



# **ROLE OF REGIONAL PARTIES IN INSTITUTIONALIZING FEDERALISM**



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Ankalal Chalaune | Chiran Manandhar | Kunsang

**DEMOCRACY**  
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## EXECUTIVE SUMMARY

Multi-party democracy system was restored in Nepal after the people's movement in 1990, and political parties became active. Region-specific political parties became more active, with their own demands, after the Peoples' Movement of 2006. Following the adoption of a federal system through the 2015 Constitution, new regional political parties emerged to represent the specific needs and community identities of various regions. These parties are referred to as regional parties here. However, as a legal category, regional parties do not exist. These parties address issues of identity, representation, self-governance, and the rights of specific regions and communities. Their organizational strength tends to be greater in those specific provinces compared to others. Consequently, their candidates and representation are also more prominent in those provinces.

The main objective of this study is to examine the role that regional parties have played in the institutionalization of federalism in Nepal. Additionally, the study analyzes the impact of regional parties on the federal structure and their role at the provincial and local-levels. It also attempts to identify the challenges and opportunities faced by these parties in institutionalizing federalism. This study, which employed a qualitative research method, focusing exclusively on the six political parties represented in the first and second provincial assemblies. They are – Janamat Party, Janata Samajwadi Party Nepal, Loktantrik Samajwadi Party Nepal, Nepal Sanghiya Samajwadi Party, Sanghiya Loktantrik Rashtriya Manch, and Nagarik Unmukti Party. Various individuals were interviewed during the course of the study. Previously published materials were also used during the analysis.

Nepal is a country with ethnic, linguistic, cultural, regional, and religious diversity. In such a diverse society, the state mechanism should



ensure equal justice to all communities. However, since this goal could not be achieved, a federal system was adopted to address such socio-political and economic inequalities. Regional parties play an important role in promoting equality because they are more attuned to the regional identities and local needs. By raising and resolving regional issues, they significantly contribute to the empowerment of provincial structures, which is closely linked to their effectiveness. Thus, the study examines the contribution of regional parties toward strengthening federalism, particularly during their tenure in government. Federalism, enshrined in the Constitution, traces its roots to the Madhesh Movement, which primarily demanded self-governance and independent administration. In this context, the role of regional parties which have consistently governed the Madhesh Province holds significance. As such, the study evaluates the efforts of Madhesh-based political parties in establishing and enhancing the functioning of Madhesh Province. The activities and influence of regional parties in the Sudurpashchim and Koshi provinces have also been considered for this study.

Madhesh Province has established around a dozen commissions, institutions, and committees, including the Provincial Public Service Commission and the Province Jana Lokpal Commission. These structures were created to streamline service delivery, promote good governance, and to institutionalize federalism by making the provincial framework inclusive. The Madhesh Province Public Service Commission Act was developed with a focus on inclusiveness, and a Dalit Development Committee was formed to uplift the Dalit community by addressing the issues of untouchability and discrimination. Additionally, the Jana Lokpal Commission was established to combat corruption and ensure good governance. However, these structures have not been able to operate as effectively as expected. The Public Service Commission, formed in 2019, has faced several challenges. On one hand, its work has been hindered by the absence of a federal civil service act; on the other hand, the provincial government has failed to provide the necessary laws, budget, and physical infrastructure to support its operations. Furthermore, delays in appointing

the chairperson and members of the commission, caused by conflicts of interest within the political leadership, have significantly affected its functioning.

The Madhesh Provincial Government has enacted the Dalit Empowerment Act, which has facilitated significant initiatives such as establishing caste discrimination and untouchability monitoring committees at the provincial and local-levels, and increasing educational access for Dalit students. In accordance with this act, a Dalit Development Committee has been formed in Madhesh Province. The Committee is tasked with implementing income-generating and skill-based programs, as well as conducting research, disseminating information, and publishing on various issues affecting the Dalit community. Although the act guarantees the rights of Dalit people, according to its members, its implementation has been poor due to the weak institutional structure of the Dalit Development Committee.

Due to constitutional provisions, the Madhesh Provincial Assembly, like others, is inclusive in its composition. However, the practice and realization of inclusiveness within the Provincial Assembly committees and the Council of Ministers remain weak. The regional parties leading the government have not fully embraced proportional inclusiveness. Since its establishment, the Madhesh Province Government has been formed and reshuffled 26 times (as of December 2024), with the Madheshi middle-caste maintaining dominance. Historically, the hill communities and Madhesh upper-castes held significant control over power and state resources. The current dominance of the Madheshi middle-castes in the Provincial Council of Ministers indicates a shift from traditional caste dominance. However, the essence of federalism is not to replace one form of caste dominance with another. Federalism should have included all groups in the community, especially marginalized groups, in proportion to the population, but it doesn't appear to have been realized. Federalism aims to include all community groups, particularly marginalized groups, in governance proportionate to their population – a goal that has yet to be achieved. The representation of Dalit, Tharu, and Muslim communities in

the Madhesh Provincial Assembly committees and the Council of Ministers remains disproportionately low.

In the Council of Ministers led by Saroj Kumar Yadav, the representation of Madheshi upper- and middle-castes has reduced in comparison to Lalbabu Raut's Council of Ministers. However, this shift primarily benefited the Khas-Arya and indigenous communities (Janajati) who migrated from the hills, as well as the Muslim community. Although regional parties have tried to implement inclusive democracy as stipulated in the constitution by leading the provincial government, many shortcomings are visible in the essence of inclusiveness. The foundational principle of federalism – representing caste, gender, and community diversity – has yet to be fully realized in the Madhesh Province. The dominance of the middle-caste group, minimal representation of women, and limited participation of Dalit people, Muslims, and Janajati community highlights a clear need for greater inclusivity in the Provincial Council of Ministers and the thematic committees of the Provincial Assembly. Although the influence of the traditionally dominant upper-caste group has diminished to some extent, this has led to the emergence of a new hegemonic system.

Strengthening the leadership of regional parties in the Council of Ministers is essential for reinforcing federalism. However, the growing influence of national parties has weakened the role of regional parties, posing a significant challenge to the effectiveness and essence of the federal structure. To address this, regional parties must prioritize proportional representation of all castes, gender, and community groups while embracing diversity. To institutionalize federalism, they need to adopt inclusive policies, demonstrate effective leadership, and cultivate public trust.

Managing the languages, cultures, and natural resources of a particular region is not only a political responsibility of regional parties but also a means to create long-term positive impact on the social and economic life of the community. Despite having the constitutional authority to protect and promote community heritage at the local-level – especially in areas where regional parties secured electoral victories – these parties have

paid little attention to utilizing this opportunity effectively. While some local governments have developed curricula in local mother tongues, they lack a clear blueprint for implementing these curricula in ways that address societal diversity. Similarly, local governments face challenges in preserving customary laws. An example of such an effort is Janaki Rural Municipality in Kailali, which formed local committees comprising Badghars and enacted the Badghar Act to protect the Badghar custom prevalent in the Tharu community. However, implementing this act presents its own challenges. While the continuation of Badghars and Gurubas may be feasible in Tharu-dominated areas, it seems less practical in mixed societies. The broader challenge lies in finding ways to address social and cultural diversity at the local-level while preserving traditional practices.

Regional parties have the potential to strengthen their organizational base by becoming the voice of oppressed communities. Janamat Party and Nagarik Unmukti Party, which participated in elections for the first time in 2022, demonstrated significant presences in their provincial assemblies. The sincerity of these parties toward citizens is often reflected in their actions when they enter the government or through initiatives undertaken at the local-levels where they lead. However, regional parties, preoccupied with power struggles and political maneuvering, appear less focused on addressing these crucial issues.

Civil society representatives and political leaders in Madhesh have expressed dissatisfaction with constitutional provisions that grant provinces far less power than what was envisioned during the Madhesh Movement. This discontent is exacerbated by the centralized mindset of the federal government's top political leadership and high-ranking officials, which has prevented provinces from fully utilizing the limited powers granted to them. The federal government's delays in formulating necessary laws and its failure to implement existing laws further impede the effective functioning of provincial governments. The Madhesh Provincial Government and Assembly have repeatedly appealed to the federal government to uphold their constitutional rights. They have even resorted to protests and filed approximately half a dozen cases in the

Supreme Court to reclaim constitutionally guaranteed powers that were unconstitutionally taken away.

