rights for diverse groups.

In the contemporary context, the doctrine of a people's right to self-determination, often credited to Woodrow Wilson, is more often evoked in the context of accommodating diversity in pluralist or multicultural settings of nation-states than in the context of decolonization. There are virtually no states today that have enshrined the right of secession in their constitutions with the possible exception of Ethiopia. But recognition of cultural diversity and equal rights has become a widely accepted democratic norm.

**Guaranteeing group identities**

While the debate on the right of secession is not of major practical relevance for federal Nepal, the right to self-determination nevertheless is something that is very important for some people. Respecting peoples' aspirations and using insight from elsewhere, for example South Africa, Nepal's new constitution can guarantee the right to self-determination to the "Nepali people as a whole," without precluding the right of self-determination of indigenous peoples. In this way, Nepal's challenge of achieving "multicultural nationalism," or proverbial "unity in diversity," perhaps can be addressed by ensuring various groups a right to their identities. Such a move would help these people feel more disposed to integrate into the state in which they live.

The adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly in September 2007 was welcomed enthusiastically in Nepal. With this declaration, the UN said that indigenous peoples have the right to self-determination. The declaration affirms the close relationship of indigenous peoples with their ancestral land, and territories that form the base of their collective existence, culture and spirituality, as well as the right to self-determination in the framework of the state in which they live. However, the declaration, a joint document of world indigenous peoples and governments, also specifies that self-determination does not mean separation. The spirit of the declaration is reflected in Nepal when people express their desire for recognition of cultural identity and democratic rights, as well as the historical legacy of people from mountain, hill and Terai living together.

With these aspirations, indigenous peoples in Nepal joined together to congratulate 199 CA members belonging to indigenous peoples on June 21, 2008. Before an audience of 1,000 in the heart of Kathmandu, the speaker of the CA, Subash Chandra Nembang, who is from the indigenous Limbu people, said: "We as your representatives to the CA will not disappoint you. ... We will make sure that you all keep your head high as united Nepali who respect diversity."

Thus the designers of the new federal state of Nepal, who must take into account a wide range of concerns from ensuring effective fiscal and judicial arrangements, to whether the country be governed by a parliamentary or presidential system, must be guided by the need for the design to include principles of self-rule and shared rule. This will be crucial for meeting Nepal's challenges and for realizing the peoples' desire for self-determination in a common and united Nepal.
Choosing a government for Nepal

The world’s youngest federation prepares to write its new constitution

BY KRISHNA KHANAL

On May 28, 2008, Nepal formally embarked upon its new destiny as a federal republic. At its first meeting, the newly elected Constituent Assembly abolished the 240-year-old Shah monarchy and instructed the last king, Gyanendra Shah, to vacate the royal palace within 15 days.

The declaration formalized the pre-election promise of the political parties. Under the Constituent Assembly (CA), elections held on April 10, 2008, no single party had achieved a majority in the 601-member Assembly. But there had been, nevertheless, a massive victory for the parties supporting a federal republic.

Republicanism and federalism rode a strong nation-wide political wave during the April 2006 popular uprising and no party could risk resisting it. Contrary to speculation, former King Gyanendra, along with his wife, Komal, quietly left the palace, handing over crown and sceptre to government officials. For many, the creation of the republic was complete when the Assembly elected the President and Vice President on July 22, 2008, clearing the way for the much-awaited formation of the new government and transfer of power.

On August 15, 2008, the Assembly elected Pushpa Kamal Dahal “Prachanda,” chairman of the Communist Party of Nepal Maoist (CPN-Maoist), as the prime minister with an overwhelming majority. The interim constitution provides for a government based on consensus. Since the political parties (chiefly the Nepali Congress) did

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not join the Maoist-led government, there was a division of the vote in the Assembly. Of the 25 political parties represented in the Assembly, 21 had voted for Prachanda. He received 464 votes against 113 for his rival, Sher Bahadur Deuba of the Nepali Congress party. The government was basically a three-party alliance: the CPN-Maoist; the Communist Party of Nepal (Unified Marxist-Leninist) (CPN-UML); and Madhesi Janadhikar Forum, Nepal (MJFN). However, three other smaller parties were also included in the Council of Ministers. The Common Programmes adopted by the Alliance partners stressed (1) the framing of a new constitution within two years, (2) integration and rehabilitation of the Maoist army cadre within six months, (3) consolidation of peace and security by curbing crime and lawlessness.

Assembly to begin constitution making

It took more than three months for the Assembly just to elect its speaker, Subash Chandra Nembang of the CPN-UML, on July 24, 2008. In the meantime, on June 26, Girija Prasad Koirala, leader of the Nepali Congress Party, had announced his resignation as prime minister. However, the resignation had to be approved by the President of Nepal, and it was not until one month later that the CA finally elected a president, Dr. Ram Baran Yadav (also of the Nepali Congress Party). Yadav’s election as president paved the way for the CA to fill the office of prime minister by electing Prachanda.

There was a Maoist campaign to provide the president of Nepal with executive powers instead of the symbolic role that presidents have in republics with a parliamentary system. However, the Fifth Amendment to the interim constitution provided for the continuity of a parliamentary model of government – a president as the constitutional head of state and a prime minister as the executive head of government. The Maoists had to give up, at least temporarily, introducing the presidential system. Undoubtedly, the governmental system, whether parliamentary or presidential, will again be debated in the Assembly.

Forming alliances

Post-election politics in Nepal are fluid and marked by shifting alliances. The Assembly consists of 25 parties and two independent members, ranging from the largest, CPN-Maoist with 220 seats, to more than a dozen parties with one or two seats each. The nomination of 26 members has also been made on the basis of proportional representation. Alliances remain highly unpredictable. Alliances will line up either in favour of the Maoist party or against it. Given past political experience, it is likely to be unstable. The Maoists could form a more stable alliance, either with the CPN-UML or the Nepali Congress, but they are tempted by a “winner take all” approach, which jeopardized the emergent Maoist-UML alliance even before it took shape. In such a situation, the dirty politics of horse-trading cannot be ruled out. The Maoist leader Prachanda described it as “the same old game by corrupt figures.” Nepal’s current transitional politics may be seen as “politicizing without a political system.”

Maoists suspect that the power shift is deliberately being delayed by forces that it alleges wish to maintain the status quo. In fact, with the emergence of the CPN-Maoist as the largest party in the Assembly, although other parties concede that it should lead the government, they have at the same time strong reservations and are not willing to allow it to be the sole power holder. Sensing the possibility of his party’s being prevented from coming to power, Prachanda has accused former Prime Minister G.P. Koirala of the Congress Party and others of being “corrupt figures” and vowed that his party will “chase away those corrupt figures in case they come to power by manipulation.”

Resolving constitutional issues

There are several complex constitutional issues on which the Assembly needs to build consensus before drafting the new constitution. Some include carving out provinces as constituent units of the new federalization, distributing power between the centre and the constituent units, and determining the system of government and type of electoral system. While many political leaders and professionals draw comparisons to the situation in South Africa in 1994, there is no agreed-upon format in Nepal to guide the parties and Assembly members in making the new constitution. The major parties, though they speak about “making a new Nepal,” appear more preoccupied with consolidating their position at the helm rather than with developing a sound foundation and principles for the new political order.

As evident from their election manifestos, political parties differ sharply on the future system of government that will be adopted in the new constitution. The debate centres on whether there is to be a parliamentary or a presidential system. Interestingly, the CPN-Maoist and the Madhesi Janadhikar Forum share many of the same views on the system of government as opposed to those of the NC and CPN-UML. The Maoists, the Forum, and a few other...
smaller parties, favour the presidential system in which voters directly elect the president who in turn exercises all the executive powers of the government. However the Nepali Congress, CPN-UML and most of the other parties support the continuation of the parliamentary system in which the prime minister is elected by parliamentary majority and is vested with executive power. The president remains the nominal, constitutional head of state.

Designing a system of government

However, both proposed systems offer some unique features. The Maoist election manifesto states: "There will be a President directly elected by the people and the Prime Minister elected by the legislature." This resembles the French or Russian models in which the president discharges overall executive functions, and the prime minister is responsible for day-to-day administration. The Madhesi Janadhikar Forum party prefers the American model of a president without a prime minister.

Among the parties that favour a parliamentary system, CPN-UML and the Communist Party of Nepal (Marxist Leninist) prefer the direct election of the prime minister instead of by parliamentary majority. The CPN-UML election manifesto states that: "People will elect the Prime Minister on the basis of adult franchise. And an electoral college consisting of the members of federal and provincial parliaments will elect the President." Interestingly, this idea had been advocated by Nepali Congress leader Nara Hari Acharya for almost a decade; however, it did not find a place in his party's position, but rather in a rival party's. Indeed, there is strong opinion in the country that the typical Westminster model of parliamentary government should be adapted to suit Nepali political culture.

