

Constituent Assembly
Restructuring of the State and Distribution of State Power Committee

Report on Concept Paper and Preliminary Draft, 2066



Constituent Assembly, Restructuring of the State and distribution of State Power Committee

Singha Durbar, Kathmandu

[Email: restrict.committee@yahoo.com](mailto:restrict.committee@yahoo.com)

Website: www.can.gov.np

PREFACE

The Constituent Assembly, which is the result of numerous struggles of the Nepalese people since a long time, the armed revolution, peaceful movement, People's War and 19 day People's Uprising, Madhesh Movement and several movements launched for justice by different groups, ethnic groups and communities, has been continuously carrying out its activities.

Clause 66 of Constituent Assembly Regulations 2065 has defined the terms of reference of the Restructuring of the State and Distribution of State Power Committee.

- Structure of the federal democratic republics of the state
- Principle and grounds for delineation of federal units,
- Demarcation of every federal unit and giving them names,
- Distribution of power between the legislative, executive and judiciary of the different levels of government of federal units,
- List of the power of different levels of federal units and determine the common list,
- Determine the inter-relationship between the legislature, executive and judiciary between federal units.
- Determine the resolution of disputes that may arise between federal units and
- Other necessary things relating to the work of the Committee.

The role played by honorable members and all others is commendable in discussing the issues relating to the role, responsibility and authority of the Committee and working out the timetable, areas requiring experts and collecting the list of experts and for actively participating in the discussion relating to its working areas in various workshops, seminars, interactions and discussion programmes as well as for seeking clarification and additional information from paper presenters and commentators.

The written and verbal recommendations received from individuals and institutions were analyzed and their gist is incorporated in the concept paper. Some recommendations were directly related to the committee whereas others were more suitable to put in certain laws, some could be addressed through implementation and some could be incorporated in the policy.

The committee prepared 12 committees including 11 thematic and one issue based questionnaire and 43 members of the committee went to the people to collect the public opinion and took stock of their say, hopes and aspirations in writing and verbally and brought answers of the questions as well. The committee was able to acquire information about the geographical state of the region and got introduced with different ethnic groups, languages, and cultures and interacted on their demands, needs and priorities. Practical and constructive feedback was received about the demarcation of federal units, levels of government and distribution of power. Honorable members studied and analyzed all answers of the questionnaires and used them as the basis for preparing this concept paper. Various methodologies have been used in analyzing the reference materials and reaching a conclusion while preparing this concept paper. In preparing the concept paper, interactions were held with experts of different subjects, opinions and recommendations of experts sought, the constituent assembly election manifestos of

political parties consulted, the party-wise concept paper presented at the committee studied, international exercise and practice and past exercise and experience of Nepal considered and views expressed by national and international scholars and views of honorable members taken into consideration.

Restructuring of the state and distribution of state power is a challenging work. This was not possible to do without experts' inputs and technical assistance.

It was open to public information that the Constituent Assembly had to change its schedule because the Committee could not submit its concept paper and draft as per the time table fixed by the constituent assembly because the issue is of supreme concern for all. It is but natural to take time when the Committee ran into elaborate discussion within the given timeline received. The committee had two important responsibilities of restructuring and distributing the state power, which were totally new topics for us. On top of this, political parties held diverse perspectives in preparing the concept paper and draft in line with the hopes of and aspirations of most of the people and different views of honorable members, different thinkings and values which had to be mutually discussed to reach a conclusion. It was also for this reason our Committee took longer time than expected.

After the first historical meeting of Constituent Assembly established Nepal into federal republican state, Nepal has been initially proposed to be divided into 14 federal provinces by experimenting and analyzing the aspirations of Nepali People by considering the ethnicity/ community, language, culture, regional and historical continuity as the primary basis and on the ground of interrelationship of economy, capability, availability of natural resources, status of development infrastructures and administrative convenience. The concept paper and draft is the effort of trying to incorporate the areas of work and subjects of the committee.

The objective ground for working out the number of federal provinces, border, naming and capital is clearly elucidated by the report of the Sub-Committee.

The committee has spent more than 13 months in its work. During this period there were 127 full committee meetings. In addition there were numerous meetings of the sub-committee and task force. During this period, the committee carried out intense consultation with the experts concerned and scholars. Joint discussion and meetings have also been held with cross cutting thematic committees of the committee.

The committee had formed 6 sub-committees and 5 task-forces to prepare the terms of reference, timetable, prepare the questionnaire for people's mandate, prepare concept papers and edit the draft of concept paper. I thank the coordinators and members of the sub-committees and task force for submitting the report within the given time. The active role played by all honorable members of the committee in interactions and drawing up a conclusion and consensus deserves praise and I thank the support and good-will given in running the meetings of the committee.

However, I am convinced that this is not complete thought all those involved in this work put up enough labour. Hence, the full meeting of the Constituent Assembly will discuss in full length this concept paper and preliminary draft relating to the restructuring of the state and distribution of state power which in many ways is deeply concerned with the present and the future of the country. In this connection I am hopeful the recommendations and consultation of honorable members will give a fine refinement to this preliminary draft. I thank journalists for taking the recommendations and opinions of experts, and activities of the committee to the people, as well as those who provided written and verbal suggestions, the secretary of the committee who helped in the writing of the concept paper and all staff members, experts who worked diligently in the demarcation and bordering and the secretariat for their help.

Finally, I present this concept paper and preliminary draft of the State Restructuring and Distribution of Power to the Constituent Assembly through the Honorable Chairman

January 21, 2010

Lokendra Bista Magar

Chairman

Restructuring of the State and Distribution of State Power Committee

Constituent Assembly

Restructuring of the State and Distribution of State Power Committee

Parliament Building, Singha Durbar, Kathmandu

Phone number: 4200194, 4200094

Date: 2066/10/07

Honorable Chairman,

Constituent Assembly

Subject: The Preliminary Report along with Concept Paper of the Committee submitted.

We, as per the meeting of Restructuring of the State and Sharing of State Power of Constituent Assembly held on 2066-10-06, present this report to the Honorable Chairman as required by the Committee to present the preliminary report along with concept paper of the committee to be presented before the Constituent Assembly as per Clause 73(1) and Clause (82) 1 of Constituent Assembly Regulations, 2065.

Members of the Committee presenting Preliminary Report along with Concept Paper:

Serial No.	Full Name of Honorable CA members	Signature
1.	Hon. Lokendra Bista Magar (Chairman)	Signed
2.	Hon. Anil Kumar Jha	Signed
3.	Hon. Amar Bahadur Gurung Tamu	Signed
4.	Hon. Arzu Rana Deuba	Signed
5.	Hon. Indrajit Tharu	Signed
6.	Hon. Umakanta Chaudhary	Blank
7.	Hon. Onsari Gharti Magar	Signed
8.	Hon. Gopal Kirati	Signed
9.	Hon. Gopal Man Shrestha	Signed
10.	Hon. Chandaa Devi	Signed
11.	Hon. Chandra Dev Joshi	Blank
12.	Hon. Chhimi Lama	Signed

13.	Hon. Jay Prakash Prasad Gupta	Signed
14.	Hon. Dama Kumari Sharma	Signed
15.	Hon. Dhruva Angdambe	Signed
16.	Hon. Narahari Acharya	Signed
17.	Hon. Nabindraraaj Joshi	Signed
18.	Hon. Narayanman Bijukchhe	Blank
19.	Hon. Neelam KC (Khadka)	Blank
20.	Hon. Purna Prasad Rajbanshi	Signed
21.	Hon. Prativa Rana	Signed
22.	Hon. Prem Bahadur Tamang	Signed
23.	Hon. Buddhi Ratna Manandhar	Signed
24.	Hon. Bharat Pratap Shah	Signed
25.	Hon. Mahendra Prasad Yadav	Signed
26.	Hon. Mahesh Chaudhary	Signed
27.	Hon. Aftaf Alam	Signed
28.	Hon. Mangal Siddhi Manandhar	Signed
29.	Hon. Ram Kumar Sharma	Signed
30.	Hon. Ram Chandra Jha	Signed
31.	Hon. Ram Janam Chaudhary	Signed
32.	Hon. Lucky Sherpa	Signed
33.	Hon. Bishwo Bhakta Dulal	Signed
34.	Hon. Sarad Singh Bhandari	Signed
35.	Hon. Shanti Devi Chamaar	Signed
36.	Hon. Shanker Pokhrel	Signed
37.	Hon. Santa Bahadur Nepali	Signed
38.	Hon. Santoshi BK	Signed
39.	Hon. Sarvadev Prasad Ojha	Signed
40.	Hon. Sabitra Gurung Dura	Signed
41.	Hon. Sita Kumari Poudel	Signed
42.	Hon. Suryaman Gurung	Signed
43.	Hon. Hitman Shakya	Signed

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Preliminary Draft of Restructuring of the State and Distribution of State Power Committee

Article	Subject/ Heading	Proposed Provisions to be incorporated in the Constitution	Parts/Articles of the Constitution in which the provisions should be incorporated	Justification and interpretation
1	Preamble	<p>Whereas the progressive restructuring of the state is deemed necessary to solve the country's existing class-based, ethnic, linguistic, regional, gender-based and community-wise problems; and establish Nepal as a proportionate federal republic with fully inclusive democracy by eliminating the unitary and centralized structure of Nepal;</p> <p>Whereas it is considered necessary to create autonomous, self-ruled and fully authoritative states, local units and special structures for political, economic, social, cultural, linguistic and physical development of the country by keeping Nepal's national sovereignty and independence intact;</p> <p>And whereas it is desirable to guarantee the proportionate participation and rights of all people belonging to different ethnicities, regions, genders and communities in the state organs and also to build peaceful, sovereign, secular, equitable, and prosperous Nepal by separating powers in the center and dividing it among the federation, states, local units and special structures;</p>	To be incorporated in the preamble	<p>It is necessary to make progressive restructuring of the state to transform Nepal into a fully democratic, federal and republican system of government by ensuring proportionate and inclusive participation of people belonging to all classes, communities, ethnicities, regions, genders, minorities and backward communities in the governance and allocation and utilization of country's resources;</p> <p>This is necessary to clearly state the provision relating to the state restructuring and separation of state power in the preamble of the constitution to be written by the Constituent Assembly</p>

2	Definition	<p>Unless otherwise stated depending on the context and situation:</p> <ol style="list-style-type: none"> a. "Federation" shall mean the highest level of federal structure. This word also denotes different states, local units and special structure of federal Nepal. b. " State" shall mean the area and structure of the federal unit of Nepal c. "Local Level" shall mean village-body and municipality to be established under the federal state. d. "Special Structure" shall mean autonomous region, special region and protected areas to be established within the state. e. " Autonomous Region" shall mean area having domination of a particular ethnic or lingual community to be established within the state f. "Protected Area" shall mean area not covered by the autonomous and protected areas, which is economically and socially backward or the geographical unit to be established for the special development of the area. g. " State Power" shall mean the authority related to the Executive, Legislatives and Judiciary h. "List" shall mean a list that specifies the rights provided by this constitution to be used by the autonomous regions established under federation, state, local unit and special structure. And this word shall also denote the common list stated in the constitution. 	To be incorporated in the Definition part	Since Nepal's existing political structure would be changed and the state authority would be restructured into federation, states, local units and special structures, the terms and words to be used for the purpose of federal structures should be clearly defined so that there would be uniformity in and there would be no ambiguity in meaning.
3	State restructuring and Structure of the State Power	<ol style="list-style-type: none"> 1. The exercise of Nepal's state power shall be used by federation, states, local unit and special structure as mentioned in the constitution. 	To be incorporated in the part concerning exercise of state power and structure	This provision is incorporated considering the need for exercising the state power by the federation, state, local unit and special structure in the federal structure within the jurisdiction stated by the constitution.

		<p>2. The federation, states, local units and special structures shall protect and preserve Nepal's national unity, integrity, sovereignty and country's long-term interest, overall development, human rights, rule of law, separation of power, control and balance, equitable and pluralistic society based on ethnic equality, multi-party competitive democratic system and the rights of proportionate and inclusive representation and identity.</p> <p>3. The identity, self-rule and autonomy of the indigenous people and indigenous nationalities living in the state, local unit and special structure shall be guaranteed.</p>		<p>The federation, state, local unit and special structure, while exercising the state power, need to respect the fundamental principles of federal system, democratic governance. In addition, they should also take into account the national unity, sovereignty, long-term interest of the country, identity of the Nepali people, self-rule and autonomy.</p> <p>Its exercise is expected to create Nepali people's federal republican, self-ruled and prosperous nation with emotional and strong unity among the people.</p> <p>For this, federation, state, local unit and special structure must follow and guarantee the democratic principles and values and identity, self-rule and co-existence of all Nepali people living in the areas must be guaranteed.</p> <p>This provision has been made to ensure the identity, self-rule and autonomy of the indigenous people and indigenous nationalities living in the areas under the state, local unit and</p>
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4	Structural Tier of Federal Nepal	<ol style="list-style-type: none"> 1. The main structure of federal Nepal shall be of three tiers that includes federation, state and local. 2. There shall be Executive, Legislatives and Judiciary in federation and state established as per the sub-Article (1) 3. There shall be an elected council in the local unit formed in accordance with the Sub-Article (1) with legislative, executive and judicial authority to be exercised under the regional laws as per the Appendix 6 of the constitution. 4. There shall be autonomous areas and protected areas within the state as per Article 8 as special structure in addition to the mains structure as per the sub-article (1). 5. There shall be an elected council in the autonomous region formed in accordance with Sub-Article (4) with legislative, executive and judicial authority to be exercised under the regional laws as per the Appendix 7 of the constitution. 		<p>special structure.</p> <p>This provision is incorporated to address the voices raised by different classes, ethnic, regional, linguistic and gender communities and also the voices and concern raised during the Madhesh movement; ensure proportionate representation and rights in the state organs; transform the unitary and centralized system of governance into a federal structure so that it would address the problems of the people who have suffered discriminations; guarantee the people's genuine representation and access to state organs and decision making.</p> <p>Federation and state exercise legislative, executive and judicial rights within the jurisdiction specified by the constitution. For this, there is the need for legislative, executive and judiciary as the organs of the state, which made it necessitated to have this provision</p> <p>There shall be an elected council to run the affairs of the village body and municipality. This provision is made to ensure that such bodies would have the authority to exercise legislative,</p>
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				<p>executive and judicial rights under the regional laws and also under the rights listed in the constitution.</p> <p>The three main structures may not address the concerns of the people belonging to some regional, ethnic and lingual communities. This provision intend to ensure that, while creating autonomous areas, such people should be identified and it should be ensured that such people will be able to exercise rights relating to self-rule and autonomous right as per the federal system of governance and also be able be involved in the governance. With this objective in mind, the provision of special area has been incorporated to ensure the representation, self-rule and access to governance and decision making of the minorities, endangered groups, marginalized communities in some areas.</p> <p>The provision of an elected body in the special structure would be democratic and a council would serve as an elected body. This provision has been made to ensure that such council exercises the legislative, executive and judicial rights listed in the constitution strictly abiding the regional laws.</p>
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		<ol style="list-style-type: none"> 1. If two-third majority is not attained and so not approved while following the procedures as per Sub-Article (5), then a referendum could be held in the concerned Provinces. 		<p>After two-third majority decision of the Provincial Legislature, it has to be approved by two-third majority of the Federal Legislature. However, for any reasons if two-third majority is not received, this provision has been made to hold a referendum in the concerned provinces in order to decide through people's vote.</p>
		<ol style="list-style-type: none"> 2. As per the decision of the referendum held in pursuant to Sub-article (4) and Sub-article (6), the Federal Legislature can amend the Constitution. 		<p>As the decision of the referendum is the decision of the people, this provision has been made as it would be mandatory to amend the Constitution accordingly.</p>
		<ol style="list-style-type: none"> 3. The two-third majority approval by the Federal Legislature as per Sub-article (3), Sub-article (4) and Sub-article (5) and the referendum as per Sub-article (4) and Sub-article (6) and other measures shall be as carried out by the Federal Legislature as determined by the law. 		<p>As the procedure for changing the name of the province, for provinces merging together, creating a new Province and adjusting with one another the provincial borders, and holding a referendum for it should be determined by law, and since the Federal Legislature should draft such laws, thus this provision has been made.</p>
5	Creation of State	<ol style="list-style-type: none"> 1. Federal Democratic republican Nepal shall be divided into 14 autonomous states by putting an end to the existing unitary and centralized state structure. 2. The names and areas of the states created in accordance with the sub-article (1) shall be as specified in the Appendix 1 of the constitution 3. The amendment of the names of the state shall be taken by a two-third majority of the respective state legislative. The decision shall be recommended to the federal parliament by the concerned state government which shall 		<p>Identity and capability have been taken as the main basis for state creation. Under identity basis, fall the ethnic/community, linguistic, cultural, and historical continuity. The capability basis includes economic inter-dependence, economic capability, status of infrastructures and their viability, availability of natural resources and administrative accessibility. Nepal is a multi-ethnic, multi-</p>

		<p>needs the approval of the federal parliament by a two-third majority.</p> <ol style="list-style-type: none"> 4. If the amendment proposal under sub-article (3) concerning the amendment of names of states is rejected by the federal legislature, the concerned provincial legislature, if felt necessary, may conduct referendum of the people within the state on this subject. 5. In case of necessity to merge states or change the boundary of state or create an additional state, the concerned provincial legislature shall decide by a two-third majority. This requires endorsement of federal legislature by a two-third majority on the recommendation of the provincial government. 6. A referendum can be conducted in the concerned states if the procedures under sub-article (5) fail to get endorsement of federal legislature. 7. The federal legislature shall amend the constitution in accordance with the verdict of the referendum conducted under sub-articles (5) and (6) 8. The provision concerning the amendment by a two-third majority of the federal legislature under sub-article 3, 4 and 5 and the provision concerning referendum under sub-article 4 and 6 shall in accordance with the laws and procedures decided by the federal legislature. 9. The capital of the states shall be as per the provision in the Appendix 1. In case of change of the capital of the states, the place shall be as per the decision made by the provincial legislature. The procedures to change the capital of the states shall be as per the decision of the provincial legislature. 		<p>lingual, multi-cultural, multi-religious and geographical diverse country. On the basis of origin, Nepal is a country of four main races—Aryan, Mongoloids, Austriacs and Dravidians. Four main languages are spoken in Nepal which include Indo-Aryan, Tibeto-Burman, Austriac and Dravidian. Religiously, Nepal is a country of different faiths—Hinduism, Buddhism, Islam, Jainism, Kirat and Sikhism. On the basis of geography, Nepal has been divided into Himalayan, Mountainous, Valleys and Terai-Madhas. Identity and capability, thus, have to be taken into consideration on the basis of some specific principles while creating the states. The states created on these bases would be able to exercise autonomy and self-rule. Nepal, therefore, has been divided into 14 states by restructuring the existing unitary structure into a federal democratic republic.</p> <p>This provision has been incorporated because the names of the states created on the basis of identity and capability, their geographical area and boundary have to be clearly specified.</p> <p>Since the issue concerning the amendment of names of states is related to the provincial legislature, which should be</p>
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				<p>endorsed by the federal legislature, this provision has been included because the provision requires a two-third majority of both provincial and federal legislature.</p> <p>On the issue concerning the change of states, a two-third majority of the provincial legislature is required. Only then federal legislature may endorse by two-third majority. If the proposal fails to garner a two-third majority, the concerned state, if deemed necessary to change the name, may go for referendum to decide this issue by the verdict of the people within the state.</p> <p>There is a likely hood of arising of a situation to merge states or creating a new state from within the existing state, the right to merge states and separate should be ensured. If the decision of provincial states is not done scientifically, the border of states should be changed. For the merger of states and separate from state or change the border of the state should be decided by a vote of one-third majority of the provincial legislature and endorsed by federal legislature by two-third majority on recommendation of</p>
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				<p>the provincial government. This provision has been made to facilitate this process.</p> <p>The federal legislature has to endorse by two-third majority the decision of the provincial legislature made by a two-third majority on the above subject. If two-third of federal legislature majority cannot be garnered for some reasons, the provision of referendum has been made to decide this issue by the verdict of the people directly.</p> <p>Since the decision of the referendum will be the decision of the people, the opinion of the people also seems to be necessary for the amendment in the constitution. The provision has, therefore, been incorporated.</p> <p>This provision has been incorporated because the procedures concerning change of names and border of states, their merger and separation and also the procedures concerning the referendum should be done as per the laws and such laws should be made by the federal legislature.</p>
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				<p>It is under the jurisdiction of the states to decide the place for the state capital. This provision has been made because the capital of states has to be decided until the formation of the provincial legislature. The change of state capitals can be done taking into account the economic, social, geographical, administrative conditions, physical infrastructures and possibility of expansion. This provision has been made because the provincial legislature has to make decision on the procedures concerning the state capital.</p>
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6.	Capital of the Federation	1. The capital of the Federation shall be a location determined by the Federal Government.	To remain under the section of Federal provisions	This provision has been made as it would be appropriate for the Federal Government to determine the location for the capital of Federal Nepal.
		2. The location determined as per Sub-article (1) can be changed by a two-third majority of the Federal Legislature.	To remained under Federal provisions	As it may be necessary to change the location of the Federal capital determined by the Federal Government, this provision has been made to do so with a two-third majority of the Federal Legislature.
7.	Formation of the local level, and area demarcation	1. Gaon palika (Village Council) and Municipality shall be provided as the local level of government under the provinces constituted as per this Constitution.	To remain under the Section or Article relating to different levels of structure of Federal Nepal	This provision has been made as village council and Municipality shall be provided as the local level of government under the Provinces established under the Federal structure.
		2. The Federal Government shall assign fixed criteria to the Provincial Government to determine number and area of the local level. While assigning the criteria, the Federal Government shall consider homogenous population, geographical and administrative accessibility, density of population, transportation facilities, availability of natural resources, and the cultural and community aspect of the people living in the area		Though the determination of the number and area of the local level is a matter of the Provincial Government, it would be essential and practical to maintain uniformity and similarity in the structure and other provisions of the local level under all the Provinces. So this provision has been made as the

		concerned.		Federal Government shall assign fixed criteria on this matter to the Provincial Government, and as attention needs to be paid on different bas
		3. On the basis of the criteria assigned by the Federal Government as per Sub-article (2), the Provincial Government shall constitute a high-level Commission in order to determine the name, number and area of the local level. The Commission shall maintain uniformity as far as possible in the formation of the local level to run the local autonomous government.		It shall be appropriate for the Province to determine the name, number and area of the local level to remain under the Province. As a study and analysis would be essential to determine the number and area, and name the local level (of government), and since the work of area determination and demarcation is mostly technical, the Provincial Government shall constitute a commission including experts who have experience of study and analysis in the field. The Commission shall consider the criteria fixed by the Federal Government and give priority to lessening the number of existing local level (of government) and carry out a study to decrease the number of existing Village Development Committees and increase the number of Municipalities, and maintain uniformity as far as possible in the formation of the local level to ease local autonomous governance. So, this provision has been made as it would bring uniformity in the local level structures.
		4. The number, border and area of the local level to be formed as per Sub-article (1) should be determined within one year of the formation		This provision has been made as the work of determining the number and area of the local

		of the Provincial Government as per this Constitution.		level should be held within a specific time period after the Provincial Governments are formed as per the Constitution.
		5. The existing local level shall continue until the local body as per Sub-article (1) is formed.	To remain under the Section or Article related to transitional provisions	As the local levels would be formed only after the Provincial Government is constituted, and since the formation of the Provincial Government would take some time, this provision shall be made as it would be appropriate for the existing local level to continue until the formation as such takes place.
		6. Other provisions related to the formation and structure of the local level shall be as determined by the Provincial laws.		This provision has been made as except those provided for in the Constitution other provisions related to the formation and structure of the local level shall be governed by the Provincial law.
8.	Provisions related to special structures	1. As per Article (4) of the Constitution, apart from the main structure, an area with majority of an ethnicity/community or linguistic community or with dense population within a Province shall be maintained as an autonomous region.	Under Section or Article related to special structure	The main structure shall be of three levels, but as that would not be able to incorporate the issues specially of some indigenous nationalities, oppressed communities and linguistic groups, such areas within the Province needs to be identified. And thus this provision has been made to form autonomous regions under the special structure for the people living in the autonomous region to exercise, as per the federal system of governance, self-rule and autonomy and take part in the state governance, along with their identity.
		2. Apart from Sub-article (1), any region shall be		This provision has been made as

		maintained as a protected area in order to protect and promote the ethnicity/community, cultural area, declining and marginalized ethnic groups who are in the extreme minority		any areas could be maintained as protected areas in order to protect and promote the ethnicity/community, cultural area, declining and marginalized ethnic groups who are in the extreme minority inside the Province.
		3. The backward or areas which have remained behind in socio-economic terms and not covered by the area as per Sub-article (1) and (2) or to develop any subjective area within the province, any specific geographical area shall be maintained as a special zone.		This provision has been made as any specific geographical area could be maintained as a special zone to develop the area of subjective area that have remained backward or behind in socio-economic terms within the province concerned, and also not covered by the autonomous region and protected areas within the province.
		4. The autonomous regions to be formed under the Province as per Sub-article (1) shall be as provided in Schedule 2. The Provincial Government shall constitute a high-level Commission in order to recommend for the formation of any additional new, apart from the autonomous regions as provided for in the Schedule. The formation of the autonomous regions for the first time should be completed within one year of formation of the Provincial Government.		This provision has been made in order to enlist in the Constitution the list of autonomous regions to be formed under the Province, for the Provincial Government to form a Commission to identify such areas within the Province and form new regions as per the need. And this provision has also been made as the formation of the autonomous regions need to be carried within a specific time period after the Provincial Government has been formed.
		5. If the name and number of the autonomous regions as per Sub-article (4) needs to be changed, and needs to be adjusted then a recommendation of the concerned Provincial Legislature for the same needs to be approved by two-third majority of the Federal		The name, number and adjustments of the autonomous regions enlisted in the Constitution will be necessary. And this provision has been made as it would be appropriate for the concerned Provincial Legislature

		Legislature.		to carry out the task.
		6. The protected area and special zones as per Sub-article (2) and (3) can be formed by a majority decision of the concerned Provincial Legislature.		As the matter of formation of protected region and special zone within the province is an area of jurisdiction of the concerned Province, this provision has been made to establish them with a majority decision of the Legislature of the Province.
		7. Other provisions related to autonomous region, special zone and protected area shall be as determined by the Provincial law.		This provision has been made as it would be appropriate for the provincial law to determine other measures related to the autonomous region, special zone and protect areas under the Province.
9.	Sharing of power among the Federation, local level and special structures	1. The Federation shall have the right over the subjects mentioned in Article (3) of this Constitution. The Federal Legislature shall formulate laws in subjects provided for in Schedule (3) of this Constitution.	To remain under Section of Sharing of Powers	As the subjects mentioned in Schedule (3) are not subjects of jurisdiction of any particular province but of the nation as a whole, it shall be effective if the Federation formulates the law by itself. And since it is an exercise and trend in other Federal countries to include such subjects under the power of the Federation, it has been enlisted under the powers of the Federation. This provision has been made for the Federal Legislative to formulate laws on subjects mentioned in Schedule 3 by exercising legislative powers.
		2. The power of the province shall rest on the subjects mentioned in Schedule 4 of this Constitution. The Provincial Legislature can formulate laws on subjects outlined in Schedule 4 of this Constitution, and to be		The powers outlined in Schedule 4 are not a matter of concern nationwide but that which could be administered and managed by the Province, and of the nature to be governed by the Province, the

		effective within its province.		aforementioned subjects have been included under the powers of the Province. And this provision has been made to authorize the Provincial Legislature to formulate law for the autonomy and self-rule of the province on such matters.
		3. No matter whatsoever is written in this Constitution, on areas of common list as mentioned in Schedule 5, the Provincial Legislature can formulate necessary laws on the basis of the fundamental principle, standards and framework of legislation determined by the Federal Legislature.		The nature of the subjects mentioned in the Schedule 5 fall into a matter of concern for both the Federation and province level, so cooperation of both the Federal and Provincial levels is necessary to exercise and adhere to the powers. As a result, there is a practice to include such areas under a common list. For use of the common list, both the Federation and provincial level can formulate laws. So since there could be a possibility of the law of Federation and province contradicting against one another, this provision has been made for the Federal Legislative to develop a specific guidelines or the fundamental principle, standards of framework of legislation, and on this basis, the Provincial Legislature can formulate necessary laws.
		4. Along with the legislative powers outlined in Sub-article (1) and (2), the Federation and province shall have executive and judicial powers in pursuant to this Constitution.		This provision has been made as the legislative, executive and judicial powers are necessary on subjects of powers listed by the Constitution for the Federation and province, and also to guarantee self-rule and autonomy through it.

		<p>5. The powers of the local level (of government) shall be as provided in Schedule 6 of the Constitution. The local level can formulate necessary laws on subjects outlined in Schedule 6. If laws formulated as such contradict with the provincial laws, then they will automatically be annulled to the extent of contradiction.</p>		<p>The local level shall remain as the lowest level of the Federal structure and since it will be the first point of access to the people, it would be appropriate to enlist in the Constitution as local level powers on matters of public concern and the areas that would be effective, useful and practical if governed by the local level. Also the local level needs to formulate laws that don't contradict with the provincial law, and in case of contradiction it has been provided here that the local level law would be inactive.</p>
		<p>6. Along with the legislative powers of Sub-article (5) the elected council at the local level shall have executive and judicial powers.</p>		<p>This provision has been made to provide the local level executive and judicial powers along with legislative powers, and give the powers to the elected council at that level.</p>
		<p>7. The powers of the autonomous region under the special structures shall be as mentioned in Schedule 7 of the Constitution. The autonomous region can formulate laws to be effective in the region, in areas mentioned in Schedule 7. If laws formulated as such contradict with the provincial law, they can be automatically annulled to the extent of contradiction.</p>		<p>It is necessary for the Constitution to enlist powers for self-rule and autonomy of the autonomous region under the special structures, and on the basis of that list the autonomous region can draft laws to be effective within the region. And this provision has also been made as the laws formulated by the autonomous region may contradict with the provincial law, and if so the law of the autonomous region shall be automatically annulled.</p>
		<p>8. Along with the legislative powers of Sub-article (7), the elected council under the autonomous region shall have executive and</p>		<p>This provision has been made as the elected council under the autonomous region would require</p>

		judicial powers.		executive and judicial powers along with legislative powers for the self-rule and autonomy of the autonomous regions.
		9. The powers of special zone and protected areas to be formed under the special structures in pursuant to this Constitution shall be as determined by the provincial law.		As the province shall establish the special zone and protected areas under the special structures, this provision has been made as the powers of such areas should also be managed by the provinces.
		10. The statements in Sub-article (5) and (7) shall not be regarded as obstructing the Provincial Government from granting additional powers by the law to the local level and special structures, in areas under its list.		This provision has been made as the province could give additional powers to the local level and special structures on areas within its jurisdiction.
		11. The Federal Legislative shall have the power to formulate laws in areas not mentioned in the list or the common list of the Federation, province, local level and autonomous regions under the special structures, and on areas not determined in this Constitution and legislations under the Constitution.		As it would invite problems if it is not clear which level would formulate and regulate laws that don't fall on the list of powers of any level in the Constitution, and as it would be uniform and effective if the subject is to be government by the Federation, this provision has been made to give the Federal Legislature the right to formulate laws on areas that falling in the list of any level and also in the common list.
10.	Inter-relations among Federal Units	1. The relations among the Federation, local level and special structures shall be based on the Principle of cooperativeness, coexistence and coordination.	To remain under the section on inter-relations between the federal units.	As relations based on the principles of cooperativeness, coexistence, mutual agreement and coordination was essential in order to avoid any dispute over the exercising of powers among the different levels of government in the Federal structure and on matters of mutual interest and concern, this

				provision has been made to develop mutual support and coordination.
		2. In order to manage the mutual relations between the provinces, the Federation shall carry out necessary management role.		This provision has been as the Federation will have to aid and manage issues of multi-provincial concern in order to manage the mutual relations between the provinces.
		3. If two or more province makes a request before the Federation Legislature to draft laws on areas mentioned in Schedule 4, the Federal Legislature shall draft necessary laws.		The legal provisions between two or more provinces on areas in the list of the province could be different. So a request could be made to the Federal Legislature to formulate the law in order to avoid any legal problems on matters of common concern between two or more provinces. So this provision has been made as the Federal Legislature could formulate law on such areas and management the relations of such provinces.
		4. On matters of national importance and on areas to coordinate among the provinces, the Federation can, pursuant to the Constitution and law, issue necessary directives to all the provinces and its shall be the duty of the province concerned to adhere to the directive.		Subjects of national importance are inter-related with all the provinces, and it would be appropriate and practical for the Federation to manage the issues of common concern between the provinces. So, in such a situation, the Federation needs to maintain uniformity by issuing directives to all the provinces, this provision has been made for the Federation to issue executive order and directives to the province, but without intervening in the powers of the province.
		5. If any province carries out an act that would hurt national sovereignty, integrity and the		If the province carries out any act to hurt the country's

		law and order of the country, the Head of State, on recommendation of the Federal Government, can alert the province, dismiss or dissolve the Provincial Government and Legislature, as required.		sovereignty, integrity and law and order, the Federal Government needs to control and manage that immediately. And this provision has been made as provisions of alerting, dismissing or dissolving the provincial government or legislature has to be made under the control mechanism.
		6. If the Government or Legislature of any province is dismissed or dissolved as per Sub-article (5), it has to be approved by a two-third majority of the Federal Legislature within 35 days of such a dismissal. But if it is not approved by the Federal Legislature, such as order will be regarded as automatically inactive.		This provision has been made to make the Federal Government accountable and responsible so that the Federal Government cannot dissolve or dismiss any province accusing it of hurting the country's sovereignty, integrity and law and order, and to have it approved by the Federal Legislature.
		(7) The election to provincial parliament will be held within six months in such state if approved by the federal legislature pursuant to clause (6).		This provision has been made to accomplish the task of election required to form the government and legislature in such province where necessary to dissolve the provincial legislation by the federal government and the move is approved by the federal legislature and when elections are deemed necessary to be accomplished on stipulated time.
		(8) Federal rule will remain in place in such state until the elections are held pursuant to clause (7).		The federal rule has been planned for maintaining peace and order by running the provincial system of the state until elections are held in above given manner.
		(9) One state is required to assist another state in the implementation of legal provision or judicial and		This provision has been made to harmonize mutual cooperation