Regional parties have a crucial role to play in strengthening federalism. The practice of federalism in Nepal offers many examples of the significant contributions regional parties can make. However, the reality is that regional parties in Madhesh have not lived up to expectation in this regard. If they had reflected on their founding commitments and manifestos and acted accordingly, their contributions to institutionalizing federalism would have been far more impactful.

## 1. BACKGROUND

Nepal is a country of ethnic, linguistic, cultural and religious diversity. However, the unitary and centralized governing system, practiced for over 250 years, established the language, religion, and culture of the ruling class as the language, religion, and culture of the state. Communities such as non-Hindu and non-Nepali speaking indigenous communities and Muslims were not included in the mainstream of the state. Furthermore, even Dalits and Madheshis within the Hindu caste system did not get to feel that the state belonged to them. These communities have experienced a shared history of discrimination, deprivation, and exclusion by the Nepali state. Each time there was a political change, these communities voiced demands for an end to the state's discriminatory practices. Their demands encompassed autonomy, proportional inclusive representation and equal rights in natural resources, languages, art and culture. With the political change of 1951, the Limbu community sought autonomy in eastern Nepal. In parallel, in the Tarai Madhesh, Bedananda Jha and others founded the Tarai Congress as the first regional party. The party demanded regional autonomy for the Madhesh, for Hindi to be made the official language, and for proper representation of the Madheshi in the civil service. However, in the 1959 general election, the Tarai Congress failed to secure victory in any constituency, which weakened the issues it had raised at that time.

After the 1990 People's Movement, the Constitution of the Kingdom of Nepal 1990 declared Nepal a 'multi-ethnic and multilingual kingdom.' A multiparty system was also established in place of a non-party system. Political parties became the primary carriers of state governance. Yet, those parties did not take the initiative to end the exclusion and discrimination that the state had long imposed. This became a low-priority issue for the national political parties. Mukta Singh Tamang, explaining the reason behind

this, writes, “Since the political parties fighting against the Rana regime in 1951 were led by certain castes, like Bahuns, Kshetris and Thakuris, and feudal lords or employee families, this change could not bring any further significant transformation. In practice, this regime also continued and promoted Hindu Brahminical supremacy in a new way.”<sup>1</sup> However, the issue of ethnic identity, language and religion started to be debated during the drafting of the constitution after the political change of 1990. Gajendra Narayan Singh, a Madhesh-centric leader from Saptari district, transformed the Sadbhawana Parishad, which was established to discuss the Madheshi issue during the Panchayat period, into a Madhesh-centric party – Nepal Sadbhawana Party (NSP). The party raised demands such as an autonomous province in the Tarai, reforms in citizenship laws, recognition of Hindi as a national language, recruitment of ten thousand Madheshis in the army, and 50 percent reservation for Madheshis in government services.<sup>2</sup> Under Greater Madheshwad, NSP argued that Madheshis from Jhapa to Kanchanpur districts should unite and oppose the discrimination against Madheshis by the state.<sup>3</sup> Raising issue of identity and federalism of the hill-indigenous communities, Gore Bahadur Khapangi and MS Thapa founded the Rashtriya Janamukti Party, and Khagendra Jung Gurung, Kajiman Kandangwa, among others founded Nepal Janajati Party. But, the Election Commission of Nepal did not allow the Nepal Janajati Party to be registered.<sup>4</sup> Correspondingly, Nepal Federation of Indigenous Nationalities,

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<sup>1</sup> Tamang, Mukta Singh. 2008. Equality, Federalism and Multicultural Nationalism. *State Restructuring: Political, Economic and Cultural Perspectives*. Krishna Khanal, Jhalak Subedi and Mukta Singh Tamang, pp. 105–158. Kathmandu: Martin Chautari (in Nepali).

<sup>2</sup> Excerpted from a written speech given by founding Chairperson Gajendra Narayan Singh at the party’s first convention in June, 1990, after the NSP was established in April, 1990.

<sup>3</sup> Gautam, Bhaskar. 2007. Madheshi Rebellion: The Politics of Despair. *The Chronicle of Madhesh Rebellion*. Bhaskar Gautam, Ed. pp. 1–36. Kathmandu: Martin Chautari (in Nepali).

<sup>4</sup> Mademba, Sita. 2010. Limbuwan as of Now. *Merolimbuwan*, March 13. Available at <https://merolimbuwan.wordpress.com/2010/03/13/अहिले-सम्म-लिम्बुवान/>; accessed on December 21, 2024 (in Nepali).

an umbrella organization for the native indigenous organizations, further highlighted these issues and questioned the state-directed discrimination.<sup>5</sup>

The then Communist Party of Nepal (Maoist) [CPN (Maoist)] had been in an armed revolution against the unitary and centralized state system since 1996. After the success of the 2006 People's Movement, the CPN (Maoist) laid down its arms, and committed to move forward through peaceful politics. The Peace Agreement between the Government of Nepal and the CPN (Maoist) stipulated 'an inclusive democratic and progressive restructuring of the state by ending the centralized and unitary framework'.<sup>6</sup> Various communities and regions then voiced the demand for identity and autonomy. Nonetheless, the Interim Constitution did not address their demands for state restructuring. Demonstrating dissatisfaction, the Madheshi community, including Upendra Yadav, burnt the Interim Constitution in Kathmandu. As the discontent grew, a rebellion arose in Madhesh with participation of people from all classes and castes. The movement witnessed unprecedented unity among the people of the Tarai. The leaders of Nepali Congress, Communist Party of Nepal (Unified Marxist-Leninist) [CPN-UML] and CPN (Maoist) from Madhesh also joined the movement due to public pressure. The movement grew to become a movement of all the Madheshis of the entire Tarai, rather than that of a specific party.<sup>7</sup> As a result, the Interim Constitution ensured the implementation of a federal system of governance through the constitution to be created by the Constituent Assembly. In addition, it also established

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<sup>5</sup> Hyome, K. 2007. Discrimination Against Madheshis and Movement for Equality. *Madhesh Problems and Prospects*. Basanta Thapa and Mohan Mainali, Ed. pp. 112–126. Lalitpur: Social Science Baha: (in Nepali).

<sup>6</sup> Ministry of Peace and Reconstruction. 2013. *Collection of Agreements, Declarations, and Decisions Till Date Regarding Nepal's Peace Process (Including 12-point Understanding and Comprehensive Peace Accords)*. Kathmandu: Ministry of Peace and Reconstruction.

<sup>7</sup> Jha, Prashant. 2015. *Battles of the New Republic: A Contemporary History of Nepal*. Ujjwal Prasai, trans. Kathmandu: Fine Print (in Nepali).



the identity and self-esteem of the Madheshi community.<sup>8</sup> The Madheshi Janadhikar Forum (MJF) Nepal emerged as a regional political party to implement the Madheshi sentiment seen during the movement by forming a party. Reflecting the same sentiment, Mahantha Thakur left the Nepali Congress, and formed a new party—Tarai Madhesh Loktantrik Party (TMLP) Nepal—on December 27, 2007. Concurrently, several other pro-identity regional parties were established throughout the country.<sup>9</sup> Through the two Constituent Assembly elections of 2008 and 2013, many parties which advocated for identity and were regional in nature succeeded in gaining representation in the Constituent Assembly.

After the promulgation of the Constitution in 2015, Nepal now has a federal structure with seven provinces. The Constitution also guarantees the right to proportional inclusion as demanded by regional and pro-identity parties. It is in line with the spirit of the Constitution to form regional political parties to represent the respective region while identifying the specific needs and communities of various regions, according to the multiparty political system at the federal and provincial levels, as envisioned by the Constitution. Any political party can focus on conducting organizational and political activities only in specific provinces as well. Such political parties can nominate candidates for the federal House of Representatives, the Provincial Assembly, and the local-level. These parties address issues of identity, representation, self-governance, and the rights of specific provinces and communities. Their organizational strength and support tend to be greater in those specific provinces than in others.