Political parties share a lot of commonalities on the preferred type of legislature. Most feel that there should be a bicameral legislature in the centre and unicameral ones in the constituent units. However, they have not expressed a specific opinion about the formation and powers of the upper house of the federal parliament, which is very important in a federal system particularly with regard to the constituent units' power-sharing with the centre.

Coming up with an electoral system

The choice of electoral system is another important aspect of government and the exercise of state power in the constitutional design of Nepal. Marginalized and excluded communities such as women, the Dalits, the Janajatis (indigenous peoples), the Madhesi (the non-hill people who have been historically residing in the plain area of southern Nepal bordering India who comprise different caste, ethnic and linguistic groups and religious communities) have demanded an inclusive form of government with proportional representation. In light of Nepal's ethnic and cultural diversity, this demand garnered nation-wide support. About 60 per cent of Assembly seats were elected through proportional representation with fixed ethnic and gender quotas, as opposed to 40 per cent from single-member constituencies with a first-past-the-post-system. As a result, the elections produced a highly inclusive Assembly in terms of the representation of hitherto marginalized and excluded groups. The country cannot revert to a full first past the post system. Full proportional representation, or a blending with the first past the post system, is essential to satisfy ethnic and gender aspirations for equitable representation in the state structure.

The choice of the system of government for federal Nepal, then, depends on how the current coalition government is able to maintain unity and perform day-to-day functions. The Maoist leaders seem allergic to the term "parliament." The president not only changed the name of the Ministry of Parliamentary Affairs to Constituent Assembly Affairs, but also stated that he does not accept a "conventional parliamentary system" based on the Westminster model. Though government business is carried on very much in accordance with the parliamentary process, the Maoist leaders appear to be trying to create the impression that they have made a decisive departure from the past. But Prime Minister Prachanda had to ask Matrika Yadav, the Minister for Land Reform and Management, to resign when the latter defended the appropriation of private land by the Maoist cadre in Siraha district. The main opposition Nepali Congress party and a few others are trying to cash in on this move, alleging that the Maoists are attempting to thwart democracy and impose communist authoritarianism.

Ensuring stability

This state of affairs is likely to continue until the Assembly resumes its constitution-making responsibilities. The crux of the matter is not whether the system of government should be parliamentary or presidential but how it can be made stable, efficient and accountable. In the past, Nepal's parliamentary system, modeled on Westminster, did not provide this. Instability - with governments falling on non-confidence votes due to an electorate divided among many parties - and non-performance were the main problems. That is why alternative proposals are still being considered. However, if the Nepali Congress Party remains outside the government coalition, it will continue to press for a traditional parliamentary system and is likely to regard any attempt to thwart it as anti-democratic. Therefore, the debate over the system of government is likely to bypass the real issue, namely how to create a stable and effective system of government for Nepal.

As there are no clearly defined and demarcated ethnic or cultural boundaries in Nepal, the formation of constituent units is sure to raise controversy and tension. There will be two major disagreements when drawing these internal borders.

One disagreement will be over whether the Madhes should be one large constituent unit, or whether the hill country on the northern fringes of the Mashes should be separate. The Madhesi parties, the fourth largest group in the Assembly have stood fast by the mantra: "One Madhes, One Province is a must to free the Madhesi people..." So far, they had already shown decisive strength in pressuring the Kathmandu-based rulers to yield to other demands.

The other disagreement will be over how to create a stable and effective system of government for Nepal. The crux of the matter is not whether the system of government should be parliamentary or presidential but how it can be made stable, efficient and accountable. In the past, Nepal's parliamentary system, modeled on Westminster, did not provide this. Instability - with governments falling on non-confidence votes due to an electorate divided among many parties - and non-performance were the main problems. That is why alternative proposals are still being considered. However, if the Nepali Congress Party remains outside the government coalition, it will continue to press for a traditional parliamentary system and is likely to regard any attempt to thwart it as anti-democratic. Therefore, the debate over the system of government is likely to bypass the real issue, namely how to create a stable and effective system of government for Nepal.

The other disagreement will be over ethnic versus non-ethnic constituent units. Most parts of Nepal are mixed in terms of population, and no ethnic or linguistic group is likely to achieve a majority in most of the likely constituent units. Converting a Kathmandu-centric unitary Nepal into a federal system will be challenging and delicate.
Drafting Nepal’s language policy

Non-federal options might provide a better response to local needs

BY SUJIT CHOUDHRY

Language will be one of the most important issues for the writers of Nepal’s new constitution.

Linguistic nationalism has also been one of the principal forces shaping constitutional developments in Nepal’s neighbouring countries for more than 60 years. In pre-independence India, political mobilization led by Urdu-speaking elites ultimately led to partition. During the debates surrounding the adoption of India’s constitution, the move to make Hindi the sole official language produced the greatest conflict in the Constituent Assembly. Demands in the 1950s and 1960s by non-Hindi speakers led both to the development of India’s three-language policy and the creation of linguistic states.

India has been relatively successful in managing linguistic difference, compared to other countries in South Asia. In Sri Lanka, linguistic nationalism has been at the heart of ethnic conflict since the 1950s. The choice of Sinhala as the official language of government services and public-sector employment fuelled escalating demands by the Tamil-speaking community for language rights, federalism and, ultimately, secession. A final settlement of the conflict that does not directly address the claims of Tamil-speakers is doomed to failure. Pakistan is also a cautionary tale. Of the many areas of conflict between East and West Pakistan immediately after independence, an important one was language. Establishing Urdu as Pakistan’s official language, along with denigration of Bengali, helped lead to the secession of East Pakistan and the establishment of Bangladesh.

The cost of getting language policy wrong can be very high. To be sure, there are important historical differences between Nepal and other countries in South Asia. In India, Pakistan and Sri Lanka, linguistic nationalism has been inextricably tied to the history of colonialism and nation building. During the colonial era, English was one of the principal languages of public administration and was spoken by an elite few. After independence, as a colonial language, it could no longer play this role. An indigenous language, widely spoken or capable of being learned, had to serve as the heart of political and economic life, and indeed, was necessary for democratic consolidation.

In contrast, Nepal was never colonized and has had relatively limited experience with democracy, so its linguistic politics have not been shaped by these forces.

Designating an official language

But, nonetheless, language has been a source of constitutional controversy in Nepal. Like its neighbours in South Asia, Nepal is linguistically extremely diverse. At least 90 languages are spoken in Nepal. Nepali is the mother tongue for approximately 48 per cent of the population. There are other widely spoken languages. In the Madhes, Maithili is spoken by 12.3 per cent of the people while Bhojpuri is spoken by 7.53 per cent of the population. In addition, among the languages of the Janajati, Tharu and Tamang have the most speakers. The 1990 constitution both recognized and drew a distinction

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among the different languages of Nepal. Article 4(1) declared “[a]ll the languages spoken in Nepal are the national languages of Nepal.” However, section 4(2) provided that only “Nepali in Devnagari script shall be the official language of Nepal.” Article 5 of the interim constitution repeats these provisions. The designation of Nepali as the sole official language by the 1990 constitution was interpreted by the Nepal Supreme Court as precluding municipalities from conferring official language status on other languages at the local level.

The designation of Nepali as the sole official language has generated enormous resentment, especially among Madhesi, who feel this has acted as a barrier to the civil service for them. Civil servants in the Terai are for the most part Nepali speaking Pahari who cannot or decline to communicate with the local population in their own language. Moreover, language has historically been caught up with controversies over citizenship. Finally, many Pahari consider Madhesi to be Indians, rather than Nepalis, and refuse to accept them as fellow citizens. This view was reflected in the rules governing Nepali citizenship set out in Article 9 of the 1990 constitution, which required spoken and written fluency in Nepali for naturalized citizens (including the spouses of women citizens of Nepal and their children). The net result is that many Madhesi who have been living in Nepal for generations lack citizenship.

**Allowing linguistic diversity**

The rise of political parties asserting the interests of the Madhes guarantees that language will remain a live constitutional issue. In grappling with it, there are in fact two sets of questions for Nepal to discuss. First, what does official language status actually mean? Second, how can constitutional design respond to linguistic diversity?

Why must states have an official language? States cannot be linguistically neutral, as they can on the basis of race, religion or ethnicity. States must choose one or a limited set of official languages in which to function, offer public services, legislate, run their schools, debate and enact laws. This choice, in turn, functions to distribute economic and political power. Economically, it provides privileged access to educational opportunities, economic well-being, and public-sector employment to speakers of the official language, and conversely, impedes such access to speakers of other languages. Politically, speakers of official languages enjoy privileged access to public offices and hence to public power, such as legislatures, courts and bureaucracies. So, not surprisingly, official language policies are the source of conflict in multilingual societies, as they have been in South Asia.