		administrative decision or order.		and relations between the states and for the implementation of legal provision or judicial and administrative decision of one-another.
		(10) One state may exchange information with another state on the topics of common concern and interest, consult and coordinate on its functions and regulations and can extend mutual cooperation.		In the federal system the laws may differ even on the same topic between two states as one state can enact laws on subjects which are in the list of its rights. Except that some issues are of common concern and nature. Therefore, this provision has been made to inform about the legal provision and as it shall be needed to exchange information of common concern and interest of each other.
		(11) One state has to provide the citizens of another state with equal security and facility according to own laws.		This provision is to ensure a person who is, regardless of living at any state, a citizen of Nepal and deserves equal rights and facility.
		(12)The Federation may assist and direct the local level and special composition through the related state pursuant to the constitution and existing laws.		As the relation between federation, local body and special composition are based on the list of shared rights enshrined in the constitution, mutual cooperation, coordination and good relation in addition to the existing laws, the federation in accordance with the constitution and existing laws may provide necessary support and direct such body or special composition, as has provided by this provision.
11.	Provision concerning resolution	(1) An inter state council will be set up to avert any dispute between federation and the state and among states and to resolve the prevailing dispute or to recommend the unresolved matters to the federal	To remain in the part or article concerning resolve of dispute among the federal units.	The Inter State Council may be an important mechanism to find ways to avert any dispute between the federal units, to

	n of dispute between federal units	<p>legislature. The council shall have following members:</p> <p>(a) Executive Chief - Chairperson</p> <p>(b) Federal Home Minister- Member</p> <p>(c) Federal Finance Minister - Member</p> <p>(d) Chief of states - Member</p>		<p>resolve the seen dispute and to identify and mitigate such areas of dispute. Such council may regulate the inter-relation between federation and state and among the states, not let grow any dispute between federation and state, to resolve the erupted dispute and to refer the unresolved issues to federal legislature for the solution. This provision has been made to help resolve the dispute with the involvement of powerful and representation of all concerned sides including the Executive Chief as Chairperson and Federal Home Minister, Finance Minister and Chief of the states as members of inter-state council.</p>
		<p>(2) Pursuant to clause(1) the council may summon federal minister and state minister and specialist concerned at the meeting of the council as per need.</p>		<p>This provision has been made as the inter state council may summon the concerned ministers and experts for necessary discussion and consultation and federal minister for related topic, state minister for related topic and expert to find ways to prevent the dispute or to identify and resolve their reasons.</p>
		<p>(3) Pursuant to clause(1) other arrangement regarding the work procedure of the council will be determined by laws.</p>		<p>This provision has been made for regulating the arrangements concerning work procedure of the inter-state council and other topics by laws.</p>
		<p>(4) The matters referred from the inter state council and deemed necessary by the federal legislature may be resolved through discussion at the federal legislature meeting.</p>		<p>As the federal legislature is supreme political body of the elected representatives of the people and represented by people from all over the country,</p>

				the meeting of the federal legislature is assigned to resolve the dispute between federation and state and among the states as referred by the inter state council or deemed necessary by the federal legislature for any such disputes between the federal units which may required to be settled through discussion and consultations and for such resolve by the mechanism will remain effective. Such disputes especially with the political question fall in the subjects that cannot be settled or resolved by the judiciary.
		(5) The process of resolving the dispute pursuant to clause(4) will be as determined by federal legislature by making laws.		This provision has been made as it is deemed appropriate to decide over registration of dispute at the federal legislature, to hold discussion and decision making process be taken up by making laws by the federal legislature.
		(6) If failed to be resolved by the federal legislature pursuant to clause (4) or the federal legislature deemed it to be necessary, the dispute can be recommended to the federal government for referendum.		Several political topics come across the federal units may be important or complex. This provision has been found worthwhile and made for resolving complex matters proposed by the federal legislature through a referendum, if they can not be discussed and decided by the federal legislature and required people's vote for settlement.
		(7)Referendum can be organized at the state level for resolving the matter within a state or among states and at national level for an entirely national issue.		This is provided for resolving the disputed matter of national interest through national

				referendum and the state level matter through plebiscites within the concerned states over any disputed matter related to one particular state or in the interest of two states.
		(8) Other provisions concerning the referendum will be as determined through laws by the federal legislature.		This is provided for federal legislature to determine other provision concerning the referendum by making laws.
		(9) If any dispute rose among state and local level or state and special compositions or local levels or local level and special compositions or areas under the special composition, legislature of concerned state may resolve it through discussion.		Disputes may rose between state to be constructed under the federal composition and local level and areas under the special composition. The resolve of such disputes through discussion at the political level shall be effective. The state legislature may be suitable mechanism for this, therefore the provision is provided here.
		(10) The process and procedure of resolving the dispute according to clause (9) shall be as determined in laws by the state legislature.		This provision has been made as the process and procedure of state legislature for resolving any dispute shall required to be provided by laws.
		(11) If any dispute rose among federation and state, state and state, state and local level, state and special composition and local level and areas of special composition over the enlisted rights of constitution or in the topic of interpretation of constitution, constitutional court shall have the rights to initiate action and settle such dispute.		Among governments in the federal system constitutional and legal disputes arise over use and upholding of rights. Such disputes must be resolved according to the constitution and laws. For that, the exercise of judicial mechanism can be found in federal countries. Constitutional court, supreme court, high court and judicial bodies fall under such mechanism. Disputes may arise between federation and state,

				state and state, state and local level and state and areas of special composition over the use and upholding of constitution and over the interpretation of the constitution. Constitutional disputes varies in nature to other legal disputes. Therefore, the judicial system for resolving such disputes are different. Thus the provision for constitutional court has been made to speed up and make effective the dispute resolution by the limited jurisdiction of looking after the federal units to be lied on the constitutional court and merely for the constitutional disputes.
		(12)The constitutional court consists of one chairman and five members.		In such constitutional court there shall be five members including the chairperson and their appointment process, eligibility and terms of conditions are provided as to the chief justice and other justice of the federal supreme court. The chairperson and members of the federal constitutional court will be appointed principally on inclusive and proportionate manner.
		(13)The appointment process and eligibility of chairman and members of the constitutional court shall be similar to that of chief justice and other justice of the federal supreme court.		
		(14)The remuneration, terms of condition and other perks of chairman and members of the constitutional court shall be similar to the chief justice and justice of the federal supreme court.		
		(15) The procedure and the process of the		This provision has been made for

		constitutional court to resolve any dispute shall be as provided by laws.		the constitutional court to determine by laws the process and procedure of resolving the dispute.
		(16) The decision of constitutional court shall be final in the topics of clause(11).		The constitutional court initiates and gives its verdict on dispute over rights among the federal units and interpretation of constitution. Provision has been made for taking the verdict as final as the court being the top tier and using the constitutional rights resolves the dispute on constitutional issues.
		(17) The concerned state high court shall have the right to initiate action and give final verdict on any legal dispute rose between local level and areas under the special composition, local levels and areas to be established under the special composition.		Rights of local level and special composition made under the state will be enjoyed by such body as prescribed in the constitution. The state shall, otherwise the issues in the constitution, allocate the rights to local level and special composition even on the issues fall in the state list. In such situation, legal disputes may rose between local levels, special compositions and local level and special composition. This provision has been made to initiate action and resolve them through the state high court in terms of geographical comfort and in swift manner.
		(18)The decision of state high court on constitutional issue can be challenged at the constitutional court by lodging an appeal.		This provision has been made as it may help check the decision of the state high court at the constitutional court as an appeal.
		(19)The procedure of state high court for resolving the dispute noted in the clause(17) shall be as provided by laws.		The state high court should adopt certain procedure to resolve the dispute and this provision is

				made to determine the procedure by state laws.
		(20) Notwithstanding anything contained in the clause (1) to (19), for the solution to dispute between the federation and state, state and state, state and local level, state and special composition, special compositions and local levels, the alternative ways including the bilateral or multilateral talks, reconciliation, coordination and mediation can be adopted.		Solution to all disputes rose between the federal units may not be effective only through the court proceeding, some legal dispute and misunderstanding can be effectively solved through alternative ways. Such process raises mutual understanding and cooperation between the federal units and eventually help to make success the federalism. This provision has been made to adopt bilateral and multilateral talks, reconciliation, coordination and mediation under this.
		(21) The procedure and other subject for resolving the dispute as mentioned in the clause (20) shall be as provided by federal laws.		This provision has been made as the matter including that of procedure for resolving the dispute under such process are appropriate to be determine by federal laws.
12.	Rights of self-determination	(1) Tribal people, indigenous nationalities, Madheshi shall have the rights of self-determination internally and locally in the form of politics, culture, religion, language, education, information, communication, health, settlement, employment, social security, financial activities, commerce, land, mobilization of means and resources and environment. These will be fixed by making laws.	To remain in the part of fundamental rights.	Tribal people, indigenous nationalities shall have rights to work freely at their area both internally and locally. Concerning their rights the covenant regarding the Civic and Political Rights of the United Nations, 1966, International Covenant of the United Nations Regarding Social, Economic and Cultural Rights, 1966, Declaration of United Nations Regarding the Indigenous Nationalities, 2007 and ILO Treaty on Rights of Indigenous Nationalities 169 have provisions for rights of self-determination to tribal people

				<p>and indigenous nationalities for their sectoral development in political, economic, social, cultural reform and mobilization of means and resources. Similarly, this provision has been made for them to ensure their rights of self-determination for them to work freely for the political, economic, cultural and development of social sector.</p> <p>Citizens of Bideha, Birat, Sahalesh, Simraungarh, Shaka including other federal states during the prehistorical, historic, Vedic timelines, and having united in the form of special identity and nationality as Madheshi at a juncture and compelled to lag behind by discrimination, deprivation and exploitation for millennium, the Madheshi community shall have the right to self-determination as special right for identity, access, representation at the state and natural means and resources and for giving them nationally the mobilization at local level of politics, religion, culture, language, education, social security, economic activities, commerce, land, natural means and resources and rights concerning the environment.</p>
		(2) No impacts shall be made on sovereignty, freedom, unity and regional integrity while enjoying the rights of self-determination pursuant to clause(1).		This provision has been made as the rights of self-determination may need in its use, no any impacts they have on

				sovereignty, freedom, unity and regional integrity.
13.	Provision concerning Special political rights	(1) In case of the states constructed on the basis of ethnic/community under the main composition, political parties at the time of election and during the formation of state government should give preference to the member of ethnic/community in majority at the concerned state at the main leading position. But such rights of political preference will be ineffective automatically after two tenures.		This provision has been made to ensure preference to ethnicity/community in majority at the state for the uplifting and identity to suppressed and deprived people who have no role in state power till now and for two tenures in the state made on those basis with automatic termination after the period.
		(2) The ethnic/community in majority at the autonomous area constructed under the special composition, will have political preference at the top leading level of such autonomous area. But such rights regarding the political preference will be ineffective automatically after two tenures.		This provision has been made for political preference, within an autonomous region, where one caste/community or dialect is in majority and for such area where the caste/ community and dialects are bulk in size.
14.	Women rights	(1) Women shall have following equal rights. (a) equal rights to man in parental properties, citizenship, descent and family affairs (b) Rights to share equal protection and benefit in the eyes of laws (c) Rights to get equal remuneration for same job (d) Rights to divorce	To remain in the part of fundamental rights.	In Nepali society women's political, economic and social status lags far behind and women are deprived of opportunities. In addition to that, the condition of Madheshi women and Dalit women is pathetic. As women were in unequal position to men, the provision has been made to ensure equal rights as to men on parental property, citizenship, descent and family affairs, rights to share equal protection and benefit in the eyes of laws, rights to get equal remuneration for same job and rights to divorce.
		(2) Apart from the rights mentioned in clause(1) women shall have following deserved rights. (a) Reproductive health and rights regarding		When the women's social, economic, political condition is unequal to male, the special rights for women in many of their

	<p>reproduction</p> <p>(b) Rights of safe motherhood</p>		<p>sole concerns are also not found. The reproductive area falls in women's natural and biological rights and responsibility. Under it, rights regarding reproduction, rights to get married, rights to decide the number of birth to babies, rights to safe abortion, rights of family planning, rights against force sex, rights against force pregnancy, rights of safe motherhood, rights to get necessary service and adequate nutrition after the delivery and during breastfeeding and therefore, provision has been made for ensuring these reproductive health and safe motherhood rights to be vested on women.</p>
	<p>(3) Nepal Government shall make arrangements for the need of means and resources to the provisions in section (a) and (b) of clause (2)</p>		<p>The provision for Nepal government to make laws for arranging the means and resources for ensuring reproductive health and safe maternity rights to women has been made.</p>
	<p>(4) Apart from the rights mentioned in clause (1) and (2) women will be ensured with following special rights and opportunity in below given areas.</p> <p>(a) The rights of proportionate representation along with inclusion based on population at all level and at the composition of the state.</p> <p>(b) They shall have special rights in the areas of education, health, employment and social security.</p> <p>(c) Special provisions of proportionate representation</p>		<p>As there is a belief that usually women are not able to reach the decision making level, so their proportionate representation at such bodies must be made, and when the women are not yet received the opportunity for leading the political and decision making level, the problem of women must be resolved by ending the discrimination based on class, caste and gender and women be ensured with their</p>

		and participation of women at the leading positions in policy making level shall be fixed.		participation along with inclusion at all bodies of state restructuring and by addressing the women concerns by putting to an end the prevailing discrimination, there shall have a special provision concerning women rights in the federal structure in relation to restructuring of state with federal state system. For it, on the basis of population at all level and composition of the state, this provision has been made to ensure the need of rights to proportionate representation together with inclusion. This is subject to the need for special arrangement of proportionate representation and participation with inclusion of women at leading positions at policy making level of the state and at education, health, employment and social security sectors.
		(5) The proportionate representation of Madheshi women, indigenous nationality women, and minority and Dalit women will be made in all rights subjected to women.		This provision has been made for ensuring representation of women from all area and community to the rights of women.
15.	Dalit rights	<p>(1) Dalit community shall have, economic, political, cultural, educational and the special rights in social sector, as follows:</p> <p>(a) No discrimination shall be made against any person on grounds of caste, community, genetics or occupation at any place. Such treatment will be taken as serious social crime against the humanity. The victim will be subjected to reparation in accordance</p>	To remain in the part of fundamental rights.	In Nepali society, the Dalit community is suppressed for ages and compelled to live a life of hatred because of caste discrimination and dogma of untouchability. The political, economic, social and educational status of Dalit people is far back, while the condition of Madheshi Dalit is more pathetic. This

		<p>with the laws.</p> <p>(b) The employment will be guaranteed at public, semi-government, industry and industrial institutions on proportionate basis.</p> <p>Dalit will be given priority and provided with skill and resources in their modern turned traditional occupation.</p> <p>(c) The state shall provide landless Dalit with land for one time. And also arrange for their living.</p> <p>(d) Free ship will be arranged for Dalit students from primary to higher level education. Special arrangements will be made for Dalit at higher level technical education by the laws.</p> <p>(e) Special arrangements will be made in education, health and employment for social welfare of Dalit. Along with, they will be provided with skill and resources for their economic gain.</p>	<p>provision has been made to end suppression of this community and for the need of special rights to Dalit community in all bodies of federal, state and local level composition in the country and to make the state inclusive and for progressive restructuring.</p> <p>To end the untouchability and discrimination prevailing in the society as grave crime against humanity and as social curse, this provision has been made for making the crime a punishable grave social offense and for compensation to the victim by the laws.</p> <p>Arrangements shall be made for means and resources for Dalit community by switching their traditional occupation to modern and prioritizing Dalit people in such modern profession.</p> <p>For ensuring the need for access of landless Dalits to land ownership, this provision has been made. This provision is also made to cater the need of shelter to Dalit.</p> <p>As Dalit community is lagging behind in education sector, the state shall make special arrangements for scholarship from primary to higher education and at the higher technical</p>
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				education by making laws.
				This provision has been made as Dalits require education, health, employment and skill and resources for economic gain for their social progress
		(2) The laws will regulate additional three and five percent representation in federal and state composition by making provisions for proportionate representation of Dalit on the basis of population at federal, state and local level political structure.		To ensure representation of Dalit in all political composition of federal, state and local level, to make provisions for proportionate representation on the basis of population and by breaking the historical sequence of lack of access of Dalit people to state power and to ensure their representation equal to other community, as that requires additional compensation for proportionate representation to them, this provision has been made to regulate them through laws by guaranteeing in constitution their additional 3% and 5% representation at federal and state composition to make them involved in policy making.
		(3)Special arrangements shall be made by laws on the basis of inclusion and proportionate representation for empowerment, representation and participation of Dalit in civil service, police and army including other areas of employment.		To ensure the participation of Dalit community in civil service, police and army including other sectors of employment, the representation system should be implemented based on the theory of positive discrimination. As laws can ensure them the provision has been made here.
		(4)The proportionate representation of hilly Dalit, Madheshi Dalit and Dalit women will be made in all rights received by the Dalit community.		This provision has been made for the representation of Dalit and Dalit women of all sectors in all achievable rights of Dalit community.

(16)	Provision regarding the commission	(1) Nepal shall have a federal women commission. Such commission will be formed in states as well.	To remain in separate section of constitution.	Provisions have been made for constitutional commission for overall progress of women and to establish gender equity by protecting and promoting women's rights and interest and such commission will also be established at state level.
		(2) A Dalit rights commission shall be there in Nepal. Such commission shall be established in states as well.		Provisions has been made for a federal Dalit commission to render justice by developing all aspects of Dalit community with assurances for protection and promotion of their rights. As such commissions may need at state level, arrangements shall be made to establish them in states as well.
		(3) There shall be one federal Madheshi commission in Nepal. Such commission can be formed in the states as per requirement.		This provision has been made to form a powerful Madheshi Commission and commissions at the state level as per requirement to monitor and implement the representation and management of participation of Madheshi Community under the federal structure in policy making, governance, army, police, public foundations and committees on the basis of population and for proportionate representation with inclusion and as per constitutional and other legal provisions.
(17)	Rights of Madheshi	(1) Madheshi Community shall have rights of proportionate representation along with inclusion in accordance with existing laws based on population at all level and composition and also in the leading positions including at policy making, government, administration, army, police, corporation,	To remain in fundamental rights.	This provision has been made to ensure through laws the rights to proportionate representation as enshrined in the laws and on the basis of population to Madheshi community in policy making,

		development committee and academy.		government, bureaucracy, army, police, corporation, development committee and academy including all level and compositions and at the top level
(18)	Rights of endangered tribe/community	(1) The state shall in all levels of federal structure implement the special protection policy by making laws the representation of recognized endangered tribe /community, their participation and development.	To remain in fundamental rights.	Special protection is required for representation, participation and development of endangered tribe/community, distanced and excluded from the access to state power, suppressed and oppressed by the state. This provision has been made so far for the state has to make and implement special protection policy by enacting laws for representation, participation and development of such groups at all level of federal structure. The state shall make special arrangements by making laws for protection and promotion of children, culture and endangered indigenous tribes.
		(2) The state shall, for the representation, participation, protection and development of financially deprived, endangered and marginalized community, and make special provisions through laws.		
(19) Review and observation of special rights	Government of Nepal shall review and re-observe the implementation of special		To remain in special part of constitution.	Concerning the implementation of special rights to women and Dalit community and its impact, it would be nice to review and re-observe it on the basis of human development index on period basis. Therefore, this provision has been made for incorporating the condition for review and re-observation by government of Nepal with national census takes

	rights to women and Dalit community and its impact based on human development index in each 10 years along with national census.			place in every 10 years.
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Annex- 2

List of Autonomous Areas

(Related to Article 7 of the Constitution)

S.N. Names of Autonomous Areas

1.	Kochila
2.	Jhagad/ Urau
3.	Dhimal
4.	Meche
5.	Santhal
6.	Lepche
7.	Yakhya
8.	Chepang
9.	Dura
10.	Kumal
11.	Danuwar
12.	Pahari
13.	Thami
14.	Majhi
15.	Baram
16.	Thamali
17.	Chhantyal
18.	Sunuwar
19.	Danuwar
20.	Surel
21.	Jirel
22.	Helmu
23.	Byasi

Annex 3

List of the rights of Federal State. (Related to Article 9 (1) of the Constitution)

S.N. Subjects

1.	Defense and security related
2.	Central Police Force
3.	Central Bank, Fiscal policy, Monetary Policy, Foreign grant, assistance and loan
4.	Central Telecommunications, distribution of radio frequency, television and postal service
5.	Customs, excise duty, VAT, Institutional income tax, passport, visa, postal service, tourism fee, service tax
6.	Royalty from natural resources
7.	Management of central civil service
8.	Central Bureau of Statistics
9.	Large scale central power houses, irrigation and other projects
10.	Central University, central library
11.	Central Health Policy
12.	Affairs relating to Federal Legislature and Executive
13.	International trade, exchange, port, quarantine
14.	International and Inter-state civil aviation
15.	Foreign and diplomatic affairs and relating to United Nations
16.	International treaty, extradition and international border management
17.	Management of national train and national highway
18.	National intelligence and investigation
19.	Supreme Court, constitutional court
20.	Citizenship, visa, immigration related law
21.	Nuclear energy and space related
22.	Commissions of central importance including the Election Commission, National Human Rights Commission, Commission for Investigation of Abuse of Authority, Public Service Commission, National Women's Commission, Inclusive and Representative Commission, Dalit Commission, National Planning Commission, Indigenous Nationalities Commission, Madheshi Commission, Commission for the upliftment of highly minority, marginalized and backward region etc.
23.	Defense and Offensive
24.	Arms, and related to ammunition production factory
25.	metrology
26.	Mine excavation
27.	Insurance policy
28.	Formulation of criminal law
29.	Intellectual property (including patent, design, copy right)
30.	Any subject unstated in the list of rights of federation, province, local level and autonomous region or any issue not started in the common list and subjects not mentioned in this constitution and laws formulated in line with this constitution.

Annex 4

List of the rights of Province Related to Article 9 (2) of the Constitution

S. N. Subjects

1.	Provincial main law
2.	Police, administration and law and order
3.	Bank and financial institution, cooperatives, foreign assistance in grant and loan with the consent of the centre.
4.	Radio, FM, Television
5.	E Personal income tax, business tax, land revenue, remuneration tax, land and housing registration tax, automobiles tax, entertainment tax, advertisement tax, tourism and agriculture tax, service tax
6.	Royalty from natural resources
7.	Management of provincial civil service
8.	Provincial statistics
e9.	Provincial level hydro power, irrigation and other projects
10.	University, higher education, library, museum
11.	Health service
12.	Provincial legislature, and related to local governance and special structure
13.	Inter-provincial business
14.	Provincial civil aviation
15.	Provincial railway and provincial highway
16.	Federal Investigation Bureau
17.	Hydro project, irrigation project
18.	Provincial court, family court and juvenile court
19.	Citizenship and passport management
20.	Provincial level commissions
21.	Land management, documentation of land and determination of land revenue taxes
22.	Mine excavation and management
23.	Insurance management and operation
24.	Protection and use of language, culture and religion.
25.	Utilization of forest and water within the province.
26.	Agriculture and animal husbandry, industrialization, entrepreneurship, transport, production of alcoholic products, construction and buy and sale.
27.	Books and printing press
28.	Management of Trust

Annex 5

List of common rights. Related to Article 9(3) of the Constitution

S.N. Subjects

1.	Criminal and civil legal procedure, verification and oath (legal status, public work and documentation and judicial process)
2.	Supply of essential goods, price control, quality and monitoring
3.	Preventive detention relating to security of the state, management of prison and arrest and law and order.
4.	Transfer of convict, detainee and prisoner from one state to another
5.	Formulation of law relating to family affairs (related to weeding, hand-over of property, diverse, and protection of groups on the verge of extinction, adoption, heir, joint family matters
6.	Acquisition of property, acquisition and creation of rights
7.	Relating to contract, partnership and agency
8.	Related to Bankruptcy and insolvency
e9.	Medicine and chemicals
10.	Economic and social planning, family planning and population control
11.	Social security and employment, trade union and issues relating to rights and disputes of Industrialists and workers
12.	Medicine, legal and other professions
13.	Vital events like documentation of death, birth
14.	Water ways
15.	Relating to communications
16.	Relating to archaeology, historical monuments and museums.
17.	Relating to industries and mines and physical infrastructure
18.	Licensing of casino, lottery, automobiles
19.	Fire and control of natural calamities, relief and rehabilitation
20.	Tourism, drinking water and sanitation
21.	Relating to film and cinema hall
22.	Insurance
23.	Poverty alleviation and industrialization
24.	Scientific research, science and technology and human resource development.
25.	Utilization of jungle, animals, birds, Himalayas, national parks and water resources spread between provinces.
26.	Management of national and inter-state level environment
27.	Land policy

Annex- 6
List of rights of local level
Related to Article 9(5) of the Constitution

S.N.	Subjects
1	City police, community police
2	Coopertives
3	Operation of FM stations
4	Local tax, property tax, house tax, automobile tax, service tax, tourism tax, advertisement tax, land revenue tax
5	Royalty from natural resources
6	Management of local services
7	Local statistics and documentation
8	Local level development projects
9	Primary and secondary education
10	Basic health and sanitation
11	Management of local bazaar
12	Local road, villager road, agriculture road
13	Local court, mediation and arbitration
14	Citizeship, distribution of passports and documentation management
15	Distribution of land and housing certification
16	Agriculture and animal husbandary
17	Management of elderly citizens, disabled, women, single women and helpless
18	Collection of unemployment data
19	Management of agriculture, operation and control
20	Registration of vital events like birth, death and others

Annex- 7

List of rights of Autonomous areas to be set up under special structures
Related to Article 9(7) of the Constitution

S.N.	Subjects
1	Police
2	Cooperatives
3	Management, and operation of FM radio and television
4	Primary, secondary education, library and museum
5	Health service
6	Autonomous Election Council
7	Property tax, business tax, house and land registration tax, automobile tax, entertainment tax, tourism tax, land revenue tax, remuneration and agriculture income tax
8	Royalty from natural resources
9	Road
10	Hydro power, irrigation and other development projects
11	Citizenship/passport management
12	Documentation of land, certification of housing and land
13	Mine excavation and management
14	Protection of language, culture, script and religion
15	Natural resources and their utilization
16	Agriculture, animal husbandry, business
17	Service management
18	Statistics and documentation
19	Court
20	Other rights determined by the provincial government

Chapter I

1. General Introduction

1.1. The Process of Constitution Writing and Nepal's Constitutional Development

The governance of most of the countries across the world is guided by the constitution. Since the constitution determines the system of governance and the form of government, it is also considered to be the primary law of a nation. The constitution also defines the scope of three key organs of the state - legislature, executive and the judiciary - and sets conditions for checks and balances among these institutions. So the constitution is considered to be the basic document that gives guidelines to govern a nation, secures the rights of the citizens and specifies the rights and responsibilities of the government. The constitution may either be written or unwritten. The constitution promulgated by the United States of America in 1789 is considered to be the first written constitution. On the contrary, there is no written constitution in the United Kingdom.

The election of a constituent assembly, formation of a constitutional commission, holding a national referendum or a constitutional conference are the common methods of formulating a constitution. Once it is written, it has to be approved by the legislature before it is promulgated by the head of the state. Among the common practices mentioned above, the constituent assembly is considered to be the best option to write a constitution as it ensures a wide participation and representation of the people and instills in them a sense of ownership in the constitution drawn up. The United States had written its constitution through a constitutional conference, Switzerland through a national referendum, and India, Italy, South Africa and Venezuela through the constituent assembly. In Nepal, the previous constitutions had been promulgated by the head of the state while the Interim Constitutions of Nepal 2063 had been announced by the parliament with the consensus of seven political parties - Nepali Congress, CPN-UML, Nepali Congress (Democratic), People's Front Nepal, Nepal Workers and Peasants' Party, Nepal Sadhbhavana Party (Anandidevi), Leftist Front Nepal and the Communist Party of Nepal-Maoist. It came into force after it was approved by the legislature.

When we see Nepal's constitutional history, we come to know that the Government of Nepal Act 2004 promulgated during the rule of Shree 3 Padma Shumsher was the first written constitution of the country. In this constitution the sovereignty of the nation rested in the Shree 3 as did the executive powers. Though an election was held according to this constitution, not much of it came into implementation as it was soon replaced by The Interim Government of Nepal Act 2007.

The revolution led by the Nepali Congress in 2007 BS brought the 104-year autocratic Rana oligarchy to an end and ushered in a democratic system. In line with the spirit of the political change, The Interim Government of Nepal Act 2007 was promulgated to govern the nation. This constitution eliminated the privileges of the Rana prime ministers and transferred the executive powers to the King and the Council of Ministers. It also listed the fundamental rights of the citizens under the directive principles of the state. Though it had been announced at that time that Nepali citizens would be governed according to

a democratic constitution to be written by an elected constituent assembly, the fourth amendment in 2007 Constitution provisioned for a parliamentary election instead of the constituent assembly and the parliament so elected prepared and promulgated The Constitution of the Kingdom of Nepal 2015.

The Constitution of the Kingdom of Nepal 2015 was the first constitution based on multiparty parliamentary system. The major characteristics of this Constitution included a parliament elected through adult franchise and the formation of a government accountable to the people. Similarly, executive power rested in the King and the Council of Ministers and the King was considered to be a part of the parliament. However, exercising the provision of Article 55 of the same constitution, King Mahendra brought the parliamentary system to an end and promulgated a new constitution that featured a party less Panchayat system. This constitution banned the political parties and centralized all the state authorities in the King. Though it was amended for three times, it failed to incorporate the aspirations of the people and The Constitution of the Kingdom of Nepal 2047 had to be promulgated following the end of the Panchayat system as a result of a People's Movement conducted jointly by the Nepali Congress and the Leftist Front.

The Constitution of the Kingdom of Nepal 2047 provisioned a multiparty parliamentary system, constitutional monarchy, independent judiciary, rule of law, fundamental and human rights, and transferred sovereignty to the Nepalese people which would be exercised as stipulated in the constitution. Written in the agreement of the political parties, this constitution had been taken as a historic achievement of the People's Movement of 2046 BS. However, the people had not been directly involved in the process of drafting this constitution. Consequently, demands were being made to amend the constitution as per the wishes, sentiments and aspirations of the people but no such amendment took place. Meanwhile, in 2052 BS, the Communist Party of Nepal-Maoist started a People's War with reference to the 40-point political demands put forward by the United People's Front Nepal. A decade later in Mangshir 2062 BS, the Maoists signed a 12-point agreement with the seven political parties. A few months later, a massive People's Movement II took place with the participation of the seven political parties (Nepali Congress, CPN-UML, Nepali Congress (Democratic), People's Front Nepal, Nepal Workers and Peasants' Party, Nepal Sadhbhavana Party (Anandidevi), and Leftist Front Nepal) and the Communist Party of Nepal-Maoist and several other political parties, civil society, and various organizations which resulted in the reinstatement of the dissolved parliament and promulgation of the Interim Constitution of Nepal 2063.

1.2. The Declaration of the House of Representatives (HoR)

After the reinstatement of the dissolved House of Representatives, the HoR on 2063/2/4 made a declaration of constitutional significance. The declaration pledged to draft a new constitution through the constituent assembly and build an inclusive nation embracing democracy, restructuring the state and restoring durable peace.

1.3. The Provisions of the Interim Constitution of Nepal 2063

Article 63 of the Interim Constitution of Nepal 2063 has a provision to elect a constituent assembly to draft a new constitution with the active involvement of the people. Accordingly, the elections to the constituent assembly were held (as per the constitutional provision to hold the elections as scheduled by Nepal government) to elect a 601-member assembly with 240 members to be elected from first-past-the-post system, 335 from proportional system on the basis of votes given to the political parties taking the entire country as a single constituency and 26 to be nominated by the Council of Ministers on consensual basis from among the eminent personalities making significant contribution to the nation and the underrepresented indigenous communities and ethnic groups.

1.4. The Election of the Constituent Assembly

The first-ever constituent assembly elections in Nepal were held on 28 Chaitra 2064 in which a total of 25 parties - nine political parties won the seats in first-past-the-post while 16 qualified to get seats in the proportional system - and a few independent candidates were elected.

1.5. The Tenure of the Constituent Assembly

Article 64 of the Interim Constitution of Nepal 2063 has a provision that except in case of an earlier dissolution of the Constituent Assembly by passing a proposal, the tenure of the Assembly will be of two years since its first meeting. The first meeting of the Constituent Assembly was held on 2065/2/15 and it has a constitutional responsibility to prepare and promulgate a new constitution within two years of this date.

1.6. The Declaration of the First Meeting of the Constituent Assembly

The first meeting of the Constituent Assembly on 15 Jestha 2065, according to Article 159 (2) of the Interim Constitution of Nepal 2063, approved a resolution relating to the implementation of a republican setup and announced that Nepal had been formally transformed into a federal democratic republic.

1.7. Constituent Assembly Regulations 2065 and the Time Table of the Assembly

According to Article 78 of the Interim Constitution of Nepal, the Constituent Assembly approved the Constituent Assembly Regulations on 2065/7/29 to conduct its activities systematically followed by the approval of the time table on 2065/8/1, and has been executing its tasks revising the time table.

1.8. The Committees of the Constituent Assembly

Ten different thematic committees, three procedural committees and a constitutional committee have been constituted to draft a new constitution.

1.9. State Restructuring and Distribution of Power Committee

As per Rule 59 of the Constituent Assembly Regulations 2065, the Constituent Assembly chairman, with the agreement of the Assembly, can nominate a maximum of 43 members from among various parties and minority groups including women, indigenous communities, ethnic groups, Madheshis, Dalits, backward region, and Muslims on the basis of the principle of proportional representation to form a committee. This principle has been observed in the formation of the State Restructuring and Distribution of Power Committee. According to Rule 66 of the Constituent Assembly, this Committee has been entrusted with the responsibility to prepare a draft on the federal structure, name of the provinces and the demarcation of their area, and the division of power among the provinces and submit a report to the Assembly.

1.10. State Restructuring Commission

Article 138 Clause 2 of the Interim Constitution of Nepal 2063 has a provision that Nepal government will constitute a high level commission to forward recommendation for restructuring the state. In a delayed move, the government constituted such a commission only a year after the elections of the Constituent

Assembly under the chairmanship of Dr. Ganesh Man Gurung but no reference has been made about the mandate and working procedures of the Commission and its completion with the nomination of the members.

1.11. Formation of the Committee

According to Rule 66 of the Constituent Assembly Regulations 2065, a 43-member State Restructuring and Distribution of Power Committee has been formed under the Constituent Assembly. The profile of the members in the Committee has been included in Annex-1.

1.12. Election of the Chairman

The Committee, in accordance with Rule 70 (4) of the Constituent Assembly Regulations 2065, elected CA member Lokendra Bista to the position of the chairman unopposed on 2065/9/29. Prior to Bista's election, Narayan Man Bijukchhe had been chairing the Committee as the senior most member.

1.13. Mandate of the Committee

Article 138 Clause 1 of the Interim Constitution of Nepal has a provision that the nation would be restructured progressively with an inclusive, democratic federal system of governance to bring the discrimination in terms of class, caste, language, gender, culture, religion and geography to an end by dismantling the unitary structure. Similarly, Article 138 Clause 1 sub-clause *ka* states that while restructuring the state the wishes of the Madheshis, indigenous communities, backward regions and other people for autonomous provinces will be accepted and Nepal will be a federal republic made up of autonomous and powerful provinces. Considering the constitutional provision that the Constituent Assembly will determine the area, number, name, and structure and the power of the provinces keeping intact the sovereignty, unity and national integrity of the nation, it is the responsibility of the Constituent Assembly to fulfil this duty. Rule 66 of the Constituent Assembly Regulations has specified the following as the mandate of the Committee constituted according to Rule 64 of the same Regulations.