Nepal adopted the federal system of governance due to the movements of different communities including regional parties, at different times. So, they too have an important role in institutionalizing federalism. In this system of governance, the province formulates its own laws and

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<sup>8</sup> Gautam, Bhaskar. 2007. Madheshi Rebellion: The Politics of Despair. *The Chronicle of Madhesh Rebellion*. Bhaskar Gautam, ed., pp. 1–36. Kathmandu: Martin Chautari (in Nepali).

<sup>9</sup> Khanal, Krishna. 2013. Identity Politics and Regional-Ethnic Political Parties: A Review of Concept, Practices, and Potential. *Madhesh Adhyayan* 2(3): 5–35 (in Nepali).

policies, as well as setting priorities and budgeting. Establishing the identity of one's community, proportional inclusion and the elimination of inequality, and the strengthening of good governance are the main pillars of federalism. Federalism can be only institutionalized when these issues are implemented. This study focuses on how regional parties have realized these issues in practice, which are the basis behind their emergence and existence. The objectives of this study include:

- To make an account of the legal and political definition of regional parties.
- To evaluate the impact and inclusion of regional parties in the federal structure.
- To analyze the role played by regional parties at the province and local-levels.
- To identify the challenges faced by these parties in institutionalizing federalism.

The following section of this report clarifies the research methodology of the study. The third section includes debates surrounding regional parties. The fourth section deals with the role of regional parties in the construction and operation of provincial structures. The fifth section focuses on the role of regional parties' prioritization of policies and programs and implementation of budget. The exercises carried out by regional parties to ensure inclusivity in the government and the provincial assembly are discussed in the sixth section. The seventh section focuses on the implications of the regional parties' internal disputes on the institutionalization of federalism. The eighth section is about the efforts of Nagarik Unmukti Party (NUP) in preserving language and culture at the local-level in Sudurpashchim Province, where they have won elections. The ninth section explores the regional parties' achievements, and struggles with the federation for rights. Finally, the conclusion of this study is presented.



## 2. RESEARCH METHODOLOGY

This study adopts a qualitative research methodology. Information has been gathered through interviews with representatives of political parties, members of provincial assemblies, and local-level representatives. Academicians, officials, employees of provincial ministries and bodies, and civil society members have also been interviewed. These participants have shared their insights, representing different regions, including Kailali in Sudurpashchim Province; Bara, Parsa, Rautahat, Dhanusha, Siraha, and Saptari in Madhesh Province; and Jhapa, Morang, and Sunsari in Koshi Province. Information from the interview and pre-published materials was analyzed to draft the report. Between November and December of 2024, the preliminary draft of this study was presented at interactive programs held in Janaki Rural Municipality in Sudurpashchim Province, Kapilvastu Municipality in Lumbini Province, Lalitpur Metropolitan City in Bagmati Province, Siraha Municipality in Madhesh Province, and Itahari Sub-Metropolitan City in Koshi Province. This report has been revised based on the suggestions and information received from those programs. The names of the respondents are not mentioned in this report in order to maintain the confidentiality of the respondents.

The study included regional political parties represented in the first and second provincial assembly. NUP is from Sudurpashchim Province, while Janata Samajwadi Party Nepal (JSP Nepal), Janamat Party, Loktantrik Samajwadi Party (LSP), Nepal, and Nepal Sanghiya Samajwadi Party are from Madhesh Province. Similarly, the Sanghiya Loktantrik Rashtriya Manch (SLRM) of Koshi Province has been included (the regional nature of these parties is discussed in the following section).

After the 2017 elections, JSP Nepal led the government of Madhesh Province for a full-term, and LSP, another regional party, was also involved

in the government. Even after the 2022 election, JSP Nepal was still in the leadership of the provincial government. Since June 2024, the provincial government has been led by the Janamat Party. Therefore, this study focuses on the role played by regional parties in the Madhesh Provincial Government to institutionalize federalism. Likewise, in Sudurpashchim and Koshi Provinces respectively, NUP and SLRM participated in the provincial government at different times. Having participated in the government for only a limited period, it is difficult to clearly state the role of regional parties in institutionalizing federalism in these provinces. However, their efforts and activities have also been accounted for here. The performance of NUP, which won the elections from Tikapur and Bhajani Municipalities, and Janaki and Joshipur Rural Municipalities of Sudurpashchim Province, has been investigated.

### 3. DISCOURSE ON REGIONAL POLITICAL PARTIES

The Constitution of Nepal and the Political Parties Act are silent on the concept of regional political parties. However, in practice, many parties carry regional characters. The voice and representation of regional parties have been weaker since identity has become a secondary aspect in the demarcation of the provinces. On the one hand, there is constitutional and legal ambiguity for regional parties to build political power, gain public support, and exercise political power in the provinces, while on the other hand the demarcation of provinces has not conformed to the expectations of those parties. Despite these challenges, regional parties have been moving in the direction of implementing federalism.

Whether or not a political party is regional may be determined by its organizational structure, number and participation; public opinion and support, and political issues, among others. Therefore, for the purposes of this study, regional parties have been defined by analyzing the organizational strength, support, and issues of political parties. Professor Krishna Khanal mentions that a party may be considered regional on the basis of the issues it raises, and the people's support for it. According to him, "Except for some parties with Hindu, ethnic (e.g. Mongol), or regional names (e.g. Tharuhat, Limbuwan, Madhesh), it is not possible to distinguish which party is based on ethnic/regional identity just by its name."<sup>10</sup> He has also used the term 'ethno-regional' to refer to a regional party. In the context of this study, these terms have also been used to refer to regional parties.

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<sup>10</sup> Khanal, Krishna. 2013. Identity Politics and Regional-Ethnic Political Parties: A Review of Concept, Practices, and Potential. *Madhesh Adhyayan* 2(3): 5–35 (in Nepali).

### 3.1. Legal Ambiguity

Article 269 of the Constitution states that the formation, registration, operation, and benefits of political parties shall be in accordance with federal laws. According to Section 52 of the Political Parties Act 2017, a party securing at least 3 percent of the votes through the proportional system, and one seat from the first-past-the-post (FPTP) Voting system in the House of Representatives elections is recognized as a national party. However, a ‘regional party’ is not defined in the Act. Provincial Assembly Member Proportional Elections Directive, 2017 accepts the existence of such a party. Section 32(5) of the directive states that parties with a minimum of 1.5 percent of the total valid votes in Provincial Assembly elections may be represented in the Provincial Assembly through the proportional system. Compared to the established national parties, the influence of the regional party is limited to specific places. That is also where their organization and public support are focused. Considering this, in the Constituent Assembly Act, 2007, arrangements were made to make it easier for regional parties. Sub-section 14 of Section 7 of the Act provided that political parties nominating less than 20 percent of the total number of members to be elected under the proportional system could only submit candidates with an equal number of women and men. There was no binding provision for ethnic representation when such parties combined the lists of inclusive groups (clusters).