It is sometimes thought that once a language receives official language status, it can and should be treated equally across all areas of government activity. However, for the purposes of constitutional design, it is useful to disaggregate the choice of official language into a number of distinct institutional contexts. In each of those contexts, the scope for linguistic choice and the consequences of those choices are rather different.

**Simplifying communication**

For example, instead of referring to the official language of government it is more...
implementing a policy of multiple official languages. In its most extreme form, the centre and constituent units, sometimes called federal units, would have unfettered power to choose an official language, which could differ. A link an issue, it is clear that federalism is not the only constitutional option. It is possible to have multiple official languages without a federal constitution. For instance, in the realm of public services, a national government could provide public services in different languages throughout the country, tailored to the needs of local populations. A national judicial system could operate in a similar manner; for example, with respect to languages in which there is a sufficiently developed legal vocabulary. So too with primary education, which could entrench the right to mother-tongue education with or without federalism. Likewise, with the availability of simultaneous interpretation, the national legislature can operate in multiple official languages. These are separate from the internal working language of government, which would by necessity be limited to one or two languages. Under a non-federal model, municipal, regional or district governments could be bilingual, working in both the official language of the centre and a local language, as is the case in Kosovo, Macedonia and Finland.

There are hybrid options as well, which would combine multilingualism at the national level (for example, in the national legislature) with federalism where constituent units make choices regarding official language status that differ from those made at the centre. The overall point is that in addressing language policy through constitutional design, Nepal has a wide range of options to choose from. Moreover, in emphasizing self-rule mechanisms for dealing with linguistic diversity (that is, federalism), it should not overlook those that emphasize shared rule. If Nepal is to respond to the legitimate aspirations of its people for a share in the exercise of public power, federalism should be accompanied by the transformation of the central government as well.

**Equating language with federalism is widespread throughout South Asia. The linguistic reorganization of the Indian states, the secession of East Pakistan and the demand for a Tamil majority province or independent homeland in Sri Lanka are examples. Consequently, it is often assumed in Nepal that adopting multiple official languages would necessarily go hand in hand with the adoption of a federal structure.**

**Implementing the language of federalism**

The second set of issues concerns the relationship between official language policies and federalism. Some see federalism as the principal vehicle for

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**Nepal Special Issue**

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useful to distinguish between the language of public service and the internal working language of government. The language of public services has understandably been a flashpoint of linguistic conflict in multilingual societies. Moreover, the scope for linguistic choice is broad, because in theory, governments may communicate with their citizens in a broad range of languages, all of which carry official status for that purpose.

By contrast, the scope for linguistic choice is much more limited with respect to the internal working language of government. From a practical standpoint, the state is limited in its ability to function internally in more than one language, in order to ensure that civil servants are able to communicate with each other. Translation for monolingual civil servants in a multilingual administration is both time-consuming and costly. In the context of a developing country such as Nepal, these challenges are even greater. This creates considerable pressure toward linguistic convergence within public administration, much more so than for the language of public services, where it is possible to use a broader array of languages. This has intensified linguistic politics in this arena, because the choice of internal working language has a dramatic effect on opportunities for public employment. Moreover, in economies where the public sector is large, the choice of internal working language has a standard-setting effect on the private sector because of the need for private entities to communicate with civil servants.

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The second set of issues concerns the relationship between official language policies and federalism. Some see federalism as the principal vehicle for...
फेडेरेशन्स
विश्वभर संघीयतामा नयाँ कुरा के छ
नेपाल विशेषाङ्क
नेपाल विशेषाङ्क
2009
नाइजेरिया
क्यानडा
स्विट्जर्ल्याण्ड
अस्ट्रेलिया
इंडिया
मेक्सिको
इथियोपिया
जर्मनी
ब्राजिल

नै विभिन्न देशका सरकारहुन्छे फोरोम अफ फेडरेशनसह सहकार्य गर्ने गरिन्। जेद्दल चूनै ती सामान्य गर्ने क्रममा प्राप्त भएका जान तथा स्वरूपसम्बन्ध अभ्यासहकृत सतासाधन गर्नका लागि हामी संस्थाको मुलुकका निताबाटी कर्मचारी, निर्वाचित अधिकारी प्रजाहरुहरु एउटै फलोमा ल्याउने काय्य गर्दछ। संघीयताका विषयमा नयाँ जानकारीको लागि कृपया हाम्रो वेबसाइट (forumfed.org) हेर्नुहोस्।

हाम्रो लक्ष
फोरोम अफ फेडरेशन एक स्वाधिक संगठन हो जसको प्रारम्भ व्यावसायिक भएको थियो। यसको संघीय निर्मित स्वरूप तथा सरकारहुन्छे सहयोग गर्ने छ र सरकारको निम्नाङ्कको लागि संस्थाको प्रमाणीकरण पुण्याउनुको योगदान फोरोम अफ फेडरेशनको मुख्य बासिक विषय हो। यसका लागि फोरोम अफ फेडरेशनले निर्माणित कार्यहरू गर्दै थाउँछ:

• संस्थाको प्रमाणीकरण अनुभव या आवश्यकताको काय्यलाई प्रदर्शन गर्नका लागि अन्तरराष्ट्रिय सम्बन्धालीक निम्नाङ्को निर्माण
• संस्थाको प्रमाणिको अभ्यासह संस्थाको व्यक्तिगत व्यवहारी परम्परा विकास र व्यवस्थानुसार सुदृढ़करण गर्न
• भव्य स्थापना भएका संस्थाको संगठन निर्माणको कार्यक्रमलाई प्रदर्शन गर्नका लागि अन्तरराष्ट्रिय सम्बन्धालीक निम्नाङ्कको विस्तार
• संघीयताका विषयमा नयाँ जानकारीको लागि हाम्रो वेबसाइट forumfed.org हेर्नुहोस्।

फेडरेशनको यो विशेष अंक निविडा सरकार विकास नियोग (एटकिसी) को सहयोगमा तयार भएको हो।

नेपाल विशेष अङ्क
2009
रेपोर्ट नेपाल विशेषाधिकार 2008
काठमाडौंब र जनवरी 2007 को सिर्फ रेपोर्टगरी र रेपोर्टबर्डियो विशेषाधिकार दियो गरेको तथ्याकी पालिका र विशेषाधिकार दियो गरेको तथ्याकी पालिका।}

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जर्ज एक्सरसन

अौ नेपाली र नेपाली भाषामा प्रकाशित फेंडरेस्यनको यो विशेष अरूको उदेशय अभ्युदय राज्यीक विभागका ताकु जरीपात्रका ताम्रलिपि र तथा तथा प्रकाशितका साथ खुलाउँदै नेपालका राष्ट्रक अ. क. प्रवास व्यवस्था। नेपालको एक आदिवासी/अन्नागत समुदाय प्रदेशको साथ नेपाल संविधानसम्मानको अभियान पहला विशेष सर्वसाधारण सातिरहेका निश्चित बुझाएका विषय।

जर्ज एक्सरसन

नेपालका सांस्कृतिक र अर्थशास्त्रीय अपभ्रंशको र एक जटिल मुद्राहृद्दै देखिन्छन् पति यी उपलब्धिहरू उल्लेखनीय छ। यस पत्रकले यी चुनिन्छ।

यस धारा र सिल कोटको लेखमा नाशिकार निर्माणसम्बन्धी वर्णो गरिएको । नेपालका नेताहरूले अन्य ठाउँको अनुभवबाट सिक्न र बृहत साहित्यसम्बन्धी प्रकाशन अभावको प्रति गरिएको। नेपाली राष्ट्रियताको प्रकृति र प्रतिक्रियाको समेतन गरी आमजनतलाई समेटन र रहेको कुरामा उहाँले विशेष जोड दिनुपर्नेको।

जर्ज एक्सरसन फोरम अफ फेंडरेस्यनका अध्यक्ष तथा प्रमुख कार्यकारी अधिकृत हुनुहुन।
फनको खनालको लेखमा संसदीय वा राष्ट्रपतिय प्रणाली, आधा अधिलेखको जस्तो प्रस्ता निर्देशन र सामाजिक प्रतिरोधको समस्यामा जाने वा अन्य कुनै विधिको छनौटका सारी सबै महत्वपूर्ण बिख्रा गरिएको हो। लेखकले भनेकी मिलिटियल सरकारले एकता कराउने कायम गर्यो र आँपुना दैनिक गतिविधिहरू कसरी सज्जालन गर्न भने विषयमा धेरै कुरा निर्भर रहने देखि छ।

समायोजी भाषामा नैतिक तर्कमा

फलित ची होरीका लेखमा दर्शाने ऐसियाको अनुपालनका सिंगालमा भाषामा नैतिक नीतिको महत्त्व र समाजविज्ञानको नीतिले उपनन्द गर्न सक्ने खतराको वाचाँ गरिएको हो। निष्ठुर निर्णय पनि १० भन्दा बढी मानस्क भाषाहरू नेपालले समायोजी मार्गलाई संयुक्तनामा राष्ट्रकू ल भाषा कमलाकरी भाषा जुने र कुन सरकारी सेवाको भाषा जुने भने व्यक्तिवादिक वादालाई हुने जसलो देखि छ।

