



Socio-cultural Aspects of Federal Structure in Nepal

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Abstract

The decade long maoist insurgency and the joint effort of the existing seven political parties' alliance like Nepali Congress, CPN UML and others overthrew the monarchy transforming the country into republic state deciding to adopt federal system of governance. The sole motto of federal notion as said is the equitable justice, accommodation of diversities and wholesome development regarding the economic, socio-cultural, political and international prospects. Before unification of Nepal, It was divided into a numerous principalities and kingdoms, with its own system of governance following the social and cultural autonomy, the own mode of production. The political front formed then after slowly and consistently came under centralized form of administration, annihilation of the local systems slowly. The local systems, usages, local identity, local aspirations, social and cultural diversity were encroached and suppressed in systematic manner. The state unites physically but the rational cultural, social unification left behind by the contemporary ruler and governance that invites for the socio-cultural federalization.

Keywords: *Autonomy, Development, Federalism, Inclusion, Insurgency*

Introduction

Nepalese society is a residence of various caste, creed, ethnic groups, and tribal community from the very beginning. Ruler of ancient Nepal basically was Gopal (Cow Husbandry Owners), rely Lord Krishna as per legends, Mahispal (Buffalo Husbandry Owners), not intangible with particular religion, Kirats, who worship the nature, the Lichchavis are the Hindus, the Mallas equally paid tolerance on Hinduism and buddism, the modern Nepal's ruler i.e. Shah rulers work for the flourishment of Hinduism. The unification campaign started by Gorkhali King Nara

Bhupal Shah was continued by his successors King Prithivi Narayan Shah, his son Bahadur Shah and it ended in the regime of King Griban Yuddha Bikram Shah¹ (Vansittart, 1896). The principality of Gorkha came under Shah regime by defeating the Ghale and Khadka dynasty. Likewise, the unification campaign of Shah ruler, take the policy of one state, one religion, one dress, one language, which seems to be important on that unification campaign. The bhardari

1. Vansittart, E. (1896). Notes on Nepal. Asian Educational Services

governmentship of Gorkha even continued after the merger of Gorkha to Nepal when the Kathmandu Valley (the contemporary Nepal Valley). The excluded communities couldn't get justice in reality because of the monarchy and unitary form of governance.

The dissatisfaction, regarding authority, language, excess to education, politics, the recognition of their culture, traditions, usages, has been going to the climax and the same sentiment was caught by the then Maoist rebellion, can created milestone for their political movements. The Maoist movement ended in 2006 with the mutual agreement between the working political parties and the agitating maoist party on restructuring the nation by ending the traditional form of monarchy. The restructuring mechanism consists of the adoption of Federalism as a major one. There was a long, serious debate on the basis of federation. The autonomous regions for the particular ethnic, tribal, community were also advocated. So, it is appropriate to say that the federal division is for the accommodation of diversity; still it has more business to do. The socio cultural prospects cover the following arenas of social and cultural phenomenon of Nepalese society.

1. Social Inclusion and Pluralism

Two important conceptual and institutional tools developed under the federal governance framework to improve and raise the per capita income of people are inclusivity and democratic pluralism.² It makes sure that more women from all castes participate in elections, as evidenced by the most recent municipal elections. Additionally, it ensures that other underrepresented or marginalized Minority groups are created through quota systems at the local legislative and executive levels.

2. Recognition of Identity, culture and customs

Federal restructuring of the economy has urgent since it was as a major demand of ethnic and regional agitators in Nepal. The dialogue which was extremely politicized. Federalism in the world is not simply the decentralization of political power and economic prosperity; it also become a powerful indicator for a wider range of inclusion, which encompasses other institutional reforms to guarantee ethnic proportional and cultural diversity.³

In response to the government's forced Hinduization of the populace, backing the caste system and preserving the Hindu upper caste's hold on power, numerous tribes are currently fighting to bring back their regional customs and cultures. One of the main components of Conflict and the fight for secularism have made room for underprivileged people' religious traditions to resurface.⁴

Due to federalism, historically underprivileged groups were able to organize and mobilize and seek social justice, equality, and cultural acceptance of difference—that is, equity. The state apparatus gave special attention to the rights of underprivileged groups, including women, Native Americans, Dalits, and Madeshis, by allocating the necessary reservations and establishing constitutional organizations.