There was representation of many ethnic and regional parties in the Constituent Assembly. However, the Constitution written by the same Constituent Assembly contains an ambiguity regarding ethnic and regional parties. An example of this can be taken from the instructions given by the Election Commission of Nepal on February 15, 2024 to 19 political parties to change their names and inform the Election Commission within 30 days after deciding that their names do not appear to accord with the spirit and crux of the Constitution, and Political Parties Act, 2017.<sup>11</sup>

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<sup>11</sup> These parties were instructed by the Election Commission of Nepal to change their names: Muskan Sena Nepal Party, Churebhawar Loktantrik Party, Madhesh Tarai Forum,

Subsection (5) of Article 269 of the Constitution states that a political party shall not be registered if the name, purpose, symbol or flag of a political party may disturb the country's religious or communal unity, or will divide the country. The same provision is also in clause (f) of subsection (1) of section 6 of the Political Parties Act, 2017. Based on this, the Election Commission directed those parties to change their names. The TMLP filed a writ petition in the Supreme Court on March 14, 2024, demanding that the decision of the Election Commission be reversed and a mandamus be issued to keep the name of the party intact. The writ petition states:

The question asked by the Election Commission has not mentioned that any word or letter of the Tarai Madhesh Loktantrik Party is incompatible with the Constitution of Nepal and the Political Parties Act. The Government of Nepal has also used 'Tarai Madhesh' name for various projects and programs. For example, Tarai Madhesh Prosperity Program, President Chure Tarai Madhesh Conservation Development Committee, Kathmandu-Tarai Expressway etc. A term related to a particular region highlights the context of the

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Nepal Purba Rashtra Sevak Loktantrik Party, Madheshi Janadhikar Forum Madhesh, Shiv Sena Nepal, Nepal Dalit Party, Khambuwan Rashtriya Morcha Nepal, Sanghiya Loktantrik Rashtriya Manch (Tharuhat), Nepal Sukumbasi Party (Democratic), Tamangsaling Loktantrik Party, Akhand Sudurpashchim Party Nepal, Pichhadawarg Nishad Dalit Janajati Party, Rashtrawadi Yuva Morcha, Amul Parivartan Masiha Party Nepal, Mongol National Organization, Sanghiya Khambuwan Loktantrik Party Nepal, Kirat Khambuwan Sajha Party, Tarai Madhesh Loktantrik Party Nepal. Out of these 19 parties, six have changed their names as per the Election Commission's instructions. The Nepal Purba Rashtra Sevak Loktantrik Party has changed its name to Janasewa Loktantrik Party, the Nepal Dalit Party to Nepal Manavatawadi Party, the Nepal Sukumbasi Party (Democratic) to Nepal Janata Sanrakshan Party, the Tamangsaling Loktantrik Party to Janapriya Loktantrik Party, the Amul Parivartan Masiha Party Nepal to Amul Parivartan Republican Party Nepal, and the Kirat Khambuwan Sajha Party to Rashtriya Sajha Party Nepal. (see, Election Commission Nepal. 2080 B.S. *Election Commission of Nepal, Eighteenth Annual Report 2023/024*. pp. 47–48. Kathmandu: Election Commission Nepal (in Nepali).



specific region. It does not necessarily carry the sentiment against the Constitution and the law.<sup>12</sup>

The Election Commission Nepal (ECN) submitted a written reply against the writ filed in the Supreme Court. In its response, ECN argued that the name *Tarai Madhesh* refers to a specific group of people based on geography and is of a tribal nature. Therefore, it asserted that the name is unconstitutional and unlawful and should be changed. Additionally, the Commission requested the Supreme Court to dismiss the writ petition filed by the TMLP, stating that Nepal's constitution and legal framework do not recognize the concept of a regional party. However, the Supreme Court issued an interim order on the petition filed by TMLP. Therefore, until the final decision of the Supreme Court is made, the parties can operate without changing the name as the status quo, but this has raised questions about the future of regional parties in the federal structure of Nepal.

After the success of the People's Movement of 2006, ethnic and region-based parties emerged, advocating for the recognition and rights of various ethnic, communal, and regional groups. Those parties have entered into agreements with the Government of Nepal at various times, and also had a strong presence in both the first and second Constituent Assembly. Some people believe that the Constitution and laws made by the Constituent Assembly does not envision the existence of regional parties. The ECN has presented this argument in response to the petition filed by TMLP against the name change. According to Kumar Lingden, Chairperson of the SLRM, the Election Commission's questioning of ethnic and regional parties is a rejection of political change and a celebration of the 1990 Constitution. However, in the House of Representatives elections held under the same constitution, NSP, a Madhesh-focused regional party,

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<sup>12</sup> Written response by the Election Commission of Nepal filed on April 3, 2024, to the writ petition No. 080-WO-0936, filed by Tarai Loktantrik Party Nepal at the Supreme Court against the Election Commission of Nepal's directive to change its name which alleged that the name was not in accordance with the spirit of the Constitution of Nepal and prevailing laws, and asking the directive to be quashed.

repeatedly represented itself from Madhesh. Kumar Linden says, “The Election Commission had pressured political parties to remove names reflecting ethnic and regional identity even before the change that happened in 2006. But even after the country adopted the federal system, the fact that ethnic and regional parties such as Limbuwan, Khambuwan, Mongol have to fight a legal battle for their existence, only confirms the weakness in the Constitution.”<sup>13</sup> On July 19, 2024, the Madheshi National Liberation Front—an ethnic front of the TMLP—along with the Communist Party of Nepal (Unified Socialist) [CPN (Unified Socialist)], NSP, and Communist Party of Nepal (Maoist Centre) [CPN (Maoist Centre)], issued a press release stating that the provision of regional political parties is necessary to strengthen provincial self-government in a federal structure. The TMLP Manifesto 2021 calls for legal arrangements to ensure the need of regional parties and the representation of the provincial citizens in the federal structure. The Manifesto states, “Proper development of the regional ideal is essential for the strengthening of federalism. The presence and recognition of regional political parties will ensure provincial representation in the federal legislature on the basis of provincial votes within the proportional representation system. Therefore, legal provisions of regional parties must be mandatory, including for elections and other political purposes.”<sup>14</sup>

### **3.2. Demarcation of Provinces: Shrinking Opportunities**

Regional parties are dissatisfied that the current structure of the seven provinces has not addressed the fundamentals of identity in six provinces other than Madhesh. During the demarcation of provinces, the historical, geographical and demographic potential of the indigenous people has been divided. Apart from Madhesh, Khas-Arya community has a majority in six other provinces in terms of population size. The Tharu community in the

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<sup>13</sup> Interview with Lingden on September 14, 2024.

<sup>14</sup> Tarai Madhesh Loktantrik Party. 2022. *Election Manifesto of Tarai Madhesh Loktantrik Party 2022*. Janakpurdham: Tarai Madhesh Loktantrik Party.

Far West has been opposing the current Sudurpashchim Province structure, and demanding formation of Tharuhat/Tharuwan Province comprising the districts of Tarai Madhesh ranging from Chitwan to Kanchanpur. The LSP's manifesto for the 2022 elections states the impact of the current provincial delimitation on the representation of regional parties and various communities in the House of Representatives and Provincial Assemblies:

The federal structure of the seven provinces has created great dissatisfaction and conflict. The election results of the previous federal parliaments and provincial assemblies clearly confirm that Khas-Arya community has the sole monopoly on power in the remaining six provinces, except Madhesh Province, because of their majority there. Due to the destruction of geographical homogeneity, and the division of the districts of the Tarai Madhesh region east and west of the Madhesh Province into six parts while merging with hill-mountain region, about 4 million indigenous communities of Madheshi, Tharus, along with the Kirant, Limbu, Magar, and Gurung, have become a minority and deprived of power due to their under-representation even in their own lands.

Pointing out the possibility that a regional party could have been formed if there were a province from Kanchanpur to Dang or Kapilvastu or Parasi, political analyst Dambar Khatiwada says, "For a regional party to be born, the demarcation of the province must be favorable. There must also be a provincial spirit within that territory. The elements that create a regional sense are ethnic communities, civilizations, languages, and so on."<sup>15</sup> Madhav Chaudhary, leader of the Tharuhat movement in Kailali, says, "Nagarik Unmikti Party and parties that are established advocating for Tharu identity in the Sudurpashchim Province cannot organize and get votes in elections in the seven hill-mountain districts within the same province. If the ethnic population is to be taken into account, the

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<sup>15</sup> Interview with Khatiwada on August 19, 2024.

organizational and electoral base of the ethnic regional party of Tharus are actually the Tarai districts from Kanchanpur to Chitwan.”<sup>16</sup> Similarly, the Chairperson of the SLRM, Kumar Lingden, argues that formation of Limbuwan Province comprising the nine districts east of the Arun River would create a foundation for the regional party affiliated to Limbuwan to carry out its political activities.<sup>17</sup> When the provincial territory was demarcated, the areas of a certain ethnic community were divided and passed to a different province. So, the influence of that ethnic regional party has dispersed in other provinces as well. They have succeeded in forming organizations in their ethnic communities in other provinces and sending representatives through elections.