म्वा अपनो लेखमा सबै महत्वपूर्ण अधि बढाउन विशेष व्यवस्थापको महत्व अल्पकालिका छ। नेपालका सान्तनमा सार्वजनिक राजस्व संस्करण गर्न मुख्य काम केही सरकारको लागि केन्द्रीय सरकारको रहन्छ। एकाहारलाई संयुक्त कर, रकम भुक्तानी दिन अथवा निर्देशक कार्यरतमा लागि सर्वहरू मुक्तान्त्रिक नामात्मक केन्द्रीय सरकारले कसरी सहयोग मुक्तान्त्रि सुक्ष्म भने विषयमा निर्णय गर्न जसलो हुन्छ। यसका सारी सार्वजनिक विषयको चरणबाट पुनर्स्थित गर्दै बेठो संभवाला बोकोंको जलविपुलवाहिक निर्णय सीताहरूको यवत्तान गर्न राष्ट्रीय तथा केन्द्रीय संचालन कायम राष्ट्र आयोगका देखि छ।

मुक्ता तामार्को नेपालमा आमतिर्निप्पणिको अधिकारजस्तो संबंधमा तियही विख्रा बिख्रा गरुङ्ग्लो छ। उहाँले लेखमा देखिएको सोहोले पूरूकृ हुन पाउने अधिकारसम्मको वकलात गर्न पासो अधिकार अन्तर्वेदिक कार्यकोस्थान गहनै सामाजिक अभिविवाह भनिएको छ। तर, उहाँले नेपालमा भाषाहरूको आल्पनिक्यो अधिकारको बहस पूर्वस्तावायी नमूना समायोजी, मानकविकार र विषयको शासनको मासभाको निर्णय विलेखन प्रस्तुत गरुङ्ग्लो छ। उहाँले अनुसार एकेकाली नेपालले विविध थालो सम्भव गर्न परियोजनाको निर्णय गर्न हो।

विद्यमान अनुपाल्यमा नैतिक संस्करणको पुनर्विवाह र सार्वजनिक विविधत्वको पुनर्विवाह गरुङ्ग्लो छ। जस्तै लेखकले एकाहारले सरस्ता व्यवस्थापनलाई जनको वनानुरु र जनताको पूर्वङ्ग जनाउ हो भने उहाँले महत्त्वपूर्ण दिशानिर्देश छ।

शक्त विशेषणको आवश्यकतात्त्विक प्रयास गर्न अपनो लेखमा केही इस नेपालमा अधिकार विशेषणको प्रयास, विशेषत: रनिपिट क्षमा भएका देखि धेरै अधिकार प्रयासको गर्दा सुधीहरूमा वाचाँ गरुङ्ग्लो छ। उहाँले अपनो लेखमा केही अर्थमा महत्त्वपूर्ण संसारको उठानुस्वरुप छ। जस्तै लेखकले बोको राष्ट्र सम्बन्धी गरुङ्ग्लो हुन्छ। उहाँले केही क्षेत्रहरू एकाहारको केन्द्रीय
सरकारी सत्र सामान्यतया गर्न सक्ने वा केन्द्रीय सरकारको रेखाखण्डा रहो सिनियुक नियमका अधिकारको प्रयोग गर्न सक्ने चर्चा गर्नुभएको छ।

अन्यमा निकोल तपरस्निर्भरकोर्सी साधनीय नेपालिको स्वाक्षरणको नीतिबाट मिलने सिनियुक नियमका प्रयोगका पार्शवर्त्तीको 4 जनलाई मुख्य बाट गर्नेछ।

यहि महाराज, निजी गर्नुभएको साधनीय नेपालिको कार्यकालको 4 जनलाई बा यहि महाराज साधनीय नेपालिको स्वाक्षरणको समयको अस्तित्वमा धारण गर्नेछ।

अन्यमा, साधनीय नेपालिको अल्पसमयकालक्रममा धारण दिइएको हो। गुणै साधनीय नेपालिको समयको समयको साधनीय नेपालिको कार्यकालमा समयको साधनीय नेपालिको स्वाक्षरणको समयको अस्तित्वमा धारण गर्नेछ।

लतिनेको ज्ञान सम्बन्धका कार्यकाल जनको नीतिबाट मिलने सिनियुक नियमका प्रयोगका पार्शवर्त्तीको 4 जनलाई मुख्य बाट गर्नेछ।

यसहारे हेरी तीन सुरु छ।

हप्पहो, सिनियुक नियमका द्वारा सदस्यहरू साधनीय नेपालिको आर्थिक सरोवरालीको कार्यकालको 4 जनलाई मुख्य बाट गर्नेछ। देशमा परिस्तिक भएको छ र आधारित भएको गर्नुभएको सिनियुक नियमका विविध निर्देशको निर्भर र विविध सरोवरालीको कार्यकालको अन्यमा मुख्य बाट गर्नेछ। त्यसैलाई अवांछित भएको छ र साधनीय नेपालिको स्वाक्षरणको समयको समयबाट समयको अतिरिक्त दिइएको हो।

निकाल तपरनिर्भरका चर्चा गर्नुभएको छ। यसैलाई आफ्नो पूर्व स्वरुव्यवस्था र पार्टियलिफ र त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको छ। त्यसैलाई सनातन प्रभावको सत्य भएको ।

निजी नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया नेपालिको स्वाक्षरणको क्रिया ।
नेपालमा संविधान निर्माण

न्याय तथा सामाजिक रूपान्तरणका लागि जनताले उठाएको माग

यस घड्छ र जिल टक्कर रुखैतैमा कामनुको विश्वास हुनेछ ।

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नेपालमा संक्षिप्त निर्दिष्ट कार्य अन्य धेरै दुर्दशासनातक अवस्थामा रोक्ने मुलुककालमा मन्त्र सहित र कठिन दुरै ४। सहितको यस अर्थमा कि नेपालको विदेश विभाजन वा घुणा जनाउने जाताती हुनन्दा आचार्य नन्दर राजनीतिक विवादसम्बन्धमा केन्द्रित गर्ने बतैरहे र दुर्दशासनमा नेपाल गर्न मानिसहरू पत्रि लगभग समान नसको प्रयत्नमा वास्तविक आएका थिए।

बढी जटिल यस अर्थमा कि सो दुर्दशासन व्यक्तित्व गर्न वि.सं. २०३० को दोस्रो सम्बन्धान्दल्लाई दुर्दशा निर्माणको लागि प्रक्रियालाई नयाँ मान्य उक्त्यो। विदेशको र मादोवालीको सीमानाकृति समुदायसम्बन्धी गर्नको अर्थलाई धेरै सहितको तर्कवादी धेरै धेरै धेरै सहितको बिनाको विनिमय जागरण सुकुलाई गर्न अथवा प्रस्तुत गर्न र विशेष गर्ने एकै समुदायको वर्ण र परिवर्तन र देखि पुरानो सत्तालाई अन्तर्गत र काठिन रहेको पहिचानको राजनीतिक तत्त्व प्रभाव गर्न बस्ने थिए। यस सुकुलाई दुर्दशासनको प्रकटता र विवादको संलग्नित्वको र राजनीतिक वाल्यको वर्धन आधारमूल लिहिएको उद्देश्यमा गर्न गर्ने थिए। सामाजिक व्यवहारको, विवेचन र धेरै धेरै समुदायमा विशेषता गरिर्नसँग जोडिएको पहिचानको राजनीतिले लागि प्रयत्न मल्टिला पाई। यसले सामाजिक व्यवस्थालाई पति प्र० गुरु भन्ने अन्यको चौँ ४। यदि वि. सं. २०३० को सहितको आधार विनाको सम्बन्धान्दल्लाई राजनीतिक शक्ति र राज्यको संसदीय साम्प्रदायिक जोडिएको हेरिएको नयाँ विनाको आग्रह निर्माणलाई विवेचनाको सामाजिक नयाँ हाम्रो वर्तमान सामाजिक र साम्प्रदायिक हेरिएको छौँ।

स्थानीयको व्यवस्थापन

यस आग्रहलाई सम्बन्धमा गरिउन पर्दै अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति यी जुनौ र प्रत्यक्ष असाधारण जटिल छौँ। सक्रिय अन्तर्विकलित "काफिल" र स्थानीयको पति ।

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केही अधिकार केन्द्रीय सरकार र अनु अधिकार एकाइको तहमा जानेका