- The structure of the state in the federal republican setup
- The principles and grounds of demarcating the areas of the provinces
- Naming each province and demarcating the boundary
- The division of legislative, executive and judicial power among various tiers of federal agencies
- The determination of the common and specific contents of the rights of various tiers of federal agencies
- The determination of interrelation of legislative, executive and judicial rights among the federal units
- The mechanism to resolve the conflicts that may crop up between the federal units
- Other tasks relating to the mandate of the Committee

1.14. The Tasks, Rights and Responsibilities of the Committee

The tasks, rights and responsibilities of this Committee, as mentioned under the tasks, rights and responsibilities of the thematic committees in Rule 73 of the Constituent Assembly Regulations 2065, are as follows.

- a) To prepare the list of the works to be done as per the mandate of the Committee and fix a time table to accomplish these tasks.
- b) To collect the reference materials related to the tasks to be accomplished and to study and discuss them.
- c) To seek the opinion of experts on the subjects that fall within the scope of the Committee, hold public hearings, collect the opinions of Nepalese citizens living in the country or abroad through various media, organize workshops and seminars and go on field visits as required taking the permission of the chairman.
- d) To prepare a preliminary draft on the subjects that fall within the scope of the Committee on the basis of the suggestions and opinions collected from the public and experts and submit a report to the Constituent Assembly.

e) To form sub-committees to conduct study and research within the area that falls within the scope of the Committee and define their tasks, rights and responsibilities.

According to this provision in the Constituent Assembly Regulations, this Committee has prepared the list of the tasks it has to accomplish and made a time table and approved it unanimously which is included in Annex-2.

1.15. The Purpose of the Concept Paper

The constitution is the primary law of a nation which provides guidelines to govern it. The constitution is a political and legal document that distributes power among various organs of the state and maintains checks and balances among them and secures the fundamental rights of the citizens. Since the constitution is not merely the primary law but also the source of other laws, the process of drafting constitution is different from the process of making other laws.

The study of the process of drafting the constitution shows that the writing of constitution through the Constituent Assembly is the best method of making a constitution. The constitution made in this way reflects the aspirations of all the castes, indigenous communities, religions, sects, classes, geographical regions, genders and communities through their elected representatives. The constitution drafted in this way is considered to be democratic. As Nepal's constitution is being made by the elected Constituent Assembly, the following concept has been developed as the main basis of the concerned thematic area.

Before doing any work in any field, to prepare a preliminary outline about what to do, why to do it, when to do it, and how to do it is to form the concept of that work. Since this concept paper had to be prepared to write a constitution, it clarifies the theoretical base and ideological framework of the constitution, gives an objective for drafting the constitution and shows an outline of the matters to be incorporated in the constitution.

Rule 65 of the Constituent Assembly Regulations 2065 has categorically stated that this concept paper has to be taken as the basis and guiding principle while writing the constitution. Since the Regulations states the thematic committees have to prepare a preliminary draft on the specified them along with a concept paper and submit it to the Constituent Assembly, this concept paper will serve as the basis for preparing the draft of the constitution.

1.16. The Bases of the Concept Paper

Since State Restructuring and Distribution of Power Committee is a key committee, the primary and secondary bases it has adopted while preparing the concept paper on restructuring the state and dividing the state authority are as follows.

Primary Bases

- The declaration of the first meeting of the Constituent Assembly, 2065
- Constituent Assembly Regulations, 2065
- The provisions of Interim Constitution of Nepal, 2063
- The declarations of the House of Representative, 2063
- The agreements Nepal government reached with various political parties, organizations and groups
- The international agreements and treaties to which Nepal is a party
- The opinions and suggestions put forward by the experts to various committees
- The suggestions and views of the people received in course of collecting public opinion
- The views put forward by the members in the capacity of member as representative of the political parties on the need of restructuring the state, its model, basis and process and division of power
- The suggestions received by the Committee through media, and the issues raised by the concerned stakeholders
- The election manifestoes unveiled by various political parties at the time of Constituent Assembly elections and the concept papers presented to the Committee by the political parties.
- The book on Population Census published by the Central Bureau of Statistics in 2001

Secondary Bases

- The constitutional evolution of Nepal
- Study of the nations which have adopted the federal system
- The views and write-ups of national and international experts on restructuring of the state and federal system
- The suggestions received from the governmental and non-governmental organizations
- The conclusions of seminars, workshops and interaction programmes
- The reports of international study teams
- The books, write-ups and study reports on the subject

It is hoped that the concept paper prepared on the bases mentioned above would serve as an important document in drafting the constitution and help in interpretation too.

1.17. The Meeting and Decision Procedure of the Committee

Since its formation, the State Restructuring and Distribution of Power Committee has prepared the list of tasks to be accomplished, prepared a time table to execute the tasks, and held discussions on identification of the areas that require special and the kind of services to be sought, collection of the names of the experts, got the names approved by the

chairpersons of various committees in the Constituent Assembly, and is carrying out the tasks as per the time table. The opinions of the members in the Committee have been recorded in the form of synopsis. The Committee had held meetings for 127 times to accomplish its tasks. The time table and the decisions of the Committee have been included in Annex-3. The name list of the employees working at the Secretariat of the Committee is included in Annex-4.

Rule 73 (2) of the Constituent Assembly Regulations 2065 has a provision that all the members of the Committee should attest the report, if that is not possible at least the majority of the members should attest it and if any member wishes to attest the report with a note of dissent, the Committee chairman has to make necessary arrangements for the same.

1.17.1. The Formation of Sub-committee/Task Force

As per the provision to form sub-committees to study, conduct research and do other necessary work within the scope of the Committee as required, it has formed different sub-committees and task forces on various dates to carry out various tasks. The mandate of the sub-committees, work procedures, the list of the members in various groups, and the reports of the sub-committees are included in Annex-5.

1.17.2. Interaction to Take Suggestions of the Experts

As per the provision to take suggestions from the experts on the theme within the purview of the Committee, the experts had been invited to the meetings of the Committee and discussions and consultations held on various dates. The list of the experts invited to the Committee and the topics discussed with them have been included in Annex-6.

Similarly, the Committee members had participated in the one-day interaction held by the Ministry of Law, Justice and Constituent Assembly on 2065/9/18 and another interaction held by National Peace Campaign on 2065/10/20-21. Likewise, the Capacity Enhancement and Resource Management Committee of the Constituent Assembly had organized a programme on the method the Committee needed to be adopted to prepare the concept paper and draft at the International Convention Centre on 2065/10/23. The Committee members had also taken part in an interactive workshop organized by Japan International Cooperation Agency. The details of all these programmes have been included in Annex-7.

1.18. Method of Study, Limitations and Coordination with Other Committees

1.18.1. Methods of Study

The Committee had followed the following methods to study the materials within its scope to prepare the concept paper.

- Collective and individual study of available materials

- Group discussion
- Interaction and consultation with the experts
- Field study to collect the opinions of the public
- Public appeal for suggestions
- Participation in workshops, seminars and symposiums
- Formation of sub-committees and task forces
- Study and analysis of opinions collected through different mediums from the Nepalese living at home and abroad, various governmental and non-governmental organizations, civil society, and knowledgeable people

1.18. 2. Limitations of the Study

While preparing the concept paper, the time table approved by the Constituent Assembly on 2065/8/1 as per Rule 149 of the Constituent Assembly Regulations 2065, the working outline and time table approved by the Committee in its meeting on 2065/9/13 and the time table approved by the meeting of the chairmen of various thematic committees under the CA have been taken into consideration. In course of collecting the suggestions, the Committee was unable to record the oral suggestions of the people in absence of essential tools. Also, the Committee was unable to distribute the questionnaires adequately. Besides, all those who had been given the questionnaires did not fill it and return it to the members of the Committee.

Initially, the Committee was scheduled to submit its concept paper and the draft to the Constituent Assembly by 2066/1/10. However, the time table was revised several times extending the deadline to 2066/5/21 and eventually to 2066/10/8.

It is felt the task of writing the report has been hampered due to the inability of the Committee to hold discussions extensively with the experts on its scope, difficulty in collecting opinions from the masses due to people's lack of access to mass media, unavailability of physical and technological facilities as required, and problem in timely delivery of resource and reference materials.

Despite insufficiency of homework and time constraints in preparing the concept paper and inability to acquire hands-on knowledge based on field study from the countries which have adopted federal system of governance, the concept paper has been prepared sticking to the mandate of State Restructuring and Distribution of Power Committee as provisioned by Rule 66 of the Constituent Assembly Regulations 2065, making a comparative study of such countries by means of library research.

1.18.3. Coordination with Other Committees

The working outline and the time table of the Committee states that in matter of preparing the concept paper and other issues thereof the Committee should coordinate with other thematic Committees under the CA and it has conducted its

activities accordingly. In this context, the Committee has held joint meetings with Governance Model Determination Committee and Natural Resource, Economic Rights and Revenue Sharing Committee to exchange information and develop coordination on common issues.

The reports of Legislative Model Determination Committee, Judicial System Committee and the Committee on Fundamental Rights of Women, Dalits, and Minority Groups have been studied too.

1.19. The Suggestions Received by the Committee

The Committee has analyzed the suggestions received from individuals and organizations in oral and written form and incorporated them in the concept paper. The list of the organizations offering suggestions and the synopsis of the suggestions they offered is included in Annex-8.

1.20. Study and Analysis of Questionnaire

The Committee studied the suggestions received from the public through the questionnaire prepared to collect opinions from the people and took the conclusions reached with the analysis of the bases of the responses as the main basis of preparing the concept paper. The questionnaire, table of questionnaire study and analysis, and the suggestions the Committee received from the teams mobilized to collect the public opinions have been included respectively in A, B and C under Annex-9.

Chapter II

2. Restructuring of the State, Distribution of Power and Federalism

2.1. Restructuring of the State and Distribution of Power: Meaning and Limitations

2.1.1. Meaning and Definition of State Restructuring and Distribution of Power

The structure of a country or a state is normally unchangeable. However, it can be and is changed as per the need of the rulers or the wishes of the people. To rethink about the vertical structure of the governing system and the structure and the role of the institutions that exist horizontally under the existing governing model is the subject of restructuring the state. The nature of existing power structure in Nepal is unitary and the form of governance centralized. In view of the sentiments expressed in course of the People's Movement and on the basis of the characteristics and unique features of the Nepalese society and the aspirations of the communities left behind, the nature of Nepalese nation state will be based on federalism and the governing system in the structure of self-rule with the rights and responsibilities among the governments of various tiers clearly defined. In this sense, the building of new institutions in the form of integrated, indivisible and sovereign nation on the basis of geographical, caste-based, linguistic, cultural and regional autonomy is understood as restructuring of the state. The restructuring of the state does not mean the carving out of a new state; it is rather the transformation of the existing structure. Thus, in the present context of Nepal, the building of new institutions by resetting or re-demarcating the internal boundaries (of development regions, districts, municipalities and villages) keeping intact the national border can be understood as restructuring of the state.

The task of reforming the existing state machinery ending discrimination and inequality in terms of class, caste, language, region, gender, culture and political ideology also means restructuring. Since the long and complex journey of human evolution has passed through various kinds of conflicts and struggles and transformed and improved the state operating system, the old political and social balance of power cannot be adequate and stable in the changed situation. Hence, in this context, the modification of intrinsic structure of various tiers of governments and the institutions under them is also a subject of state restructuring. Besides this, the distribution of political, financial and administrative power or the division of state authority in a new way among all the institutions and agencies under the state structure and governance setup is also taken as state restructuring.

Federalizing a unitary and centralized state or centralizing a federal one also is restructuring the state. We have also tried to incorporate change or improvement in all kinds of unequal and discriminatory governance behavior in Nepal practised in various times because of a centralized and unitary state under restructuring. In conclusion, the task of reconstruction of the existing physical infrastructure and the development of new ones and the mobilization of internal and external resources in a new way by addressing the problems left unaddressed by the centralized system is also the subject of state restructuring.

Likewise, making the state agencies effective and people friendly and assuring optimum access and participation of the general public, particularly those classes, castes, communities, cultural groups and regions so far left behind due to structure and behaviour of the state, in all the processes of the state and creating a favorable environment for this can be considered restructuring of the state in context of Nepal.

The main characteristic of federalism is the division of power between the federation and the provinces or federal units. While dividing the state authority under a federal setup, mainly two models - dualist model and integrated model - are followed. However, some countries have followed both of these models. The dualist model divides powers between the central and provincial governments while some power is shared. Canada, Brazil and the United States of America follow this model.

In general, in an integrated system the rights on some issues are given to the central government while on others the centre and the provinces share equal rights. The provinces can manage things by making laws which don't contradict with the laws enacted by the centre. Germany, Austria, Spain and South Africa have adopted an integrated or interdependent system while India and Switzerland demonstrate the features of both the systems.

The power between the centre and the provinces can be shared according to enumerated or residuary principles . Normally, in course of exercising power, sovereignty is exercised by the central and provincial governments through the central and provincial governments. The system in which power is shared between the centre and the provinces in clear terms is known as enumerated system. In contrast, in a residual system the powers of one tier of government are defined with those not defined resting in another tier. According to this principle, the centre gives certain rights to the provinces and reserves the rest or specifies its rights and gives the rest to the provinces. United States and Switzerland have specified the rights of the federal government and left the rest to the provinces while India has defined the rights of both the centre and the provinces leaving the residual rights to the central government.

Once Nepal adopts a federal system, the leading question will be how the power that the three state agencies exercise can be divided among the provincial units. Since in a federal system the essential authority is divided between the centre and the provinces, the division of legislative, executive and judicial authority is very crucial. For this, the powers are divided on the basis of listing among different tiers.

2.1.2. Limit of State Restructuring

Though state restructuring incorporates various aspects of the structure of the state and its governance, the consideration of State Restructuring and Distribution of Power Committee's mandate as provisioned by the Constituent Assembly Regulations indicates it means to build the framework and structure of the state on the basis of a system that rests on the hierarchy of the federal units. Hence, the building of the structure and system of provinces and the local agencies under them and the division of power among them is a matter of primary concern in state restructuring. To alter or rebuild or restructure the boundary of various local units (development regions, districts, municipalities and villages) that lie within the existing national border of

Nepal is the main task of the Committee. This will make easier the task of building an appropriate state structure and governance system that ensures judicious division of resources and power available at the provinces and the agencies under them and allows optimum mobilization of human strength.

2.2. Historical Background of Building the Kingdom of Nepal

2.2.1. Historical Cycle of State Expansion and Disintegration before Prithvi Narayan Shah

The building of Nepal is the result of a unitary system that started with the expansion of his kingdom by Prithvi Narayan Shah, the king of Gorkha. The available historical records show that even in the ancient times Nepal was time and again expanded and unified before it disintegrated one more time. It is considered that the centre of pre-historic Kirat era state was located in Kathmandu Valley. On the basis of fragmentary evidences, historians have asserted that the Kirat era state was larger than the present day Nepal.

Lichhavi period is considered to be an age of abundant historical records and information. The historicity of this period is supported by the historical notes, statues, genealogy and other records. During the Lichhavi period too, Kathmandu was the capital with Nepal's border reaching as far as present day Indian Territory. The historians have demonstrated evidences that during the Kirat and Lichhavi eras, the state functioned as a democratic republic.

The history shows that the Khas state that takes its origin from present day Karnali extended all the way to Kathmandu by way of Gorkha on the east, spanned up to some territory of the Tibet autonomous region of present day China on the north and Kumau and Gadawal on the west. Similarly, there are historical records which say the kingdom of Sen kings covered the present day Tanahu, Makawanpur, and Bijayapur on the east and ran all the way to Ramnagar, which currently lies in Uttar Pradesh in India. Likewise, though primarily centered in the Kathmandu Valley, Malla kings expanded their kingdoms to incorporate parts of present day Kavre, Sindhupalchok, Nuwakot, Rasuwa, Dhading and Makawanpur.

These facts demonstrate that even prior to Prithvi Narayan Shah, various royal dynasties had built an expanded and unified Nepal. The experts have been saying that the word 'Nepal' was in use from ancient times and it figured in Mahabharat and Kautilya's Economics. Whatever the reality, conquering the surrounding states and dividing them among brothers and sons was an act with its origin in a feudal mindset that took the state as a private property of the conqueror. In Nepal, the Khas, Sen and Malla kings carried on with this practice. Consequently, the kingdom they unified did not last long. The history stands a testimony that even after Prithvi Narayan Shah expanded and unified his kingdom, the issue of division of states among his brothers surfaced and it became a cause of big differences among them. But Prithvi Narayan Shah stopped this tradition of repeated unification of the nations and its subsequent disintegration. It is a historical fact that this resulted in the current structure of unified Nepal.

2.2.2. The Nation Building Campaign of Prithvi Narayan Shah

The unified and expanded form of Nepal was a consequence of unification and readjustment of geographical areas either in the process of taking shape of a state or the ones that had already attained the status of one and the conquest of a kingdom and the ensuing expansion of the national boundary. Hence the nature of Nepal as a state can be defined as one in which the kingdom was not built with the unification of states but the unification of some states and many principalities. The building of modern Nepal that started with Prithvi Narayan Shah's campaign progressed through Sugauli Treaty and stabilized with the return of *naya muluk* (new territory) during the rule of Junga Bahadur Rana. The process of building a centralised state was further consolidated with the state structure of Junga Bahadur and the 104-year Rana regime. Though the process of building a nation state based on democratic values started after the people's revolution in 2007 BS, the legacy of centralised state continued to hold sway. The first Parliament (2016) elected under the provision of The Constitution of the Kingdom of Nepal 2015 had started some preliminary work to lead the nation ahead with a democratic polity but the direct and autocratic rule of Shah kings that started on 1 Poush 2017 further strengthened the centralised and unitary state in the guise of Panchayat. The new trend of governance that started in a relatively democratic environment following the People's Movement in 2046 BS did introduce decentralisation and local self governance under the centralised framework, but it did not become much effective and fruitful. Consequently, federalism became a political need of the country.

2.3. The Concept of Federalism and its Construction

2.3.1. The International Context of Federalism

In the modern world, the framework and structure of the state does not appear uniform. The federal structure too varies from country to country. This depends on the purpose of adopting federalism and the geographical conditions of the country adopting it. The United States became a federal state with the free and sovereign states forging a mutual understanding and reaching an agreement to manage the issues of common interest by the federation. The United States came up as a united structure of Free states devised with the primary purpose of promoting trade and commerce and ensuring national security. Switzerland demonstrates a similar case. It first embarked on a path of confederation and later changed track to federation with a view to uphold autonomy and preserve and promote cultural diversity of the cantons. Germany became a federal state with the right of free decision of Landers and their mutual agreement. Though the eastern part of Germany turned into a unitary and centralised state adopting a communist rule after the division of the country in World War II, it has adopted a federal system after the unification of east and West Germany following the disintegration of the Union of Soviet Socialist Republic. It is clear that the German federal model gives a high priority to sharing state authority.

Indian federal model did not take shape in line with the Soviet model based on self-decision, neither was it based on mutual understanding and agreement of Free states as in the United States. Almost entirely unified by the British, centralised and unitary India restructured into a federal state on the basis of social, cultural, linguistic and geographical parameters. The federation which initially had 14 states has 28 states currently. The Indian Constitution authorises the central legislature to carve out new states as per people's will and political necessity. In this sense, Indian federalism is labeled 'semi-federal' when compared to the United States, Switzerland and Germany.

During the 20th century, many unitary states have transformed into federal states mainly to address the internal conflicts and people's grievances. Belgium transformed into a federal state from a unitary one in 1993. Ethiopia has followed suit. Spain has changed into a federal state granting rights to autonomous states. In an attempt to contain prolonged armed conflicts, not only Ethiopia but also Sudan, Congo and Iraq have drawn up federal constitutions. On the other hand, there are countries which have faced lots of hardships and challenges due to ad-hoc transformation based on wrong grounds. Pakistan, Nigeria, Argentina and Brazil fall into this group of countries. Separated on religious grounds, Pakistan failed to sustain as a state. It disintegrated on geographical and linguistic grounds. Nigeria which became a federal state with three provinces based on caste and ethnicity currently has 36 provinces.

Diversity within the country is the main foundation of federalism. However, political need necessitates a federal structure. In spite of this, countries big or small, rich or poor have embraced a federal model. Only 28 countries in the world have adopted a federal system. In terms of population and geographical area, though, about 40 per cent of the globe is covered by federal system.

2.3.2. The Inception of the Concept of Federalism in Nepal

Not all democratic countries are federal but there is a unique relation between democracy and federalism. The federal system of governance was in practice in the 6th century in the republic of Shakyas in Kapilbastu and Koliyas in Nawalparasi area of present day Nepal. The history exemplifies that Licchavis, Bajjis, Videhas and Mallas had formed a confederation during the 4th century BC. In context of modern Nepal, Nepal Terai Congress (2008) introduced the concept of leading the nation on federal values by demanding for Autonomous Terai Region coinciding with the end of Rana rule (2007) and the beginning of a journey towards a democratic polity.

The political proposal presented by late Pushpa Lal in the first convention of the Nepal Communist Party in 2008 and approved by the convention put forward the concept of local and regional governments to be elected on the basis of adult franchise and equipped with the rights to deal with the local issues. Similarly, the Nepali Congress in its Janakpur convention (2009) has proposed to alter the state structure that existed before 2007 BS and set up a new structure with zones, districts, municipalities and villages. Both of these proposals seem to stress on decentralisation rather than on federalism. Nepal Sadhbhavana Party (2047) raised the demand of transforming Nepal in the federal state with five provinces (Eastern Madhesh, Western Madhesh, Eastern Hills, Central Hills and Western Hills) in the House of Representatives formed after the general elections of 2048 BS. In the mean time, the voice for a federal state with ethnic autonomous provinces gathered momentum, especially after 2047 BS, when various indigenous organizations pressed for a federal state in an organised manner.

The 40-point demands (2052) presented by the United People's Front Nepal, the lawful forum of the Nepal Communist Party (Maoist), has put forward the issues of autonomy of regions with the majority of indigenous population, regional autonomy to backward areas and the end of regional discrimination between the hills and the plains. In this way, the issue of state restructuring was brought to the forefront.

Amid this, the demand to make constitutional arrangement of provincial structure through the amendment of The Constitution of the Kingdom of Nepal 2047 gathered momentum as various sectors put forward their concepts and raised their voice. Then after Nepali Congress put forward a proposal in 2060 in favour of regional structure with political, economic and cultural rights by building a more representative and participatory state structure for the economic and social transformation of the nation. Though this proposal did not directly raise the issue of federalism, it put forward the agenda of state restructuring and regional government and, under it, realignment of local bodies in a new way so as to make them autonomous.

Following the general election in 2056 BS, the Communist Party of Nepal (Maoist), at war with the state, first practised the concept of parallel government and autonomous states in 2060 BS. This practice helped to push ahead the concept of federalism and state restructuring in ideological, political manner.

The 12-point agreement signed between the seven political parties practising parliamentary system with a commitment to end the monarchy and push ahead restructuring of the state and peaceful agitation for full-fledged democracy and the Communist Party of Nepal (Maoist) at war with the state with a political demand of constituent assembly appears to conclude that the key to political outlet is the restructuring of the state preceded by an election of the constituent assembly. Though the agreement does not directly incorporate the agenda of federalism, the way towards it gets widened with the resolution to restructure the state through the constituent assembly.

In an attempt to give a political outlet to the Madhesh Movement that erupted for equality and against discrimination meted out by the state on social, economic, political, linguistic and cultural grounds, injustice and exploitation, the provision of federal republic had been added to the Interim Constitution of Nepal 2063 with its third amendment. This played a decisive role to make Nepal a federal state.

Meanwhile, most of the political parties, in the run up to the constituent assembly elections, have issued their manifestoes pledging their full commitment to federal democratic republic. This is an assurance to the people by the political parties that the federal structure will be an important aspect of the constitution to be written by the constituent assembly.

The first meeting of the constituent assembly has formally declared Nepal a federal democratic republic and promised to implement it in appropriate manner.

2.3.3 The Basic Principle of Federalism

The basic principle of federalism is that the power and authority of the state should not rest in a single centre. Hence, it understood better as preventing centralisation rather than decentralisation. Decentralisation means to exercise the power granted by the centre whereas federalism means not to reserve power in a centre or division and management of state authority. Federalism is also defined as the division and distribution of state authority in such a way that the power that rests in the centre is distributed to provinces and their subsidiaries.

Federalism distributes state authority and power and divides the rights. A federal system also gives emphasis on protecting the priorities and distinct characteristics of the provinces. Aside from this, the federal system plays a vital role in bringing discrimination and inequality to an end through economic and social inclusion. In essence, federalism means the collaboration of various tiers of governments or distribution of state authority among them. In this sense, federalism does not merely mean autonomy, it also means collaboration. It is because the central structure is built in proportional or equal participation of all the provinces. Hence, federalism is also defined as a unity that is also characterized by freedom and autonomy.

2.3.4. Federalism in Democracy

All the democratic countries in the world are not federal. However, federalism has thrived mainly in democratic countries. Hence, the common commitment to democratic values and belief should be a uniform characteristic and a matter of priority of all the units under a federal system.

Federalism has the capacity to coordinate the protection of individual freedom and collective identity. Hence, proportional and inclusive representation and fair participation is essential for fruitful management of federalism. Federalism has been practised as a system that guarantees freedom, equality, prosperity and human rights and cures the problems inequality and imbalance. The coordination of pluralism and diversity is a basic tenet of democracy as it is of federalism.

2.3.5. Models of Federalism in Practice and Our Situation

There are two ways in which federal states are formed.

- Process of forming a unified federal state by free states
- The formation of provinces by restructuring the state or transforming the provincial structure of a centralised and unitary state

When we study the practice of federalism across the world, we find that 28 countries have adopted a federal system. An observation of the practice in those countries shows the following to be the main models.

I. Duel or two-tier federalism

In a duel or two-tier federal model, each unit is totally free, not under the control of another. This system gives emphasis to institutional autonomy of the governments in the lower rung and state authority is divided in clear terms. In a duel model, the central government and the provinces have their own constitutions and each tier has a legislature and executive. However,

the central legislature is characterized by weaker representation. Since both the centre as well as the provinces are sovereign in a dual model, they may face a problem of duplicity in executing some tasks. This situation is known as competitive federalism. In the initial phases of implementing federalism, United States, Canada and Australia faced a situation of competitive federalism whereby the centre and the provinces worked with a sense of competition. Over time, the situation changed and they started practicing cooperative federalism.

II. Co-operative of inter-locking federalism

A federal system in which the centre and the provinces or the provinces themselves work in a cooperative manner being inter-dependent on each other is known as a co-operative of inter-locking model. In this model, there is a direct relation between the state and the provinces. Generally, the provinces are under the control of the centre.

In a co-operative model, the provinces have a strong representation in the centre. In absence of this, the provinces tend to turn into administrative units of the centre. In a co-operative federal system, the representation in the federal legislature is based on the size of population of the states and policy has to be approved by both the legislative assemblies as well as the states. To avoid a situation of economic inequality among the provinces and the federal units, the centre gives a certain amount of money to all the provinces. Germany, Ethiopia, South Africa and Canada have adopted cooperative federal model.

The concept of cooperative federalism seems to have evolved with new developments in war, science and technology and the emergence of the idea of a welfare state. India, Germany and several other countries have adopted the cooperative model.

III. Symmetric Federalism

Under this model, all the states or provinces are given equal share in power or different federal units enjoy the same rights. United States and Australia have adopted this model.

IV. Asymmetric Federalism

Under this model, the provinces do not get equal share in power. A system that gives power to the federal units on a differential basis is known as asymmetric federalism. Since the federal units are dissimilar in terms of political situation, size of population, language, availability of resources and geographical conditions the distribution of power equally may not always be practical. Hence, some federal states are given special privileges adopting a principle of unequal share of power.

On the basis of the study and analysis of the federal model practised in the world and the opinion of the political parties, experts and the public, it is felt that the implementation of co-operative model would reflect the sentiments of all the people.

Nepal is in process of being transformed into a federal structure by restructuring the unitary and centralised state. In such a process, generally two situations are noticed.

- An autonomous province with uniform cultural identity
- A multi-cultural province inhabited by the people of various castes speaking different languages

The study of current trend of settlement and socio-cultural framework shows that only Karnali and far-western hills and eastern Terai (Maithili, Bhojपुरी speaking regions) have a nearly uniform language and population density. Though Kathmandu Valley is a Newar-majority region, the level of cultural hybrid is on the rise. All the other regions demonstrate linguistic cultural hybrid with some unique features of their own.

2.3.6. The Reasons behind Federalising a Unitary State

The political aspiration of the people is the main reason behind the federalization of a unitary state. However, there are some other reasons behind the evolution of people's political aspiration. In context of Nepal, the additional reasons behind the need to federalise the state are as follows.

- Diversity of Nepal: exploitation meted out on the grounds of language, caste, community, religion, culture, geography, region and gender
- The past polity's mindset that refused to decentralize authority in the true sense
- To establish sense of belonging, ownership and proximity with the state among people of all regions
- Need to change the weak state structure for increased representation and participation
- Main agenda of the Madhesh Movement (2063) that erupted for equality and against discrimination meted out by the unitary feudal state on social, economic, political, linguistic and cultural grounds, injustice and exploitation
- Search of equitable and inclusive democracy with democratization of the society
- Wish to address the issues which the unitary state failed to address
- Demand for caste-based on caste, linguistic and cultural identity
- Demand for equal rights and equal access to economic opportunity
- To address the issues raised by class- and caste-based and women and gender related protests against all kinds of protests
- For equal distribution of services and facilities provided by the state and equal share in the return of development activities

Chapter III

3. The Structure of the Federal Democratic Republic

People's sovereignty, human and fundamental rights, rule of law, independent and efficient judiciary, press freedom, competitive multi-party polity, division of power among the organs of the state and their control and check and balance, self rule, periodic elections, concept of accountable and restrained government, good governance and transparency, society based on pluralism and free from untouchability and gender discrimination, equal opportunity and access to the services and facilities provided by the state, and an electoral system characterized by inclusiveness and proportional representation are the basic principles and key values of a democratic system. In the federal democratic republican model that Nepal will embrace, these basic principles and key values will be applied in all the tiers of governments and every agency under them. It is believed that this will be instrumental in building an independent, peaceful and prosperous federal democratic republican state having a strong unity of all the Nepalese citizens. This will guarantee the identity, autonomy and self-rule of the provinces, local agencies and the indigenous communities living in the autonomous regions under the special structure.

3.1. International Practice

The countries that have adopted a federal system of governance have created and fixed the tiers of governments as per the concerns of the stakeholders and the requirements of the concerned country.

The constitution of South Africa has a provision of national, provincial, and local governments. The rights of all three tiers are specified in the constitution.

In Indian constitution, besides union and states, there is a provision of municipalities/panchayats in the form of local governments and their rights have been enumerated in the constitution.

In Australia, the constitution has a provision of two-tier system with executive government in the centre and the states under it.

Belgian constitution has a four-tier structure consisting of federal government, regional and community government, provincial and communal institution and urban entities/federations of communes.

German constitution also has a provision of four-tier government with federation, Lander, county and commune.

Brazilian constitution has a provision of three-tier structure with centre, states and municipalities.

3.2. The Concepts of Political Parties

The concept papers on the structure of the tiers of governments in a federal democratic republican structure presented by the political parties to the Constituent Assembly and the concerned Committee and the tiers mentioned in the election manifestoes unveiled in the run-up to the elections to the Constituent Assembly have been included in Annex-10.

3.3. The Three-Tier Core Structure

In consideration of the suggestions received by the Committee, study and analysis of the questionnaire, concepts of the political parties and their election manifestoes, opinions and suggestions of the experts, international trends and practices, views of intellectuals, the past practices in Nepal and the views of the members in the Committee, a three-tier structure has been proposed for the federal democratic republican framework.

The political structure of Nepal will be in three-tier. The constitution will have a provision of special arrangements if deemed necessary and appropriate. The tiers will be as follows:

3.3.1. Federal Tier

At the top of Nepal's federal structure will remain the federation. The federation will determine the integrated structure of the provinces, local agencies and special structures. The federation needs to have federal legislature, executive, judiciary and federal constitutional commissions for its operation, exercise of power and the compliance of laws.

3.3.2. Provincial Tier

The provinces will be the constituent parts of the federation and there should be a provision of provincial executive, legislature and judiciary for the governance of the state and the exercise of provincial authority.

3.3.3. Local Tier

The local tier will be the lowest level of the federal structure under which there will be a provision of municipalities and village councils. The local level will remain under the provinces. There will be an elected council for the operation of the local

bodies and there should be a provision for these councils to exercise legislative, executive and judicial rights within the jurisdiction of the local bodies.

3.4. Provision of Special Structure

There will be a constitutional provision to carve out a special region/autonomous region/protected region characterized by uniform or multi-cultural identity, wherever it is so deemed necessary, based on the density of caste/language/community as recommended by the province, proposed by the federal government and approved by the federal legislature.

The definition and characteristics of the regions mentioned above will be determined as follows and incorporated in the constitution and provincial laws.

Autonomous Region: A region with a majority or considerable presence of a caste or a community speaking the same language can be declared an autonomous region. Such a region will have an elected council and it will be appropriate for the council to be able to exercise the legislative, executive and judicial rights abiding by the rights enumerated in the constitution. The list of the autonomous regions to be declared in this manner will be as included in Annex-2 of the constitution. Except the autonomous regions listed in the annexure, if there is a need to establish a new autonomous region within the existing region or rename an autonomous region already established, it should be approved by the two-thirds majority of the federal legislature preceded by the recommendation for the same by the provincial legislature.

Protected Region: A region established with a view to protect and promote the minority castes, communities, cultural regions, and the castes marginalized and facing extinction will be considered protected region and it has been proposed that the demarcation of such a region, its name and jurisdiction will be determined by the concerned provincial government by making necessary laws.

Special Region: The geographical region established with a view to develop an area that does not fall within the purview of an autonomous or protected region and is backward and left out in terms of economic and social conditions will be considered a special region. It has been proposed that the demarcation of such a region, its name and jurisdiction will be determined by the concerned provincial government by making necessary laws.

3.5. Other Provisions

- All three tiers to be managed as governments as per the constitutional provisions.
- The list of the rights to be given to the local governments will be enumerated in the constitution but the number and structure of local agencies will be arranged through provincial laws in consideration of geographical conditions and favorability.

- The works currently carried out by the district level authorities to be done by the village councils and municipalities with the expansion of their areas and increase in their rights.
- The work currently carried out by the village development committees and municipalities to be done by their subsidiaries (new names can be proposed) or ward councils.

Chapter- Four

4. Principles and Basis of determining the regions of Federal Units

4.1. Principles and basis of determining regions

4.1.1. Principles

In a federal system, the sovereignty vested in the people, is exercised by more than one authority and is exercised according to the constitutional provisions, not as delegated rights. A federation is a shared form of sovereignty.