### **3.3. Perspectives of Cadres and Supporters**

It is also important to understand how the party leaders and supporters included in this study want to identify their party – as regional or national. As the Chairperson of the Koshi Province-based SLRM stated that the party he leads is regional, longer discussion on this issue is not required. Kumar Lingden, Chairperson of SLRM, says, “We are a political group fighting for identity. Therefore, even if our party is named and registered as SLRM, as per the legal requirement by the Election Commission, our movement is to advocate for a province with identity, including Limbuwan.”<sup>18</sup> The cadres and supporters of Sudurpashchim-focused NUP also had similar views. A respondent during the study stated that the NUP was a regional party, and that such political power was indispensable for the Tharu community. Thakur Singh Tharu, General Secretary of NUP, claimed that NUP was a regional party not only on legal grounds but also on the basis of the issues it raises, its organizational structure and supporter base. Similarly, pointing out the crucial role regional parties play in India, Mahantha Thakur has acknowledged that his party, the LSP, is a regional party dedicated to

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<sup>16</sup> Interview with Chaudhary on October 25, 2024.

<sup>17</sup> Interview with Lingden on September 14, 2024.

<sup>18</sup> Interview with Lingden on September 14, 2024.

representing Madhesh. He stated that internal disputes within the LSP and other pro-Madhesh parties have hindered their ability to establish a strong political presence in Madhesh.<sup>19</sup>

District leaders of JSP Nepal, LSP and Janamat Party have identified their parties as Madheshwadi or Madhesh-centric regional parties during conversations. Elected representatives at the local-levels, members of the provincial assemblies, local-level cadres and supporters often said that these parties are regional parties of Madhesh. Local-level cadres and leaders complained that the Madheshi regional parties were forgetting the basis and issues of Madhesh in their pursuit of becoming a national party. Supporters were unhappy that Madheshi parties had removed the word Madhesh from their names. One of them said, “When parties like Congress, CPN-UML and Maoists in Kathmandu do not respect our Madheshi leaders, then they come to their senses and come to Madhesh for support. They incite people to join agitations, saying that the center has started to despise the Madheshis again.” Raju Singh of Dhanusha said that it is painful to see the top leaders of JSP Nepal, LSP and Janamat Party feeling humiliated to say that they are Madheshi parties, after they have won the vote of the Madheshi people. He explained:

If Upendra Yadav, Mahanth Thakur and CK Raut were honest about the federal structure, they would have become the Chief Ministers of the province. In such conditions, the attitude of the federal government and their employees towards the province would have been different. Our fight for rights with the center would have been much stronger. But after getting our votes, it seems the Madheshi leaders grew the desire to become the leaders of the national party instead. Traditional parties like Congress, CPN-UML are already there if a national party were needed. Why do you want another

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<sup>19</sup> Thakur, Mahantha. 2022. Our party is also a regional party but has not been able to show its strong presence in Madhesh. – LSP Chairperson, Mahantha Thakur (Interview). *Hariyali Nepal*, July 2. Available at <https://hariyalinepal.com/166298>; accessed on December 22, 2024 (in Nepali).

party? Madhesh-centric parties would be stronger if they won people's hearts by doing good work in the province instead. In the 2008 elections, people voted and helped them win because they raised issues of Madhesh. If Madheshi parties get stronger, Congress, Maoists, and CPN-UML will offer to cooperate. Didn't ministers from Kathmandu come to the Madhesh to negotiate during the Madhesh Movement in the past? Why did our leaders forget that history?<sup>20</sup>

Surita Sah, elected from Mahottari in the provincial assembly elections, also recalled the contribution of the Madhesh Movement, and said that work should be done at the province level to strengthen federalism. She presented herself as an example and said, "Yesterday, we fought to rebuild the nation and establish this province. For this, we also participated in the elections and went to the Constituent Assembly. I came back here after the province was formed. To strengthen federalism, I took part in both the provincial assembly elections, and also got elected."<sup>21</sup> Similarly, Bhola Paswan, a Dalit leader from Saptari, commented that the MJF has disregarded the main issues of Madhesh since the day it removed the word 'Madhesh' from the name in its ambition to become a national party. He said, "It is good to cooperate with the indigenous people, but the identity of Madhesh and the indigenous communities should have been reflected in the name."<sup>22</sup> Some district level leaderships of JSP Nepal and Janamat Party advocated, citing the law, that they should be identified as a national party rather than the regional, since they had crossed the threshold on the proportional side in the elections for the House of Representatives, but such advocates were few. The Janamat Party leaders and cadres interviewed in Parsa and Rautahat said that the party should raise the issue of oppressed communities and regions, as well as focus on politics and organization in

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<sup>20</sup> Interview with Singh on September 8, 2024.

<sup>21</sup> Interview with Sah on April 29, 2024.

<sup>22</sup> Interview with Paswan on September 10, 2024.

Madhesh Province, citing the example of the confiscation of the Janamat Party candidate's deposit in the Ilam by-election. But there is also a legal obligation to send Khas-Arya or indigenous candidates to secure representation under the proportional system. Therefore, the leaders of the Madheshi parties argued that the Madhesh-centric parties had spread their organizations to other areas besides the Tarai Madhesh to draw the votes of those communities under the proportional system. The leaders of the NUP, which focuses on the issues of the Tharu community, also made similar arguments. But since they failed to cross the threshold under the proportional system, they identified NUP as a regional party tasked with establishing the identity of the Tharu community. However, the leaders who insist on calling the Madheshi party a national party also did not miss the opportunity to say that since the interests of the Madheshis are not served by the Nepali Congress, the CPN-UML and the CPN (Maoist Centre), it is possible to establish the rights and interests of the Madheshis only through a Madheshi party.

### 3.4. Issues of Regional Parties

**Janata Samajwadi Party, Nepal (JSP Nepal):** Madheshi Janadhikar Forum (MJF) was initially established by Upendra Yadav as an inter-party forum to debate Madheshi issues and politics. Following the success of the First Madhesh Movement in 2007, Yadav transformed it into a political party. The party later merged with Ashok Rai's Sanghiya Samajwadi Party to form the Sanghiya Samajwadi Forum, Nepal (SSF Nepal). Subsequently, it further merged with Baburam Bhattarai's Naya Shakti Party and other political entities to create the Samajwadi Party, Nepal. In 2020, the unification of the Samajwadi Party, Nepal, and the Rashtriya Janata Party (RJP), Nepal led by Mahantha Thakur, resulted in the formation of JSP Nepal.

Before the 2007 Madhesh Movement, the demands raised by the MJF were focused on Madhesh. The party advocated for restructuring of the state on the basis of caste/regional basis, constitutional provisions to allow the establishment of regional parties with electoral participation

rights, a multilingual policy, Madheshi's access over governance and administration, and preferential rights over natural resources in Madhesh. Even during its initial negotiations with the government in June-July 2007, it had Madhesh-centric demands. The primary demands included ending the internal colonization of Madhesh by the Nepali state, establishing a fully autonomous Madhesh Province with the right to self-determination, proportional inclusion of marginalized communities in all state bodies based on their ethnic population, and appointing Madheshi individuals to key positions in all Madhesh-based offices.

**Loktantrik Samajwadi Party (LSP), Nepal:** As the Madhesh-centric movement expanded, Mahantha Thakur led the establishment of the TMLP. Thakur, along with influential leaders from Nepali Congress, CPN-UML, and other parties who held dissenting views on Madheshi issues, formed this party. Recognizing the limited scope of raising Madheshi concerns within national parties, this laid the groundwork for securing the future of regional politics.<sup>23</sup> The party also demanded that the entire Tarai Madhesh region be recognized as a single autonomous province with the right to self-determination. The party also called for proportional representation of Madheshis in the army and administration. With an objective to run for the 2017 local elections, six parties, including TMLP led by Mahantha Thakur, Sadbhawana Party led by Rajendra Mahato, Tarai Madhesh Sadbhawana Party, Nepal, led by Mahendra Ray Yadav, NSP led by Anil Kumar Jha, Madheshi Janadhikar Forum (Ganatantrik) led by Raj Kishore Yadav, and Rashtriya Madhesh Samajwadi Party led by Sharat Singh Bhandari joined hands to form RJP. Following the unification of RJP and the Socialist Party, Nepal, led by Upendra Yadav, into JSP Nepal, Mahantha Thakur led a factional split to establish LSP. Most former RJP leaders sided with LSP after the split from JSP Nepal.