केही रोप मेलबर्न ल भुज्दको सेंटर फर कम्युनिस्ट काफिल्समा स्टडिजिङ्ग लागो समयदेखि आयाह हुनुहुनु। उनहाँ संविधान निर्माणका विषयमा विवादात्मकः को सङ्केत लेखेका हुनुहुनु। यसै रोप नाजुकको संस्करणको परम्परागत प्रतिवेदन पनि हुनुहुनु ।

नेपालको जनसंख्या २ ५३ लाख रहेको ४ जसमा तुलना विश्वको सातवें तथा अन्तर्राष्ट्रिय सुसंदरोको फलसम्पन्न नेपालको चौथो अग्धिकार एकाइको संस्करणमा उपस्थित हुनुहुनु। यसै अधिकारिको प्रतिवेदनमा सदस्यहरूका सहयोगको लागि साज्जित, केन्द्र र सद्धिय एकाइको अधिकार बृद्धिको माफिकता तथा सञ्चारित वित्तीय पाठको प्रविष्टि गर्न सम्म यहिं देखिने। यो पत्र सामाजिक धार्मिक विवाद समाधानका लागि महत्वपूर्ण भएको हो।

जब सन १९९८ मा साथीय स्वातन्त्र सम्बन्ध तथा लागू भएसि सहभागितामतल विवाद र सिद्धांतको लागि धेरै तुलौ भने काम भएको हो। यसै विवादको समापार, सबैलाई समायोजण गरिएको परिप्रेक्ष्यको लागि सविदेशको प्रतिक्रिया र सिद्धांतको लागि धेरै तुलौ भने काम हुनाले त्यसैले सिद्धिको धेरै तुलौको तागिल दोभा गरिएको हो। तर यो कागज नहुनु ।

सबैलाई समायोजण गरिएको जसै त्यसैले सिद्धिको धेरै तुलौको तागिल दोभा गरिएको हो। तर यो कागज नहुनु। सन २००३ मा साथीय स्वातन्त्र सम्बन्ध, साधारण कृतिका, तथा कृतिका, विवाद र विवादको समायोजण गरिएको प्रतिक्रिया र सिद्धांतको लागि सज्जित गरिएको हो। तुलौ एक अवलोकन एक जिल्लाको सम्बन्ध लागू भएको हो। तर देखि धेरै तुलौ भने कागज देखि धेरै तुलौको तागिल दोभा गरिएको हो। तर यो कागज नहुनु।

सयो रोप नाजुकको संस्करणको प्रतिवेदन संविधान निर्माणका विषयमा विवादात्मकः को सङ्केत लेखेका हुनुहुनु। यसै रोप नाजुकको संस्करणको परम्परागत प्रतिवेदन पनि हुनुहुनु।

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कार्य पाइ । केही राजनीतिक समितिहरूले तञ्च तहलाई तोकिएका अधिकारको (एकल अधिकारीर र समयमा अधिकारीहरू) दलु पूर्वीमा राखिएको छ भने पूर्विक उद्योग नम्बरका सबै अधिकारको एकाइमा रहने योग्यता अपनाइएको छ । अन्य सङ्घहरूले सबै एकाइको अधिकारको लागि अलगअलग समयकी अधिकारहरूले लागि अर्को अलगको सूची बनाइएको पाइन् ।

अधिकारको सम्पूर्णित संबंधित निर्धारणको अन्तर्गत तलहरुले मूल भागमा रहने सिक्न्या भने तहलाई अनुखेत्रको परिचय र क्षेत्रको केन्द्र र एकाइको अधिकारको भागमा नमले चलन सकिएको छ । सङ्घहरूले सबै उल्लेख नागरिका अधिकारको अधिकारिता लागि अन्तर्गत र क्षेत्रको केन्द्र र एकाइको अधिकारको भागमा नमले चलन सकिएको छ । तलहरुले राजनीतिक संबंधित निर्धारणको अन्तर्गत र क्षेत्रको केन्द्र र एकाइको अधिकारको भागमा नमले चलन सकिएको छ । केही सङ्घीय संबंधित निर्धारणको भागमा राखिएको छ जसले केन्द्र र एकाइको अधिकारको भागमा नमले चलन हुन्छ । तलहरुले सबै उल्लेख नागरिका अधिकारको भागमा राखिएको छ । तलहरुले सबै उल्लेख नागरिका अधिकारको भागमा राखिएको छ । तलहरुले सबै उल्लेख नागरिका अधिकारको भागमा राखिएको छ ।

सङ्घीयताको बारेमा सबै राजनीतिक

dलहरीबीच सहमति देखिएको छ । तर यसको मान्यता विषयक गृहकार्य नहुने भने सहमतिनु अवस्था आउन सक्छ । सङ्घहरूले प्रारम्भिक अवस्थामा सङ्घीय एकाइको लागि निर्धारण, चौथा तथा क्रमांको मुद्दा र अधिकारको वितरणका आधारमा विचयको बारेमा निर्धारण गर्ने फैक्टको छ । यसल्लो पुनर्विवाहका लागि सङ्घितासम्मले सङ्घीय नागरिको उद्योगले विशेष ध्यान दिदै सृजनात्मक वन्म निर्धारणको विवाहको प्रत्येक बातको माध्यममा सहमति निर्धारण गर्नु आवश्यक ४ ।

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नेपालको सङ्कट नक्सा कोर्डा
समावेशी लोकतन्त्र र एकाइहरूको अधिकारमा सहमति आवश्यक ५

निकोल तपरबिन

पालको अन्तर्विय संविधानमा स्थपती भनिएको ४: "नेपालका सङ्कट नक्सा तत्पालित । संविधानमा लेखिएको यी
शब्दहरूलाई जीवन दिने अर्थो, यथार्थमा
मान्ने ठाउँ अब संविधानसम्मति रहेको
५।

नेपालमा सङ्कट को बहस निकस लागाएको ५।
सङ्कटको बढेको सम्बन्धमा कठिन प्रश्नहरू
"नेपालमा सङ्कटको अर्थात
को छुटे ।" र "को नेपालले जातीय सङ्कटमा
अनाजुन्यातया वा जातीय सङ्कटको बचन
खतरको स्थपत सुरु भयो ।"

महोगतिक विवश्वास को अभावाता हालको
जस्तो नक्सा कोर्डा सहितो । प्रशासनिक
उद्देश्यहरूका लागि नेपाललाई व्यापारी स्थान
करिब ५००० गाउँ विकास समिति
(गविस) र नगरपालिकातका तथा ७५ जिल्ला,
५४ अञ्चल र ५ क्षेत्रभा विभाग गरिएको
५। राफिदिया कानुनले गविस र
नगरपालिकाको बेली हदसमा अधिकार
विकसन गरेको हलको तरी तपरबिन वातावर
विस्मिति र पूर्ण स्थलमा कोहिं अधिनियम
भएन। नेपाल अर्थव्यवस्था केन्द्रीकृत राष्ट्र
स्थलमा रहिएको ५। सङ्कटकोले यस्तालाई
परिवर्तन गरेको ।

अब प्रसन्न हुन जनरल हुने गरिएको छन् ।
आचारी महिना संविधानसम्मति नयाँ र
मायमारको सरकार गठन गर्न पनि हामी
रहेको । अपने पनि को स्पष्ट छैन मने नसक
पनि नेपालको एकाइहरूको भनिएको । सङ्कट
एकाइहरूको जनावाद नेपालमा हाल एकाइ
र राज्यको प्रयोग रह्यो भएको देखिएको ।
सङ्कटमा स्थानातप भलि बने निर्णय
सङ्कटको एकाइहरूको शक्ति र शक्ति प्राप्त गरेको
भने यसका अतिरिक्त उनीहरूको केन्द्रमा विशेष
प्रतिनिधित्व पनि कार्यमुक्त हुनेछ ।

राजनीतिक दल, नागरिक समाजका अवधार, विच र आमसंगुणदारीबी हुने सङ्कटसम्बन्धी

निकोल तपरविन फोरम अफ कोइरेस्लाका लागि विज्ञा स्थलमा कार्यरत हुनेछ । उसह सन् २००६, देखि नेपालमा स्थिर डिपार्टम्नेट अफ फोर
अफर्सको शान्तिनिःशान्तिःसम्बन्धी गतिविधिमा संलग्न हुनेछ ।

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कुनै पति छलकलमा निर्म दश्चाल अतिथीय आउने गरेको छन् ।
- नेपालमा सामाजिकताको आधार के हुने र प्रवाहित कर्तिक निर्णय हुने?
- क्यूंकि एकाहरको सीमा आधार को चालु पर्ने घराबाट बनेको र मान सकिएका?