Though sovereignty is vested in the people in a federal system, it is exercised by individuals, institutions and groups according to the provisions made in the constitution. In a federal set up, the citizens can exercise their sovereignty in various ways, directly and indirectly.

A federal state is divided into different provincial units, each provincial unit having its own distinct identity, autonomy and self governance. In a federal state, equal or equitable sharing of provinces is ensured. Similarly, constitutionally, equal or equitable sharing is maintained between provinces and local bodies.

Unity in diversity shall be a feature of the federal state of Nepal. Though having various identities within the nation, the different communities will be internationally known with the common Nepalese identity in such a way that it will maintain a national identity within diversity. The aim of the federal system will be to unite Nepal psychologically (which is already a geographically unified entity) and to build Nepal as a strong and prosperous nation.

In the context of Nepal, we are going to restructure the provincial or federal units to replace the unitary state. In this regard, it is relevant to mention the countries that have adopted the federal system of governance. The following is a list of countries that have adopted federal system, and their federal units.

Countries with federal system

S.N.	Countries	Number of Federal Units	Date of adopting federal system
1.	Argentina	23 provinces and 1 autonomous city	
2.	Australia	6 states, 2 major and other geographical regions	
3.	Austria	10 states	1955
4.	Papua New Guinea	18 provinces and 1 autonomous region	
5.	Belgium	3 regions and 3 lingual communities	1993
6.	Bosnia Herzegovina	2 main units and 10 cantons	
7.	Brazil	26 states and 1 federal district	1891
8.	Canada	10 provinces and 3 geographical regions	1867
9.	Comoros	3 states	
10.	Ethiopia	9 provinces and 3 chartered cities	1995
11.	Germany	16 Landers	1945
12.	India	28 states and 7 union territories	1947
13.	Belau	16 states	
14.	Malaysia	9 sultanate, 2 states and 2 federal regions	1948
15.	Mexico	31 states	1957
16.	Micronesia	4 states	
17.	Nigeria	Initially 3, now 36 ethnic states	1963
18.	Pakistan	4 provinces	1947
19.	Russia	21 provinces and 7 regions	1993
20.	South Africa	9 provinces	1990
21.	Spain	17 provinces and 2 centrally ruled states	1977
22.	Saint Kitts and Nevis	14 states	
23.	Sudan	26 provinces	1991
24.	Switzerland	26 cantons	1291
25.	United Arab Emirates	7 emirates	1848
26.	United States of America	50 states	1787/1989

27.	Venezuela	23 states	1787
28.	Iraq	18 states	

The following countries that had adopted federal system, failed to sustain the system and reverted back to unitary system:

S. N.	Name of countries	Year of becoming a federation	Year of adopting unitary system
1.	Czechoslovakia	1968	1993
2.	Socialist Republic of Yugoslavia	1945	1992
3.	Cameroon	1961	1972
4.	Uganda	1963	1966

Likewise, the countries that replaced unitary systems with federal one lately are Austria (1955), Spain (1977), Sudan (1977), Nigeria (1963), Belgium (1993) and Ethiopia (1995). Internal conflict is continuing in Sudan despite federal structure while, Nigeria, which has federal history of 45 years, has been divided into 36 ethnic states from the original 3 states. The number of states is still increasing following the demands of the ethnic communities. On this ground, Nigeria is regarded as a failed federal country. Thus, we see that federal countries are adopting the features of unitary systems and vice versa. In the context of Nepal, it would be relevant to consider the above mentioned aspects when restructuring a federal state.

4.1.2. Grounds

In Nepal, we are trying to restructure the past unitary system into a federal system of governance. As far as restructuring Nepal into a federal state from a unitary state is concerned, identifying and determining the basis for the formation of federal units is an important issue. The ongoing discussions and debates in this regard are varied. When one is examining the characteristics of these grounds, identity and capabilities for fixing federal units should be taken into consideration. Moreover, it is more appropriate to give priority to the issue of identity.

4.1.2.1. Grounds of identity

When identities are regarded as an important basis of forming federal units, it is difficult to decide which identity should be regarded as its basis. In the Nepalese society, an individual has different identities. They include class based, social, political, cultural, lingual, communal, professional, gender based, regional identity etc. For the purpose of fixing federal units, the following identities may be considered.

- Ethnic/communal
- Lingual

- Cultural
- Geographical/ continuity of regional identities
- Continuity to historical identities

4.1.2.2. Basis of capabilities

When forming the federal units, autonomy and self governance, economic, material and resource strengths should be considered. Every community based on its identity is not equally capable of exercising autonomy and self governance. In such a situation, in addition to identity, it is important to give equal importance to other factors while forming federal units. If federal units are to be made strong and capable, the following factors should be taken into consideration in addition to identity:

- Economic inter-relationship and capability
- Infrastructure development and potential
- Availability of natural resources and means
- Administrative accessibility

4.2. Past Experiments and Examples

Federal countries may be divided into three categories on the basis of structure of federal state and federal characteristics.

First, federal nations that were formed through voluntary coming together or aggregation of sovereign units. Russia, United States of America, Switzerland, Australia etc fall in this category. The units of such federal states are almost pre-determined. During the formation of a federation, the former independent states converting into federal units already assert their right of autonomy in principle. In such a federal state, the federal government wields its rights on the basis of the agreement signed between the federal units. As a result, the federal provinces are granted higher level of self governance and autonomous rights.

Second category includes the federal states formed through de-aggregation in which the unitary state structure is converted into federal structure. Germany, Ethiopia, Nigeria, Belgium, Spain etc fall in this category. Determination of federal units, demarcation and naming of the federation are done on the basis of understanding and agreement. Federal states thus formed are called states holding together. In such states, the issues of autonomy and self governance are given prominence.

The third type comprises federal countries with mixed structure. Both the types of federal states mentioned above, which have embraced some characteristics of unitary states, fall under this category. Canada and India are its examples. In a federal state of mixed nature, the role of the centre is important. Ultimate rights are reserved to the centre. This category of federal states is made from the combined elements of semi-federal, federal and features of borrowing.

Regarding the question of determining the federal structure of Nepal, it is evident that the second category model seems to be appropriate. This is because we are going to build a federal state through the de-aggregation and restructuring of the unitary state.

4.3. Positions of Political Parties Regarding the Fixation of Regions

The positions of political parties regarding this issue are mentioned in Schedule 10.

4.4. Views of Nepalese experts regarding fixation of regions

Representative views of different experts on this topic have been mentioned in Schedule 11.

4.5. Plurality: A distinguished feature of the Nepalese society

Nepal is a multi-ethnic, multi-lingual, multi-cultural, multi-religious country with geographical diversity. On the basis of origin, four lineage (Nasla) groups Aryans, Mongols, Astric and Dravids are living in different parts of the country. In terms of language, 92 languages and dialects belonging to four lingual families- Indo-European, Tibeto-Burmese, Astric and Dravid- have been identified. Religiously, ten religions including Hinduism, Buddhism, Islam, Kirat, Jainism and Shikh are practised here. Geographically, Nepal has been divided into mountains, hills, valleys, Chure hills, inner Madhesh and Terai-Madhesh. In terms of river system, the country has been divided into different independent watershed regions in addition to three major rivers. All these components have their impacts on the ethnicities, communities, ethnic lifestyles, way of living, costumes, production system, cultural heritage and other aspects of life. The long process of mutual relations and inter-mingling between different castes and ethnic communities have significantly affected dialects, customs, religions and cultures. Despite all this, there is a distinct kind of ethnic, lingual, cultural and religious diversity. This kind of distinct identity formed after struggle and co-existence of thousands of years, are the assets of Nepal and the Nepalese people. In course of state restructuring and laying foundation of a federal system, we need to study these issues in depth.

4.5.1. Demographic situation

According to the national census of 2001, total population of Nepal was 20.31 million while population growth was at 2.5 per cent. The population is divided into 4.2 million families, 101 ethnicities, four lineages, 92 lingual groups and 10 religious communities. If we analyze the demographic situation of Nepal, the density of population is lower in the Himalayan Mountains and high hills while that in the Terai, Madhesh and the urban areas is higher. In the regions with low population density, there is the dominance of a particular ethnic people while in the areas with higher population density, there is prevalence of mixed races.

Similarly, some ethnic people and communities are scattered over large areas while others have concentrated in a particular geographical regions. With urbanisation and modernization, the communities concentrated in a particular territory have scattered outside their main settlement.

Generally speaking, the areas that are more densely populated by ethnic communities, have thinner population of Dalits. The areas densely populated by the Madheshis have less migratory trend of the hill tribes. In the areas where there is developed form of feudal production relations, even the ethnic people are divided on class basis. A large chunk of Dalit population is oppressed not only socially but also on class basis.

From these realities, we can conclude that the issues of ethnic discrimination and suppression in Nepal are linked with class based, regional and communal suppression though, on the surface, it looks like the issue of social discrimination alone. The problem of sex discrimination is prevalent in all the ethnicities, communities, classes and regions. Women are especially victimized from that.

4.5.2. Caste/ethnicity status

Despite some gap in data, there are 101 castes and ethnicities in Nepal according to the data taken from the latest population census. The number of castes and ethnicities continues to rise in Nepal with the emergence of ethnic identity issue. There are six castes and ethnicities in Nepal that have a population of more than one million each. These groups occupy 53.5 per cent area of the country. There are 18 castes and ethnicities having population of more than one per cent of the total population. Thirty-one castes and ethnicities that have population of over 100,000 each, occupy nearly 90 per cent of the total territory. The remaining 69 castes and ethnicities occupy 8.8 per cent territory. The situation of caste and ethnicity population is mentioned on Schedule 12.

4.5.3. Lingual situation

Nepal is very diverse from the point of view of languages. More than four dozen languages from Indo-European, Tibeto-Burmese, and Agney (Astric) families are spoken as mother tongues. A number of dialects are in existence because of ethnic co-existence and specific geographical situation. According to the population census of 2001, 92 languages and dialects have been identified as mother tongues. Those who use Nepali (which is the language used for official purpose) as mother tongue, are in absolute majority.

Yet, the distribution status of lingual communities of Nepal is different from that of ethnic distribution. Those who use Nepali language as their mother tongue are in majority in 49 districts. Those who regard Nepali as their mother tongue dominate six districts. Six districts in eastern Terai Madhesh are dominated by those who use Maithili language as their mother tongue. Of that, this lingual community is in majority in five districts. Those who use Bhojpuri language as their mother tongue are in majority in three districts. Similarly, Awadhi, Tamang and Limbu languages form majority in 2 districts each while Tharu,

Newari, Gurung, Bajjika, Bhote and Sherpa languages have majority in 1 district each. Languages other than Nepali have majority in 20 districts while they have absolute majority in 13 districts.

Major languages that are spoken as mother tongues include Maithili, Bhojpuri, Tharu (Dagura, Rana), Tamang, Newari, Magar, Awadhi, Bantawa, Gurung, Bajjika, Urdu, Rajbansi, Sherpa, Limbu and Hindi. People who use these languages as their mother tongue have population of more than 100,000 each. In terms of lingual development, some of these languages are considered very affluent. Constitutionally, Nepali language and all other languages spoken in Nepal are considered national languages. However, the legal and practical status of the national languages has not been clearly stated yet. In a way, those who speak languages other than Nepali feel that injustice had been meted out against their languages and that Nepali language was imposed by force on them. The lingual status has been mentioned on Schedule 13.

4.5.4. Religious status

Though dominated by the Hindus, Nepal is a multi-religious and multi-cultural country. According to 2001 census, 80.6 per cent of people have faith in Hinduism, 10.7 per cent in Buddhism, 4.2 per cent in Islam and 3.6 per cent in Kirat religion. Many groups and individuals within the Hinduism complain that they had faith in non-Hindu religion since ages and that they were made to practise Hinduism by force. Many ethnic communities are influenced by Prakrit religion (worshipping of nature) than by the Hindu culture and religion. Similarly, Hindus, Buddhists and the followers of Prakrit religion have positive goodwill about other religions. They have the tendency to participate in religious activities of others. Identification of the followers of nature and those who were influenced by multi-religion is a challenge. The number of those who want to dissociate from any religion is also increasing.

4.5.5. Cultural identity

Nepal is a country with multi-cultural identity. Different castes and communities here have their own cultural identities and traditions. In addition to that, common cultural traditions and identities have developed through the mutual interaction of various ethnic groups residing in different geographical regions. Thus, cultural traditions and identities in Nepal have developed not only on ethnic basis but also on the basis of geographical regions as well. When we are working to lay foundation for unity within diversity through the federal restructuring, these cultural aspects which have left deep impressions on the Nepalese society, should be embodied.

4.5.6. Geographical situation

On the basis of geographical situation, Nepal has been divided into mountains, hills and Terai/Madhesh regions. These regions have spread from east to west. The mountain region may be further divided into trans-Himalayan range, trans-Himalayan valleys and the main Himalaya. The hilly region may be divided into mid-land, Mahabharat range, Inner Madhesh and the Chure range. Similarly, the Terai region is divided into Bhawar and the Terai plains. The Chure hill range has fragmented the Terai at

Chitwan and Dang. The Himalayan mountain region has occupied one-third (35 per cent) of the total territory. Only two per cent land of this region is suitable for cultivation. Hills are the largest region of Nepal which occupies 42 per cent of the total territory. One-tenth of this region is suitable for farming. The Terai region occupies 23 per cent territory of the country. Forty-two per cent of the total land here is cultivable. The expansion of Nepal from north to south is 193 kilometres. Very low lying point Kechana and the world's highest peak Everest are in Nepal. Within such a small territory, there are three types of climate simultaneously.

Nepal's geographical setting has incorporated various social and cultural features as it has stood at the meeting point of various human civilisations. Though the development of transport, communications and information has laid foundation for connecting different regions lately, a large chunk of its population still lives in remote regions. This type of geographical setting has its deep impacts on the different aspects socio-economic development. Such impacts will continue for a long time to come.

4.5.7. Watershed regions and Climate

Due to special geographical structure, rivers of Nepal normally flow from north to south. These rivers, both small and big, have formed their distinct geographical regions. Three major Nepalese rivers have divided Nepal into three regions. The Koshi River in the east, Gandaki in the centre and the Karnali in the west have their own watershed areas. There is an old practice of dividing Nepal into eastern, middle and western regions on the basis of these watershed areas. Besides, the Mechi River in the east, Bagmati in the centre and Rapti and Mahakali in the west also have their own watershed areas.

Similarly, the rivers originating from the Chure range also form their own watershed areas.

The complex and diverse geography within a small area and the rapid flowing rivers have left deep impacts on the settlement patterns of Nepal. Major Nepalese Rivers and river systems have their close link with the development of history, civilisation and culture.

Climatic diversity can be found within all three geographical regions of Nepal. The mountain region is cold, hilly region is warm and Terai/Madhesh region is hot. The uneven geographical setting and climate has affected the social customs, dress and the way of people's living.

4.6. Challenges of determining regions

After studying the proposals about federal units presented by different individuals, institutions or political parties, it has been found that serious differences remain about determination of regions. The challenges regarding the fixation of regions as federal units may be listed as follows.

4.6.1. A province may be surrounded by another

If a province is completely surrounded by another province, this situation is detrimental on account of autonomy and self governance. When a unitary state is de-aggregated into a federal state, such a situation should be avoided. It is desirable that a province borders with more than one province.

4.6.2. A single geographical region may be claimed by more than one province

This kind of situation is challenging when determining the region of federal units. Such claims should be settled before giving final shape to the federal units. To resolve this kind of dispute, opinions of expert panel and the concerns of the stakeholders need to be taken into consideration.

4.6.3. Balance between population and area

When we are fixing the federal units, it is almost impossible to maintain a balance between area and population. However, consideration should be made to this aspect at a time when a unitary state with mixed settlements is being converted into a federal state through political decision.

4.6.4. Historical continuity, plurality or multi-cultural model

The problems of backward, suppressed ethnic people and communities should be addressed in such a way that Nepali society's multi-ethnic, multi-lingual and multi-religious characteristics are not adversely affected. It should be made clear that all the provinces of Nepal will not have similar features.

4.6.5. Concerns of the stakeholders

In the context of Nepal, it is not proper to ignore the views of the stakeholders supporting a federal state. Scientifically resolving the conflicting views of different stakeholders is equally necessary. For this, the stakeholders should be brought to the process of debate and the final consensus should be reached. It is probably for this end that the commission on state restructuring was felt necessary. However, this has failed to get political priority.

4.6.6. Economic capacity and administrative accessibility

Determining federal units by maintaining economic capability and administrative access is a very difficult task. But still, this aspect must be given special consideration for the success of a federal system.

4.6.7. Single province based on different geographical units

In the context of Nepal, going for a single province based on different geographical units would not be appropriate.

4.7. Models for determining federal units and their rights

For a federal system, the task of building federal units is of highest importance and challenging. Equally important is the issue of whether to go for single model or various models. It is already mentioned that identity and capability will be used as the basis for forming federal units. In this context, it is evident that the federal provinces may be similar or different to each other. Recommendations of the commission or the views of the concerned experts may be taken for this purpose. However, the right to reach a final decision in this regard rests on the Constituent Assembly.

4.8. Formation of local units and determination of regions

What will be the form and structure of the local units? The central issue is whether to propose the model structure right now or authorise the provinces to take these decisions. In the context of Nepal, the long exercise of the local level bodies can make important contribution for the fixing federal structure. Therefore, the voices of the local bodies should be addressed.

The local units will exist under the provincial structure. It is the level where people have quickest access. Provisions on the local bodies are mentioned in the constitution in order to give it a constitutional recognition. Therefore, provisions of local bodies and their rights are included in the federal constitution, which is the latest practice.

In the context of Nepal, the federal government can issue certain criteria to the provincial government to fix the number and areas of the local bodies. When it is fixing such criteria, the federal government should consider comparatively equal population, geographical and administrative suitability, population density, transport facility, availability of natural resources and the cultural and communal aspects of the local people.

In order to fix the name, number and area of the local bodies as instructed by the federal government, it is desirable for the provincial government to form a provincial level commission for the purpose. The commission should delineate border and name the local bodies in such a way that it is suitable for running local autonomous government. In doing so, the structures of the existing Village Development Committees (VDC) and municipalities should be reviewed. Bringing down the number of the VDCs and maintaining uniformity in the formation of the local bodies would be appropriate and effective. It is desirable that the name, border delineation and the area of the local bodies are fixed according to the constitution within one year of the formation of the provincial government. Until the local bodies are formed, the existing local bodies should be operating. Other provisions regarding the formation and structure of the local bodies should be determined by the provincial law. However, the provisions regarding the structural arrangement and rights of the local bodies should be mentioned in the constitution. At the local level, creation of the village units (gaunpalika) and municipalities to act as the local level government would be appropriate.

4.9. Number and demarcation of provinces

In the restructuring of the federal state, formation of autonomous and self-governed provinces is necessary. While doing so, the following points should be considered:

- Regions with geographical continuity and ethnic concentration should be placed within a single unit as far as possible
- Regions with certain lingual concentration should be placed in the same unit
- Regions with certain cultural concentration should be kept in the same unit
- Regional disparity should be taken into consideration while determining the federal regions
- Emphasis should be placed on the historical and communal features

Besides, economic capability and potential, availability of natural resources and means and administrative accessibility should be considered. In this way, each province of Nepal will have the dominance of a major ethnic group, a major lingual group and a major cultural group. In the provinces thus formed, a situation may arise where a regional language may have to be used for official purpose. Evidently, a province formed in such a way will be multi-ethnic, multi-lingual and multi-cultural. Names of the committee member and proposals of political parties on federal units (province), their names and demarcation, maps and details received by the committee have been listed on Schedule 14. Names, number and demarcation of provinces are given on Schedule 15.

4.10. Rights for merger and separation

Through the process fixed by the constitution, provinces can merge with each other and separate from each other. Such provisions should be mentioned in the constitution. These constitutional provisions are necessary taking into consideration the current debate and possible debates that may arise in the future regarding the size of the provinces.

In case the provinces need to get merged with each other or a new province needs to be created or make changes in the provincial boundaries for adjustments, it would be appropriate to arrange a provision which requires the decision of two-thirds majority of the concerned provincial legislative. The recommendation thus made by the provincial legislative will have to be approved by two-thirds majority of the federal legislative. If the recommendation could not be approved by two-thirds majority of the federal legislative, it would be appropriate to have a provision for holding a referendum in the concerned province. According to the decision of the referendum, the federal legislative will have to amend the constitution within three months.

4.11. Capital

A federal capital will be located in the place decided by the federal government. If the federal capital needs to be relocated it would be appropriate to do so through the decision of two-thirds majority of the federal legislative.

4.12. Provincial capital

It would be appropriate for a province to decide its own capital. For doing that, administrative accessibility within the province, situation of the physical infrastructure, easy access of the people, capability of regulating the political and administrative authorities of the province, economic, social, geographical, administrative and physical infrastructure and viability of development and expansion should be taken into account.

Though choosing the provincial capital is the jurisdiction of the province, a provincial capital has to be fixed even before the provincial legislative gets its shape. Therefore, the provincial capitals to serve during the transition period have been listed on Schedule 15. The provincial capitals so fixed may be relocated considering economic, social, geographical, administrative and physical infrastructure and the possibilities of development and expansion. It would be appropriate for the provincial legislative to determine the procedure and process of relocating the provincial capital.

Chapter- Five

5. The basis of naming federal units

5.1. Basis of name choice

As Nepal is being transformed into a federal state from a unitary and centralised system of governance, fixing names of the federal units and the basis for naming remains a major issue. Therefore, the following factors may be considered for the purpose of determining a name.

5.1.1. Ethnic, communal, lingual, historical background and cultural identity

In areas where identities are linked to ethnicity/community and culture, and where communities have been continuously living there for centuries and still dominating the settlements, the demand for identities should be addressed while naming the provinces. In a region which has majority of certain language, a federal unit may be named on the basis of the language. Similarly, regions without ethnic and lingual dominance may be named on the basis of the places of multi-cultural, multi-lingual, historical and cultural importance.

5.1.2. Geographical and natural features

As Nepal is a multi-lingual, multi-cultural and multi-ethnic country, there is no majority of a single language or culture. Therefore, there doesn't seem to be a single language or single basis for the naming of federal units. Where such a situation exists, such federal units may be named on the basis of geographical or natural features.

5.1.3. Choice of a name that is popular or that hurts nobody's feelings

The first priority should be accorded to the name that is acceptable or common to the communities living in a federal unit. If a certain name is not acceptable to all, an alternative name that does not hurt the sentiment of anyone may be chosen.

The following bases were proposed for naming federal units in the questionnaires prepared by the committee during the collection of public opinion. These points may serve as basis to name federal units:

- Ethnicity
- National heroes
- Mountain peaks
- Regional identity
- Religious places
- Language
- Rivers
- Cultural identity
- Geography
- Historical places

Similarly, names that create a feeling of regional and national unity, names that are related to the identity and ownership of the people of the region and places of distinct reputation may also be used.

5.2. International norms and practice

Federal countries have not followed a particular basis for naming federal units. They have named the units on the basis of natural heritage, language, religion etc.

Switzerland: Twenty full cantons and six semi-cantons have been divided on the basis of the majority of one lingual group and the followers of Protestant and Catholic religious beliefs.

Belgium: This country is divided into different federations on the basis of culture. Yet, lingual diversity was used as the basis for the division of all states except Brussels. There are three different regions in Belgium, namely Walloon, Flemish and Brussels. There are four lingual states in Brussels region which include French speaking, Dutch speaking, bilingual region of Brussels and German speaking region.

Ethiopia: The federal units here are named on the ethnic basis.

Nigeria: Thirty-six federal units of Nigeria have been totally named on ethnic, religious and lingual basis.

South Africa: The names of its nine provinces are Eastern Cape, Free State, Gauteng, Kwajalu-Natal, Mpumalanga, North Cape, Northern Province, North-west and Western Cape.

India: The names of Indian states are Adhra Pradesh, Assam, Bihar, Chhatisgarh, Goa, Gujararat, Hariyana, Kerala, Madhya Pradesh, Tamilnadu, Karnataka, Orissa, Punjab, Rajasthan, Jharkhand, Uttar Pradesh, West Bengal, Jammu & Kashmir, Nagaland, Himanchal Pradesh, Manipur, Mizoram, Meghalaya, Tripura, Sikkim, Arunachal Pradesh, Delhi, Uttaranchal and Pondichorry.

Germany: In Germany, federal units are called Lander. They are Baden, Wurttemberg, Bavaria, Berlin, Brandenburg, Hamburg, Hesse, Lower Saxony, Mecklengurg-Western, Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxon-Anahalt, Schleswig-Holstein and Thuringa.

5.3. Names proposed by political parties

If we study the manifesto of political parties and their concept papers presented at the constitutional committee of the constituent assembly regarding the names of the federal units, we see that not all the political parties have clearly presented their proposals. Proposed names of the federal units on the basis of the manifestos, concept papers, commitments and position papers presented by some political parties at the constitutional council have been mentioned on Schedule 10.

5.4. Names proposed by experts and writers

They are listed on Schedule 11.

5.5. Concerns of stakeholders regarding names

Various proposals have been presented for the naming of federal units or provinces. Some have proposed that the provinces should be named on the basis of ethnicity, language and culture focusing on certain communities. Others have proposed that names should have collective characteristics though communities are influential factor in the formation of provinces. Proposed names on ethnic, lingual and cultural grounds include Limbuwan, Khambuwan, Kirat and Yakthum (based on ethnic Rais and Lumbus living in eastern hills), Tamsaling and Sesanta (in areas dominated by ethnic Tamangs), Nawa Pradesh and Nepal Mandal (in areas dominated by ethnic Newars), Madhesh, Bhojpuri, Mithila, Kochila, Awadhi, Tharu, Tharuwan and Tharuhat (in the Terai plains), Tamuwan and Tamugandak (in areas dominated by ethnic Gurungs) and Magargandak and Magarat (in areas dominated by the ethnic Magars). Some proposals have placed Magar and Gurung dominated areas together and called it Tamu Magarat. There is the majority of Khas people in Bheri, Seti, Mahakali and Karnali regions. Therefore, some have proposed the names of Khasan and Jadan for these regions. Others have proposed the Karnali Autonomous Province for the Karnali region.

The proposals presented on behalf of the civil society say that names should be chosen on the basis of natural heritage, language, religion and ethnicity.

Notwithstanding whatever proposals the political parties and individuals have made for naming of federal units, everyone has agreed that this should not hurt the sentiments of any class, ethnicity, religion and culture of any group. Federal provinces should be named in such a way that respects the castes, ethnic nationalities, communities, languages and culture of the people living in the area and try to meet their aspirations.

5.6. Nepal's past experiences regarding the choice of names

In the current (political) division of Nepal, the zones are named after natural and historical places. Of the total 14 zones, 10 are named after the names of rivers, 2 after mountains and 2 after historical and religious places. The country was divided into 5 development regions and they were named on the basis of their location- Eastern Region, Central Region, Western Region, Mid-western Region and Far-western Region. The districts, municipalities and Village Development Committees have been named not on a single basis. Those names have sentimental attachment with the local people.

5.7. Factors to be considered while choosing names

If we look at geographical and demographic divisions of Nepal, some areas are dominated by a certain ethnic group while it is not so in other areas. In some areas, there is no dominance of any ethnic nationality and the ethnic composition is mixed. Therefore, the demand for identity should be considered while naming federal units in areas where a particular ethnic population has its dominance. In a region with the dominance of a certain language, it would be reasonable to choose name on the lingual basis. In areas having dominance of no ethnic nationality and language, there are many alternatives left and names can be chosen in such a way that hurts nobody's feelings. Communities with distinct identities which have been the victim of structural discriminations including ethnic groups, Dalits, minorities and Muslims should be considered.

5.8. Constitutional provision on name change

Though changing the name of a province is the decision of the province concerned, the names can be changed through constitution amendment because the names and borders of the provinces are mentioned in the constitution. If the need is felt for the change in name, it should be decided by the two-thirds majority of the provincial legislative. At the recommendation of the provincial legislative, the change of name should be approved by two-thirds majority of the federal legislative.

If the federal legislature fails to garner two-thirds majority to approve the name change, it would be appropriate to hold a referendum if the provincial legislature feels its necessity. This will respect the opinion and desire of the people. According to the decision of the referendum (to change name), constitution needs to be amended.

It would be appropriate the provisions of passing the proposal by two-thirds majority of the federal legislature and holding referendum are fixed by the law.

Chapter –Six

6. Power sharing between federal unit governments

6.1. Sharing of legislative, executive and judicial powers among various levels of federal unit governments

The provisions of division of powers among governments at different levels (federal, provincial and local level) is clearly stated. The aim of such power sharing is to assist the governments at different levels to perform effectively. They chiefly include legislative, executive and judicial powers. In a federal set up, state powers are divided through the enlisting of powers.

6.1.1. Sharing of legislative powers

In a federal structure, the legislative rights of governments at different levels to formulate laws are compulsorily mentioned in the constitution. This guarantees the autonomy of governments at different levels. The index regarding the division of rights for making laws on different topics by different levels of government is mentioned in the constitution. The legislative rights listed in the constitution's index include formulation of new laws, amendment and scrapping of existing laws. Laws about the topics listed in the federal (central) index are made by the federal government while the topics in the provincial index will be dealt with by the province. Likewise, the topics in the common index will be addressed by both the federal and provincial legislatures. The local bodies and the regions under special structure will also have rights to formulate laws. The exercise of legislative powers and procedure fall under the jurisdiction of the committee that determines the model of the legislative organs of the constituent assembly.

6.1.2. Division of executive powers

In a federal structure, division of executive powers is regarded as an important issue. Its objective is to form an accountable government. The executive powers are related with the index of power (in the constitution). A government unit has rights to deal with issues under its jurisdiction. The federal government will deal with issues that fall under its jurisdiction and the provincial government will deal with its own jurisdiction. Regions of special structure and the local bodies will have executive powers over topics listed in the constitution as fixed by the provincial law. They include general instructions, control and operation of governance, maintaining the rule of law, formation of administrative structures, managing economic and human

resources for that, maintaining good governance, execution of laws etc. Division of executive powers among different levels of government also falls under the jurisdiction of the committee on determining governance model of the constituent assembly.

6.1.3. Division of judicial powers

In a federal system, sharing of judicial powers among different levels of government is regarded as important. Division of judicial authority is mainly related to the structure of the judicial bodies. Judicial powers chiefly rest on judicial authorities, that is, courts. Judicial powers are exercised on the basis of the jurisdiction and level based structure of the courts. Judicial powers cover the issues related to law and justice and the task of resolving disputes. Whenever disputes arise between federal government (centre) and provinces, between provinces, between provinces and specially structured regions and between provinces and local bodies regarding the exercise and respect of the constitution and constitutional rights, or interpretation of the constitution, it has been proposed that it would be reasonable to set up a special tribunal to settle such issues. The constitutional court has the right to look into such disputes. In addition, the federal government, provinces, special structured units and the local bodies have judicial rights on the topics that are within their jurisdiction because these levels of government have law making rights on those subjects. Federal judiciary will have judicial rights over the issues that are listed in the federal index and same is true in the context of provinces. Specially structured regions and the local bodies will have judicial rights on the basis of the index mentioned in the constitution and as authorised by the provincial law. This issue will be described in detail in the report of the judicial committee of the constituent assembly because structure and jurisdiction of judiciary falls within the purview of this committee.

6.2. Fixation of table of contents of jurisdiction of federal units and common table of contents

A federal constitution makes clear division of the executive, legislative and judicial powers among different levels of government. Division of rights includes which rights to be given to the federal government. Devolution of rights largely depends on the federal structure to be adopted. If we look at the practice of federal countries, division of rights is based on index system. In some countries, powers are divided on the basis of the indices of the centre and provinces and common index of both. In other countries, certain rights are given to the centre and the provinces on the basis of index and the rights not included in the index are given to either the centre or the province.

When distributing state powers among federal units, a situation may arise where maintaining equal basis is difficult. In a federal state each federal unit cannot be equal. This is because federal units within a federation are not equal, their assets and size may vary, and division of units are on political basis rather than on technical one. However, certain rights such as foreign policy, national security, currency and foreign trade are reserved in the central government. The reasons for reserving such rights to the central government is that relations have to be maintained with foreign countries and organizations, all the units have to be coordinated on the issues of international importance and protecting national integrity by consolidating national security.

In fact, there is no particular formula regarding the division of power between the centre and the provinces. Devolution of state powers depends on the capabilities of the governments to be constituted in different federal units. A system has evolved in which rights are mentioned in common index and exercised concurrently both by the centre and the provinces to replace the separate lists of rights for the two levels of government. Agriculture, education, health, construction, energy, transportation and environment fall in this category. Some rights are reserved only for the central government while others are to be commonly exercised by both the central and provincial governments. According to this system, three indices of rights have to be listed- for the centre, for centre and province and for province only.

In a federal system with non-aggregate structure, it seems that the powers of the centre are distributed to the states. In a federal state having aggregate structure, there is the impression that the states have transferred some of their rights to the centre. However, as Nepal is turning into a federal country from unitary system of feudal monarchy that ruled for 240 years, there is the dominance of one language, one religion, one culture and one ethnicity. It was not a forced domination of a certain ethnicity but was imposed to strengthen the power of feudal monarchy. Movements launched before 1990, the people's movement of 1990, people's movement of 2006 and the Madhesh Terai movement awakened the Nepalese people. It is this awakening which created a circumstance in Nepal to embrace federalism. Taking this fact into consideration, Nepal's integrity needs to be considered while adopting federalism. It is also necessary to develop goodwill relations among all the ethnicities, lingual communities, cultural and religious communities. In this context, Nepal's state powers should be divided in such a way that the federal government is strengthened and the provincial government are empowered.

6.2.1. Index of the powers of the federal government

Once the federal units are formed, the centralised powers of the unitary state are divided among different provinces and federal units. While distributing powers, federal countries make lists of rights to be shared. In a federal system the norm is that issues of national importance are given to the centre. Such issues are reserved to the central government because there is the need to protect the sovereignty and integrity of the nation and the nation has to make international representations. The centre makes laws covering the issues that are in the index of the centre. Such laws are enforced in all the federal units.

6.2.1.1. International practice on federal rights and indices

If we study the practice of federal countries regarding the powers of the federal government, the constitution of the **United States of America** has granted powers to the federal government on 18 areas. They include borrowing, foreign trade, international agreements, imposing and raising taxes, currency, metrology, post office, intellectual property, establishment of Supreme Court and subsidiary courts, defining marine crimes and treason, defense and war.

In **Australia**, the constitution has authorised the centre on 40 different areas which include trade and commerce between other countries and its own states, taxation, postal services, telegraph, defense, currency and banking, statistics and insurance, metrology, foreign affairs, copyrights, patent, design and trademarks, marriage, foreign corporations and railway.

In **Canada**, 30 different issues are placed under the central control. They include borrowing, defense, foreign affairs, postal services, currency, tax, and trade and commerce regulation among others. These countries have adopted the policy of maintaining central supremacy. They have followed the principle of strengthening the centre and maintaining cooperation between the centre and the provinces.