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<sup>23</sup> Jha, Prashant. 2015. *Battles of the New Republic: A Contemporary History of Nepal*. Trans. Ujjwal Prasai. Kathmandu: Fine Print (in Nepali).



**Janamat Party:** Before CK Raut established Janamat Party and joined mainstream politics, he led a separatist movement under the name ‘Alliance for Independent Madhesh’, demanding Madhesh as an independent nation. Raising the separatist issue, his advocacy for ‘Madhesh Swaraj’ led the government to charge him with treason. However, on March 8, 2019, Raut renounced the demand for an independent Madhesh, and signed an 11-point agreement with the Government of Nepal announcing his entry into mainstream politics. The agreement stipulated that grievances in the Tarai Madhesh region would be resolved through democratic means on the basis of public opinion, assimilating the rights of autonomy and self-governance, and maintaining good governance in the entire country, including the Tarai Madhesh region. Founded in March 2019, Janamat Party regards this agreement as a historic victory for the Madheshi people. The commentary on the formation of this party mentioned in the training manual of the Janata Party published in Hindi, the contact language of Tarai Madhesh, says, “The concern of the Janamat Party is Madhesh, the reason why this party entered politics is Madhesh, its people and base of support is also Madhesh. So, the Janamat Party naturally raises the issue of Madhesh.”<sup>24</sup>

Janamat Party has put forward the concept of establishing civil sovereignty by providing for governance and administration of one’s own community. In order to strengthen federalism, it has advocated for the right to community self-determination, the creation of one million jobs in Madhesh, the recruitment of 30,000 Madheshis into the Nepal Army, and indigenous and Madheshi priority rights over water, land, and forests, as per ILO Convention 169. The party has been celebrating ‘Dhoti Diwas’ on January 1 of each year to emphasize Madheshi identity.

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<sup>24</sup> Janamat Party. Date not mentioned. *Janamat Party: Training Manual*. Available at <http://janamatparty.org/files/2020/06/janamat-prashikshan-v11r.pdf>; accessed on December 10, 2024.

**Nagarik Unmukti Party (NUP):** Just before the 2022 House of Representatives and Provincial Assembly elections, the NUP emerged in Sudurpashchim Province. The party's formation is linked to the Tikapur incident. During the restructuring of the state through the second Constituent Assembly, the proposal was presented to retain the Panchayat-era Far Western Development Region as a single province.

This proposal was met with opposition from the Tharu community. Tharus demanded a separate 'Tharuhat-Tharuwan Province,' incorporating Kailali, Kanchanpur, and other western Tarai districts. On the eve of the promulgation of the Constitution, protestors campaigned for placing boards, with Tharuhat Province written on them, in government offices. On August 24, 2015, the Tharu community organized an event in Tikapur, Kailali to place Tharuhat Province board at crossroads and public places. There were clashes between security forces and the protesting Tharu community, leading to the deaths of seven security personnel and a child. The following day, the houses and shops of Tharu people in Tikapur were set on fire and looted. The incident became known as the Tikapur incident.

Pleading guilty to the Tikapur incident, 11 people, including Resham Chaudhary, were sentenced to life imprisonment by the Kailali District Court. Chaudhary, who had gone underground after the Tikapur incident, was elected as a Member of Parliament from Kailali Constituency No. 1 in the 2017 elections for the federal parliament. After winning the election to the House of Representatives from the then RJP, Chaudhary filed a case in the Supreme Court demanding to be allowed to receive a certificate of election victory via proxy. But after losing the case, he surrendered to the Kailali district court on February 26, 2018. While he was in prison, NUP was established in April 2022 under the leadership of his wife Ranjita Shrestha. NUP's major demand was the release of Resham Chaudhary. The party's core objective is the establishment of a federal structure that recognizes the geographical and cultural identity of the Tharu people.<sup>25</sup>

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<sup>25</sup> Nagarik Unmukti Party (NUP). 2022. *Election Manifesto of the Nagarik Unmukti Party for the Elections to the House of Representatives and Provincial Assemblies, 2022*. Location not mentioned: NUP.

**Sanghiya Loktantrik Rashtriya Manch (SLRM):** Established in December 2005, the SLRM, has long advocated for a self-determined Limbuwan state based on historical background. According to Kumar Lingden, one of the founders of this regional party centered in Koshi Province, the party's core objectives are regional autonomy, economic justice, and cultural preservation.<sup>26</sup>

Among the founders of SLRM, Sanjuhang Palungwa and Kumar Lingden were previously part of the Rashtriya Janamukti Party, founded by Gore Bahadur Khapangi and MS Thapa. The party participated in the municipal elections announced by the then king after taking over the entire governance system on February 1, 2005. After Palungwa and Lingden openly opposed the decision, and hence faced disciplinary action, they subsequently formed SLRM during a meeting gathered in Jhapa on December 11 and 12, 2005. Palungwa was the first party president. Meanwhile, they also founded the Sanghiya Limbuwan Rajya Parishad (SLRP) on November 13, 2006, advocating for a Limbuwan province comprising nine eastern districts.

Political organizations advocating for a provincial state with identity recognition, including the SLRM and SLRP, initiated a movement in eastern Nepal demanding an autonomous Limbuwan state. There were several rounds of talks between the movement leaders and the government. However, during the negotiation process, some members of the movement declared that the talks had failed and formed the Sanghiya Ganatantrik Morcha, continuing their protest. Meanwhile, another faction agreed to a five-point agreement with the government, and participated in the 2008 Constituent Assembly elections. This internal split led to the division of the SLRM and SLRP into two factions. On December 9, 2007, Sanjuhang Palungwa announced his separation and formed the Sanghiya Limbuwan Rajya Parishad Party. Meanwhile, Kumar Lingden took over the leadership of SLRM, making the SLRP its affiliate. SLRM, under the continuous leadership of Kumar Lingden, has been participating in parliamentary

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<sup>26</sup> Interview with Lingden on September 14, 2024.

elections since the Constituent Assembly elections of 2008. However, internal divisions have led to repeated splits within the party. The most recent division occurred in May 2023, when the party's vice-chairperson, general secretary, and other members announced a merger with NUP. The dissident faction accused Lingden of violating the party's constitution and claimed that a 51 percent majority had taken action against him.<sup>27</sup> They subsequently filed a petition with the Election Commission Nepal to validate the newly chosen leadership. However, the commission ruled in favor of retaining Lingden as chairperson of SLRM.<sup>28</sup> Despite this decision, internal conflicts within the party remain unresolved.

Nationwide strike and protests enforced on February 13, 2008, by SLRM and its allies, eventually led to an agreement between the then Government of Nepal and movement leaders, including Kumar Lingden. One of the key points of the agreement was to include and implement a 10+1 provincial issue in the Constitutional Assembly. Since then, SLRM has continued to demand that Nepal's federal structure should include this provincial model.<sup>29</sup> Additionally, it has also advocated for the use of local mother tongues in government administration. Other priorities of the party include preservation of cultural identity, and conservation and effective management of economic resources at the provincial and local-levels.

**Nepal Sanghiya Samajwadi Party:** The Nepal Sanghiya Samajwadi Party was established on December 16, 2016, under the leadership of

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<sup>27</sup> Adhikari, Raju. 2024. Sanghiya Loktantrik Rashtriya Manch Announces Merger With Nagarik Unmukti, Removes Lingden. *Setopati*, January 31. Available at <https://www.setopati.com/politics/300990>; accessed on December 21, 2024.