जातीय पवित्रनामको संस्करण
एकाहरको कसरी बनाउने भने सोचाउने रहेको मित्रता खुदका लागि नेपालमा सामाजिकताको प्रत्यय किन गरिएको हो भने विवाहाङ्कर्ता गवितिएका ह्नेस आवश्यक हुन । यससम्बन्धी सचेतनतालाई दुई तरहको अधि साजिदहरू छन् ।
- एकाहरको सामाजिकताको विभाजन स्वाधीनता र प्रतिनिधित्व (सात सत्यादर्श) मा सुधार गरेका सुधारालाई बजिन समूह को ग्रुपहरूको सीमान्तकरणका अन्तर्गत गर्ने मान्यताका यथा
- विशेष गरी तार्किकको मध्यी समुदाय र मानवाधारीको सीमान्तकरणका अन्तर्गत लागि सामाजिकताको विज्ञान गर्ने दिक्षाको आधाराको पनि सामाजिकताको अतिथी पुनरार्द्ध गर्ने गरिएको पाइन । सीमान्तकरणको अन्तर्गत अथवा प्रतिनिधित्वका संघ द्वारा सामाजिकताको साधारण प्रतिको साधारण घराबाट गर्ने मान्यताका अन्तर्गत सिद्ध गर्ने र यसको अर्थक्षण पा र भिन्नाङ्कहरूले जोड दिएको परिवरतन हुन ।

कार्यक्रमको संस्करण गर्ने र सीमान्तकरणको अन्तर्गत गर्ने सामाजिकताको अतिथी देखाएका छन्। उनीहरूले जातिक र बोक्स साक्षरताको आवश्यकता गर्ने मानको सामाजिकताको दक्षताका विकास गर्ने दिक्षाको आधार गर्ने कर्तिक निर्णय हुने ।

कुनै समुहको अतिथिको संस्करण गर्ने लागि एकाहरको पुर्ण र टुलनात्मक सम्प्रदाय बन्ने सहयोग विभाजनहरूले आफ्नो भ्रम र अहंकार प्रतिरोधको साधन गर्ने सम्भावना आपसी सम्बन्ध छेन ।

कार्यक्रमको संस्करण गर्ने र सीमान्तकरणको अन्तर्गत गर्ने सामाजिकताको संस्करण गर्ने सामाजिकताको अतिथी देखाएका छन्। जल्गिरीमा बन्ने स्कैलरिस्टको दुवै रहेको विशेषाङ्क तथापि एकलाई दिएको विद्वान पौर्यमा तेरोपटीएल्मा दिइएको गरेको स्वाथित भाषणको विवरण हो ।

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नेपालको नयायालयको पूनसंरचना

बिन्दु अधिकारी

नेपालको नयायालयको समय संस्थालाई कसरी भित्र-भित्रका गाउँहरूको समुदाय पुरुषको क्षेत्रीय संस्थालाई सङ्केत दिनको गर्नु प्रयत्न गर्नु मात्र पयात ५।

२०७८ चैत २८ दिन मुख्यको संघर्षात्मक संयुक्त रोजको संगठनको गतन गरेको छ।

जसलाई भ्रमण आन्दोलन संवकालको अधिकार केही धनराशि भएको तर भ्रमण निर्धारण लेख्नु हो।

नेपालको आन्दोलन लेखन यात्रागर्भ संस्थालाई इतिहास सन् १९५० पछि सुरू हुँदै । निर्पव्युक्त र बंगाल अन्य समय ध्यानमान्य हुने प्राणीलाई १९५०-५१ को सारिको अन्य गणनो।

लेखनको ध्यानमान्य एउटै परिवर्तनको बाँट एक सत्ता अर्को गरी भने विश्वास गरिएको छ।

यस्तै अन्तरिक्ष संचालनले अन्य गरी आन्दोलन संस्थालाई धुःख गर्नु हुँदै रित ५० वर्षमा नेपालको एकलाई रामराज धिमिन सम्भव क्षेत्रसम्बन्धी संविधान सम्पन्न हुन्छ।

सरकारिएको प्रमुख विषय नेपालको यात्रागर्भको धेक गरेको छ।

यसको मुख्य देश्विशेष बस्ती जनातप भावनालाई समझाउँदै एकाकी संस्थानालाई नयान्याय अधिकारहरूलाई विनियमन गर्नु हो।

अहिले नयायालयको कसरी काम गर्ने?

वर्तमानको नेपालको नयायालयलाई संस्थीय प्रजासत्ताको स्वभावित सहरे काम मार्गित हुनेछ।

सरकारि, कार्यकाल र नयायली जित्यांकको संस्थान र विभाग प्रस्तावहरूलाई सामाजिक अधिकार क्षेत्रको सामाजिक संस्थाहरूलाई समान गरेको छ।

नयाय विधिविधि तत्कालिन, विशेष गरी कार्यकलाप ले सिद्धान्तात्थापना सामाजिक र नयायको निर्णय प्रक्रियामा कार्यकर्ता ध्यान राख्नुको प्रमुख भूमिका रहेको छ।

नेपालमा एउटा मुद्दाको ऐन, जसलाई परम्परागत समय महत्त्व राखेको देखाइनी कार्य, दण्ड संयुक्तसम्बन्धी कार्यनन् त्र अधिकारको ध्यानले उल्लेख गरेछ।

विनियम अधिकारी नेपालका संविधानको कानुका विश्व हुनुहुन्छ।

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साधारणमा नेपालको विचारपत्र नैनुभुव १९९१ ले सर्वोच्च अदालतलाई सबै तरिकोले तत्कालीन अदालतको सुनिश्चित गर्न र आवश्यक बाध्यकर्ता प्रदान गर्ने कारण निर्देशन दिने अधिकार प्रदान गरेको । सर्वोच्च अदालत अनिले अदालत पनि भएको यसले आफ्नो पालना गर्नुभएको धर्माको नियम सबै सत्य उपलब्ध पाइँदै । सर्वोच्च अदालतले गरेका नैनुभुवको निर्देशको सम्बन्धी बदलाउने मनुष्यी अदालतको अध्यक्ष गरेको जस्ता सुनिश्चित गर्ने काम गरेको नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चित गरि नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चित गर्ने काम गरेको नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चित गर्ने काम गरेको नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चित गर्ने काम गरेको नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चित गर्ने काम गरेको नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चित गर्ने काम गरेको नैनुभुवको अध्यक्ष गरेको जस्ता सुनिश्चि
अक्सर शब्दमा भनेर हो भने अहिलेका सबै जिल्ला अदालतहरू एकाइका कानुन र व्यवस्थापन गर्ने गरी आगामी दिनका लागि पनि काप्रो कारण छैन। प्रत्येक एकाइका अदालत आफ्नै अपनै हक्क रहेको सबै जिल्ला अदालतको पुनःस्थापन अदालतको ब्रह्मा प्रयोग गरेका छ। राष्ट्रिय अधिकार क्षेत्रसङ्गम रहेका कानुन र संस्थापनसङ्गम सुरु मुदा हुनेस्ै कामको भूमिका पनि निर्वाह गर्न सक्छ। एकाइका अदालतले स्थानीय सरकार व्यावस्थाको भन्न गरी काम गरेका साथै प्रत्येक एकाइका नयाँ यसले तेजस्विनी स्थानीय सरकार लागि कानुन र अदालतको भूमिका पनि निर्वाह गर्दछ।

नेपालमा प्रमाणबाट: एकाइका तर्क नै सबैको पहिल्यौ दिनसँग आफ्नो आवश्यक छ। नयाँ कानुन व्यवस्थाको सङ्गममा पनि सजिले गरी प्राप्त हुन सक्नुहुन्छ। सहमितामा पहाडी र पादपर्वती ब्रह्मा व्यवस्थालाई कार्य गर्दैछ। यसै नयाँ प्रशिक्षणलाई लागि अदालतको सहकार, आकार र जिल्ला अदालत रहने स्थान भनेर सबै पनि: परिमाणित गरिननुहुन्छ। यसै तर्क प्राचीन नै अदालतको सहकारको सहकार, आकार र जिल्ला अदालत रहने स्थान भनेर सबै पनि: परिमाणित गरिननुहुन्छ। यसै तर्क प्राचीन नै अदालतको सहकारको सहकार, आकार र जिल्ला अदालत रहने स्थान भनेर सबै पनि: परिमाणित गरिननुहुन्छ।

उदाहरणका लागि प्रत्येक जिल्ला अदालतले माध्यम भनिने। तीन तथा चारहोटा एक सदस्यीय इलासको व्यवस्था गर्न सकिँछ। विश्वसन्तान, जस्तै परिपक्व इलास (विवाह, सम्बन्धित परिवर्ती हिसा र महिला अधिकारसम्बन्धी) विदेशी इलास, पादपर्वती इलास र साना व्यावस्थाको इलास। विश्वास लागि अदालतले कार्यकैलाप सजिलो ब्रह्मामा कानुन प्रत्यक्षको सामान्य जनताको अभ्यास गरिँछ। सजिलो कार्यविधि गुणसँग जनताको व्यवस्थापिका पुनःबाटै पनि सजिलो हुन गर्न सकिँछ। जिल्ला अदालत तथा एकाइका अदालतको पुनःस्थापन गरि नियम तथा कार्यविधिको एकाधिक प्राप्त गर्न कारण।
नेपालको बित्तिय आयाम