South African constitution has placed the issues of national importance with the centre which include national security, economic unity and protection of common market.

Switzerland: The centre has covered the issues such as defense, foreign relations, use of the military, national highways, nuclear energy, postal services and telecommunications, monetary policy, social security and property and criminal law.

In **Germany**, 11 different issues are under the control of the federal government. They include foreign affairs, defense, federal citizenship, passport, immigration and extradition, currency, metrology, customs, value added tax, income tax, transport tax, commerce, postal services and telecommunications, industrial property and copyrights, coordination between federal government and provinces, statistics, federal waterways, air transport and some taxes.

Article 246 (1) of **India's** constitution grants full rights to the centre on 97 issues. They include defense, military and its mobilization, nuclear energy and mining of mineral resources, foreign relations, national highways, foreign debt, central bank, international trade and commerce, war, railway, insurance, metrology, intellectual property etc.

6.2.1.2. Views of Nepalese political parties regarding index of federal rights

The CPN-Maoist has stated in its constituent assembly election manifesto that the centre should control the issues of border security, army management, foreign relations, inter-state trade, monetary and central bank, customs revenue, large hydropower projects, railway/air route, national highways, central university and metrology.

Nepali Congress, in its concept paper, has proposed that international relations, currency policy, national security, inter-state coordination issues such as air transport, highways, projects of national importance including large hydropower projects, customs, value added tax, income tax and excise should be handled by the central government.

The CPN-UML has proposed that national security, foreign relations, monetary policy and the central bank, railway, air route, national highways, central university, protection of human rights and fundamental rights, Supreme Court, customs revenue, large hydropower projects, and formulation of multi-provincial projects and sharing of heritages should come under the control of the central government.

Madheshi Janadhikar Forum has proposed that the issues of national security, foreign affairs, currency, policy related and topics of central concern should be under the responsibility of the centre.

Rashtriya Prajatantra Party has proposed in its concept paper that economic policy, monetary policy, foreign policy, national security, sovereignty, international trade, education policy, communications, commerce and development projects of national importance and inter-state relations should be under central control.

The CPN-ML has proposed that issues such as defense, foreign relations, economy, monetary policy, central bank, central university, large-scale industries, large hydropower projects, national highways, national air services, general post office, radio, telecommunications, railway transport, citizenship distribution and regulation, hospitals with special services and central armed police should be controlled by the central government.

CPN (United) has proposed in its concept paper that international relations and agreements, military service and national security, sovereignty, integrity and border security, immigration and citizenship, communications, post office, national transport and railway, foreign trade, foreign investment and cooperation, areas of joint investment, central bank and monetary system should be placed under full authority of the central government.

Sadbhavana Party, in its concept paper of the constitution, has proposed that national security, currency and matters of foreign relations should be under centre's control.

Nepal Workers and Peasant Party has proposed that defense, foreign affairs, transportation, communications, currency, foreign trade, science and technology, post office, customs, national forests and national parks, lakes, rivers and hills should be under the control of the central government.

Rashtriya Janamukti Party has stated in its concept paper that foreign affairs, currency, army, treaty and agreements with friendly countries, air service and land transport, postal services, central bank, national security, large industries and projects and industries of strategic importance should be under the authority of the central government.

CPN-United has proposed that international relations, national security, monetary system, customs, large industries, rights for determining international and inter-state borders, ultimate rights, issues of national and international importance, national railway and aviation and special revenue policy should be under the central government.

Nepal Sadbhavana Party (Anandi Devi) has proposed in its concept paper that defense, foreign relations, fiscal, tax, inter-provincial relations, security and management of natural resources, environment, economic and social development, human rights, education and health should be controlled by the central government.

Samajwadi Prajatantrik Janata Party Nepal has stated in its concept paper that foreign relations, foreign trade, national security, Nepal army, central police, monetary policy, currency regulation and banking, immigration, air services, rail transportation, national highway, inter-provincial roads, national transport management, telecommunications, inter-provincial issues, conflict, technological research and development, large hydropower projects, post office, central statistics, industrial

policy, institutional income tax, value added tax, customs, carbon tax and passport fee should be controlled by the federal government.

Nepal Pariwar Dal has proposed in its concept paper that foreign relations, security policy, fiscal policy, central police, central bank, central university, national and provincial railway and airports, projects, issues which must be directed by the central level, central bureau of statistics, customs, revenue, value added tax, income tax and excise duty, land reforms and national policy relating to natural resources should be controlled and operated by the centre or federation.

Nepa Rastriya Party has proposed in its concept paper that the centre should be limited to foreign relations, monetary system, defense and coordination and power balance between the federal units and provinces.

Churebhawar Ekata Party Samaj in its concept paper has proposed that foreign relations, foreign trade, national security, Nepali Army, central police, monetary policy, management of bank notes and banking, immigration, civil aviation, rail transport, national highways, inter-provincial highways, management of national transportation, telecommunications, research of inter-province disputes and development, large scale hydro projects, postal services, central bureau of statistics, industrial policy, institutional income tax, VAT, customs, carbon tax, passport fee related issues should remain with the federation or centre.

6.3 List of powers of Province (Federal Units)

After the formation of the Federal Units, the state power is devolved from the Centre to the Province and Local Level. The Constitution itself guarantee some specific powers to such Federal Units and the Province shall hold exclusive power to formulate laws in the areas envisaged by the Constitution, where the Centre cannot make any intervention. Matters related to the Province and of local importance usually fall under the jurisdiction of the Province.

6.3.1 International practices related to the powers of Province (Federal Units)

United Nations of America : In areas other than those guaranteed by the Constitution to the Centre, the powers are given to the States. So except for the 18 areas under the list of the Centre, the States are fully independent in formulating laws in other areas. Such areas include basically health, public health, highway, law and other, among others.

Australia : The Provinces have powers to carry out education, health, road and development works.

Canada: The Provinces have exclusive power in 16 areas including among others property and civil rights, education and health.

South Africa : The areas where only the Provinces have powers include environment, population management and development, property transfer, public transport, planning and development, soil conservation, tourism, urban and rural development etc.

Germany: The provinces have powers on education, preservation and promotion of natural heritage, soil conservation, provincial development, plan, water management, press and communications etc.

Switzerland : The jurisdiction of the Federal Units (Cantons) covers education, cultural, police, local Government, protection of natural heritage, public health, provincial roads and natural resources.

Constitution of India also provides for a list of States and gives States exclusive powers in those areas. The Centre does not intervene in the areas that the States enjoy exclusive powers. This includes 66 areas including public health and peace, police, high court, crime of violation of law within the state, local government, communications, road, bridge, education, health, land reforms etc.

6.3.2. Nepal's political parties' concept on the list of Provinces

Political parties are found to have made different proposals regarding what powers the Provinces should enjoy in the context of Nepal.

CPN (Maoist)'s Constituent Assembly Elections Manifesto, 2064 says that all powers except those outlined for the Centre should fall under the autonomous states, and provides for powers of the Centre, Province and the local level.

Nepali Congress' proposed concept paper of the Constitution states that economic, social, cultural and linguistic rights, agriculture, forest, education, health, employment, housing and land, property tax, vehicle, registration fees and other sources should fall under the authority of the Provincial Government.

CPN-UML's Constituent Assembly Elections Manifesto, 2064 has proposed that provincial court, provincial service commission, public security, industry, trade and labour management, education and health arrangement, protection of provincial roads, and heritage should fall under the jurisdiction of the Provincial Government, and local roads, rural transport, gas, power and water supply, sanitation, local public education and health management, preservation and promotion of local natural resources, and heritage should fall under the Local Government.

Madhesi Janadhikar Forum has in its Constituent Assembly Elections Manifesto has proposed that internal security and administration, education and culture, resources management and trade, agriculture and micro industry, transit, housing development and public health should come under the powers of the Provincial Government.

Rastriya Prajatantra Party has in the CA elections Manifesto proposed that in areas other than developments of national important and those outlined for the Centre, the provincial government should be able to exercise autonomy in all the remaining areas.

CPN-ML in its proposed concept paper has stated that the provincial and local administration, education and health services, hospitals providing specialist services, affiliation of autonomous units, provincial and local transport, and transit, management and use of local resources, provincial and local planning and development works, public service commission, judicial service, banks, industries, local taxes, universities, special health projects should fall under the authority of the Provincial Government.

CPN-United has stated in its concept paper that under the Central Government the provincial government should have powers related to finalizing its education policy, monitoring and evaluation, formulating social welfare and civil rights policy, public health policy and enforcing it under the main central law, police force and its operation and control, control and collection of local taxes, management and regulation of provincial and inter-provincial transport, management of natural resources, inter-provincial cooperation and development of relations.

Sadbhawana Party has proposed in its concept paper to give all powers to the provincial government except for monetary, defense and foreign affairs.

Nepal Workers and Peasants Party has proposed in its concept paper that agriculture, forest, industry, education, health, state level transport, cottage and home-based industries, provincial tax, language, art, culture, provincial level forest, lakes etc shall fall under the authority of the State Government.

Rastriya Janamukti Party has in its proposed concept paper stated that the all other powers other than those outlined for the Central Government should fall under the State and should include economic, industry, agriculture, land, irrigation, education, language, religion, small hydro power, tax and health policy.

CPN Unified has in its concept paper proposed that all political, economic and social areas other than those overseen by the Centre should fall under the authority of the provincial government.

Nepal Sadbhawana Party (Anandidevi) has proposed in its concept paper that educational and cultural development, language, natural resources and management, public construction works, health, environment protection, technical education, tourism, high court, tax, agriculture, irrigation, fishery, power, social security, policy, land management and local development should fall under the jurisdiction of the Province.

Socialist Democratic Janata Party has in its proposed concept paper stated that education, health, social welfare, provincial police, industry, agriculture, forest, provincial transport, exploitation of provincial natural resources and management, irrigation,

watershed area management, settlements plan and development, environment protection and local tax should fall under the States.

Nepal Pariwar Dal has proposed in its concept paper that provincial court, transportation inside the provincial area, education, provincial police, provincial service commission, public security, various resources in the province, industry, trade, labour management, linguistic protection and promotion, provincial management, operation and control should fall under the powers of the provincial government.

Nepa Rastriya Party has proposed in its concept paper that all other powers except foreign affairs, monetary system, deference and coordination and balanced development among provinces should fall under the province.

Churebhawar Rastriya Ekata Party has proposed in its concept paper that education, health, social welfare, provincial police, industry, agriculture, forest, provincial transport, exploitation and management of natural resources, irrigation, watershed area management, settlement plan and development, environment protection and local taxes should fall under the states.

6.4 List of local level

Normally all the federal countries have also provided for local level of Government. However, there is no similarity in the organization, jurisdiction and powers of the local level of Government. Local level Government is where the people can have the first access. There is a recognition that empowering the local level in issues of local importance related to day-to-day life of the general public would be practical and effective.

6.4.1. International practices related to the list of local level

The jurisdiction of the local government may be of the autonomous, decentralized and appropriated nature. In countries like Australia, Canada, Germany and United States of America the local Government fall under the State or Province whereas in India, Argentina, Switzerland and other countries the Constitution itself has provided for a structure for running autonomous governance. If the structure and jurisdiction of the local Government is provided for in the Constitution that it is regarded as receiving constitutional recognition. However, the local government should act within the parameters of the laws formulated by the Federal parliament or the provincial legislature.

Generally in a federal state, the Constitution provides for a clear sharing of power among the Federation and the provinces and the local level is kept under the Federal Units. However, in many countries, the big and capital cities are found to been granted special autonomy while in some countries the local Government is provided for as per the law formulated by the legislative under the provincial government. In countries like Argentina, India, Belgium, Switzerland, South Africa and Austria the Constitution has made clear provisions for local autonomy. In these countries, the local government is provided with the third important geo-regional governance powers. In a federal structure, if local level of government is provided then its jurisdiction

also needs to be outlined. Even though the local government falls under the provincial government, if their powers are determined in constitutional terms then those bodies could enjoy sufficient autonomy, and remain aloof of unnecessary intervention from the Centre or Province.

6.4.2. Nepal's previous experience and exercises related to local level

It is recognized that if the local level is given powers on areas of local importance, that it would be effective and practical. In the context of Nepal, as the federal structure is being adopted with the objective of involving the local level in the governance, there is a need to recognize the local level constitutionally, and guarantee its powers. In the past, the Local Self-Governance Act, 2055 had provided some rights to the local level in legal terms. The areas under the powers of the local level may be as follows:

- Primary health
- Municipal police
- Drinking water
- Small irrigation projects
- Community forest
- Mobilization of local resources
- Local physical infrastructure development
- Local property tax, vehicle tax and land revenue

The various political parties also have their respective concepts in relation to what powers should be given to the local level.

6.4.3. Nepal's political parties' concept on the list of Provinces

CPN (Maoist) has mentioned that local transport, local tax, education, health, sanitation, local resources etc should fall under the powers of the local level of Government while the powers of the local bodies have not been mentioned in the manifestoes of other political parties.

Nepali Congress has proposed in its concept paper that agriculture, forest, education, health, employment, housing and land, property tax, vehicle, registration fees etc should come under the local government.

CPN-UML has stated that local roads, rural transport, gas, power and water supply, sanitation, local public education and health management, protection and development of local resources and heritage should be the powers of the local level government.

Rastriya Janamorcha has proposed in its concept paper that local administration, local development, education, roads, drinking water, irrigation canal, local construction, birth and death registration, cases of local nature, local tax etc. should come under the local bodies.

Socialist Democratic Janata Party Nepal has proposed in its concept part to include education, health, sanitation, agriculture and animal husbandry expansion, local roads, irrigation, drinking water, micro hydropower, environment protection, social security, protection of local skills and technology, and art under the local bodies.

Nepal Pariwar Dal has proposed in its concept paper that management, operation and control over protection and development of local natural resources, local road and transport, primary education, health, irrigation, sanitation and local tax should fall under the local level.

Chure Bhawar Rastriya Ekata Party Nepal has proposed in its concept paper to include primary education, health, sanitation, agriculture and animal husbandry expansion, local roads, irrigation, drinking water, micro hydropower, environment protection, social security, and protection of local skills and technology, and art under the local bodies.

6.5 Concurrent list

The powers exercised by both the Centre and the Federal Units in their respective areas of jurisdiction are called concurrent powers. Mutual cooperation is essential in order to ensure equality in the opportunities between the Centre and the Federal Units, and to maintain easy access to public services. Many areas are of the nature to be governed by both the centre and state. As those areas are areas of common powers, concurrent powers needs to be given. In a federal arrangement, apart from the separate list of powers for the centre and state, a concurrent list of powers on many areas of common importance and use is provided for in the Constitution itself. In such areas, the Centre and state also have the right to formulate laws in their respective region. If both the levels of Government formulate laws on common areas, then an important question arises of which law would be recognized if they contradict against one another. In India, it has been accepted that the law of the Centre would be recognized if the law of province contradicts with the law of the Centre on common areas, and to the extent of contradiction.

The main purpose of maintaining a concurrent list is of the fact that some issues are not fully of national importance and some are not purely related to the federal units or states and the local bodies. Such issues are of common interest to the centre and the states. In many occasions, the Centre will need to formulate laws for the state or federal units while in some cases formulating of laws by the Centre alone would not be sufficient. In many issues uniformity also needs to be maintained between the centre and state. As a result, a concurrent list between the centre and state is essential.

For using the concurrent list, both the Federation and states can formulate the law. But as the law formulated by the federation and state may contradict with one another, the Federal Legislature shall develop a fundamental principle, norms and framework on the concurrent list, and the Provincial Legislature shall follow it to formulate necessary laws.

6.5.1 International practices related to the Concurrent list

The Constitution of **India** has provided for a concurrent list of powers of the centre and states in the Constitution itself, which includes 52 areas including criminal law and procedure, divorce, marriage, property transfer, contract relations, judicial administration and trade union, among others.

In **South Africa** education, health, housing etc are kept under the concurrent list.

The Constitution of **Canada** includes areas like agriculture and immigration in the concurrent list.

The Constitution of **Germany** includes in the concurrent list powers related to civil law, criminal law and enforcement of punishment, organization and working procedures of the court, legal practice, notary and legal consultation, birth, death and marriage registration, laws related to arms and ammunition, and explosives, public welfare, laws related to financial issues, labour law, public roads and transport management etc.

6.5 List of proposed rights in the context of Nepal

Apart from the common list, separate list of the rights has been prepared from the common list for the rights of federal unit, province, local level and autonomous regions under special structure with the objective to strengthen the central government and give more rights to the provincial government after studying and analyzing the concept paper/manifesto/ commitment papers of political parties and looking at the international trend and practice, report of the collected public opinion, answers of the questionnaire, inputs provided by individuals and institutions and opinions expressed by the honorable members. It appears plausible to formulate laws and provide executive and judicial rights on issues concerned pointed out in the list of the federal unit, province and local level and autonomous region.

S.N.	List of Federal State	List of province	List of local level
31.	Defense and army		
32		Provincial constitution	
33	Central police force	Police, administration & law and order	Town police, community police
34	Central bank, fiscal policy, monetary policy, foreign grant, assistance and loan	Bank and financial institution, Cooperative, foreign donor's grant and	Cooperative

		assistance on the consent of the centre	
35	Central telecommunications, distribution of radio frequency, television and postal service	Radio, FM, television	FM operation
36	Customs, excise duty, VAT, institution tax, passport, visa, postal, tourism fee, service tax	Personal income, property tax, business tax, land revenue, remuneration tax, tax for registering house and land, entertainment tax, advertisement tax, agro income tax, service tax	Local tax (property, house, rent, automobile tax etc) service tax, tourism tax, advertisement tax, annual land tax
37.	Royalty from natural resources	Royalty from natural resources	Royalty from natural resources
38.	Management of central civil service	Management of provincial civil service	Management of local service
39.	Central statistical bureau	Provincial bureau	Collection of local statistics and documentation
40.	Large scale hydro plants of central level and other projects	Provincial level hydro electricity, irrigation project and other projects	Local level development projects
41.	Central university, central library	University, higher education, library, museum	Primary and secondary education
42	Central health policy	Health service	Basic health and sanitation
43	Affairs of federal Legislative, federal Executive	Provincial Legislative, relating to local government and special structure	
44.	International trade, exchange, port, quarantine	Inter provincial trade	Local bazaar management
45	International and inter-provincial aviation service	Provincial aviation	
46	International and diplomatic and UN related affairs		
47	International treaty, extradition and international border management		
48	Management of national railway and national highway	Provincial rail and provincial highway	Local highway/rural road/ agriculture road
49	National intelligence and investigation	Provincial investigation bureau	
50	Supreme Court/Constitutional Court	Provincial court, family court and minor court	Local court, mediation and arbitration
51	Citizenship, passport, visa, law relating to immigration	Citizenship and passport management	Citizenship, passport distribution and documentation management

52	Nuclear energy and space		
53	Election Commission, National Human Rights Commission, Commission for Investigation of Abuse of Authority, Public Service Commission, National Women Commission, Proportional and Inclusive Commission, Dalit Commission, National Planning Commission, Madheshi Commission, Commission for upliftment of highly minority, marginalized and backward region and Indigenous Janajati Commission and other Commissions of national importance.	Provincial level Commissions	
54	Defense and offense		
55	Arms, weapons factory and products		
56		Land management, documentation of land and determining land revenue	Distribution of land and housing certificate
57	Metrology		
58	Mine excavation	Mine research and management	
59	Insurance policy	Insurance management and operation	
60	Formulation of criminal law		
61	Patent, design, copy right		
62		Protection of language, culture, script and religion and use	
63		Utilization of forest, water within the province	
64		Agriculture and animal husbandry, development of industries, industrialization, transport, production of alcoholic products, buy and sale of construction products	
65		Book and printing	
66		Management of Trust	
67			Management of elderly, disabled,

			women, single women and helpless
68			Data collection of unemployed
69			Management, operation and control of agriculture
70			Registration of vital events like birth, death etc

Concurrent List of the rights of Centre and Province

1. Criminal and civil Procedure, certification and swearing in (legal recognition, public act, documentation and judicial process)
2. Supply, distribution, price control, quality maintain and monitoring of essential items
3. Detention on the issue of the security of the state, prison and custody management and provision for law and order.
4. Transfer of convicts, prisoners and those in custody from one province to another
5. Law relating to family affairs (wedding, hand over of property, divorce, highly minority groups, orphans, adopted son, heir, joint family and diverse)
6. Acquiring of property, acquisition and creation of rights
7. Contract, partnership and agency related
8. Bankruptcy and insolvency
9. Medicine and pesticides
10. Economic and security plan, family planning and population control
11. Social security and employment, trade union, rights and dispute issues of industrialists and workers
12. Medicine, legal and other professions
13. Registration of vital statistics of vital events like birth, death like incidents.
14. Water way
15. Those relating to means of communications
16. Those relating to archaeological, historical memorials and museums
17. Industry and mine and physical infrastructure
18. Casino, raffle, driving license
19. Fire and natural calamity control, relief and rehabilitation
20. Tourism, water and sanitation
21. Film, cinema hall
22. Insurance
23. Poverty alleviation and industrialization
24. Scientific research, science and technology and development of human resources
25. Utilization of forest, wild animals, birds, mountains, national parks and water resources spread in provinces

- 26. Management of national and inter-provincial environment
- 27. Land policy

6.8 List of rights of autonomous regions to be established under special structure

Though the federal government determines the formation and demarcation of autonomous area under the special structure, it is suitable to specify the rights of such areas in the constitution itself. The list of rights of autonomous area will be as per the following:

List of rights of autonomous region to be established under special structure

S.N.	Subjects
21	Police
22	Cooperative
23	Management and operation of FM and Television
24	Primary, secondary education, library and museum
25	Health service
26	Autonomous elected council
27	Property tax, business tax, housing and land registration tax, automobile tax, entertainment tax, tourism service tax, land revenue, remuneration and agro tax
28	Royalty received through natural resources
29	Road
30	Hydro power, irrigation project and other development projects
31	Citizenship/ passport management
32	Documentation of land/ certificate of land and house ownership
33	Mine excavation and management
34	Protection of language, culture, script and religion
35	Natural resources and their utilization
36	Agriculture, animal husbandry, business, entrepreneurship
37	Management of services
38	Statistics and gathering of documents
39	Court
40	Other rights as determined by the provincial government

6.6 Provision related to Residuary Powers

The powers that are not clearly defined to fall under the jurisdiction of the levels of Government are called Residuary Powers. The areas not specified in the Constitution and the law to fall under the jurisdiction of any level of the state and the works of a nature that does not fall under any level come under residuary powers. As the knowledge and thought of humans are limited and incomplete, it is not possible to identify and foresee in the present the problems and subjects that may arise in the future. Likewise, due to development of science and technology it is also difficult to predict about many issues that could arise in the future. Sometimes a situation that was not thought of before could arise and new areas could develop from it, requiring the intervention of Government. In such a situation there may arise a problem to decide which level of Government should look into the matter. Normally all the countries with a federal structure have clear provisions outlining such residual powers going to which level of Government.

If any area is not clearly specified in the Constitution and the law that it would fall under the powers of the three organs of the state—legislature, executive and judiciary then such areas need to be governed by the exercising of the residual powers. In a situation where an area and responsible entity is not specified in the Constitution and the law, it needs to be executed by the Executive, so the residuary powers is usually exercised by the federal (central) executive.

6.6.1 International practices related to residuary powers

International practices related to the provision of the residuary powers resting on the state or the centre does not indicate decisions being taken based on a single recognition. It is found that countries have assigned the residual powers to a level of Government considering the respective character and need of the particular country. Not only in the United States of America, Switzerland, Australia, the United Arab Emirates, which are coming together federal states, but also in a country like Germany that has united in course of expansion of the state, and in countries like Brazil, Spain, Bosnia-Herzegovina, Mexico, Venezuela, Argentina, Russia, Malaysia, Ethiopia, Iraq, that have are holding together federal states going from Unitary to a federal structure, have all left residual powers to the provinces. However, in countries like South Africa, Belau, and India the residual powers rests with the Centre. In India, the residual powers in the case of Jammu Kashmir has been given to the State and the remaining rests with the Centre. Residual powers in Canada was initially with the Centre but it has now been mentioned in the Constitution that the residual powers is be as provided by the law, following the separatist movement in the state of Quebec. Residual powers in Canada is exercised on the basis of mutual agreement. Likewise, following a long conflict, residual powers in Sudan has been provided for in Article 113 of Constitution which says that it shall be the common responsibility of both the Centre and State.

6.6.2 Residual Powers in the context of Nepal

On the basis of the concept paper/manifesto/letter of commitment of political parties, and international standards and practices, the report of the public opinion collection team, answers to the questionnaire, suggestions that have come from various

individuals and institutions, and considering Nepal diverse geographical situation, it would be more useful and practical for residual powers to rest on the Federation (Centre) , and so it is proposed that residual powers rest with the Federation (Centre).

Section 7

7. Interrelationship among Legislative, Executive and Judiciary in federal set-up

Federal system is supposed to be a complex system of governance compared to the unitary system from the legislative point of view. Therefore, it is necessary to clarify the provisions related to the relation and coordination among different layers of governments under the federal set-up in the new constitution. Inter-relation means the policy level coordination and management, which aims at conducting the common programmes and resolving the disputes between the federal states and provinces or among the provincial governments. Apart from the necessity of co-ordination and co-alliance for fulfilling the common interests between federal and provincial states, and among provinces, the regional disputes also need to be settled.

There are two kinds of interrelationships between the federal states and provinces: vertical and horizontal. While the former determines the relationship between the federal states and the provinces and latter between the provinces. No matter how judiciously the powers are distributed between the federal states and the provinces, the problems are likely to crop up in regard to exercising powers between them. The mutual misunderstandings might give rise to dispute and conflict, which should be managed through coordination between the federal states and the provinces.

With the formation of provinces, coordination is very necessary among them while using rights devolved from the centre. Some rights are concerned between the federal states and the provinces while others are matter of common concern among the provinces. In the similar manner, some of rights are related to among the local levels and the provinces. In such a situation, there is the need of coordination among the concerned bodies while exercising the state powers. If not so, conflict might arise between the federal.

The relationship among the difference provinces under the federal set-up should base on mutual cooperation, co-existence and good will. One province should be independent to extend or receive financial assistance and loans to and from other provinces. They should foster mutual cooperation and coordination, as they have to jointly carry out development projects and conserve and promote environment, natural resources and means. For the better inter-provincial relationship, one province should recognise the laws of another province, and implement decisions and orders of judicial bodies of each other if such decisions have impact on inter-provincial relations; the federal state and provinces should exchange mutual legal cooperation and all provinces have to provide equal facility and security to the residents of all provinces. But in some other cases, the federal state needs settle the dispute among the provinces through the necessary legal arrangements if the former is approached to do so.

In the countries where federalism has been adopted, the relationship between federal states and their units are being guided and developed by competitive theory. But, such a theory can be workable only when the provinces and federal units have equal level of socio-economic development. In the United States, the relationship among the federal units is based on competitive theory. However, given Nepal's geographical diversity and intensity of natural resources and means, the provinces can't have not equal political, economic, social and cultural status and ability. In such a situation, there should be mutual cooperation and coordination among the provinces. Provinces should be interdependent on each other. So, is the case between the federation and the province.

Following the formation of provinces, dispute can arise between the provinces and between the federal state and the provinces over their jurisdictions and their use. In order to avoid possible confrontation, the constitution should clearly mention about the executive, legislative and judicial rights and their uses by federal state and the provinces. A mechanism needs to be formed for an effective coordination between the federal state and the province, and between the provinces so that they will be able to solve dispute and misunderstandings, which might originate from the use of their legislative, executive and judicative powers.

In regard to the distribution of rights between the federal state and provinces, some countries have clearly outlined them in the constitution. There have been two types of systems in connection to the division of powers between the federation and the provinces. Some have adopted dualistic model in which the provinces and the federation have been granted equal legislative rights, and federal system ultimately guides them in case the province and the federation come in conflict. Some countries have followed an integrated model wherein the rights have been divided between the federation and the provinces. But some of their structures remain integrated, and the provinces act upon the instructions and influences of the federation.

The interrelationship among the executive, legislature and judiciary of the provinces should be based on the principle of separation of powers, and check and balance. The provincial legislature enacts the laws on the matters as per the list of rights; judiciary has prerogative to interpret laws and make people obey them while the executive implements them. The constitution needs to spell out the principle of federal system and basic structures to maintain the balance between the federation and the provinces or among the federal units. The constitution should, at a minimum level, describe about the division of rights and responsibilities between the provinces and the federation. As per this, the federal government can declare the laws of provincial governments null and void; can invalid their laws if they are found in contravening its own acts and regulations; issue various directives to the provincial governments; can control and even dissolve them and can enforce its rule laws in the provinces; the decision of the high court of provinces can be appealed at the federal Supreme Court and the provinces have to follow the precedents set by the Supreme Court of the federation.

International Practice:

In the constitution of South Africa, the relationship among the national, provincial and local governments, and all organs of the government have been defined as mutually interdependent. Following principles have been incorporated in the statute to bolster the relationships among the different layers of the government

1. Cooperative Government.
2. The governments of all levels and their organs should keep peace, national unity and the indivisibility of provincial states intact.
3. To safeguard the welfare of the people of the provinces.
4. To make the government effective, transparent and accountable to the people.
5. To be accountable to the constitution, republic and the people.
6. The governments of all levels should recognise and respect the rights and action of their institutions.
7. The governments of any layer and agencies should not to speculate on the rights and actions beyond the periphery of the constitution.
8. The governments of each level should exercise and implement their rights without interfering with the activities, and geographical and institutional integrity of their counterparts.
9. They should coordinate each other, stress on the mutual trust and good relations on the basis of the following premise.
 - a. To expand friendly ties.
 - b. To cooperate with each other.
 - c. To share information and consult with each other on the matters of common concerns.
 - d. To coordinate among each other on the matters relating to their works and legislature.
 - e. To avoid legal action on each other.

Following provisions define the interrelationship between the federation and provinces in India:

1. The federation and province can formulate laws on the basis of List of Rights
2. Both, the federation and provincial states could chalk out laws on the basis of the common list and the federal laws will prevail in case the laws of both contravene in each other
3. If the provincial states make a formal request to the central parliament to devise laws on the matter of national important, the central parliament could formulate laws on the matters that fall in the list of the provincial states, and could implement them in the provinces.
4. The central parliament could formulate the laws in case the state of emergency is declared.
5. In the conditions mentioned in 3 and 4, if the laws of centre and province contradict in each other, the laws drafted by the centre will be recognised and the laws of province remain inactive until the laws of the centre are in effect

Following provisions highlight interrelationship between the federal and provincial government in the US:

1. One state will recognise the public laws, record and judicial process of another state. The Congress will implement this provision by enacting the laws
2. One state will not discriminate the citizens of another state in regard to exercising his or her privileges and freedom.
3. If a person accused of criminal charge flees another state, he or she will be extradited to the state where he has been implicated.

Following arrangements are made on the interrelationships between the federal and cantons in Switzerland:

1. The Federation and cantons should cooperate with and coordinate between them in order to make their works effective.
2. The Federation and the canton should stress on mutual cooperation and understanding. They will mutually reciprocate in the field of administrative and judicial cooperation.
3. The disputes between the federation and canton, and between the cantons will be settled through dialogue and reconciliation.
4. Cantons will obey the federal laws without contradicting the constitution and laws of the country.
5. The Federation will respect the autonomy of cantons.

7.1. The bases of interrelationship among the federation, province, special structure and local body:

- Cooperation
- Mutual consensus
- Cooperative
- Co-existence and co-work
- Sound relation
- Coordination

7.2 The relationship between federation and the province

The Federation has right to formulate the laws for the whole country by remaining within the limit of the Right List while the provinces will devise their laws only and exercise executive rights by remaining within the legal boundary. The Federation and the province can formulate the laws on the matter of common interests and have equal rights to use their executive rights. In case when the laws of Federation and the provinces contradict in each other, it will be pragmatic that the federal law should govern the provinces.

In regard to the use of executive powers, the Federation and the provinces should promote mutual cooperation and coordination between them. The federal government should not issue any directive or executive orders in a way it encroaches upon the jurisdiction of the provinces. However, in the condition wherein there is a matter of national importance and the provinces need to be coordinated, the federal government can issue directives to all provinces as per the constitution and the prevalent laws and the latter have to follow such instructions. The federal government can caution, suspend or dissolve the province or provincial legislature-parliament if the acts of province hurt sovereignty, integrity and the peace of the country. However, the federal government needs to muster support or endorse its action (suspension or dissolution) from the federal parliament. It will be appropriate if the head of the nation takes such a step on the recommendation of the federal government. It will be pragmatic if a two-third majority of the federal legislature approves the federal government's decision for the check and balance of power between the federal and provincial governments. This provision will refrain the federal government from being dictatorial and pushes the federal legislature, which has the representatives from all provinces, to take a concrete decision through consultations. If the federal parliament fails to endorse the federal government's decision on the provinces within 35 days, such decisions will automatically be declared null and void. If the federal legislature approves the federal government's motion, the elections to provincial legislature should be conducted within six months. If the federal legislature fails to approve such a decision through a majority, the dissolved or suspended provincial government and legislature will again become active.

But, the federal parliament enforces its directives such a decision; the federal government should maintain law and order in the province through a federal rule until the new federal elections are held or until six months of dissolution or suspensions of federal legislature. There are some of the issues relating to international and inter-provincial relations, which the province itself or alone can't tackle. In such situation, if the province requests the Federation or the Federation needs to supervise them, the Federation will extend support or manage them.

If two or more than two provinces request the federal parliament to devise laws on the subjects that fall under the jurisdiction of the provinces, the federal legislature can do so and the concerned provinces should abide by such laws.

7.3 The interrelationship of legislature, executive and judicial rights between the provinces:

The provinces need mutual coordination to exercise their powers among them or to carry out common activities. The bases of the mutual coordination among them are neighbourliness, cooperativeness, and co-existence, and co-alliance, good and coordinative approach. The jurisdiction of provinces is restricted to only their provinces. In other words, the provinces do not wield powers to formulate laws or exercise their executives over the region or persons of other provinces. However, the laws of one provinces can be applicable to the region, persons or goods of another province based on the doctrine of territorial nexus provided they enjoy deep and cordial relationship.

In order to consolidate the relationships between the provinces, they should foster their ties as follows:

- One province should recognise the laws of another province
- One province has to share information and consult with another province on the matter of common interests and concerns; to mutually coordinate and expand cooperation in each other on their activities and legislature.
- To abide by and help implement the decisions and orders of judicial and administrative bodies if such decisions and orders are inter-provincial impacts.
- Province or federal units are free to receive or extend economic cooperation, loans or other type of assistance to another province or federal unit.
- Provinces should jointly carry out development works and conduct collective projects
- To coordinate the works of protecting and promoting environment and natural resources and means
- One province should, as per its laws, provide security and facilities to the people of another province.
- To request the Federation to devise the laws on the common matters related to two or more than two provinces and the Federation should make necessary legal arrangements to settle the dispute between them.
- The citizens of all provinces have equal access to justice.
- To hand over the person, who is accused of criminal charge or have been slapped punishment and have fled another province, to the concerned province by extending mutual legal cooperation among the provinces.
- All provinces should abide by the decisions or precedents of federal Supreme Court.