2. Gyawali, G. P. (2018). Federalism: Challenges and Opportunities in Nepal. 8, p. 46

3. International Crisis Group. (2011). *Identity Politics and Federalism*. Asia Report

4 Torri, D. (2019). Religious Identities and the Struggle for Secularism: The Revival of Buddhism and Religions of Marginalized Groups. *Entangled Religions*, pp. 1-21

3. Language and Education

Language and education are included under the fundamental rights clause of the constitution. The official language of Nepal is Nepali, written in Devnagari script. In Nepal, federalism integrates the linguistic component of ethnic minorities, backward communities, and ethnic groups by giving priority to their home tongue in basic education, offering necessary support at the national and subnational levels, both directly and indirectly. One of the most important components of education and awareness is language. The constitution provides for native-language textbooks, additional reading materials, and the authority granted to the respected province in order to educate the populace.

The primary factor in the state's federalization is language. As known, the three official languages of Belgium are Dutch, French, and German. These languages form the basis of the country's federalism and are spoken by its populations.⁵ Even in Pakistan and India, linguistics serves as a foundation for federalism. The language divide between the resident populations caused Bangladesh, which speaks Bengali, to separate from Pakistan and Pakistan from India. Even in Ethiopia, the member states of the federation are free to choose their own official languages, even if Amharic is the official language of the federal government. Since a large portion of Crimea spoke Russian, language problems are a contributing factor in the region's breakup from Ukraine. This even highlights Ukraine's need for federal demand.⁶

4. Excess on Facilities

Nepal is ruled from the primitive era under Kingship. The truth is that the resources, power and immunities along with excess and facilities are exercised only by the rulers, their right handed persons and their favorite helping hands. The general public is even not provided the dignity of Citizens, just the human being because of not animals. In this context they are restricted with the rights and privileges offered by the state. Their identity, recognition was suppressed and the common elite's cultural, lingual and religious traits are forcefully imposed.

The federal Nepal's egalitarian-oriented socio-cultural objectives of the directive principles provisioned in the article. 50 of the present constitution advocates for the excess on the facilities around all spheres by recognizing the cultural diversity. The policies of the state in article 50 of the present federal constitution also take the policy of providing excess and facilities; relating to political and governance system, relating to social and cultural transformation, relating to economy, industry and commerce, relating to agriculture and land reforms, relating to development, relating to protection, promotion and use of natural resources, relating to basic needs of the citizens, relating to labour and employment, relating to social justice and inclusion, relating to justice and penal system, and relating to tourism. The structure of the state and distribution of the state power in article 56 also provisioned for the excess and facilities in the specified manner regarding inclusive representation, based on pluralism and equality. Likewise, article 60 mentioned

5. belgium.be, Official Information and Services. (2019, December 5). *Belgium, a federal state*. Retrieved May 5, 2023, from belgium.be: https://www.belgium.be/en/about_belgium/government/federale_staat

6. Sasse, G. (2014, March 14). *The Crimea crisis should mark the beginning of a federal state for Ukraine*. Retrieved May 5, 2023, from Quartz: <https://qz.com/190731/the-crimea-crisis-should-mark-the-beginning-of-a-federal-state-for-ukraine/>

the distribution of sources of revenue to different level so as to benefit the people and enriched their prosperity by the federal governance.

5. Unity in Diversity

Unity in variety has been provided by the federal setup. In order to ensure economic equality, prosperity, and social justice, the Preamble of the Constitution states in its fourth paragraph that: "We shall eliminate discrimination on the basis of class, caste, region, language, religion, and gender as well as all forms of caste-based untouchability; we shall protect and promote social and cultural solidarity, tolerance and harmony, and unity in diversity by recognizing the multiethnic, multilingual, multireligious, multicultural, and diverse regional characteristics; and we shall resolve to build an egalitarian society founded on the proportional inclusive and participatory principles."

Nepal is a nation with multiple languages, ethnicities, cultures, and religions. Since ancient times, individuals of all faith, cultures, and ethnicities have coexisted peacefully. Nepali society is distinguished by its unity in variety. People have achieved social coherence, peace, and happiness via mutual coexistence, tolerance, and cooperation. For the Nepali society that has been able to preserve its integrity and sovereignty for generations, ethnic diversity is a strength, not a weakness. Its intrinsic resilience has supported social and ethnic cohesion in the face of foreign invasions, natural disasters, and political unrest.