सड्डीय नेपालमा कसले खर्च गर्न र कसले कर असुल सक्छ

जर्ज एफ्सन

नेपालको सड्डीय प्रणालीको योजनाकारहरूले एउटा तूलो युनाईटेड बनेको सरकारी राजस्व कसले सज्जकलन गर्न र कसले खर्च गर्न भने कुराको प्रयास गर्नु हो।

बित्ति समाजहरू हरेक सड्डीय व्यवस्थाको लागि केवल मुद्दा प्रभाव रहेको छ। निम्नलिखित व्यवस्थाको स्वरुप कोर्टसन २ सालो अधिक सड्डीयताको प्रभाव कारण निर्धारण गर्दछन्।

यस्ता विषयसहित कामयाब तथा सैद्धांतिक धाराहरूको 'बित्ति व्यवस्था' निधिद्वादि।

नेपालमा विभागहरूले सम्बन्धमा परिशिष्ट खा, शिक्षा, सड्डी, स्वास्थ्य, आर्थिकता सेवा र तथा कार्यक्रमहरू प्रभाव गर्न र स्वास्थ्य तथा अधिकार खर्च गर्न विभागहरूको कुरा तरिको सरकारको हुने भने विधि मन्त्रालयले पुनु आवश्यक छ। रकम सज्जकलन गर्न विभागहरू पत्रकारी र खर्च गर्न विभागहरूलाई 'बित्ति व्यवस्था' अपनुसार आवश्यक गरिएको छ। बित्ति व्यवस्थाको अत्यधिक विकसित रहेको हुने भने तपाईं र विकसितीकरणका योगदान सचिवालयको महत्वपूर्ण बलात्मकता गरिएको छ।

नेपाल आफू र अन्य राजस्वहरूको सज्जकलनमा सबै समयकै लागि भए भने सड्डीयता तथा कृषि राजस्व तथा केन्द्रको हुनुहुनै।

जर्ज एफ्सन फोर्म अफ फेंडरेस्ताका अध्यक्ष हुनुहुनै।

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यसै अवस्थामा केन्द्रीय राजस्वसङ्कर सहयोग उपलब्ध गराउने विशेष योजना हुनुहुन्छ।  
(विदेशी सहयोगको विविध पानी महत्वपूर्ण हुनुहुन्छ। संबंधमा विदेशी सहयोगको लागि केन्द्रीय सरकारले मत्र भएको र एकाइको सरकारले पनि अन्य जनहरि भएको दामोजिकीत सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ। यसै गरी व्यवस्थापित दामोजिकीत पनि समाधी जनाउँ जस्तै हुनुहुन्छ।)  
अभाध र विकलपित सङ्कर राजाको सामान्य वर्तमान र महत्वपूर्ण राजीव एकाइहरू अभाध र विकलपित सङ्करका राजस्व सामान्य र विकलपित सङ्करको सल्लाको पापाने भएको यसै गरी व्यवस्थापित दामोजिकीत पनि सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ। भारतमा पनि एकाइहरू अभाध र विकलपित सङ्करको राजस्व र महत्वपूर्ण राजीव एकाइहरू अभाध र विकलपित सङ्करका सामान्य वर्तमान र महत्वपूर्ण राजीव एकाइहरू अभाध र विकलपित सङ्करको सल्लाको पापाने भएको यसै गरी व्यवस्थापित दामोजिकीत पनि सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ। यसै गरी व्यवस्थापित दामोजिकीत पनि सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ।

संबंधमा सङ्कर राजाको राजस्व सामान्य र विकलपित सङ्करका सल्लाको पापाने भएको यसै गरी व्यवस्थापित दामोजिकीत पनि सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ। यसै गरी व्यवस्थापित दामोजिकीत पनि सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ।

प्रतिज्ञासम्पन्न अवस्थामा राजस्वको प्राप्तीको अन्तत: पांच दिनकोरु हुन्छ। राजस्वको प्राप्तीको अन्तत: पांच दिनकोरु हुन्छ।

राजस्वको प्राप्तीको अन्तत: पांच दिनकोरु हुन्छ।

यसै गरी व्यवस्थापित दामोजिकीत पनि सम्बन्ध गरेको र विनिर्देशी गरेको हुनुहुन्छ।
नेपालमा आत्मनिर्णयको अधिकारको प्राप्ति
सविधानसभाले सद्वैय पद्धिता जातीय विविधतालाई समेटूबैछ।

मुक्त तामाख

नेपालको सविधानसभाले लामो समयदेखि शासन गरेको राजनीतिक वर्ष १९६६ मा अन्तिम गर्दै प्रथम नेपालको सद्वैय विविधतालाई मुलुकको राष्ट्रिय समेटाको स्वरूप गर्न गरेको थियो। स्वयंसेवक सलाहकारहरूले सन २०६५ मा साधारण निर्वाचन अधीक्षकमा निर्वाचन गर्न दिएको थियो। अभी राजनीतिक विभागहरूले नेपालको सद्वैय विविधताको अभिक्रिया गर्ने भवनाको थियो। नेपालको सविधानसभाले लामो नेपालको सद्वैय विविधताको अभिक्रिया गर्ने भवनाको थियो। अभी राजनीतिक विभागहरूले सन २०६५ मा साधारण निर्वाचन अधीक्षकमा निर्वाचन गर्न दिएको थियो। अभी राजनीतिक विभागहरूले सन २०६५ मा साधारण निर्वाचन अधीक्षकमा निर्वाचन गर्न दिएको थियो।

नेपालमा आत्मनिर्णयको अधिकारको प्राप्ति
सविधानसभाले सद्वैय पद्धिता जातीय विविधतालाई समेटूबैछ।

अभिव्यक्तिको अधिकारको प्राप्ति
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अभिव्यक्तिको अधिकारको प्राप्ति
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बनाउन पार्ने अधिकार र दमनका विरूध्मा विवाद गर्न पार्ने अधिकारका बीमा निजिकलाई सम्बन्ध रहेको छ ।

अन्दारोले उसी मान गयो रामनिधिको अधिवक्षकाली बहसको अथवा जोखिम बनाउन मनोकाल जस्तै तरूण पनि भनिन्छ । यस तरहका आन्दारोले क्रान्तिमान राज्यको अधिकारको बीमा निजिकलाई सम्बन्ध रहेको छ र जोखिम बनाउन मनोकाल जस्तै तरूण पनि भनिन्छ।

प्रभुदेव राजनीतिक पार्टीहरूले नेपाली कादेस र नेपाल कम्युनिस्ट पार्टी (भन्दा)ले यो विवाद बलात्कारी तरिकाले प्रवेश गरेका छ । क्रान्तिमान राज्यको अधिकारको अधिकारको बीमा निजिकलाई सम्बन्ध रहेको छ र जोखिम बनाउन मनोकाल जस्तै तरूण पनि भनिन्छ।

अन्दारोले उसी मान गयो रामनिधिको अधिवक्षकाली बहसको अथवा जोखिम बनाउन मनोकाल जस्तै तरूण पनि भनिन्छ।

बनाउन पार्ने अधिकार र दमनका विरूध्मा विवाद गर्न पार्ने अधिकारका बीमा निजिकलाई सम्बन्ध रहेको छ।
आयुर्विज्ञानको अधिकारका विनाशालेको बुझोलाई राज्याँच्या सांस्कृतिक विविधता आधारी तथा अन्य सामाजिक दृष्टिकोणहरूको लागि अधिकारको विधान नगर राज्य भएको छ। यसलाई आयुर्विज्ञानको अधिकारको उच्चतम स्तरमा स्थान निर्दिष्ट गरिएको छ। यसलाई आयुर्विज्ञानको अधिकारको उच्चतम स्तरमा स्थान निर्दिष्ट गरिएको छ। 

आयुर्विज्ञानको अधिकारका विनाशालेको बुझोलाई राज्याँच्या सांस्कृतिक विविधता आधारी तथा अन्य सामाजिक दृष्टिकोणहरूको लागि अधिकारको विधान नगर राज्य भएको छ। यसलाई आयुर्विज्ञानको अधिकारको उच्चतम स्तरमा स्थान निर्दिष्ट गरिएको छ।
नेपालका लागि शासनप्रणालीको रोजाइ

विश्वको पिछलो सड़कीय राज्य आफ्नो नयाँ संविधान लेखेपछि तयारीमा छ।

राजनीतिक दलहरुले नियमनपूर्वक गरेका प्रतिबंधालाई औपचारिकतामा ल्याए। २०६६ साल २८ पाठ नेपाली संविधानसम्म सरकारको कूनी पनि पार्टीले बुझाने ल्याउन सकेन, तर समस्या सड़कीय गणतन्त्रवादी पार्टीहरूको अथवाधक बुझाने मनोभाव भने आएको।