7.4 The relationship between province and the special structure

Autonomous region, special region or preserved regions, which will be established as special structures will remain under the province. The province will determine the bases and reasons for the creations of such regions. It is because the purpose and the need of establishing such regions vary from one province to another province. However, the relationships between the province and the region should be based on mutual cooperation and coordination. The provinces should not interfere with the regions in the matters of using and implementing the devolved rights as the former has to delegate powers to the latter as the

list of rights mentioned in the constitution. The regions have responsibility to obey the instructions and executive orders from the provinces.

7.5 The relationship between the province and local bodies:

Although local bodies remain under the province, there is the need of mutual cooperation between them. Generally, such relations and coordination should be maintained on the part of the provinces. The relationship among the Federation and special structure, and local bodies should be based on the list of the distribution of rights and existing laws as mentioned in the constitution in addition to mutual cooperation, coordination and cordial relations. The special structures and the local bodies have their responsibility to follow and implement the instructions issued by the federation as per the constitution and the existing laws. These instructions should, however, be implemented through the provinces.

Section 8

8. Mechanism to settle the dispute that can arise among the federal units

Federalism is considered to be a complex political system from the point of view of management as it contains the government structure of two or more than two layers with their separate jurisdictions. No matter how judiciously the powers are distributed among the federal units, dispute or conflict occurring among them can't be resolved completely. Nonetheless, the dispute among them can be minimised through the provision of clear distribution of rights and the specification of the jurisdictions. Under federal set-up, various types of conflicts might emerge among the layers of the governments. Mainly, the disputes are associated with the issue of the distribution of rights. The issue of the rights of federal units are related to the formal process of building the federal state. It is a natural process the rise of dispute, disagreements or misunderstanding among the federal units. It is important for the success of the federalism to solve the dispute, disagreements or the conflict through the proper mechanism. For this, formal and informal mechanisms should be put in place. Under the informal mechanism, the chiefs of Federation and provinces, ministers, lawmakers and senior officials hold regular meetings and conferences. The countries under the federal-set up have tradition of settling the disputes related to natural laws and constitution through the formal mechanism, which are difficult to be settled through informal mechanism. While classifying the hierarchical disputes that surface among the federal units, some of their disputes mentioned here:

8.1 The classification of disputes that occur among the structures of different layers.

8.1.1. Between federation (centre) and province (federal unit)

2. Between provinces (federal units) and provinces
3. Between provinces (federal unit) and local levels

8.1.4. Between province (federal unit) and local bodies

8.1.5. Between local bodies and regions to be established under special structures

8.1.6. Among the local bodies

8.1.7. Between two or more than two structures

8.2. Potential issues that can cause dispute

Following subjects might create dispute, disagreement or misunderstanding between the federal units:

8.2.1. The use and distribution of natural resources

8.2.2. Matters related to jurisdiction and border

8.2.3. The formulation of economic policy, revenue and its distribution

8.2.4. Enactment of laws and their implementation

8.2.5. The subjects related to the violation of agreements

8.2.6. The use of linguistic, religious and cultural heritage

8.2.7. The issues related to pollution

8.2.9. The issues related to internal security

8.2.10. The matters related to big projects

8.3 International practice related to the dispute settlement mechanism

Mechanisms formed to settle the disputes among the federal units differ as per the nature of dispute. Of the countries that have adopted federalism, some of them resolve their disputes through the court's decision while some other seek solution to their conflict through the decisions of referendum and Upper House.

In the United States, legal and constitutional disputes occurring between the states are resolved through the decisions of Federal Apex Court while the disputes related to environment, labour and pollution are settled by the federal agency. In addition to that, some other contentious issues are solved through the political mechanism. The Judicial Committee of Senate settles dispute related to the damages and impacts on the third state due to the agreements signed between the two states or the use of their rights. The concerned sides submit their claims and counter-claims. The committee decides the case through a voting by conducting a public hearing on the disputed matters.

The constitution of Canada has provisioned the dispute settlement mechanisms such as First Ministers Conference, Annual Premiers Conference, Ministerial Council and Supreme Court to solve inter-provincial disagreements.

In Australia, the Senate, the Council of Australian government and the court work as the mechanisms to solve the inter-provincial disputes. Mainly, the jurisdiction of settling the controversy related to the constitutional interpretation of the matters lies with the high court. The country has also the provision of a council to systematize the interrelationship among the states and solve their conflict. Chaired by the Prime Minister, the council has chief ministers and chairpersons of local government as its members.

In Germany, there are many institutions working as the dispute settlement bodies. They are Reconciliation Committees, Constitutional Council that consists of the representatives of all states (*Landers*), the conference of ministers and president and the constitutional court.

In South Africa, the Constitutional Court settles the constitutional disputes related to the constitutional rights and functional states. The dispute cases reach the Constitutional Court only after informal dispute settlement mechanism fails to solve them.

In India, the jurisdiction to solve the dispute between the central government and one or more than one states; the dispute among the Indian government, one of many states and one or more than one states, and the dispute between two or more than two, lies with the Supreme Court. However, there should be inclusion of question of law or fact in the dispute. Therefore, the question of political nature wherein the legal aspects are not included does not fall under the jurisdiction of the Supreme Court. The Supreme Court holds the jurisdiction to look after the legal and constitutional issues. There is a provision of constituting Inter State Council, which will recommend for the solution to the disputes occurring between the states by carrying out study on them. The president will form the Council, determine its functions, responsibilities and working procedures. Likewise, there is provision of five zonal councils to promote mutual cooperation and coordination in the socio-economic fields among the states.

8.4 Means of Dispute Resolution

Various mediums have been adopted as mechanisms to resolve the disputes, misunderstandings and disagreements between the federal units. They are as follows:

8.4.1. Formal mechanism to resolve the dispute

Under this category, courts and judicial bodies resolve the legal and constitutional disputes.

8.4.2. Political Mechanism

The political mechanisms include the institutions and structures like legislature or parliamentary committees, conferences, inter-state council and commission

8.4.3. Referendum

The process of solving the complex and important issues through ballot falls under this category. In Switzerland, the referendum has been a popular means of settling the national controversy.

8.4.4. Alternative approach

Under this measure, disputing parties engage in discussion, dialogue, reconciliation, coordination and mediation to resolve their disputes.

8.4.5. Creating conditions to avoid the dispute

In this dispute resolution method, the emphasis is laid on not creating the situations that cause disputes, disagreement or misunderstanding between the federal units. The parties to dispute are encouraged to participate in conference or discussion on the areas related to controversy so that they will avoid further confrontation. In Germany, the *Landers* hold conferences to discuss on the matters that are likely to cause dispute and settle disagreement. In South Africa, there is a constitutional provision that stresses that the provinces should emphasise on mutual trust and harmony rather than seek legal measures against each other to settle their dispute.

8.5 Dispute Resolution Mechanism in the Nepalese context

There is the need of building effective mechanisms to resolve the disputes between the provinces. Following mechanisms can be appropriate in Nepal to resolve the disputes between the would-be federal units:

8.5.1. Political Mechanism

In the federal set-up, many of the disputes are related to the rights and the role of the government rather than the legal interpretation of the different national issues. The disputes of political nature should be resolved through political mechanism. Following bodies can act as political mechanisms.

8.5.1.1. Inter-provincial Council

Inter-provincial Council can be an important instrument to solve the disputes between the federal units by finding out the ways out of disagreement; to forward those unsettled issues to the federal legislature by identifying the regions prone to conflict, and systematise the mutual coordination between the federation and the provinces. The council can play an important role to forestall the quarrel between the federation and the province and consolidate the interrelation between the Federation and the province, and between the provinces. The Provincial Council can be set up to settle any dispute except for the controversies of legal nature. The council can investigate into the dispute, hold discussion with the concerned provinces on the contentious matters and organise political conferences in order to resolve them. Such kind of province can be of permanent and temporary nature. This type of mechanism can play a significant role to enhance cooperation and coordination between the Federation and provinces, and between the provinces.

In our context, the formation of such a mechanism is quite appropriate. The Inter-provincial Council has executive head as its chairman, federal Home and Finance Ministers and chiefs of the provinces as its members. The council, as per the need, can invite the federal and provincial ministers of concerned areas, and experts at its meeting. The working procedure of the council should be as per the prevalent laws.

2. Federal Legislature

Federal parliament is the supreme political structure of representatives elected from the people. It represents all the people of the nation. It will resolve the disputes between the federal units through discussions and consultations. The dispute resolution by this type of mechanism can be effective because the people exercise their control over it. Therefore, it is quite sensible to solve the disputes between the Federation (centre) and provinces (federal unit) and between the provinces by holding deliberations in the meeting of the federal legislature. These disputes are mostly of those issues, which the Inter-provincial Council recommended or those which the federal legislature deems as necessary to take it into discussions of its meeting.

8.5.1.3. Referendum

Some of the disputes occurring between the federal units are very important and complex as well. It is appropriate to settle them through referendum when the federal legislature enters a deadlock over them. The subject of referendum can be a matter of concern for the whole country or any province as per its gravity and nature. The provision of referendum should be determined through a law enacted by the federal legislature.

8.5.1.4. Provincial Legislature

Disputes can arise among the province, the local bodies and regions under the special structures. It can be effective to settle such disputes by taking up them at the political level. For this, the provincial legislature can be right place. Therefore, it is quite appropriate to reconcile the disputes happening between the provinces and local bodies, between provinces and the special structures and local bodies and special structures by discussing them in the provincial parliament. It will be judicious if the provincial legislature chalks out procedure of this mechanism for holding discussion and taking decisions on the contentious matters.

8.5.2. Judicial Mechanism

Under the federal system, constitutional and legal controversies surface over the matters related to the use and obeisance to the rights among the different layers of the government. Such disputes need to be resolved on the basis of constitutional and legal provisions. The judicial mechanism is active in the federal countries for the purpose. Under the judicial mechanism comes Supreme Court, separate constitutional court and high court. In the Nepalese context, it is quite appropriate to create following mechanisms to solve the legal and constitutional disputes.

8.5.2.1. Constitutional Court

It will be suitable to set up Constitutional Court to resolve any dispute occurring between the federation and the province; between the provinces; between province and local level, between province and special structure and between local bodies and special structure over their adherence to the constitution and the use and obeisance to the rights guaranteed by the constitution or the constitutional interpretation of important national issues. The legal and constitutional disputes that surface between the Federation and the province and between provinces are different from other kind of legal disputes. So, they require different legal process. If the common court is authorised to look after such disputes, it is unlikely to solve the disputes effectively and promptly because it has to settle many cases related to persons and different bodies. If the constitutional court is entrusted with the responsibility of settling the legal and constitutional disputes between the federal units, it can resolve them effectively and on the dot. Since the constitutional court comprises of professional judge, professors of constitutional law and experts, it helps in resolving the dispute. However, no any dispute of political nature that sans legal aspect should enter constitutional court. There needs to be provision to ensure that the decision of the constitutional court should be final. The constitutional court should have jurisdiction to decide whether the given dispute is of legal or political nature.

The constitutional court should consist of five members including one chairperson. The appointment, qualification, condition of services and procedure for dispute settlement should be in line with the provision of Supreme Court. It will be appropriate if its chairperson and members are appointed as per the inclusive and proportionate principle.

8.5.2.2. Provincial High Court

The local bodies and special structures to be built under the provinces exercise their rights as per the Right List of the constitution. Apart from enjoying the rights listed in the constitution, the local bodies and special structures are entitled to exercise powers the province can devolve them in accordance with the rights listed in the provincial statute. In that situation, the legal disputes can flare up between the local bodies, between the special structures and local bodies and between the special structures. To settle such a dispute promptly, it is suitable to take up the case in the Provincial High Court from the point of view of accessibility.

Therefore, the legal disputes that surface between the local bodies and special structures, between the local bodies, and between the special structures should be resolved through the verdict of the provincial high court. There should be provision to appeal the decisions of this court at the constitutional court.

Section –9

9. Special

9.1 Right to self-determination

9.1.1. Historical Background

The concept of right to self-determination evolved in the course of struggle against colonialism. The then imperialistic rulers and the residents of their colonies in Asia and Europe had different linguistic and cultural backgrounds and by the time of the end of imperialism, new nation states were created with autonomy to the communities having homogenous language and culture. This type of autonomy was later called right to self-determination. In fact, the right to self-determination allows people to make independent decision on how they are governed without the foreign interference.

The right to self-determination stands for those rights that enable one to make decision about oneself. It has become an all-accepted theory that every individual, caste, linguistic and regional community has right to self-determination. However, there is not unanimous view regarding the limit and boundary of the right to self-determination.

There have bee different views on the right to self-determination

a. The view of Vladimir Lenin

In 1923, the concept of the right to self-determination was used as political rights of the oppressed countries to separate from their oppressive nations (colonial masters) and devise their laws independently. When the Soviet Union was created, independent states had come together to form the block. In this course, Lenin argued that the independent states had the right to self-determination to split from the union as per their need and can become independent nations. This theory of right to self-determination granted rights to the states to the extent of splitting from the federation.

b. In 1918, US President Wilson had described right to self-determination as a provincial integrity and as the right of state to maintain its existence, freedom and sovereignty. According to Wilson, the right to self-determination is the right of the nations to liberate themselves from the shackle of the colony and to protest the interference upon their state.

c. The Montevideo Convention (1933), which was in practice before the establishment of United Nations, had defined the right to self-determination as the right of a sovereign states to independently maintain political, economic and other relations with other government and states having permanent population and defined territory.

d. The concept of right to self-determination in the United Nations Charter, Covenant and Treaty

1. **The right to self-determination has been mentioned in UN Charter (1945).** As per this, the objective of the UN is to develop friendly relations among the nations on the basis of the theory of equal rights and right to self-determination. The Article 55 of the Charter mentions that the UN will promote the matters relating to the better living standard, full employment or socio-economic progress, respect for and implementation of human rights without any discriminations for the peaceful and friendly relations among the countries, which have been embraced as the right to self-determination.

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based for respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. Higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) Solutions of international economic, social, health, and related problems; and international cultural and educational cooperation and
- (c) Universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. **According to the Article 1 (1) of the United Nations Citizen and Political Convention, 1966**, all the people have the right of self-determination. By virtue of that right they freely determine their political statue and freely pursue their economic, social, cultural development.

The Article 27 states that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. This provision of the convention intends to protect and promote the minority communities. This has ensured the rights of community that is ethnically, linguistically, culturally and religiously in minority to enjoy their linguistic and cultural rights. However, this provision is by no means considered to have detrimental impact on the sovereignty and territorial integrity of the country. Because this provision limits to the point wherein the state has to protect, preserve and promote the life of the community that has developed its separate identity on the basis of its distinct ethnic, linguistic, religious and cultural features in any party of the country.

3. **The Article 1 of International Covenant on economic, social and Cultural Rights, 1966** states that all the people have right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic and social cultural.

According to the Article 1 (3), The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

4. **United Nations General Assembly's declaration (2007) on the indigenous ethnic community has mentioned about the right to self-determination.**

It states that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

As per this, indigenous ethnic groups have their rights to adopt the different cultural and legal system, obtain education in one's mother tongues, to consult on the decisions that would have negative impacts on them, and to engage in the education and health services.

Following rights have been suggested in the declaration.

Article 3

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions

Article 46 (1)

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair totally or in part, the territorial integrity or political unity of sovereign and independent States.

6. ILO Convention on Indigenous People's right 169 presumes that indigenous and tribal peoples are able to speak for themselves and to take part in the decision-making process as it affects them and that they have right to take part in this decision-making process. To ensure the cultural identity of indigenous, the Convention put emphasis on preservation of their economic, social, cultural tradition and customs, preservation of environment, their rights over natural resources and means, social security and promotion and protection of language.

As per the concept of the right to self-determination developed by the United Nations, the nations and people have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, and to exercise control within their territory. However, the right to self-determination does not include the right to secession. The right to self-determination is confined to the self-governance and autonomy of the people within a country that includes the political, economic and cultural rights, among others.

Indigenous peoples, as a specific form of enriching their right to self-determination, have the right to autonomy or self government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, local and resources management, as well as ways and means for financing these autonomous functions.

9.1.2. Right to Self-determination in the Nepalese context

Indigenous, ethnic and Madheshi people have right to self determination in politics, culture, religion, language, information, health, settlement, social security, economic activities, commerce, land, the mobilisation of resources and means, and

environment at the local level. Their rights would be ensured through laws. While the right to self-determination is exercised, this should not hurt the sovereignty, independence, unity and the territorial integrity of the country.

9.2. Political prerogative

One of the reasons for adopting the federal set up is gender and language discriminations and the lack of access of oppressed caste/community and regions to the state powers. So, without arrangement of special provision, the rights and access of backward and oppressed caste and communities to the state organs will not be ensured. This special provision means the arrangement of political rights.

This political prerogative should be provided to the autonomous region to be created under the special structure. As per this provision, the political parties need to give priority to those castes/communities that are dominant in the provinces built on the ethnic line, in the key leadership level during the elections and the formation government. The provision of this political privilege will be only for two terms. Then after this provision will expire automatically.

9.3. Special Right

The condition of the people from backward and oppressed community, class and ethnicity will not improved by merely devising laws for equal rights to them. There is the need of special arrangement for the special rights for them. Those, who have been lagging behind in political, economic, social and cultural spheres for century due to the policy of the state, can take a level at par with other community only after they are granted special rights.

The provision of special right should be in place until the oppressed community reach a level at par with other community. Mainly the women and the Dalits make up the most oppressed members of such community or class.

9.3.1. Women

In the Nepalese society, the women have lagged behind and are deprived of many opportunities. Their poor condition comes to the light as one makes a study on their social, economical and political status. Compared to their male counterpart, they are in highly unequal position. The condition of Dalit and Madheshi women is more miserable. Likewise, the women living in the rural areas have lagged behind or are made to fall behind or are in pitiable condition compared to the women of the urban areas. As the women have not say in the decision-making level, the principle that their representation should be ensured in the top level of the government through an increase in their proportionate and inclusive participation has been embraced. They have not yet got the opportunity of leadership in the political and decision-making level.

While carrying out state restructuring, the discriminations based on class, caste and gender should be brought to an end. Women should have a proportionate inclusive representation in the all organs of the state. In the context of ongoing

progressive state restructuring process, a special arrangement should be made in regard to ensuring the rights of women in the federal set-up. Such a provision will help to end the widespread gender discriminations, elevate the status of women and take the women to a level at par with their male counterpart. For this, special rights should be provisioned in the new constitution:

9.3.1.1. The provision of equal right

Although the Interim Constitution and prevalent laws have granted equal rights to woman and men, this has not been effectively implemented while some unequal laws still exist. Therefore, women and men should have equal rights in the following areas. This provision should be incorporate in the Fundamental Rights of the new constitution.

9.3.1.1.1. Equal right in the parental property, citizenship, lineage and family affairs

9.3.1.1.2. The right to obtain equal protection and benefit as per the law

3. The right to get equal wage for the equal work
4. The right to divorce

9.3.1.2 Women rights related to reproductive health

The women should be given the rights relating to their health, reproduction, and safe motherhood so that they will be able to lead a safe and dignified life. The necessary legal provision should be introduced to ensure these rights.

9.3.1.3. Special Right

In the following areas, the women should be given special rights and priority in opportunities.

9.3.1.3.1 The women should have right for their inclusive and proportionate representation in the all levels and structures based on the population.

2. Special rights will be granted in the fields of education, health, employment and social security
3. There shall be special arrangement for proportionate representation and participation in the leadership level of decision-making
4. A Federal Women Commission will be set to ensure overall development of women and gender equality, and for the welfare, interest and promotion of the women. Such a commission will be established in all provinces.
5. There will be proportionate representation of Madheshi women, indigenous ethnic women, and minority and Dalit women.

9.3.2. Dalit

In the Nepalese society, the Dalits have been oppressed for century. According to the latest census of the population, Dalits make up 13 per cent of total population. This community has been scattered in the parts of mountains, hills and Terai-Madhesh. They are made to fall behind in the political, economic and educational fronts. The condition of Madheshi Dalit is very pathetic. The economic status of Dalit community is very dismal as it has little access to land and natural resources. Bad customs like caste discrimination and untouchability have forced them to live a life of neglect. There is the need to ensure special rights of Dalits in the all structures of the state - federal, provincial and local – to end the oppressions against them, thereby, carrying out a forward-looking restructuring of the state and making it inclusive.

9.3.2.1. Following privileges should be arranged for the Dalit community:

1. In the economic, cultural, social and educational fields

- a. No any individual shall be treated as untouchable and discriminated on the basis of caste, community, lineage or profession. This sort of treatment shall be defined as serious punishable social crime against the humanity. The victim will be compensated as determined by the laws.
- b. Employment will be ensured in government, semi-government industries and industrial sector in proportionate manner for them.
- c. Dalits will be provided skill-oriented training and resources to make them involved in modern profession related to their traditional occupation with priority.
- d. The state will provide land to the landless Dalits once and will arrange housing for them.
- e. Dalit students will be provided education from primary to higher secondary level free of cost with scholarships. A special legal provision will be made to provide Dalits with technical education in higher level.
- f. A Federal Dalit Rights Commission will be set up. Such type of commission will be established in provinces.
- g. To ensure the social progress of Dalits, special arrangements will be made in education, health and employment for them. They will be provided with skill and resources for income generation

- 2. To ensure Dalit representation in the political structures at federal, provincial and local levels, a proportionate representation system should be introduced based on the population. To break the continuous exclusion of the Dalits from the state power, their representation in federal and provincial structures should be increased by 3 per cent and 5 per cent respectively as they need additional compensation in proportionate representation for some years. This will enable them to take a level at par with other community. Dalits can participate in decision-making process if their representation in the politics is ascertained. This arrangement should be made by devising a law after incorporating it in the constitution.**

3. In the Civil service, Police, Army and other employment generating areas:

It will be appropriate to make special arrangement, based on the theory of positive discrimination, to ensure Dalits' their empowerment, representation and participation in the civil service, police, army and other areas of employment by formulating the laws.

9.3.2.1.4 There should proportionate representation of Pahade (hill-origin) Dalit, Madheshi Dalit and Dalit women in the all areas Dalit community is to entitled.

9.3.3 The right of caste/community on the verge of extinct

There is the need of special protection for representation, participation and development of those castes and communities that are in the danger of vanishing because of oppression, neglect, expulsion and lack of access to the state power. For this, the state should make special arrangement to guarantee their representation and participation in all federal structures by formulating the laws.

3. The rights of Madheshi community

While carrying out the state restructuring, the proportionate and inclusive representation, and the leadership of Madheshi should be guaranteed in the all levels and structures including the areas of decision making, governance and administration such as the army, police, corporations, government organizations and development committees based on the population. For this, a Federal Constitutional Commission should be constituted. Such a commission should be set up in the provinces as per the need. The would-be commission will work for the management of the representation and participation of Madheshi community in the state organs, pressing the state to implement policies and programmes by monitoring them.

9.3.5. Evaluation and Review of Special Rights

It will be appropriate to evaluate and review the implementation and impact of the special rights aimed for women and Dalits on the basis of human development index. The constitution should include a provision making evaluation and review of the special rights in every 10 years along with the national population census.

Schedule 1

Name list of H'ble members in the Committee

S.No.	Name list of Member	Remarks	S.No.	Name list of Members	Remarks
1.	H'ble Anil Kumar Jha		23.	H'ble Bharat Prasad Shaha	
2.	H'ble Amar Bahadur Gurung Tamu		24.	H'ble Mahendra Prasad Yadav	
3.	H'ble Arzu Rana Deuba		25.	H'ble Mahesh Chaudhary	
4.	H'ble Indrajit Tharu		26.	H'ble Mohammad Aftab Alam	
5.	H'ble Umakanta Chaudhary		27.	H'ble Mangal Siddhi Manandhar	
6.	H'ble Onsari Ghartimagar		28.	H'ble Ram Kumar Sharma	
7.	H'ble Gopal Kiranti		29.	H'ble Ramchandra Jha	
8.	H'ble Gopal Man Shrestha		30.	H'ble Ramjanam Chaudhary	
9.	H'ble Chandra Dev Joshi		31.	H'ble Lucky Sherpa	
10.	H'ble Chanda Devi	*	32.	H'ble Lokendra Bista Magar (Chairperson)	*
11.	H'ble Chimi Lama		33.	H'ble Biswabhakta Dulal	
12.	H'ble Jaya Prakash Prasad Gupta		34.	H'ble Sharad Singh Bhandari (Achham)	
13.	H'ble Dama Kumari Sharma		35.	H'ble Shantidevi Chamar	
14.	H'ble Dhruva Angdambe		36.	H'ble Shanker Pokharel	
15.	H'ble Narahari Acharya		37.	H'ble Santa Bahadur Nepali	
16.	H'ble Nabindra Raj Joshi	*	38.	H'ble Santoshi BK	
17.	H'ble Narayan Man Bijukche		39.	H'ble Sarba Dev Prasad Ojha	
18.	H'ble Nilam KC (Khadka)		40.	H'ble Sabitra Gurung Dura	*
19.	H'ble Purna Prasad Rajbansi		41.	H'ble Sita Kumari Poudel	
20.	H'ble Pratibha Rana		42.	H'ble Surya Man Gurung	

21.	H'ble Prem Bahadur Tamang		43.	H'ble Hitman Shakya	
22.	H'ble Budda Ratna Manandhar				

H'ble Chinak Kurmi, H'ble Ram Chandra Poudel, H'ble Sudarshan Baral and H'ble Gyanendra Kumar who were nominated to the Committee during its formation were re-nominated to other Committees during a reshuffle of the Committee members on 2065/9/26, and were replaced in this Committee by H'ble Sabita Gurung Dura, H'ble Narayan Khadka, H'ble Lokendra Bista Magar and H'ble Chanda Devi. H'ble Narayan Khadka was replaced by H'ble Nabindra Raj Joshi during a second reshuffle on 2065/10/6

Schedule 2

The work schedule prepared by the Committee under Rule 149 of the Constituent Assembly Rules of Procedures, and pursuant to Rule 76 (1), Section (a)

S.No.	Activities of the Committee	What	How	When	By who	Parallel Activities	Remarks
1.	Collection of reference materials : Major materials : (to understand theoretical concept) To gain practical knowledge : to understand in the context of Nepal <ul style="list-style-type: none"> - Books on Federalism - Books on Restructuring of the State - Books on Sharing of State power To understand people's aspiration and popular sentiment <ul style="list-style-type: none"> - Manifestoes of political parties - Articles, write- 	To collect and distribute the reference materials	By requesting for lists of books published by various institutions By receiving from the individuals and bodies concerned By purchasing from the market Through the use of the internet Through photocopying Through the support of Libraries	For major materials within 7 days	Members of the Committee Secretariat	To carry out in coordination with the Library Capacity Development Committee of the Secretariat	

	<p>ups and proposals on State Restructuring that appeared in the public</p> <ul style="list-style-type: none"> - Agreements reached between the Government of Nepal and various parties, organizations and groups. - ILO Convention 169 - United Nations Declaration on the Rights of the Indigenous People, 2007 <p>For comparative study and analysis</p> <ul style="list-style-type: none"> - Constitutions of countries with federal system of Governance (United States of America, South Africa, Switzerland, Germany, India, Australia, Russia, Brazil etc.) <p>-</p>						
	<p>Optional Materials:</p> <ul style="list-style-type: none"> - Constitutions of the 			<p>For optional</p>			

	world -Articles, write-ups, books, reports published on Federalism and State Restructuring			materials start distributing the available materials from the first meeting			
2.	Studying the reference materials	<ul style="list-style-type: none"> - Members studying it individually - Members to discuss it collectively - Committee Members to exchange information with one another 	<ul style="list-style-type: none"> -By providing time for individual study -Holding group discussion program -Holding interaction among members -By taking as program moderator, commentor and taking part in the discussion 	After the reading materials is received and until the draft is ready			
3.	Holding discussion in presence of experts	<ul style="list-style-type: none"> - Identity work list and discuss with experts - Members take part in the discussion among the experts, and discuss 	<ul style="list-style-type: none"> - Invite experts to the Committee meeting, identify agenda through the experts, holding group discussion by division Committee members into various Sub-Committee 	First week of Magh, 2065 after study of the reference materials	Experts Committee member		
4.	Carry out publicity and collect suggestions	<ul style="list-style-type: none"> - Identify materials for 	<ul style="list-style-type: none"> -By using the media, email and 			Coordinate with the	

		<ul style="list-style-type: none"> - publicity - Finalize methodology for collecting suggestions 	<p>website, and through hotline telephone service</p> <ul style="list-style-type: none"> -Using various organizations and institutions -Taking advice of experts and advisors 			Public Opinion Collection and Coordination Committee	
5.	Field visit, inspection tour	<ul style="list-style-type: none"> - Preparing feasible questionnaire - Select locations to carry out onsite study tour of various geographical regions of the country - Select countries to visit, which have adopted federal system of governance 	By constitution Sub-Committees	After decision by the Committee and until Magh 30, 2065	With permission of the Chair, by the member and staff		
6.	Entering thematic discussions a) Outline of the Federal Democratic Republican Structure of the State	<ul style="list-style-type: none"> -Members to discuss ToR of the Committee -Subjects related to the fundamental norms of a Democratic system of Governance -Presidential system with executive 	-By organizing orientation program, and workshop seminar	After the Committee decision From 2065/11/1 to 15		Coordinate with Constitutional Committee, Committee on Determination forms of Governance	

		<p>powers</p> <ul style="list-style-type: none"> -Parliamentary system with executive powers -Analysis of principle, practice, qualities and demerits of other systems of governance practiced around the world -Hold discussions on the federal system of governance that would be appropriate and practical in the context of Nepal 					
	b) Principle and basis for determining the area of the Federal Units	-Principles and basis on determination of the areas of the Federal Units	<p>Study the theoretical materials, and undergo field visit to develop the basis</p> <ul style="list-style-type: none"> -geographical study, and study of the agreement reached between the Government, and various groups and parties -Study of the composition and distribution of population 	<ul style="list-style-type: none"> -By finalizing the basis for dividing the states, -Through field visits -By constituting task force 		<p>Coordinate with natural resources Committee, the Commission on determination of the forms of governance, Committee on Judicial System and Committee on determination of structure of legislative bodies</p>	
	c) Demarcating every Unit, and naming them	-Fundamental principles to	-By understanding	After the decision by	By the Committee		

		<p>demarcate the provincial area</p> <ul style="list-style-type: none"> -Experience of adopting the principles and basis for enforcing the federal structure in the United States of America, Australia, China, India, Canada, South Africa, Switzerland, Germany, Papua New Guinea and other countries. -Identify basis that would be appropriate for demarcation and the nomenclature in Nepal 	<p>the aspiration and feelings of the people</p> <ul style="list-style-type: none"> -Demarcate in the map -field study 	the Committee	<p>member and staff, with approval of the Chair</p>		
	<p>d) Sharing of legislative, executive and judicial powers among various levels of the Federal Unit Governments</p>	<ul style="list-style-type: none"> -Structure of Central, Provincial and Local Governments, and inter-relations among them -Situation of sharing of legislative, executive judicial powers among the provincial governments, and inter-relations among them -To familiarize with provisions related to separation of power, check and balance of power 	<ul style="list-style-type: none"> -By organizing seminars, with participation of the members -By carrying out study tours to countries with federal system of Governance -Reaching to a conclusion through consensus 		<p>(By taking advice and recommendations of political science professor, intellectuals, geographers, population experts, statisticians, sociologist, culture expert, linguist, administration, nature resources experts,)</p>	<p>Coordinate with Committee on the Determination of Legislative bodies, and Judicial Committee</p>	

	<p>e) Determination of the list of powers of federal units of various level, and the concurrent list</p>	<ul style="list-style-type: none"> -List of powers exercised by the central, provincial and local governments -Powers and duties exercised only by the Central government -Study of the powers and responsibilities received only by the provincial government -The powers and duties received by the local government only -Concurrent list of works carried out both by the centre and province -Concurrent list of works to be carried out by the provincial and local governments -Related to the judicial system of the central and provincial government 	<p>By taking advice and recommendations of political science professor, intellectuals, geographers, population experts, statisticians, sociologist, culture expert, linguist, administration, nature resources experts</p>				
	<p>f) Mechanism of settlement of disputes that may arise between the Federal Units</p>	<ul style="list-style-type: none"> -Finalize a list of possible disputes -Develop a concept on the establishment of the dispute settlement mechanism -Identify areas that 	<p>-By taking advice and recommendations of the experts</p>				

		could invite dispute between the Centre and Province, and among provinces					
7.	Developing the Concept paper	Holding discussions to prepare the draft of the Concept Paper	-Organising seminar, discussion and interaction -Take the help of legal experts, experts on constitution, drafters and linguists	By the end o Falgun, 2065 (15 days)	By constituting a Sub-Committee for preparing the Concept Paper		
8.	The draft sub-committee shall submit the draft of the Concept Paper to the Committee	-Hold discussions at the Committee on the draft of the Concept Paper submitted by the Sub-Committee -Give final shape to the draft of the Concept Paper	-Reach to a conclusion in the issues raised during the discussion	First week of Chaitra, 2065			
9.	Develop the preliminary draft of the Constitution on the basis of the Concept Paper	The Committee shall constitute the Sub-Committee to develop the preliminary draft	By taking advise and suggestions of the advisors, experts, and politicians	Until the end of Chaitra, 2065	-Prepare the preliminary draft taking into consideration the advice and suggestions of the legal experts, linguists and experts		
10.	Submitting the draft developed by the Sub-Committee before the Committee	Committee to discuss and amend the draft		First week of Baisakh, 2066	-do-		
11.	Give final shape to the preliminary draft	Table it before the Constituent	Discuss and approve it at the	10 th of Baisakh,	To be done by the Committee		

		Assembly	Committee	2066			
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Schedule -3

Agenda of the Meeting and List of H'ble members present at the meeting

Agenda and decision time-line of the Meeting

S.No.	Meeting date	Meeting's	Decision	Time		Total Time
				Start	End	
1.	2065/9/1	<p>Agenda</p> <p>1. Exchange of introduction among the Committee members 2. Discussion on development of the Agenda and work schedule of Committee under its ToR</p>	<p>Decision</p> <p>1. Discussions was held on the agenda falling under the ToR of the Committee and about developing a work schedule for the same. In this connection, the Committee Secretariat was directed to develop a preliminary outline, and present it at the next meeting.</p>	3:00 am	5:00 pm	2 hrs
2.	2065/9/7	<p>1. Discussion on the issues to be considered while holding discussions at the meeting. 2. Hold discussions on the preliminary draft of the work schedule of the Committee submitted by the Secretariat.</p>	<p>1. The Committee meeting approved the issues to be considered while holding discussions. 2. Discussions were held on the preliminary draft of the work schedule tabled by the Secretariat. For extensive discussion, H'ble members to study in and discuss at the next meeting</p>	3:00 pm	5:00pm	2 hrs
3.	2065/9/9	<p>1. Discussion on the formation of a task force in order to develop the work list and schedule on the subjects falling under the ToR of the Committee 2. Discussion on the letter received from the Capacity Building and Resource Management Committee</p>	<p>1. Decision was taken to form a task force to develop a work list and schedule of the subjects falling under the ToR of the Committee, developing a list of programs for the capacity enhancement of the H'ble members, developing a ToR for experts and selecting</p>	11:00 am	1:30 pm	2 and half hours