<sup>28</sup> Pradhan, Rashmi. 2023. Election Commission Grants Official Status to Sanghiya Loktantrik Rashtriya Manch Chairperson Kumar Lingden. *Kapuri News*, December 29. Available at <https://kapurinews.com/news/2023/12/29/22304.html>; accessed December 20, 2024.

<sup>29</sup> Among those eleven provinces, there are 10 provinces including Limbuwan, Kirat Khambuwan, Tamangsaling, Sherpa, Newa, Magarat, Tamuwan, Khasan, Tharuhat, and Madhesh, and an additional province for the Shilpi (Dalits) [see, SLRM Election Manifestos, 2017 and 2022].

former Minister of State for Home Affairs, Mohammad Rizwan. After breaking away from the CPN (UML), a group led by Ashok Rai founded the Sanghiya Samajwadi Party. However, after the merger between the Sanghiya Samajwadi Party and the MJF, Rizwan and his supporters became dissatisfied. In particular, the Rizwan group objected to the removal of proportional inclusion in party statute. As a result, the Forum expelled Rizwan after he formed a ‘Sanghiya Nava Bichar Samuha’ expressing dissatisfaction with the party leadership. This Sanghiya Nava Bichar Samuha later evolved into the Nepal Sanghiya Samajwadi Party. According to party Chairperson Mohammad Rizwan, the main objective of the party is to advocate for the rights of marginalized communities.<sup>30</sup> The party prioritizes issues such as federalism, identity, and rights. Its major support base is in the Madhesh Province.

### **3.5. Organizational Structure**

Any political party’s organizational framework reflects its ideology, presence, access, and inclusiveness. It defines the party’s objectives, activities and sphere of influence. The organizational structure of the central committee, the highest policy-making body, should be taken into consideration when evaluating a party as a regional party. This demonstrates the geographic scope and sphere of influence of the party’s operational area. If a party’s central committee is predominantly composed of members from a specific province, it signifies its regional character. This study also examines how the provincial representation of central committee members of parties that fall within the regional definition differs from other parties, especially Nepali Congress, CPN-UML, and CPN (Maoist Centre). Since these parties are represented in all seven provincial assemblies under the FPTP election system, they are all included in the comparison.

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<sup>30</sup> Interview with Rizwan on December 31, 2024

Among the regional parties included in this study, details on the central committee members of SLRM could not be obtained.<sup>31</sup> However, there were discussions regarding the party's provincial representation with some members of the central committee. According to them, over 50 percent of the members of SLRM's central committee belong to the Limbuwan region (Taplejung, Panchthar, Ilam, Tehrathum, Sankhuwasabha, Dhankuta, Jhapa, Morang, and Sunsari), which is party's stronghold region. The Chairperson of the Nepal Sanghiya Samajwadi Party, Mohammad Rizwan, provided information about the 124 members of the central committee. However, the addresses of the provinces and local-levels represented by the central members were not revealed in the details. According to Chairperson Rizwan, the only provinces where the party's organization has been expanded are Koshi, Madhesh, Bagmati, and Lumbini. He said that 52 percent of the 124 central members, i.e. 65 of them, are from Madhesh Province.<sup>32</sup>

Among the regional parties included in the study, the Janamat Party, JSP Nepal, and LSP also have a majority representation of their central committee members from Madhesh Province. Among the total central committee members of these parties, 65 percent of Janamat Party, 49 percent of JSP Nepal, and 66 percent of LSP are from Madhesh Province. Therefore, Madhesh Province is the place where these parties have the most organizational influence. The next significant areas of influence for these parties are Lumbini and Koshi provinces. Janamat Party has 18 percent and 9 percent of its central committee members from Lumbini and Koshi provinces, respectively. Similarly, JSP Nepal has 7 percent of its central committee members from Lumbini and 22 percent from Koshi Province. LSP has 16 percent of its central committee members from Lumbini and 5 percent from Koshi. A total of 3 percent members of the Janamat Party, 10 percent of the JSP Nepal, and 9 percent of the LSP central members are

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<sup>31</sup> When inquired about the details of SLRM's central committee members, Party Chairperson Kumar Lingden stated that the exact number could not be determined due to ongoing internal disputes within the party.

<sup>32</sup> Interview with Rizwan on December 31, 2024.

Table 1: Representation by province among Central Committee members of Political Parties

Political Party	Janamat Party		JSP Nepal		NUP		CPN-UML		CPN-(Maoist Centre)		Nepali Congress		LSP	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Sudur-pashchim	2	1	5	2	65	33	32	9	48	12	17	10	10	3
Karnali	0	0	6	3	3	2	29	8	48	12	9	5	1	0
Lumbini	61	18	16	7	33	17	54	15	63	15	23	14	51	16
Gandaki	0	0	13	6	13	7	48	13	52	13	20	12	1	0
Bagmati	10	3	21	10	24	12	92	25	98	24	41	25	27	9
Madhesh	222	65	106	49	27	14	39	11	48	12	18	11	206	66
Koshi	30	9	48	22	30	15	68	19	49	12	37	22	15	5
Others	16	5	0	0	0	0	3	1	1	0	0	0	0	0
<b>Total</b>	<b>341</b>	<b>100</b>	<b>215</b>	<b>100</b>	<b>195</b>	<b>100</b>	<b>365</b>	<b>100</b>	<b>407</b>	<b>100</b>	<b>165</b>	<b>100</b>	<b>311</b>	<b>100</b>

Source: Secretariats, officials and websites of relevant political parties.

from Bagmati Province. Representation in these parties' central committees is very low from the Sudurpashchim, Karnali, and Gandaki (see Table 1). This shows that the influence of these parties in those provinces is weak.

The Sudurpashchim Province is home to 65 (33 percent) of the 195 members of the NUP central committee, proving that the province is its strong base area. However, its influence is mainly concentrated in Kailali district within the province. Among the central committee members, 55 are from Kailali, 8 from Kanchanpur, and 2 from Achham. In addition to Kailali, NUP's main organizational base is in densely populated Tharu areas. Although there is some representation among central committee members from Kanchanpur and Achham, there are no central committee members from districts like Bajura, Doti, Dadeldhura, Baitadi, Bajhang, and Darchula of Sudurpashchim Province. In other provinces, Lumbini (17 percent), Koshi (15 percent), Madhesh (14 percent), and Bagmati (12 percent) have representation in the central committee, while Gandaki (7 percent) and Karnali (2 percent) have fewer central committee members (see Table 1). It indicates that the organizational base and influence of regional parties are limited only within certain provinces.

On the other hand, the Nepali Congress, CPN-UML and CPN (Maoist Centre) have representation from all the seven provinces in their central committees. However, Bagmati Province has the highest central committee representation in these parties [Nepali Congress 25 percent, CPN-UML 25 percent, CPN (Maoist Centre) 24 percent]. Besides these parties, the regional parties included in the study also have significant central committee representation from Bagmati Province. The parties, as well as their sister organizations, have their central offices in Kathmandu Valley, which is the federal capital. The parties also have their special committees in the Kathmandu Valley. Since the sister organizations and special committees of the parties are also represented in the central committee, the number of central committee members from Bagmati Province tends to be higher. From Karnali Province, CPN (Maoist Centre) has 12 percent, CPN-UML has 8 percent, and Nepali Congress has 5 percent central committee representation. Similarly, in Sudurpashchim Province, CPN



(Maoist Centre) has 12 percent, Nepali Congress has 10 percent, and CPN-UML has 9 percent representation (see Table 1)

### **3.6. Public Perception and Support**

Voters choose leadership which reflects the desires and expectations of the people through elections. Through this process, the role and identity of the party is also established. If a party elects and wins a relatively large number of candidates in a certain province and in every election in the same province, then that party is a regional party of that region or province. Also, when a party fields multiple candidates in a certain region or province, the party is doing so to make that region the focus of its political agenda. These candidates promise in elections that they will work by recognizing the issues, needs, and sentiments of the local people of that particular area. The identity of a regional party must be established not only through the selection of candidates and electoral victories but also through its objectives, commitment to public service, and dedication to pressing issues. Public opinion and support for those parties have been evaluated based on the candidates and elected members from the regional parties based on the FPTP system for the 2022 Provincial Assembly elections.