The harmful discourses and effects were repelled by the old conduct and philosophy. Since the inclusive and democratic Constitution was enacted in 2015, the country has been steadily moving towards stability and prosperity. The national charter's vision of nation-building has placed ethnic and cultural harmony at its core.⁷ Even in the midst of difference, people feel united. While members of the Mongoloid group are generally considered to be Buddhist devotees and Brahmins and Chhetris to be Hindu believers, they do show each other a great deal of respect while engaging in cross-cultural interactions. Hindus have a unique custom of offering animals as sacrifices to the goddess because they are thought to represent fierce power and require the blood of living things.

6. Ethnic Autonomy

The fourth preamble paragraph of the constitution discusses the following topics: preserving and advancing social and cultural cohesion, harmony, and tolerance; acknowledging the multilingual, multireligious, multiethnic, and diverse regional features; doing away with discrimination based on race, class, region, language, gender, and religion; and understanding the values of the people's competitive multiparty democratic system of governance, civil liberties, fundamental rights, and other rights inherent to democratic constitutionalism in order to create a prosperous nation. Within civil and political circles, interest-based politics and movements centered around identity or cultural considerations have gained prominence. Ethnic communities now enjoy privileges and equitable excess for establishing their way of life, which is actually a form of ethnic autonomy except right, as

7. The Rising Nepal. (2014). *Unity In Diversity*. Kathmandu, Nepal: Gorkhapatra.

a result of demands for new forms of governance that recognize group-differentiated rights and self-determination⁸.

Every kingdom and principality had its own political structure prior to unification. While various groups maintained their social and cultural independence and autonomy for a considerable amount of time following unification, Nepal gradually and steadily moved toward centralized government on the political front. Local systems were gradually destroyed over time or supplanted with a centralized, customized government structure. Diversity in culture and society, as well as local identity and goals, were all systematically crushed.⁹

A state-sponsored drive to impose and promote one language, one culture, and one religion (Hinduism) in order to unite Nepal as a single nation ensued. State policy has never given emphasis to Nepal's diversity and the identity of its indigenous communities. Since then, Nepal has maintained a strong central government despite periodic divisions and re-divisions of the nation into different administrative districts, zones, and regions. The primary goals of all these administrative unit reorganizations were to improve the central government's authority, facilitate efficient revenue collection, and advance development plans. The government and bureaucrats drew boundaries from Kathmandu for their convenience rather than to take into account the goals and rights of the local population to self-determination.

7. Social Status of Women, Senior Citizens

More than half of the world's population is made up of women, and while their involvement is thought to be essential for any change to become institutionalized, the social standing that is granted to them depends only on a little degree of sensitization. Women play an equally important role to men in sociocultural, political, and economic transformation both inside and beyond the house. From legendary times to the present, they are consistently regarded as having low status wherever the issue of privilege and rights is raised. Nepal is no different. Federalism was introduced in Nepal to satisfy the deep-rooted distinction that demands equality and equity-based harmony in the sociopolitical milieu. The booking in accordance with constitutional provisions, the recognition and priority to the women, the highly suppressed communal women are the major contributions of the federal set-up in Nepal. The wholesome development of women is mentioned by the constitutional and legal frameworks; seemingly no discrimination among men and women is another magical stick over the Nepalese perspectives.

The provision of reservation to women for their mainstreaming, the provision of women's right as fundamental right in article 38, the priority to women in every sphere, the privilege, facility in education from primary level to university education, special privilege, excess on job market is also the fruit of federalism.

The senior citizens are recognized for their past formal and informal contribution by the government in Fiscal Year 1994/95 by introducing the Universal Old Age Allowance

8. Good Vibe Adventure. (2018). *Culture and Customs in Nepal*. Retrieved May 5, 2023, from Good Vibe

9. Shakya, P. M. (n.d.). Challenges and Prospects of Federalism in Nepal. p. 1

Programme, which is non-contributing social assistance in nature. The Senior Citizen Act 2063, the act which came in the light of revolution for federalism and structural change in Nepal, has provisioned for the establishment of senior citizen welfare fund at the central level and District Senior Citizen Welfare Committee at the community level for the protection and social security of senior citizen (Government of Nepal National Planning Commission, 2012).