		3. Discussion on developing a ToR for the experts and selection of reference materials	the reference materials.			
4.	2065/9/13	1. The report by the task force constituted on 2065/9/9 shall be submitted, and would be discussed.	1. Decision was taken to approve with amendments the work list and schedule of the subjects falling under the Committee's ToR and submitted by the task force, and submit it to the Constituent Assembly Chair. 2. The list of programs to be carried out for capacity building to be sent to the CA, Capacity Building and Resource Management Committee. 3. Write to the CA, Capacity Building and Resource Management Committee, and the CA Secretariat Library to provide as soon as possible the materials mentioned in the list of reference materials.	11:00 am	2:00 pm	3 hrs
5.	2065/9/24	1. Discuss on disseminating public notice through the medium for public opinion collection	1. Appeal to various political parties, civil society, professional organization, intellectuals, politicians, legal experts, diplomats, economists, administrative experts, culture experts, linguists, population experts, sociologists and all government and non-governmental organizations, and all Nepali sisters and brothers living inside and outside the country to give their suggestions and recommendations on the	12:00 noon	2:00 pm	2 hrs

			<p>subject areas falling under the ToR of the Committee.</p> <p>2. Make a request to the individuals, institutions or entities who have carried out study, research and publications in the subject matters of the Committee to send it to the Committee.</p>			
6.	2065/9/29	1. Hold elections to the post of the Committee Chair	<p>1. As the notice of only one proposal seeking the election of H'ble Lokendra Bahadur Bista Magar has been received as per the election program of the Committee Chair, an announcement was made to elect unanimously H'ble Lokendra Bahadur Bista Magar to the post of the Chair of the CA Committee on Restructuring of State and Sharing of State Power, as per Rule 70(4) of the CA Rules of Procedures, 2065.</p>	8:00 am	11:00 am	3 hrs
7.	2065/10/6	1. Discussion on the duplication of the work schedule of the Committee with that of other Committees	<p>1. On the basis of the views expressed by H'ble members during the discussion about the fact that the work schedule of the Committee had overlapped with the schedule of other Committees, that it was inter-related and some falling with the ToR of other Committees, the Committee Chair to apprise the meeting of the H'ble Chairpersons to be held under the Chairmanship of the CA Chair.</p>	10:00 am	1:00 pm	3 hrs

8.	2065/10/13	1. In relation to the basis for determining the area of the Federal Units, H'ble members of the parties concerned to table the concept mentioned in their respective parties' manifesto.	1. The following H'ble members tabled the concepts about the basis for demarcating the Federal Units as mentioned in their respective party manifesto. H'ble Hitman Shakya (UCPN-Maoist) H'ble Narahari Acharya, NC H'ble Shanker Pokharel, CPN-UML H'ble Sarba Dev Ojha, Madhesi Janadhikar Forum H'ble Ram Kumar Sharma, Tarai Madhesh Loktantrik Party 2. The meeting was postponed until further notice	1:00 pm	2:30 pm	One and a half hour
9.	2065/10/17	1. Discussions to be held on the principle and basis for demarcation of the Federal Units, and the proposals made in the manifesto of political parties about the demarcation and nomenclature of the Federal Units	1. The following H'ble members expressed their views as per their respective party manifesto on the principle and basis for demarcation and nomenclature of the Federal Units, the levels, number and structure of Governments. ➤ H'ble Pratibha Rana, RPP ➤ H'ble Nilam KC (Khadka), CPN-ML ➤ H'ble Buddha Ratna Manandhar, Nepa Rastriya Party ➤ H'ble Anil Kumar Jha, Sadbhawana Party ➤ H'ble Radhadevi Timalsena, CPN-Unified The following members, who had presented only the basis	11:00 am	1:00 pm	2 hrs

			<p>for division of the provinces in the previous meeting, expressed their views on the subjects added to the agenda today</p> <ul style="list-style-type: none"> ➤ H'ble Biswabhakta Dulal, UCPN-Maoist ➤ H'ble Shanker Pokhrel, CPN-ML ➤ H'ble Gopalman Shrestha, NC ➤ H'ble Mahendra Prasad Yadav, TMLP ➤ H'ble Ramjanam Chaudhary, Madhesi Janadhikar Forum ➤ On behalf of others, the details prepared by the Secretariat were presented to the Committee. ➤ In aforementioned subject, many H'ble members took part in the discussion and expressed their views. <p>2. The meeting was postponed with a decision to hold the next meeting of the Committee at 2:00 pm on 2065/10/19</p>			
10.	2065/10/19	1. Discussions to be held on the agreement reached by the Government with various organizations, bodies or groups, the ILO Convention 169 concerning the indigenous people, and the concept proposed by writer on the federal structure.	1. The agreement reached by the Government of Nepal with various organizations, groups, bodies and parties, the ILO Convention 169 related to the indigenous people and the basis for demarcation and nomenclature of the proposed federal units by different writers were introduced to the	2:00 pm	4:00 pm	2 hrs

			<p>discussions.</p> <p>2. In course of holding discussion, consultation and interaction with experts on the subject areas under the Committee's ToR, a decision was taken to invite Dr Pitamber Sharma to the Committee meeting on 2065/10/22, and Dr Yubaraj Sangraula and Dr Om Prasad Gurung to the next meeting.</p>			
11.	2065/10/22	1. Dr Pitamber Sharma, to express his views as an expert on the principle and basis for determining the area of the Federal Units, their basis, methodology of demarcation and nomenclature, and discussion, consultation and interaction would be held on it.	1. Invited expert Dr Pitamber Sharma shared his views on the principle and basis for determining the area of the Federal Units, their basis, and methodology of demarcation and nomenclature, and H'ble members discussed, and interacted on his views.	11:00 am	2:00 pm	3 hrs
12.	2065/10/26	1. Dr Om Prasad Gurung to express his views and thought as an expert on the principle and basis for determining the area of the Federal Units, their basis, methodology of demarcation and nomenclature, and discussion, consultation and interaction would be held on it.	1. Invited expert Dr Om Prasad Gurung shared his views and thought on the principle and basis for determining the area of the Federal Units, their basis, methodology of demarcation and nomenclature, and H'ble members discussed, and interacted on his views.	11:00 am	2:00 pm	3 hrs
13.	2065/10/27	1. Discussions to be held on the proposed questionnaire prepared to collect people's opinion on the areas under the ToR of the Committee.	1. In order to prepare questionnaire for collecting people's opinion on the areas falling under the ToR of the Committee, decision was taken to form a seven-member Sub-Committee with Dr Mangal	11:00 am	1:00 pm	2 hrs

			<p>Siddhi Manandhar as its Convenor. The H'ble Members to be included in the Sub-Committee are: H'ble Mangal Siddhi Manadhar-Convenor H'ble Biswanath Dulal-member H'ble Narahari Acharya-member H'ble Sarbadev Prasad Ojha-member H'ble Ram Kumar Sharma-member H'ble Pratibha Rana-member H'ble Lucky Sherpa-member</p> <p>2. A decision was taken to assign the Sub-Committee to submit its report at the meeting to be held on 2065/10/29</p> <p>3. A decision was taken to invite experts and hold discussions on the following subjects:</p> <ul style="list-style-type: none">➤ Invite Secretary of Nepal Law Commission, Mohan Banjade to discuss on the sharing of legislative, executive and judicial powers among the various levels of Federal Unit Governments➤ Invite Chairman of the Administrative Court and legal expert Kashi Raj Dahal to discuss on determining the inter-			
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			<p>relations of legislative, executive and judicial powers among the Federal Units.</p> <p>➤ Invite Advocate Bhimarjun Acharya to discuss on the challenges to Federalism</p>			
14.	2065/10/29	<p>1. Secretary of Nepal Law Commission, Mohan Banjade to express his views in relation to the sharing of legislative, executive and judicial powers among the various levels of Federal Unit Governments, and discussions and interaction to be held on it.</p>	<p>1. Invitee Secretary of Nepal Law Commission, Mohan Banjade shared his views in relation to the sharing of legislative, executive and judicial powers among the various levels of Federal Unit Governments, and H'ble members expressed their queries, and held discussions and interaction on his presentation.</p> <p>2. The Sub-Committee constituted under the Convenorship of H'ble Mangal Siddhi Manandhar, to prepare and present to the Committee the questionnaire for collecting people's opinion, presented its report. Discussions on the report began.</p>	11:00 am	1:30 pm	2 and half hours
15.	2065/11/2	<p>1. Chairman of Administrative Court, Kashi Raj Dahal to express his views in relation to the inter-relation of legislative, executive and judicial powers among the various levels of Federal Unit Governments, and discussions and interaction to be held on it.</p> <p>2. Advocate Bhimarjun Acharya</p>	<p>1. Invited as experts, Chairman of the Administrative Court, Kashi Raj Dahal shared his views the inter-relation of legislative, executive and judicial powers among the various levels of Federal Unit Governments while Advocate Bhimarjun Acharya expressed his views on the challenges to</p>	11:00 am	3:00 pm	4 hrs

		to express his views on the challenges to Federalism, and discussions and interaction to be held on it. 3. Discussions on the report presented by Convenor of the Sub-Committee constituted to prepare a questionnaire for collecting people's opinion, H'ble Mangal Siddhi Manandhar on 2065/10/29 to be continued.	Federalism, and H'ble members expressed their queries, and held discussions and interaction on their presentation. 2. The questionnaire presented by the Sub-Committee constituted to prepare it for collecting people's opinion was approved with the feedback given by the H'ble members. The questionnaire has been included in a different page.			
16.	2065/12/15	1. Discussions to be held on different areas of work of the Committee	1. H'ble members expressed their views on the various subject areas under the Committee's ToR and the meeting was postponed until further notice	11:00 am	1:00 pm	2 hrs
17.	2065/12/20	1. H'ble members to share their respective experiences and views on the public opinion collection	1. H'ble members who were part of the public opinion collection team in course of the Constitution drafting process shared their respective experiences before the Committee, and the meeting was postponed until further notice.	3:00 pm	5:00 pm	2 hrs
18.	2065/12/5	1. Discussions to be held on preparation of the Committee's concept paper	1. H'ble members shared their views in relation to the development of the concept paper in the subject areas under the ToR of the Committee. 2. For developing the concept paper of the Committee, a demand would be made in writing for a party-wise	11:00 am	1:30 pm	2 and half hrs

			concept papers of all the political parties represented in the Constituent Assembly			
19.	2065/12/28	1. Discussions to be held on the study and analysis of the report and questionnaire received by the Committee	1. The H'ble members expressed their respective views on the process of studying and analyzing the report and questionnaire received by the Committee and about the preparation of the Committee's concept paper.	11:00 am	1:00 pm	2 hrs
20.	2065/12/29	1. Discussions on the process of study and analysis of the report and questionnaire received by the Committee, and development of the Committee's Concept Paper as per its ToR to continue	1. A 16-member drafting Sub-Committee was formed in order to prepare the Committee's concept paper and preliminary draft of the Constitution accordingly. <u>Name list of H'ble Members</u> 1. H'ble Biswa Bhakta Dulala (CPN-M) 2. H'ble Hitman Shakya (CPN-M) 3. H'ble Onasari Ghartimagar (CPN-M) 4. H'ble Narahari Acharya (NC) 5. H'ble Arzu Rana Deuba (NC) 6. H'ble Shanker Pokharel (UML) 7. H'ble Mangal Siddhi Manandhar (UML) 8. H'ble Sarbadev Prasad Ojha (MJF) 9. H'ble Ram Kumar Sharma (TMLP) 10. H'ble Anil Kumar Jha (Sadvawana) 11. H'ble Nilam KC (Khadka) (ML)	1:00 pm	3:30 pm	2 and half hours

			<p>12. H'ble Pratibha Rana (RPP) 13. H'ble Narayan Man Bijukche (NWPP) 14. H'ble Santa Bahadur Nepali (National People's Front) 15. H'ble Chandra Dev Joshi (CPN-United) 16. H'ble Buddha Ratna Manandhar (Nepa Rastriya Party)</p> <p>2. To acquire information from officials at the Centre Bureau of Statistics about data entry, codification, editing, tabulation and analysis of the questionnaire received by the Committee.</p>			
21.	2065/12/30	1. Discussions to be held on the procedure for study and analysis of the questionnaire received by the Committee	1. Decision was taken to discuss in the coming meetings about the alternative ways until report by the Centre Bureau of Statistics on the procedure of study and analysis of the questionnaires received from various teams arrives.	12:00 noon	2:00 pm	2 hrs
22.	2065/12/31	1. Discussions to be held on the report of the Central Bureau of Statistics on the procedure of study and analysis of the collection questionnaires, and other alternative ways.	1. Information was gathered about the time, human personnel, and amount required by the Central Bureau of Statistics officials to entry, codify, edit and analyse data into the computer for study and analysis of the collected questionnaires	10:00 am	12:30 pm	2 and half hrs
23.	2066/1/6	1. Convenor of the Sub-committee to inform about the progress made so far on the	1. Convenor of the Sub-Committee shared the progress so far on the	11:00 am	1:00 pm	2 hrs

		<p>preliminary draft of the Concept Paper.</p> <p>2. Information shall be shared of the details received from the Central Bureau of Statistics and College of Management</p> <p>3. Information shall be shared about the directions given by the H'ble Chair at the joint meeting of the CA Committee Chairs</p>	<p>preliminary draft of the Concept Paper.</p> <p>2. The details received from the Central Bureau of Statistics and College of Management was shared.</p> <p>3. Information was shared at the Committee about the directions give by the H'ble Chair at the joint meeting of the CA Committee Chairs. The Committee members were given the responsibility of studying, analyzing the collected questionnaire received from the people, and to present the subjects to be included in the Concept Paper to the Suggestions Committee. The questionnaires received by the Committee were distributed to every individual H'ble member.</p>			
24.	2066/1/9	1. Discussions to be held on the preliminary concept paper prepared by the task force.	1. The task force task force entrusted to develop an integrated form, as the points of the concept paper was presented to the Committee in a varied way. As H'ble members demanded for time to study and discuss the points presented today, a decision was reached to discuss it at the next meeting of the Committee.	8:00 am	11:00 am	3 hrs
25.	2066/1/10	1. Point-wise discussion to be held on the points of the Concept Paper presented by the Sub-	1. The Convenor of the Task Force made a detail presentation of the points	8:00 am	11:00 am	3 hrs

		Committee.	mentioned in the report of the Concept paper submitted by the Sub-Committee. It was informed that the points presented by the task force would be discussed in the next meeting.			
26.	2066/1/11	1. Discussions to be held on the preliminary draft (points) of the Concept Paper presented at the Committee meeting.	1. H'ble members expressed their views on the concept paper presented by the task force. The task force to table the Concept paper at the next meeting along with amendments by incorporating the views expressed by the H'ble members.	8:00 am	11:00 am	3 hrs
27.	2066/1/13	1. The task force to table the Concept Paper along with amendments by incorporating the feedback given by the H'ble members, and would be discussed.	1. H'ble members expressed their views on Section 1 and 2 of the Concept Paper (points) presented by the task force. A decision was taken to assign the task force to present to the Committee the Concept paper by expanding the points with the feedback from the H'ble members.	8:00 am	12: 15 pm	4 hrs 15 mins
28.	2066/1/14	1. Discussions to be held on the remaining sections of the Concept paper presented by the task force.	1. H'ble members expressed their views on Section 3 of the Concept Paper (points) presented by the task force. A decision was taken to assign the task force to present to the Committee the Concept paper by expanding the points with the feedback from the H'ble members.		11:30 am	3 and half hrs
29.	2066/1/15	1. Under local level structure of Section 3, within the rights	1. H'ble members expressed their respective views on the	8:00 am	11:30 am	3 and half hrs

		<p>determined by the Constitution, different opinions were received in relation to the formation of appropriate structures by the provincial law, additional structures or special provisions, and supplementary views, it would be presented for consensus.</p> <p>2. Discussions to be held Section 4 and 5 of the Concept Paper presented by the Task Force</p>	<p>Section 4 of the Concept Paper (points) presented by the task force. A decision was taken to assign the task force to present to the next meeting of the Committee the Concept paper by expanding the points with the feedback from the H'ble members.</p>			
30.	2066/1/16	<p>1. Discussions to be held on points in Section 5, 6 and 7 of the Concept Paper presented by the task force.</p>	<p>1. H'ble members expressed their respective views on the Section 5, 6 and 7 of the Concept Paper (points) presented by the task force. A decision was taken to assign the task force to present to the next meeting of the Committee the Concept paper by expanding the points with the feedback from the H'ble members.</p>	8:00 am	11:00 am	3 hrs
31.	2066/1/17	<p>1. Discussions to be held on Section 8 and 9 of the Concept paper presented by the task force.</p>	<p>1. H'ble members expressed their respective views on the Section 8 and 9 of the Concept Paper (points) presented by the task force. A decision was taken to assign the task force to present to the next meeting of the Committee the Concept paper by expanding the points with the feedback from the H'ble members.</p>	8:00 am	11:00 am	3hrs
32.	2066/1/18	<p>1. H'ble to present the report of the study and analysis of the questionnaires at the</p>	<p>1. The task force constituted on 2066/1/18 presented the points to be included in the</p>	11:00 am	2:30 pm	3 and half hrs

		<p>Committee, and it would be discussed.</p> <p>2. Discussions to be held on the suggestions received.</p>	<p>sections of the Concept Paper, H'ble members presented their respective views on the points of the concept paper, and the Convenor of the task force responded to queries raised by the H'ble members.</p> <p>Convenors of all the task force were assigned to incorporate the feedback given by the H'ble members, expand it, and present the draft of the Concept paper to the Committee.</p> <p>Prior to presenting the draft of the Concept Paper to the Committee, a seven-member task force was constituted in order to study and analyse the draft, select matters to be included, classify, add and remove, refine, amend, edit, different opinion, alternative proposals, and present an amended concept paper to the Committee.</p> <ol style="list-style-type: none"> 1. H'ble Anil Kumar Jha 2. H'ble Narahari Acharya 3. H'ble Pratibha Rana 4. H'ble Dr Mangal Siddhi Manandhar 5. H'ble Biswa Bhakta Dulal 6. H'ble Shanker Pokharel 7. H'ble Hitman Shakya <p>The task force was asked to consider the schedule approved by the Constituent Assembly, and complete it task</p>			
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			within the timeline.			
33.	2066/1/22	1. Draft of the Concept paper to be submitted, and discussions to be held.	1. After the draft of the concept paper was distributed, H'ble demanded for time to study it, so the meeting was postponed with a decision to discuss it in detail at the next meeting	8:00 am	11:00 am	3 hrs
34.	2066/1/25	1. Discussions to be held on the draft of the Concept paper	1. Consensus was reached to amend by incorporating the feedback of the H'ble members on draft of Section 1 and 2 of the concept paper.	11:00 am	1:30 pm	2 and half hrs
35.	2066/1/30	1. Discussions to be held on Section 3 and 4 of the draft Concept paper. 2. Discussions to be held on the formation of technical committee.	1. Consensus was reached to amend by incorporating the feedback of the H'ble members on draft of Section 3 of the concept paper.	8:00 am	10: 45 am	2 hrs 45 mins
36.	2066/1/31	1. Discussions to be held on Section 4 and 5 of the draft Concept paper	1. Consensus was reached to amend by incorporating the feedback of the H'ble members on draft of Section 4 of the concept paper.	11:00 am	2:00 pm	3 hrs
37.	2066/2/1	1. Discussions to be held on Section 5, 6 and 7 of the draft Concept paper	1. Consensus was reached to amend by incorporating the feedback of the H'ble members on draft of Section 5 and 6 of the concept paper.	11:00 am	2:00 pm	2 hrs
38.	2066/2/2	1. Discussions to be held on Section 7, 8 and 9 of the draft Concept paper	1. Consensus was reached to amend by incorporating the feedback of the H'ble members on draft of Section 5 and 6 of the concept paper.	11:00 am	2:30 pm	2 and half hrs
39.	2066/2/5	1. Discussions to be held on Section 7, 8 and 9 of the draft Concept paper	1. Decision was reached to award a day's time for H'ble members to study and give written suggestions on the	11:00 am	1:00 pm	2 hrs

			draft Concept Paper			
40.	2066/2/7	1. Discussions to be held on the draft Concept paper, along with suggestions	1. Discussions began on the written suggestions given by H'ble members on Section 1 and 2 of the amended draft Concept paper. Agreement was reached to include in the draft some suggestions by H'ble members.	11:00 am	2:15 pm	3 hrs 15 mins
41.	2066/2/8	1. Discussions to be held on the draft of the amended concept paper, along with suggestions	1. As H'ble members were of the view that time was needed to study in detail and submit written suggestions to the draft amended Concept Paper, time period extended until 2066/2/15 to provide written suggestions to the Secretariat	11:00 am	2:00 pm	3 hrs
42.	2066/2/19	1. Discussions to be held on the written suggestions submitted by H'ble members on the draft amended concept paper	1. The suggestion given by H'ble Sita Kumari Poudel on Section 1 of the draft Concept paper would be discussed at the next meeting, and the suggestions given by H'ble Navindra Raj Joshi and H'ble Surya Man Gurung on Point No. 2 will be discussed after further clarifications on it. To give final shape to the Concept paper by including some suggestions to the first Section, and discussions began on the suggestions submitted by H'ble members on Section 2.	8:00 am	11:00 am	3 hrs
43.	2066/2/20	1. Discussions to be held on Section 2 and 3 of the amended Concept paper and the written suggestions to it submitted by	1. Discussions continued on the suggestions presented by H'ble members on Section 2 of the draft Concept paper	8:00 am	12:00 noon	4 hrs

		H'ble members.				
44.	2066/2/21	1. Discussions to be held on Section 2 and 3 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions presented by H'ble members on Section 2 of the draft Concept paper	7:30 am	12:15 pm	5 hrs
45.	2066/2/22	1. Discussions to be held on Section 2 and 3 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions presented by H'ble members on Section 2 of the draft Concept paper	7:30 am	9:30 am	2 hrs
46.	2066/2/23	1. Discussions to be held on Section 2 and 3 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussion was held on the suggestions given by H'ble members on Section 2 of the draft Concept paper, and decision was taken to include some suggestions along with amendment. Discussions continued on the suggestions given by H'ble members on Section 3	8:00 am	11:00 am	3 hrs
47.	2066/2/24	1. Discussions to be held on Section 3 and 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions given by H'ble members on Section 3	8:00 am	11:30 am	3 and half hrs
48.	2066/2/25	1. Discussions to be held on Section 3 and 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions given by H'ble members on Section 3	8:00 am	11:30 am	3 and half hrs
49.	2066/2/26	1. Discussions to be held on Section 3 and 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions were held on the suggestions given by H'ble members on Section 3, and decision was taken to include some suggestions along with amendment	8:00 am	11:30 am	3 and half hrs
50.	2066/2/27	1. Discussions to be held on	1. Discussions continued on	8:00 am	12:15 pm	4 hrs 15

		Section 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	the suggestions given by H'ble members on Section 4			mins
51.	2066/2/28	1. Discussions to be held on Section 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions given by H'ble members on Section 4	8:00 am	11:45 am	3 hrs 45 mins
52.	2066/2/29	1. Discussions to be held on Section 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. A minutes silence was observe to pay tributes to Nepal's democratic fighter, former Deputy Prime Minister, then member of House of Representatives, and Nepali Congress leader Ms Sailaja Acharya, who passed away on 2066/2/29, and a decision was taken to postpone all the functions of the Committee meeting for the day	8:00 am	9:00 am	1 hr
53.	2066/2/31	1. Discussions to be held on Section 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. A decision was taken to constitute a sub-committee in order to develop a list of the written suggestions submitted by H'ble member that could be incorporated in the same form in the Concept paper, those that could be included in an amended form, and those that could not be included. The sub-committee members are: H'ble Dr Mangal Siddhi Manandhar H'ble Pratibha Rana H'ble Narahari Acharya H'ble Hitman Shakya H'ble Sarbadev Ojha	8:00 am	11:45 am	3 hrs 45 mins

			2. Discussions continued on the suggestions given by the H'ble members on Section 4 of the draft Concept paper			
54.	2066/3/3	1. Discussions to be held on Section 4 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions were held on the suggestions given by H'ble members on Section 4, and decision was taken to include some suggestions along with amendment	8:00 am	11:00 am	3 hrs
55.	2066/3/4	1. Discussions to be held on Section 5 and 7 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions were held on the suggestions given by H'ble members on Section 5 and 7, and decision was taken to include some suggestions along with amendment	8:00 am	11:00 am	3 hrs
56.	2066/3/5	1. Discussions to be held on Section 8 and 9 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions were held on the suggestions given by H'ble members on Section 8, and decision was taken to include some suggestions along with amendment	8:00 am	11:00 am	3 hrs
57.	2066/3/8	1. Discussions to be held on Section 9 and 6 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. H'ble members were informed about the letter received from the Capacity Building Committee	8:00 am	9:00 am	1 hr
58.	2066/3/9	1. Discussions to be held on Section 9 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions given by H'ble members on Section 9 of the draft Concept paper.	8:00 am	11:00 am	3 hrs
59.	2066/3/10	1. Discussions to be held on Section 9 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	1. Discussions continued on the suggestions given by H'ble members on Section 9 of the draft Concept paper.	8:00 am	11:00 am	3 hrs
60.	2066/3/11	1. Discussions to be held on	1. Discussion was held on the	8:00 am	11:45 am	3 hrs 45

		Section 9 of the amended Concept paper and the written suggestions to it submitted by H'ble members.	suggestions given by H'ble members on Section 9 of the draft Concept paper. As provisions of this Section was related to the number and borders of federal units (state) of Section 4 of the Concept paper, Section 9 would be discussed against after discussion on it.			mins
61.	2066/3/14	1. Discussion to be held on the number and borders of the Federal Units (state) of Section 4 of the amended Concept Paper	1. H'ble members expressed their views on determination of the number and border of the state in Section 4 of the draft Concept paper. On the basis of the principles accepted in the Concept paper in relation to the determination of number and border of the state, a decision was taken to seek help and discuss with the Director General and technicians of the Centre Bureau of Statistics at the Committee meeting on 2066/3/16 for presentation along with descriptive analysis of a map showing the regions with homogeneity of people of different indigenous nationalities, speaking different languages and of different cultures, and also showing territorial historical continuity.	8:00 am	11:30 am	3 and half hrs
62.	2066/3/16	1. On the basis of the principles accepted in the Concept paper in relation to the determination of number and border of the state,	1. The technical team including Director General of the Central Bureau of Statistics presented a map prepared on the basis of	8:00 am	11:00 am	3 hrs

		the Director General and technicians of the Centre Bureau of Statistics to make a presentation along with descriptive analysis of a map showing the regions with homogeneity of people of different indigenous nationalities, speaking different languages and of different cultures, and also showing territorial historical continuity, and discussions to be held on it.	the Nepal's Census 2058 . H'ble members expressed their views on it.			
63.	2066/3/17	1. Discussions to be held on the determination of number and borders of provinces in Section 4 of the Concept paper.	1. Discussions continued determination of number and borders of provinces in Section 4 of the Concept paper.	8:00 am	11:30 am	3 and half hrs
64.	2066/3/18	1. H'ble Dr Mangal Siddhi Manandhar to present a map in relation to the determination of the number and borders of the provinces in Section 4 of the Concept paper, and discussions to be held on it.	1. H'ble Dr Mangal Siddhi Manandhar to present his map in relation to the determination of the number and borders of the provinces in Section 4 of the Concept paper, and the concept associated with the map. H'ble members expressed their views on the map and the associated concept.	8:00 am	11:30 am	3 and half hrs
65.	2066/3/19	1. H'ble members to present their respective maps in relation to the determination of the number and borders of the provinces in Section 4 of the Concept paper, and the concept associated with the map, discussions to be held on it.	H'ble Dr Mangal Siddhi Manandhar responded to queries raised by H'ble members during the discussion on the map and its associated concept presented by Dr Manandhar under Section 4 of the Concept paper. Also H'ble Shanker Pokharel presented his map and associated	8:00 am	11:30 am	3 and half hrs

			concept in relation to the number and borders of the provinces before the Committee.			
66.	2066/3/21	1. H'ble Buddha Ratna Manandhar, H'ble Chimi Lama, H'ble Gopal Kiranti and H'ble Narahari Acharya to present their respective map and associated concept in relation to the number and borders of the provinces under Section 4 of the Concept paper, and discussions to be held on the map and concept.	H'ble Buddha Ratna Manandhar and H'ble Narahari Acharya presented their respective map and associated concept in relation to the number and borders of the provinces under Section 4 of the Concept paper. H'ble members expressed their views on the map and associated concept presented by H'ble Buddha Ratna Manandhar.	8:00 am	11:30 am	3 hrs 30 mins
67.	2066/3/22	1. Discussions to be held on the maps and associated concepts in relation to the number and borders of the provinces under Section 4 of the Concept paper, presented by H'ble Buddha Ratna Manandhar and H'ble Narahari Acharya. Also, H'ble Anil Kumar Jha, H'ble Chandradev Joshi, H'ble Santa Bahadur Nepali, H'ble Narayan Man Bijukche, H'ble Gopal Man Shrestha and H'ble Sarbadev Ojha to present their respective maps and associated concepts on determination of number and borders of provinces.	H'ble members expressed their views on the map and associated concepts presented by H'ble Buddha Ratna Manandhar and H'ble Narahari Acharya. H'ble Buddha Ratna Manandhar and H'ble Narahari Acharya responded to the issues raised by H'ble members.	8:00 am	11:30 am	3 hrs 30 mins
68.	2066/3/25	1. H'ble Anil Kumar Jha, H'ble Chandradev Joshi, H'ble Santa Bahadur Nepali, H'ble Narayan Man Bijukche, H'ble Gopal Man	1. H'ble Gopal Man Shrestha and H'ble Anil Kumar Jha presented their respective maps and associated concepts	8:00 am	11:30 am	3 hrs 30 mins

		Shrestha, H'ble Sarbadev Ojha and H'ble Ram Kumar Sharma to present their respective maps and associated concepts on determination of number and borders of provinces, and discussions to be held on the maps and concepts.	on the determination of number and borders of the provinces.			
69.	2066/4/19	1. Discussions to be held on the concepts and related maps presented at the Committee by H'ble Shanker Pokharel and H'ble Anil Kumar Jha.	1. H'ble members representing all the political parties in the Committee were requested to submit to the Committee at the earliest the party's and individual concept and associated maps in relation to the number and borders of the provinces.	8:00 am	11:30 am	3 hrs 30 mins
70.	2066/4/20	1. Discussions to be held on the recommendations made by H'ble members on Section 6 of the Concept paper	1. Decision was taken to request all the political parties represented in the Constituent Assembly to submit to the Committee before 2066/4/25 the map and concept on the number and borders of the provinces concerning the determination of the area of the Federal Units, and a decision was also taken to not discussion at the Committee the maps and concepts received after 2066/04/25. 2. A decision was also taken to postpone the meeting from the coming meeting if the quorum is not fulfilled even 30 minutes after the scheduled time.	8:00 am	9:30 am	1 and half hr
71.	2066/4/23	1. Discussions to be held on the suggestions given by H'ble	1. Discussions continued on the suggestions given by H'ble	8:00 am	11:00 am	3 hrs

		members on the list of powers of Federal Units at various level under Section 6 of the Concept paper	members on the list of powers of Federal Units under Section 6 of the draft Concept paper			
72.	2066/4/25	1. Discussion to be held on the suggestions given by H'ble members in Section 6 of the Concept paper	1. Discussions continued on on the suggestions given by H'ble members on Section 6 of the draft Concept paper	8:00 am	11:00 am	3 hrs
73.	2066/4/26	1. Discussions to be held on the suggestions given by H'ble members on the list of powers of Federal Units under Section 6 of the Concept paper	1. Discussions continued on on the suggestions given by H'ble members on the list of powers of Federal Units under Section 6 of the draft Concept paper	8:00 am	9:30 am	1 and half hr
74.	2066/4/27	1. Discussion to be held on the suggestions given by H'ble members in Section 6 of the Concept paper	1. Discussions continued on on the suggestions given by H'ble members on the list of powers of Federal Units under Section 6 of the draft Concept paper	8:00 am	10:45 am	2 hrs 45 mins
75.	2066/4/28	1. Discussion to be held on the suggestions given by H'ble members in Section 6 of the Concept paper	1. Decision was reached to amend the draft on the basis of the suggestions given by H'ble members on the list of distribution of power among the Federal Units under Section 6 of the draft Concept paper, and present it.	8:00 am	10:45 am	2 hrs 45 mins
76.	2066/4/30	1. Discussions to be held on the draft of the amended list in the list of distribution of powers among the federal units under Section 6 of the draft Concept paper. 2. A drafting Sub-committee to be constituted on the basis of the concept paper	1. Discussions was held on the suggestions given by H'ble members on Section 6 of the draft Concept paper, and a decision was reached to include some suggestions along with amendment.	8:00 am	11:00 am	3 hrs
77.	2066/4/32	1. Discussions to be held on the concept paper along with the	1. As the quorum for the Committee meeting scheduled for 2066/4/32, Sunday could	8:00 am	8:30 am	Half hour