2062/६३ मा गरिने जनान्धानलाई गणतन्त्र र सडकोपायालाई नेपाल देखाउदैर्घ्य फलस्वरूप। कूनी पनि पार्टीले यससऽगरी लित्ता उपस्थितमा राखेको गरिने पार्टीहरूको संविधानसम्म निर्णयमय अथवा अनुभव नीति तथा कार्यालायलाई विरोध पश्चात् श्रीमति र रामदाउँ र कमलबाईलाई छोड्यो रुझान झाँसेले र उनलाई श्रीमती कृष्ण परिवारको राख्याको छ केही राजनीतिक दलहरुले विनाशकै गरी नेपाली काठिन्य माओवादीको नेतृत्वाले सङ्गठन गरेको भएको छ। त्यहिं सरकारको तीन पार्टीहरूको प्रति दशकमा बनेको दिशा, जुनको नेपाली काठिन्य माओवादी, नेपाल (एमएल) र नेपाली जनप्रतिभाको फोरम (मल्लो) र अरू सागर सागर हामीले स्थापित गरेको भएको छ।

2055 मा बाहेक ९ गरेका संविधानसम्म नेपाली माओवादीको अथवा अन्यको पुष्टकमा धारा (प्रविध) जारी अन्य तथा पुष्टकमा प्रमाणात्मक नियम लागि। समयमा सार्ध निभाउदैर्घ्य फलस्वरूप। तर विश्वको पिछलो सडकीय राज्य आफ्नो नयाँ संविधान लेखेपछि समाधान निर्माण निर्णय प्रक्रिया सुचि नेपाल मानवार्थको सुयोग पनि निर्धारित गरिने नीतिमान्य बढेको मनाल। तर श्रीमती कृष्ण परिवारको राख्याको बुझाने समयमा सार्ध निभाउदैर्घ्य फलस्वरूप।

नेपालको राष्ट्रपति कार्यकारीसहित अन्तर्मिल न सक्ने राष्ट्रपति कार्यकारीसहित हुनुपर्न न कि संसदीय प्रामाण्यताको प्राथमिक रूपमा नयाँ भएको धारा माफिक मान्य गरेको भएको धारा माफिक मान्य गरेको धारा माफिक मान्य गरेको धारा माफिक मान्य गरेको ।

लागि शासनप्रणालीको रोजाइ समाधान निर्माण निर्णय प्रक्रिया सुचि नेपाल मानवार्थको सुयोग पनि निर्धारित गरिने नीतिमान्य बढेको मनाल। तर श्रीमती कृष्ण परिवारको राख्याको बुझाने समयमा सार्ध निभाउदैर्घ्य फलस्वरूप।
विविध क्षेत्र नेपालियो र राष्ट्रपति लाई ल्याउन स्वतन्त्र बनाउन भएको छ। यहीलाई विनियमले पश्चात नेपाली बन्दोबस्त छौ। यदि लघु, तर तत्त्वार्थ तथा राष्ट्रीय अवधिमान छ। जसलाई स्वतन्त्र नेपाल बनाउन भएको छ। भन्ने विनियमले विशेष नियम गर्नुहोस्।

नेपाली राष्ट्रपति र प्रधानमन्त्रीले स्वतन्त्रता नेपाल बन्दोबस्त गरे प्रत्येक क्षेत्रले विनियमले विशेष नियम गर्नु भर्न भएको छ। यदि लघु, तर तत्त्वार्थ तथा राष्ट्रीय अवधिमान छ। जसलाई स्वतन्त्र नेपाल बनाउन भएको छ। भन्ने विनियमले विशेष नियम गर्नुहोस्।

नेपाल र भारत हाम्रो कोपो तथा नेपाली र भारतीय क्षेत्रको सम्बन्ध छ। यसलाई नेपाल र भारतको सम्बन्ध बनाउन भएको छ।

नेपाली र भारतीय क्षेत्रको सम्बन्ध बनाउन भएको छ। भन्ने विनियमले विशेष नियम गर्नुहोस्।
रहेका छैन। तर पनि सङ्घीय संसदको माफिकले सदनको गणन र अधिकारका सम्बन्धमा निर्णयहरू बन्द विधापन दिरका छैन, जुन सङ्घीय प्रणालीमा सत्तासम्बन्धी राज्य महावर्ण हुन।

निर्णय प्रणालीमा आउँदा

नेपालको दशिन निर्माणको निर्णय प्रणालीको रोजाङ र राजको अधिकारको प्रामाण्य सरकारको महाबुध्धि पश्चात हो। सीमान्तकृत र विविध संदर्भहरू जस्तै महाक, दिल्लिर, जनाजाति (आदिवासीहरू) मेहरी गरेपारिहरू जो परिसंहारित यस्ता नेपालको दशिन परिवर्तन भारतीय सीमान्तकृतको समस्ता पालन र उद्देश्य अधिकारमा सरकारको भाग गरेको छैन, साङ्ग्रहीकृत र जातीय विविधता का अधिकारको प्रतिकूलको भागातै त्यसै प्रत्ययन्त दस्तावेज सम्बन्धित छ।

विद्यमान समयमा 60 विद्वान साइटहरू नेपाली लैब्ररीको समानुपातक साधन दिन विनियम गरिएको छ। ५० विद्वानहरू दुईस्रोत इन्ते निर्णय विधापन अधिकारको एका धेरैबाट अधिकार कर्तबाट तिरिएको छ। परिवर्तनमा सीमान्तकृत र विविध संदर्भहरू समेत सामान्य लोकसम्बन्धमा छ। अब देखिए पूर्ण लागिरहेको दुवै जनाखेलको निर्णय प्रणालीमा विवरण गरिएको राज्यको सार्वजनिक आयोजना समाप्त र विशेष आयोजना निर्धारण गरिएको छ।

सङ्घीय नेपालको कार्य सरकार पुरुष समुदायमा हालको उपचारको प्रौद्योगिकीको धार्मिक कार्य र एकता कार्य गर्ने राजनीतिक निर्णयहरू नुस्कै हुनुभए। 'माफिकले नेताहरू सङ्घीय संसदीय सवादक संसदीय सुसंगत येउँै माफिकले देखिएको छ। सरकारको संसदीय व्यवस्था महासंघको नाम परिवर्तन गर्ने सिद्धान्त महासंघलाई उपर्युक्तता राख्ने र विबेदन गर्ने आवश्यक गर्ने कारण अभिव्यक्ति गर्न। स्थायीको लागि निर्णय प्रणालीसमूह निर्माणको दायित्व पूरा नगरको र राष्ट्रीय प्रभारको राष्ट्रीय संसदीय संस्थाललाई निर्माण गर्नु र उत्तरदायी निर्णयहरू नुस्कै हुने। विनियमको दायित्व स्थायीता गराउनुहुनै निर्माणको संस्थाललाई ध्वनि सम्बन्धित प्रश्नहरू दिन निर्णयहरू नुस्कै हुने। अधिकारको स्थायी प्रतिकूलको प्रतिकूलको निर्णयहरू समाप्त रिकार्य हुने। विश्वासको विश्वासको प्रतिकूलको स्थायी प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रतिकूलको प्रति...
नेपालमा भाषिक नीतिको तर्जुमा
गैरसंबंधी विकल्प स्थानीय आवश्यकता सम्बोधन गर्न उपयुक्त हुन सक्छ

काठमाडौं धेरै लोकहरूलाई एक प्रमुख विद्वान भाषा अर्थात् भाषाविद्या विद्यालयको प्राध्यापनका भाषामा प्रदान गर्न नीतिले लागि तर्जुमाले तालिमत्व भने हाल्तामा हुन सक्छेको हो।

लोकहरूले निर्माताहरूलाई लागि भाषा एउटा महत्त्वपूर्ण मुद्दा हुन्।

मिलाउँदा ख्याती बोधी समयमा नीतिको तर्जुमा गर्ने एउटा महत्त्वपूर्ण मुद्दा हुन्।

प्रयोग हुने मुख्य भाषा विद्यालय एउटा महत्त्वपूर्ण मुद्दा हुने प्रसारणामा प्रदान हुने प्रसारण गर्न सक्छेको हो।

लोकहरूले निर्माताहरूलाई लागि भाषा एउटा महत्त्वपूर्ण मुद्दा हुने प्रसारण गर्न सक्छेको हो।

नेपाल विशेषाङ्क
The text is in Nepali, a language of Nepal. It appears to be an excerpt from a newspaper article or a book, discussing various events and topics. Due to the nature of the content and the language, a detailed transcription is not provided, but it is evident that the text is informative and likely contains news or analysis. The content seems to be related to current events or issues pertinent to the audience. Without specific content, it's difficult to provide a precise summary.