It has created Care Centers and Day Service Centre for the senior Citizen and also provision to provide allowance. The law is regarded a significant in respect to provide social protection for senior citizen. Likewise the Senior Citizen Regulation 2065 provides guidelines for the implementation of the Senior Citizen Act. It also provides the detailed procedure to be fulfilled to established and run geriatric home, old age home, and day care centre in the country (citation as above).

The senior citizens are now given respectful position even by the present federal constitution as the right of senior citizen is incorporated in fundamental rights. For the proper status and position of senior citizens, the federal government increases the monthly allowance, even decreasing the age for allowance purpose and special priority is given to dalits, senior citizen of Karnali state, people of full disability and partial disability, single women, people from indigenous communities¹⁰ (The Himalayan Times, Nepal, 2019).

8. Social security and Social justice

8.1. Social Security

The term "social security" refers to the government's financial assistance initiative designed to advance population wellbeing. It might be aimed for weaker members of the populace, like kids, the old, the ill, and the jobless. It is a tool used by the government to look out for the welfare of its citizens. The Universal Declaration of Human Rights' explanation of the idea of social security states that everyone has a right to social security in order to ensure a life with justice, equality and dignity.¹¹ The global environment for developing social security service emerged during the Post-World War II recovery plan for global socio economic situation.

In 1989 A.D., Germany became the first country to implement a modern social security system when it launched the old age social insurance program. The International Labor Organization (ILO) established the Social Security Minimum Standard Convention article 102 in 1952 and launched a global campaign on social security and coverage for everyone in 2001. A contemporary welfare state should offer senior persons dignity and amenities as well as financial and social security.¹² In terms of the historical evolution of social security in Nepal, charitable health and educational services, almsgiving, and other essential social security activities are provided by the Hindu and Buddhist religions.

10. The Himalayan Times, Nepal. (2019, May 29). *Govt increases social security allowance of senior citizens*. Retrieved May 5, 2023, from The Himalayan Times: <https://thehimalayantimes.com/nepal/govt-increases-social-security-allowance-of-senior-citizens/>

11. Mathema, P. (2012). National Social Security Policy: A reality for Nepal. *Administrative and Management Review*, 24(2), 1.

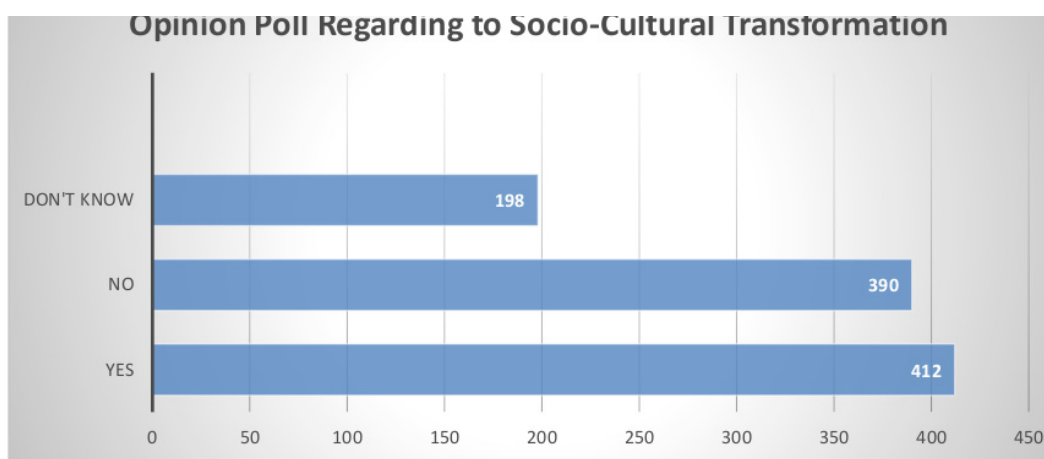
12. Ibid

Prior to the Lichhabi, Malla, and even Rana regimes, Nepal's social security policy was essentially built on a dictatorial and feudalistic structure that was subject to the head of state's orders. The historical introduction of democracy to the nation in 1951 was followed by the people's revolution that brought an end to the Rana family tyranny. The nation created laws and regulations, as well as enacted constitutions, to bring state operations under the legal purview. Thirteen as a UN member, a signatory to the UDHR, and a number of other significant international agreements, Nepal is committed to developing social security services in accordance with national constitutional obligations. The government of Nepal has developed national policies to address issues related to aging and the elderly.