		2. ;m suggestions submitted in writing by H'ble members on income tax under list of powers, women's court, powers of the Unit related to the special structures, related to Guthi and residual powers under Section 6 of the Concept paper and on special rights of Section 9.	not be fulfilled according to Rule 76(2) of Constituent Assembly Rules of Procedures, 2065, the meeting was postponed until 8:00 am of 2066/5/1			
78.	2066/5/1	1. Discussions to be held on the concept paper along with the suggestions submitted in writing by H'ble members on income tax under list of powers, women's court, cottage industry, powers of the Unit related to the special structures, related to Guthi and residual powers under Section 6 of the Concept paper and on special rights of Section 9.	1. Decision was taken to include with amendments the suggestions put forth by H'ble members on the special rights draft in Section 9 of the draft Concept paper	8:00 am	11:15 am	3 hrs 15 mins
79.	2066/5/2	1. Discussions to be held on the written suggestions registered by the H'ble members on Right to Self-determination and political prerogative rights under Section 9 of the Concept paper and income tax under list of powers, women's court, cottage industry, related to Guthi and residual powers and powers of the Unit related to the special structures under Section 6.	1. Agreement was reached to include rights related to cottage industry and Guthi in the concurrent list	8:00 am	10:30 am	2 hrs 30 mins
80.	2066/5/3	1. Discussions to be held on the written suggestions made by H'ble CA members on Right to	1. H'ble Chair apprised the H'ble members of the discussions held at the	9:30 am	11:30 am	2 hrs

		self-determination and political priority rights in Section 9 of the concept paper, and on the residual powers under Section 6. 2. To constitute a Sub-Committee for writing down the draft Constitution on the basis of the Concept paper.	Committee on Determination of the forms of Governance			
81.	2066/5/9	1. Discussions to be held on the written suggestions made by H'ble CA members on Right to self-determination and political priority rights in Section 9 of the concept paper, and on the residual powers under Section 6. 2. To constitute a Sub-Committee for writing down the draft Constitution on the basis of the Concept paper.	1. As per the agreement reached at the Committee, a drafting Sub-committee was constituted to writing down the draft on the basis of the Concept paper, and it comprised following H'ble members: H'ble Jaya Prakash Gupta H'ble Narahari Acharya H'ble Pratibha Rana H'ble Dr Mangal Siddhi Manandhar H'ble Hitman Shakya Following decisions on other remaining issues, the Committee fixed the timeline for the Sub-committee to write down the draft on the basis of the Concept paper.	8:00 am	11:15 am	3 hrs 15 mins
82.	2066/5/10	1. Discussions to be held after receiving information from the H'ble Chair of the Committee on sharing of Natural resources, economic rights and revenue 2. Discussions to be held on the written suggestions made by H'ble CA members on the residual powers under Section 6 of the concept paper and Right	1. Discussions were held after exchanging information with the H'ble Chair , H'ble members of the Committee on Sharing of Natural resources, economic rights and revenue, and experts on the progress made so far and conclusions reached and matters under consideration on subjects	8:00 am	11:15 am	3 hrs 15 mins

		to self-determination and political prerogative rights in Section 9.	inter-related to this Committee.			
83.	2066/5/11	1. Discussions to be held on the written suggestions made by H'ble CA members on the residual powers under Section 6 of the concept paper and Right to self-determination and political prerogative rights in Section 9.	1. A decision was taken to present at the next meeting of the Committee along with amendments based on the views expressed by H'ble members during discussions on the written suggestions made by the H'ble members on the issue of Right to Self-determination and political prerogative rights under Section 9 of the Concept paper. 2. A decision was reached to request once again to the parliamentary parties of all the political parties represented in the Constituent Assembly to provide to the Committee the map and concept on the federal structure by 2066/5/18.	8:00 am	11:00 am	3 hrs
84.	2066/5/18	1. Discussions to be held on the written suggestions made by the H'ble members on the issue of residual powers of Section 6 of the Concept paper.	1. H'ble Dev Prasad Gurung presented on behalf of the Unified CPN (Maoist) the map and concept of the number, borders and names of the provinces.	12:00 noon	2:30 pm	2 and half hours
85.	2066/5/19	1. Discussions to be held on residual powers and income tax in Section 6 of the Concept paper	1. H'ble Narayan Man Bijukche presented the concept along with the map of the number, borders and names of the provinces, on behalf of the Nepal Workers' and Peasants'	8:00 am	11:30 am	2 and half hour

			Party. 2. Agreement to keep the residual rights with the Union (centre).			
86.	2066/5/21	1. Discussions to be held on political prerogative rights. 2. H'ble members of the parties concerned to present before the Committee the map including the number, borders and names of provinces received on behalf of the Political Parties	1. H'ble members expressed their views on political prerogative rights.	8:00 am	11:00 am	3 hrs
87.	2066/5/23	1. Discussions to be held on Right to self-determination and political prerogative rights 2. H'ble members of the parties concerned to present before the Committee the map including the number, borders and names of provinces received on behalf of the Political Parties	1. H'ble Lucky Sherpa presented her map and concept related to the number, borders and naming of the provinces. 2. H'ble members expressed their respective views on political prerogative rights.	8:00 am	11:15 am	3 hrs 15 mins
88.	2066/5/24	1. Discussions to continue on Right to self-determination and political prerogative rights 2. H'ble members of the parties concerned to present before the Committee the map including the number, borders and names of provinces received on behalf of the Political Parties	1. A decision was taken to entrust the draft writing Sub-committee to amend the draft Concept paper considering also the views expressed by the H'ble members on Right to self-determination at the meetings of the Committee.	8:00 am	10:30 am	2 and half hour
89.	2066/5/25	1. Discussions to continue on political prerogative rights. (a) at the local level (b) in special structures ➤ Autonomous region ➤ Special Protected region ➤ Special region (c) provincial level	1. A decision was taken to entrust the draft writing Sub-committee to amend the draft Concept paper considering also the views expressed by the H'ble members on political prerogative rights at the meetings of the Committee,	8:00 am	11:30 am	3 and half hour

		2. H'ble members of the parties concerned to present before the Committee the map including the number, borders and naming of provinces received on behalf of the Political Parties	and present it to the Committee on the meeting to be held on 2066/5/29			
90.	2066/5/29	1. The draft writing Sub-committee shall submit the amended report on political prerogative rights and right to self-determination, and discussions would be held on the report. 2. H'ble members of the parties concerned to present before the Committee the map including the number, borders and naming of provinces received on behalf of the Political Parties	1. An agreement was reached to amend the report on Right to self-determination presented by the draft writing sub-committee by including the views expressed by the H'ble members.	8:00 am	11:00 am	3 hrs
91.	2066/5/30	1. Discussions to be held on the political prerogative rights. 2. Discussions to be held in relation to the rights of the women, Dalit, minorities and the marginalized community under special rights. 3. Discussions to be held on the list of powers of the local level. ❖ Local level to have rights over the issues under the list of powers. ❖ Provision to be held for a special list of powers in the Constitution itself. ❖ The provincial government to give powers as determined by the law.	1. Decision was reached to discuss the political prerogative rights after reaching to a conclusion on the number and border of the provinces, and to entrust the Task Force to amend it by incorporating the views expressed by H'ble members on women, Dalit, minorities and the marginalized communities under special rights.	8:00 am	11:00 am	3 hrs

92.	2066/6/1	<p>1. Discussion to be held on the powers of the Units under the special structure.</p> <ul style="list-style-type: none"> ❖ Local level to have rights over the issues under the list of powers. ❖ Provision to be held for a special list of powers in the Constitution itself. ❖ The provincial government to give powers as determined by the law. <p>2. To constitute a Sub-committee to carry out a study and present a report along with recommendations on the number, borders and naming of the provinces. Select the subjects to be included in the annex of the Concept paper. Distributed the maps submitted to the Committee on behalf of different political parties, and H'ble members.</p>	<p>1. The task force given the responsibility of developing the preliminary draft by also incorporating the views expressed by H'ble members on the list of powers of Units under the special structure.</p>	8:00 am	10:45 am	2 hrs 45 mins
93.	2066/6/4	<p>1. To discussion with advocate Dr Yubaraj Sangraula and advocate Dinesh Tripathi on what kind of mechanism would be appropriate in the context of Nepal and international practices for resolution of possible disputes among the Federal Units.</p> <p>2. To constitute a Sub-Committee to carry out a study and present a report along with recommendations on the</p>	<p>1. Advocate Dr Yubaraj Sangraula and advocate Dinesh Tripathi put forth their respective views on what kind of mechanism would be appropriate in the context of Nepal and international practices for resolution of possible disputes among the Federal Units. They also responded to the queries raised by the H'ble members on their presentation.</p>	8:00 am	11:00 am	3 hrs

		number, border and naming of the Provinces.	2. A decision was taken to entrust the Draft writing Committee in order to carry out a study and present a report along with recommendations on the number, borders and naming of the Provinces.			
94.	2066/6/21	1. Discussions to be held following distribution of the amended draft of the mechanism on possible dispute settlement among the federal units in Section 8 of the Concept paper.	1. Discussions began on the amended draft of the mechanism on possible dispute settlement among the federal units in Section 8 of the Concept paper.	8:00 am	10:30 am	2 and half hrs
95.	2066/6/23	1. Discussions to continue on the amended draft of the mechanism on possible dispute settlement among the federal units in Section 8 of the Concept paper.	1. Agreement was reached on the amended draft of the mechanism on possible dispute settlement among the federal units in Section 8 of the Concept paper, along with the amendments.	8:00 am	10:30 am	2 and half hrs
96.	2066/6/25	1. Discussions to be held following presentation of the amended draft relating to the rights of women, Dalit, minorities and the marginalized communities under Special rights in Section 9 of the concept paper.	1. Decision was taken to entrust the Draft writing sub-committee to present a report at the Committee by incorporating the views expressed by H'ble members on the rights of women, Dalit, minorities and the marginalized communities under Special rights in Section 9 of the concept paper.	10:30 am	1:15 am	2 hrs 45 mins
97.	2066/7/22	1. Discussions to be held on different subject areas under the ToR of the Committee.	1. Request was made to the sub-committee under the Committee to present its report along with its recommendations on the entrusted responsibility, and to	8:30 am	10:30 am	2 hrs

			the political parties to provide their concepts along with the map on number, border and naming of the provinces.			
98.	2066/7/24	<p>1. Discussions to be held on the following issues amended by the Sub-committee under special rights:</p> <ul style="list-style-type: none"> ➤ Sharing of legislative, executive and judicial powers among the Federal Units ➤ List of powers of the Units related to the special structure ➤ The special rights of women and Dalits 	1. Agreement was reached along the minor amendments to the report presented by the Sub-committee on sharing of legislative, executive and judicial powers among the Federal Units and the list of powers related to the special structure.	8:00 am	11:00 am	3 hrs
99.	2066/7/25	<p>1. Discussions to be held on the special rights of women and Dalit as amended by the Sub-committee under special rights.</p> <p>2. H'ble Chandra Dev Joshi to present on behalf of his party the map, number and concept of the provinces.</p> <p>3. The preliminary draft prepared by the Sub-committee on the agreed issues in the Concept paper to be presented and discussed.</p>	<p>1. Agreement was reached on the report presented by the Sub-committee on special rights of women, along with amendment.</p> <p>2. H'ble Chandra Dev Joshi presented the map, number and concept of the provinces on behalf of his party, and H'ble Jaya Prakash Gupta presented the amended number, border and map along with the concept of the provinces, on behalf of his party.</p>	8:00 am	11:00 am	3 hrs
100	2066/7/28	<p>1. H'ble Jaya Prakash Gupta to present the number, border and map along with the concept of the provinces, on behalf of Madhesi Janadhikar Forum.</p> <p>2. Discussions to be held on the special rights of the Dalits as</p>	1. H'ble Jaya Prakash Gupta presented the number, border and map along with the concept of the provinces, on behalf of Madhesi Janadhikar Forum.	8:00 am	11:00 am	3 hrs

		amended by the Sub-committee under special rights. 3. Discussions to be held on the preliminary draft prepared by the Sub-committee on the agreed issues in the Concept paper.				
101	2066/7/29	1. Discussions to be held on the special rights of the Dalits as amended under Special rights. 2. Discussions to be held on the preliminary draft prepared by the Sub-committee on the agreed issues in the Concept paper.	1. Discussions continued on the special rights of the Dalits and the preliminary draft along the concept paer.	8:00 am	11:00 am	3 hrs
102	2066/8/1	1. Discussions to be held on the preliminary draft prepared by the Sub-committee on the agreed issues in the Concept paper.	1. Discussions continued on the preliminary draft along with the agreed issues in the Concept paper.	8:00 am	10:45 am	2 hrs 45 mins
103	2066/8/2	1. Discussions to be held on the special rights of the Dalits as amended under Special rights. 2. Discussions to be held on sharing of powers and inter-relations among Federal Units in the preliminary draft, including the Concept paper.	1. Agreement was reached on the report presented by the Sub-committee on special rights for Dalits, along with amendments and discussions were held on the distribution of powers under the preliminary draft, including the Concept paper.	8:00 am	10:30 am	3 hrs 30 mins
104	2066/8/3	1. H'ble Dr Mangal Siddhi Manandhar to present the map, border and number, along with the concept of the provinces, on behalf of the CPN-UML. 2. Discussions to be held on the dispute settlement mechanism among the Federal Units, provisions related to the special	1. H'ble Dr Mangal Siddhi Manandhar presented the map, border and number, along with the concept of the provinces, on behalf of the CPN-UML. 2. Discussions were held on the dispute settlement mechanism among the Federal Units, provisions related to the	8:00 am	10:30 am	2 hrs 30 mins

		structures, and establishing the local level and determining their area of jurisdiction in the preliminary draft, including the Concept paper.	special structures, and establishing the local level and determining their area of jurisdiction, in the preliminary draft, including the Concept paper.			
105	2066/8/5	1. Discussions to be held on the dispute settlement mechanism among the Federal Units, provisions related to the special structures, and establishing the local level and determining their area of jurisdiction in the preliminary draft, including the Concept paper.	2. Discussions were held on the dispute settlement mechanism among the Federal Units, provisions related to the special structures, and establishing the local level and determining their area of jurisdiction in the preliminary draft, including the Concept paper.	8:00 am	11:00 am	3 hrs
106	2066/8/9	1. Discussions to be held on the maps and concepts received so far from political parties and individual from H'ble members based on the criteria and procedure fixed by the Committee, and the Sub-committee to be directed to prepare a report.	1. The Sub-committee was directed to go ahead with its task based on the criteria and procedure fixed by the Committee in connection with the map and concepts received to the Committee. 2. A decision was taken to write to the parliamentary parties who have not yet submitted the number, border and maps, along with concept of the provinces to do so before 2066/8/16.	8:00 am	11:00 am	3 hrs
107	2066/8/18	1. Discussions to be held on the draft Constitution presented by the Sub-committee in relation to the rights of women and Dalits under special rights. 2. The maps along with the concepts on the number, border and nomenclature received by	1. Discussions were held on the draft Constitution presented by the Sub-committee in relation to the rights of women and Dalits under special rights. 2. The maps along with the concepts on the number,	8:00 am	11:30 am	3 hrs 30 mins

		the Committee from the political parties to be presented.	border and nomenclature received from Nepali Congress, the Sadbhawana Party and RPP were presented.			
108	2066/9/1	1. The amended draft of the Sub-committee to be presented and discussed.	1. The Sub-committee presented its amended draft to the Committee and a decision was reached to have it discussed at the next meeting.	8:00 am	11:30 am	3 hrs 30 mins
109	2066/9/9	1. Discussions to be held on the draft amended by the Sub-committee	1. Discussions began on the draft presented by the Sub-committee.	8:00 am	11:30 am	3 hrs and 30 mins
110	2066/9/10	1. Discussions to continue on the draft presented by the Sub-committee	1. In course of discussions on the preliminary draft of the Committee, agreement was reached along with amendments on the preamble and Articles 1, 2 and 3.	8:00 am	11:30 am	3 hrs 30 mins
111	2066/9/12	1. Discussions to continue on the draft presented by the Sub-committee	1. In course of discussions on the preliminary draft of the Committee, agreement was reached along with amendments on Article 4.	8:00 am	11:30 am	3 hrs 30 mins
112	2066/9/13	1. Discussions to continue on the draft presented by the Sub-committee	1. In course of discussions on the preliminary draft of the Committee, agreement was reached along with amendments on Article 5.	8:00 am	11:00 am	3 hrs
113	2066/9/14	1. Discussions to continue on the draft presented by the Sub-committee	1. In course of discussions on the preliminary draft of the Committee, agreement was reached along with amendments on Article 6.	8:00 am	11:00 am	3 hrs
114	2066/9/15	1. Discussions to continue on the draft presented by the Sub-committee	1. In course of discussions on the preliminary draft of the Committee, agreement was reached along with amendments on Articles 6 and	8:00 am	11:00 am	3 hrs

			7.			
115	2066/9/18	1. Discussions to continue on the draft presented by the Sub-committee	1. In course of discussions on the preliminary draft of the Committee, agreement was reached along with amendments on Article 8.	8:00 am	11:00 am	3 hrs
116	2066/9/19	1. Discussions to continue on the draft presented by the Sub-committee	1. The Sub-committee was entrusted to present to the Committee along with amendments to Sub-articles (3), (5), (6), (8) and (9) of Article 8 of the preliminary draft of the Committee, and agreed on Sub-articles (4) and (7) of the same Article.	8:00 am	11:30 am	3 hrs 30 mins
117	2066/9/20	1. Discussions to continue on the draft presented by the Sub-committee	1. Agreement was reached at the Committee meeting on Sub-article (11), All sub-articles from 1 to 12 of Article 9. The Sub-Committee was entrusted to present with amendments to the Committee Sub-articles (1), (2), (3), (4) and (5) of Article 10. Agreement was reached to hold discussions on Sub-articles (3), (5), (6), (8), (9) and (10) of Article 8 after the Sub-committee presents its report.	8:00 am	11:00 am	3 hrs
118	2066/9/22	1. Discussions to continue on the draft presented by the Sub-committee	1. In relation to Article 10 of the draft, the Sub-committee was entrusted to make amendments by incorporating the views expressed by the H'ble members at the Committee meeting.	8:00 am	11:00 am	3 hrs
119	2066/9/23	1. The Sub-committee to present an amended draft of Article 8	1. Agreement was reached along with amendments on	8:00 am	11:15 am	3 hrs 15 mins

		and Article 10 of the draft.	Article 8 (sub-articles 3, 5, 6, 8, 9 and 10) and Article 10 (sub-articles 1 to 21) presented by the Sub-committee.			
120	2066/9/24	1. Discussions to continue from Article 11 of the draft submitted by the Sub-committee	1. The Sub-committee was entrusted to present to the Committee the amendment by incorporating the views expressed by H'ble members on Article 11 of the draft.	8:00 am	11:15 am	3 hrs 15 mins
121	2066/9/25	1. Discussions to be held on the draft presented by the Sub-committee	1. Agreement was reached along with amendments in the Right to self-determination of Article 11, Special rights of women of Article 12, rights of Dalits of Article 13, Rights of minorities and the marginalized communities of Article 14, review and assessment of special rights of Article 15 and the powers of the autonomous regions to be established under the special structures.	8:00 am	11:15 am	3 hrs 15 mins
122	2066/10/1	1. The Sub-committee to present a report on the number, border, names and capital of the provinces. 2. The issues that require uniformity in the concept paper and draft shall be presented and discussed. 3. The amended commentary of the draft shall be presented and discussed. 4. The matters that would be included in the schedule shall be	1. The Sub-committee presented a detail report on the number, border, names and capital of the provinces, along with the maps. 2. The issues that require uniformity in the concept paper and draft, the amended commentary of the draft, the matters to be included in the schedule and the report submitted by the Sub-committee were	8:00 am	11:45 am	3 hrs 45 mins

		selected.	distributed to the H'ble members.			
123	2066/10/2	1. The matters to be included in the schedule to be finalized. 2. The issues requiring uniformity in the concept paper and draft, and the commentary to be finalized. 3. Discussions to be held in the number, border and naming of the provinces	1. Agreement was reached along with amendments on the commentary of the draft and the matters to be included in the schedule.	12:00 noon	7:00 pm	7 hrs
124	2066/10/3	1. Discussions to be held on the report presented by the Sub-committee on the number, border, names and capital of the provinces. 2. Discussions to be held on the issues requiring uniformity in the draft and concept paper.	1. H'ble members expressed their views on the report of Sub-committee on the number, border, names and capital of the provinces. The Sub-committee Convenor responded to the queries raised by H'ble members. Discussions began on the issues requiring uniformity in the draft and concept paper.	8:00 am	2:00 pm	6 hrs
125	2066/10/4	1. Discussions to continue on the issues requiring uniformity in the draft and concept paper	1. Agreement was reached on the issues requiring uniformity in the draft and concept paper, along with amendments.	12:00 noon	6:00 pm	6 hrs
126	2066/10/5	1. Discussions to be held in the responsibilities given to the Sub-committee.	1. The matters under the Schedule of the concept paper were distributed to the H'ble members.	12:00 noon	1:00 pm	1 hr
127	2066/10/6	1. Discussions to be held in the responsibilities given to the Sub-committee. 2. The final report of the concept paper and draft to be agreed upon and signed.	1. Decision was taken to submit to the Constituent Assembly the draft report 2066 of the Concept paper of the Committee on Restructuring of the State and Sharing of State Power including the number, borders, names and capitals of	8:00 am	9:00 pm	13 hrs

			the amended 14 provinces, giving political prerogative rights, development of a list of autonomous regions established under the special structures and the rights of Madhesi people.			
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Agenda and table of decisions of the meetings of the Sub-committee

S.No.	Date of meeting	Meeting's	
		Agenda	Decision
1.	2065/9/9	Develop agenda of the works to be done under the jurisdiction of the Committee, and develop a work table in order to accomplish the task, the programs for capacity building of the H'ble members, the ToR of the experts, and selection of reference materials.	As per discussion held on developing the agenda of the works to be done under the jurisdiction of the Committee, and developing a work table in order to accomplish the task, the programs for capacity building of the H'ble members, the ToR of the experts, and selection of reference materials, a decision was taken entrusting the Secretary to develop a preliminary draft and present it at the next meeting.
2.	2065/9/10	1. The programs to be carried out for the capacity building of the H'ble members on the ToR and working table presented by the Secretariat, the ToR of the experts and selection of the reference materials.	1. Discussions were held on the programs to be carried out for the capacity building of the H'ble members on the ToR and working table presented by the Secretariat, the ToR of the experts and selection of the reference materials. As per the agreement reached at the discussion, the Secretariat shall be directed to amend the draft and present it.
3.	2065/9/11	1. Discussions to be held on the amended draft on the programs to be carried out for capacity building of the H'ble members, the ToR of the experts and selection of the reference materials, and to be finalized.	1. The amended draft on the agenda under the jurisdiction of the Committee and the working table, ToR of experts, capacity building of H'ble members and selection of reference materials was approved with suggestions, and a decision was taken to present it at the meeting of the Committee.
4.	2065/10/28	1. To hold preliminary discussion in order to prepare a questionnaire for collecting people's opinion on the subject matters falling under the	1. Discussions were held at the meeting in connection with the preparation of the questionnaire for collection of public opinion.

		jurisdiction of the Committee.	
5.	2065/10/29	1. Discussions to be held on the questionnaire presented by the Secretariat.	1. The meeting decided to complete the task given to the Committee on Restructuring of the State, and Sharing of State Power to prepare questionnaire for collection people's opinion on subject matters falling under the Committee's jurisdiction, and present the report of the Sub-committee to the Committee.
6.	2065/10/30	1. Discussions to be held on the list of contents in the Concept paper	1. Preliminary discussions were held on the list of contents to be included in the Concept paper
7.	2065/10/31	1. Discussions to be held on the list of contents in the Concept paper	1. Preliminary discussions were held on the list of contents to be included in the Concept paper
8.	2066/1/2	1. The list of contents to be included in the Concept paper to be presented and discussed.	1. The list of contents to be included in the Concept paper was presented and discussed.
9.	2066/1/3	1. To select the Convenor of the drafting Sub-committee. 2. Give final shape to the list of contents to be included in the concept paper. 3. A task force to be formed to prepare the draft Concept paper.	1. The meeting reached to an agreement along with necessary amendments following discussion on the list of contents of the Concept paper presented by the Sub-committee. 2. H'ble Chandradev Joshi as selected the Convenor of the Sub-committee constituted on 2065/12/29 to prepare the Concept paper. 3. A five-member task force for writing down the Concept paper was given the term until 2066/1/5 by assigning the proposed sections in the list of contents. The members are as below: Section 1 and 5 H'ble Dr Mangal Siddhi Manandhar (Convenor) H'ble Onasari Ghartimagar (member) H'ble Santa Bahadur Nepali (member) Section 2 and 3 H'ble Narahari Acharya (Convenor) H'ble Sarbadev Ojha (member) H'ble Narayan Man Bijukche (member) Section 6 and 7 H'ble Hitman Shakya (Convenor) H'ble Dr Arzu Rana Deuba (member) H'ble Ram Kumar Sharma (member) Section 8 and 9 H'ble Biswa Bhakta Dulal (Convenor) H'ble Pratibha Rana (member) H'ble Buddha Ratna Manandhar (member)

			Section 4 H'ble Shanker Pokharel (member) H'ble Nilam KC (member) H'ble Anil Kumar Jha (member)
10.	2066/1/6	1. Discussions to be held on the concept paper prepared by the task force.	1. Discussions were held on the preliminary concept paper prepared by the task force. 2. A decision was made to change H'ble Buddha Ratna Manandhar from the task force convened by H'ble Biswabhakta Dulal to the task force convened by H'ble Shanker Pokharel, and H'ble Nimal KC from the task force convened by H'ble Shanker Pokharel to the task force convened by H'ble Biswa Bhakta Dulal.
11.	2066/1/7	1. Discussions to continue on the preliminary draft prepared by the task force.	1. Discussions were held on the preliminary concept paper prepared by the task force.
12.	2066/1/9	1. The preliminary draft prepared by the task force to be presented to the preparation Sub-committee.	1. Discussions were held on the preliminary concept paper prepared by the task force.
13.	2066/1/18	1. Discussions to be held on the scope of the task force.	1. Preliminary discussions were held on the preparation of the draft Concept paper. Dr Mangal Siddhi Manandhar was designated the Convenor of the task force.
14.	2066/1/21	1. The convenors of the task force to present the draft concept paper, and would be discussed.	1. Members of the task force presented the draft concept paper, and was discussed.
15.	2066/1/22	1. Discussions to be held on the draft concept paper.	1. Discussions continued on the draft concept paper.
16.	2066/1/23	1. Discussions to be held on the draft concept paper.	1. Discussions continued on the draft concept paper.
17.	2066/5/11	1. The preliminary draft prepared by the Secretariat to be distributed to the H'ble members.	1. The preliminary draft prepared by the Secretariat was distributed to the H'ble members of the Sub-committee. The meeting was postponed to come back to the next meeting to expressed respective views on the distributed draft.
18.	2066/5/18	1. The Sub-committee Convenor to be designated.	1. The meeting today of the Sub-committee decided to designate H'ble Hitman Shakya the Convenor. The meeting was postponed to meet again on 2066/5/19, after the Committee meeting was over.
19.	2066/5/19	1. Discussions to be held on the proposed draft of the H'ble members	1. Discussions began on the preliminary draft of the Constitution.

		of the Committee.	
20.	2066/5/29	1. Discussions to be held on the selection of experts for inviting them for a discussion on political prerogative rights, right to self-determination, preliminary draft Constitution, and the mechanism for settlement of dispute among the Federal units.	1. A decision was taken to hold discussion on political prerogative rights and right to self-determination under Section 9 of the Concept paper, and present a report on the same to the Committee. 2. Discussions on the mechanism for settlement of possible disputes among the Federal Units to be held by inviting advocates Dr Yubaraj Sangraula and Dinesh Tripathi.
21.	2066/5/30	1. Discussion to be held on the preliminary draft of the Constitution on the issues agreed so far at the Committee.	1. Discussions continued on the preliminary draft of the Constitution prepared on the issues agreed so far at the Committee.
22.	2066/6/26	1. To develop a work schedule following discussion on the scope of the Sub-committee The matters to be dealt with, and finalized at the Sub-committee: ❖ On special rights (The rights of women, Dalit, minorities and the marginalized communities) ❖ On political prerogative rights ❖ List of powers of the units related to the special structures ❖ Sharing of legislative, executive and judicial powers among the different levels of federal units. ❖ On the number, border and names of the province ❖ To develop a draft on the issues agreed at the Committee and on the basis of Concept paper.	1. The work schedule presented at the Sub-committee was amended.
23.	2066/6/28	1. On special rights (the rights of women, Dalit, minorities and the marginalized communities) 2. List of powers of the units related to the special structures	1. Discussions continued on the rights of women and Dalits under special rights, and the preliminary draft of the Constitution.

		3. Sharing of legislative, executive and judicial powers among the different levels of federal units.	
24.	2066/7/22	<ol style="list-style-type: none"> 1. Sharing of work, duties and powers among the legislative, executive and judiciary of the Federal Units. 2. About the list of powers of the special structures 3. About the rights of women and Dalits under special provisions 4. Discussions to be held on draft Constitution prepared on the basis of the agreement reached so far in the Concept paper. 	1. Agreement was reached along with amendment following discussion on the preliminary draft presented in connection with women under special rights and since a separate committee had been formed to look into the concepts relating to the minorities and the marginalized and discussed at the Constituent Assembly there was no need to discuss it at the Committee, and thus recommended to remove it also from the Concept paper.
25.	2066/7/23	<ol style="list-style-type: none"> 1. About the sharing of legislative, executive and judicial powers among the federal units. 2. About the list of powers of the special structures. 3. Political prerogative rights 4. Special rights-Dalits 5. Discussions to be held on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper. 	1. A decision was taken to present a report along with amendment at the Committee in relation to the rights of women under special rights, sharing of legislative, executive and judicial powers among the federal units, and the list of powers of the Units related to the special structures.
26.	2066/7/24	1. Discussions to be held on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper.	1. Discussions continued on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper.
27.	2066/7/25	1. Discussions to be held on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper.	1. Discussions continued on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper.
28.	2066/7/28	1. Discussions to be held on the preliminary draft of the Constitution prepared on the basis of the agreed	1. Discussions continued on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper.

		points so far in the Concept paper.	
29.	2066/8/1	1. Discussions to be held on the preliminary draft of the Constitution prepared on the basis of the agreed points so far in the Concept paper.	1. To present with amendments before the Committee about Dalit rights under special rights as mentioned in the Concept paper and discussions on the preliminary draft continued.
30.	2066/8/2	1. Discussions to be held on amendment to the draft on the basis of the views expressed by H'ble members on the preamble, definition, restructuring of the state and forms of governance, and the political structure in the federal democratic republican structure of Nepal under the preliminary draft, along with the Concept paper.	1. Decision was taken to amend the draft on the basis of the views expressed by H'ble members on the preamble, definition, restructuring of the state and forms of governance, and the political structure in the federal democratic republican structure of Nepal under the preliminary draft, along with the Concept paper, and present it before the Committee.
31.	2066/8/11	1. Discussions to be held on the rights of Dalit and women in the preliminary draft under special rights, and in the preliminary draft at the Committee, and discussion to be held on the draft amended on the basis of the views expressed by H'ble members.	1. Discussions began on the rights of Dalit and women in the preliminary draft under special rights, and in the preliminary draft at the Committee, and on the draft amended on the basis of the views expressed by H'ble members.
32.	2066/8/12	1. Discussions to be held on the rights of Dalit and women in the preliminary draft under special rights, and in the preliminary draft at the Committee, and discussion to be held on the draft amended on the basis of the views expressed by H'ble members.	1. Discussion was held on the preliminary draft of Dalit and women's rights under special rights, discussed at the preliminary draft.
33.	2066/8/14	1. Discussions to be held on the draft amended on the basis of the views expressed by the H'ble members following discussion on the preliminary draft at the Committee.	1. Discussions were held on the draft amended on the basis of the views expressed by the H'ble members following discussion on the preliminary draft at the Committee.
34.	2066/8/15	1. Discussions to be held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members	1. Discussions were held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members following discussions on the preliminary draft at the Committee.

		<p>following discussions on the preliminary draft at the Committee.</p> <p>2. Preliminary discussions to be held on the number, border and names of the provinces.</p>	
35.	2066/8/20	<p>1. Discussions to be held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members following discussions on the preliminary draft at the Committee.</p> <p>2. Preliminary discussions to be held on the number, border and names of the provinces.</p>	<p>1. Discussions were held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members following discussions on the preliminary draft at the Committee and the number, border and names of the provinces.</p>
36.	2066/8/22	<p>1. Discussions to be held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members following discussions on the preliminary draft at the Committee.</p>	<p>1. Discussions were held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members following discussions on the preliminary draft at the Committee.</p>
37.	2066/8/23	<p>1. Discussions to be held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members at the Committee.</p>	<p>1. Discussions were held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members during preliminary discussions at the Committee.</p>
38.	2066/8/25	<p>1. Discussion to be held on the draft prepared following discussions at the Sub-committee.</p>	<p>1. Discussions were held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members during preliminary discussions at the Committee.</p>
39.	2066/8/29	<p>1. Discussion to be held on the draft prepared following discussions at the Sub-committee.</p>	<p>1. Discussions were held on the amended draft prepared by the Secretariat on the basis of the views expressed by the H'ble members during preliminary discussions at the Committee.</p>
40.	2066/8/30	<p>1. Discussion to be held on the amended draft prepared following discussions at the Sub-committee.</p>	<p>1. Discussions continued on the number, borders and names of the Provinces.</p>
41.	2066/9/14	<p>1. Discussions to be held on the number, border and names of the</p>	<p>1. Discussions continued on the number, borders and names of the Provinces.</p>

		Provinces.	
42.	2066/9/16	1. Discussions to be held on the number, border and names of the Provinces.	1. Discussions continued on the number, borders and names of the Provinces.
43.	2066/9/22	1. Discussion to be held on Sub-articles (3),(5),(6),(8),(9), and (10) of Article 8 and all the sub-clauses of Article 10 of the draft given for amendment by the Committee meeting.	1. The Sub-articles (3),(5),(6),(8),(9), and (10) of Article 8 and all the sub-clauses of Article 10 of the draft given for amendment by the Committee meeting was discussed and a decision taken to submit it before the Committee with amendments.
44.	2066/9/24	1. Discussions to be held on the number, border and names of the Provinces. 2. Discussions to be held for amendment on Article 11 of the draft also considering the views expressed by H'ble members at the Committee meeting.	1. The Article 11 of the draft given for amendment by the Committee meeting was discussed and a decision take to present it before the Committee along with amendments.
45.	2066/9/29	1. To introduce amendments to the commentary of the draft. 2. To finalize the issues requiring uniformity in the concept paper and draft. 3. Discussions to be held on the report related to the number, borders and names of the provinces. 4. The issues to be included in the Schedule to be finalized.	1. Discussions began on the commentary of the draft, the issues requiring uniformity in the concept paper and draft, and the number, border and names of the provinces, and the issues to be included in the schedule.
46.	2066/9/30	1. To introduce amendments to the commentary of the draft. 2. To finalize the issues requiring uniformity in the concept paper and draft. 3. Discussions to be held on the report related to the number, borders and names of the provinces. 4. The issues to be included in the Schedule to be finalized.	1. The commentary of the draft, the issues requiring uniformity in the concept paper and draft, and the number, border and names of the provinces, and the issues to be included in the schedule were discussed, and a decision taken to submit the report to the Committee.

47.	2066/10/1	1. Discussions to be held on the autonomous regions under the Provinces and political prerogative rights.	1. As per the responsibility given through a decision of the Committee on 2066/6/4 to the Sub-committee constituted as per the Committee meeting's decision on 2066/5/9, and as per the Sub-committee's decision to include in the report two proposals on the number, borders and names of the proposed provinces, the number, border and names including the maps and other details have been included in the schedule.
48.	2066/10/3	1. Discussions to be held on political prerogative rights, establishment of autonomous regions and rights of the Madhesi community under special rights.	1. Discussions continued on political prerogative rights, establishment of autonomous regions and rights of the Madhesi community under special rights.
49.	2066/10/5	1. Discussions to be held on political prerogative rights, establishment of autonomous regions and rights of the Madhesi community under special rights.	1. Discussions continued on political prerogative rights, establishment of autonomous regions and rights of the Madhesi community under special rights.