The federal constitution's article 43 guarantees the right to social security as a basic right. The constitution states that the following groups of people are entitled to social security: the poor, the disabled, the elderly, vulnerable single women, people with disabilities, children, people who are unable to care for themselves, and members of extinct tribes.¹³

Similarly, article 34(2) stipulates that all workers must have the right to facilities, fair compensation, and contributing social security. With careful planning and preparation, the government started its contribution-based social security program in order to effectively implement social security. Both employers' and employees' contributions support the contribution-based social security program. As the result of the federal setup, this is a significant step toward attaining adequate work for everyone.

The scheme is set to initially include medical, health and maternity benefit; accidental and disability benefit; benefits for dependent family members and old-age benefit. The Government plans to extend the scheme to workers in the informal sector soon.¹⁴



13. Supranote 10.

14. International Labour Organization. (2018, November 27). *Nepal launches contribution-based Social Security Scheme*. Retrieved May 5, 2023, from ilo.org: https://www.ilo.org/kathmandu/info/public/pr/WCMS_651182/lang--en/index.htm#banner

The Labour Act of 2017 and the Contribution-based Social Security Act of 2017 are Nepal's two main labor laws that were passed in 2017, and the necessary regulations were then created for their implementation. Legal underpinnings for the new program's implementation are provided by the Social Security Act of 2017 and its regulations. Before May 21, 2019, based on data from the Ministry of Labor, Employment, and Social Security database. Starting on May 22, 2019, companies and employees are required to make mandatory contributions to the fund. Initially, the plan will be executed in the Province of Bagmati. It will progressively spread to encompass more Provinces.

Both employers' and employees' contributions support the contribution-based social security program. Although employees must contribute 11% of their base pay, they are entitled to join the social security program from the moment of hire and are not required to complete a probationary term of employment. However, employees are not eligible for a specific benefit unless they have contributed to the fund on a monthly basis.

8.2. Social Justice

The social welfare model of development and Gandhian development theory serve as the cornerstones of social justice generally.¹⁵ A technique, plan, and program for social justice, equity, and self-reliance that is internally conceptualized is the cornerstone of development, peace, and tranquility in any developing country in the Third World. The foundation of our federal system is an organic, sustainable, and scientific approach to resource distribution.

The fundamental right guaranteed by the current constitution is the right to social justice. The right to participate in state bodies is centered on the inclusive principle, which extends to socially backward women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, minorities, people with disabilities, marginalized communities, Muslims, backward classes, gender and sexual minorities, youth, farmers, laborers, oppressed or citizens of backward regions, and indigent Khas Arya. For their protection, elevation, empowerment, and development, the impoverished and members of communities facing extinction are entitled to specific chances and advantages in the areas of education, health, housing, work, food, and social security. The right to live with dignity and respect is granted to persons with impairments.

Honor their unique identities while maintaining equitable access to public services and facilities. Every farmer has access to land for agricultural pursuits; they must choose and safeguard indigenous seeds and agricultural species that have been practiced and used historically. The families of those who have given their lives as martyrs, those who have been forced to disappear, and those who have been injured or disabled during all people's movements, armed conflicts, and revolutions that have been carried out for progressive democratic changes in Nepal are given priority when it comes to opportunities in housing, employment, health care, education, and social security, along with those who have been injured or displaced.

15 Badal, B. P. (2018). Alternative rural development: Social Justice, Equity, Self-Reliance, and Third Worldism. *Research Nepal Journal of Development Studies*, 1(1,)

Conclusion

Federalism in fact is accommodation of diverse social and cultural phenomena for the ever liveness of the way of life in the native land. Federal rule in Nepal in fact demands naturalist approach however it is not moving in this desirable direction. Some people is getting more fruits while some still losing their common rights. Employment and income should be equally distributed in nook and corner of Nepal so that it has more application than it has at present.

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