In the FPTP provincial assembly election under the 2022 elections, the Janamat Party fielded 90 candidates. Among them, 60 candidates were from Madhesh Province, out of which 6 were elected. Out of the six remaining provinces, only one candidate from Lumbini Province was elected while 18 candidates had registered in Lumbini and 12 in Koshi. Similarly, the Tarai Madhesh region has been the focus of JSP Nepal's influence and grip, despite the party forwarding its candidates in all seven provinces for the provincial assembly elections. The fact that JSP Nepal fielded the highest number of candidates, i.e., 74, in Koshi Province but none were elected, and that it fielded the next-highest number, 52 candidates, in Madhesh Province and succeeded in electing nine of them, indicates that JSP Nepal's stronghold is in Madhesh Province. This party fielded the third-highest number of candidates in Lumbini Province, two of whom were elected. They were from Banke district of the same province, which

is primarily home to the Madheshi community. They had their candidates in other provinces as well, but they were unable to win elections. Another Madhesh-centric party, LSP, forwarded the highest number of candidates, 23 each, in Lumbini and Koshi provinces. Only two candidates from Lumbini Province were elected from this party, but no one was elected from Koshi Province. However, in Madhesh Province, out of 18 candidates, 7 got elected. In Karnali and Lumbini province candidacy from this party was zero, which is equal to the number of central committee members from these two provinces (see Table 2). As a result, the election results mentioned above demonstrate that Madhesh Province is the primary focus of these parties' influence and public support.

NUP forwarded 53 candidates across five provinces in the 2022 provincial assembly elections. Five of them were elected out of the fifteen candidates nominated in Sudurpashchim Province. Although NUP went with 22 candidates in Lumbini Province, higher than that in Sudurpashchim Province, only 2 of them were elected. Even though there were candidates in the other three provinces, none were elected. There were no candidates from NUP in Karnali and Gandaki provinces (see Table 2). Despite having the most candidates fielded in Lumbini Province, the number elected is low. On this basis, the main support and influence of NUP can be said to be limited to Kailali in the Sudurpashchim Province. NUP already had organizational strength in Sudurpashchim Province. Another party that was part of the study, SLRM, ran 47 candidates in five provinces. It did not field candidates in Karnali and Gandaki. Despite the 47 candidates, it failed to get representation in any province. However, SLRM forwarded the highest number of candidates in Koshi Province, which was 35. In comparison with regional parties, the Nepali Congress, CPN-UML, and CPN (Maoist Centre) were successful in registering their candidacies and winning elections in every province.

**Table 2: Number of candidates fielded, and elected, under the First-Past-the-Post system by each party during the Provincial Parliament Elections of 2022**

Political Party	Janamat Party		JSP Nepal		LSP		Nepal Sanghiya Samajwadi Party		NUP		SLRM		CPN-UML		CPN (Maoist Centre)		Nepali Congress	
	C	E	C	E	C	E	C	E	C	E	C	E	C	E	C	E	C	E
Sudurpashchim	0	0	2	0	5	0	0	0	15	5	5	0	30	3	12	8	19	12
Karnali	0	0	5	0	0	0	0	0	0	0	0	0	24	5	10	9	12	9
Lumbini	18	1	21	2	23	2	0	0	22	2	1	0	47	18	18	5	34	17
Gandaki	0	0	12	0	0	0	0	0	0	0	0	0	34	12	12	4	21	18
Bagmati	0	0	32	0	8	0	0	0	2	0	5	0	65	13	24	14	42	25
Madhesh	60	6	52	9	18	7	13	0	9	0	1	0	33	15	17	4	26	13
Koshi	12	0	47	0	23	0	4	0	5	0	35	0	52	25	19	9	26	17
<b>Total</b>	<b>90</b>	<b>7</b>	<b>171</b>	<b>11</b>	<b>77</b>	<b>9</b>	<b>17</b>	<b>0</b>	<b>53</b>	<b>7</b>	<b>47</b>	<b>0</b>	<b>285</b>	<b>91</b>	<b>112</b>	<b>53</b>	<b>180</b>	<b>111</b>

Source: Election Commission Nepal.

Note: C = Candidates and E = Elected.

## 4. CREATING AND OPERATING PROVINCIAL STRUCTURES

According to the Unbundling Report, prepared by Office of the Prime Minister and Council of Ministers, the Provincial Level performs 565 functions. Various structures have been established in the provinces to carry out those functions. There was widespread interest in how the structures in the provinces would function differently than the centralized structures of the past. Although the provinces can create structures on their own according to local needs, most of the structures carrying out provincial functions were built and handed over by the federal government.<sup>33</sup> The provinces are still in the initial stages of building structures that work according to their functions and needs. However, unlike in the other six provinces, the Madhesh Province government, led by a regional party, built additional structures on its own in its very first term.<sup>34</sup> The effective functioning of such locally established provincial structures can further strengthen the process of addressing the specific needs of the province. Therefore, the role regional parties have played in establishing and institutionalizing these provincial structures is examined in this section.

In the provincial assembly elections of 2017, the SSF Nepal won 29 seats and the RJP won 25 seats. Together, the two parties had a majority in the 107-member Madhesh Provincial Assembly. The alliance of these two parties won more seats in Madhesh Province than the leftist alliance of the CPN-UML and the CPN (Maoist Centre) and the Nepali Congress combined. While the governments in the other six provinces were formed under the leadership of the erstwhile Nepal Communist Party (NCP) [NCP

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<sup>33</sup> Democracy Resource Center Nepal (DRCN). 2019. *Formation and Functioning of Provincial Institutions in the Federal Structure*. Lalitpur: DRCN.

<sup>34</sup> Democracy Resource Center Nepal (DRCN). 2022. *Provincial Institutions and Their Functioning Under Federalism in Nepal*. Lalitpur: DRCN.

(NCP)], the first government in Madhesh Province was formed by the SSF and the RJP. That government was led by the SSF leader Lalbabu Raut. Similarly, following the second provincial assembly elections, JSP Nepal again led the government in Madhesh Province. From June 2024, however, to the present (December 2024), the Madhesh Province government has been led by the Janamat Party.

Exercising its constitutional and legal powers, the Madhesh Provincial Government has established about a dozen commissions, institutions and committees. Notably, some of these structures align with the electoral commitments of Madhesh-centric political parties. Key entities established include the Provincial Public Service Commission, the Madhesh Province Jana Lokpal (Ombudsman) Commission, the Policy and Planning Commission, the Madhesh Pragya Pratishthan (Academy), the Madhesh Martyrs' Foundation, the Mass Communication Authority, the Madhesh Media Council, the Dairy Development Board, the Film and Mass Communication Promotion Board, the Dalit Development Committee, and the Provincial Research and Training Center, among others. These structures were created with the aim of streamlining service delivery, maintaining good governance, and institutionalizing federalism through more inclusive provincial structures. The regional parties of Madhesh have a historic opportunity to build mechanisms and operate according to the needs of their provinces.

The Madhesh Province government formed the Provincial Public Service Commission to fill vacancies in provincial and local services. A separate Dalit Development Committee was formed for a comprehensive advancement of the Dalit community, including an end to untouchability and discrimination. The Madhesh Province Jana Lokpal Commission has been established to maintain good governance and reduce corruption. Representatives of Madheshi regional parties tout these structures as milestones in institutionalizing federalism. The Provincial Jana Lokpal Commission and Dalit Development Committee have been formed only in Madhesh out of all provinces. Their establishment and operation are also a window into the objectives, vision and commitment of the regional

parties in institutionalizing federalism. Therefore, the following is a discussion on the role the regional party-led government has played in institutionalizing federalism through creation of such structures and their effective functioning.

#### **4.1. Province Public Service Commission**

Article 244 of the Constitution of Nepal provides for the establishment of a Provincial Public Service Commission in each province. Accordingly, before any others, the Madhesh Provincial Government, under the alliance of SSF and RJP, enacted the Provincial Public Service Commission Act, 2019. The Act stipulates proportional inclusion based on ethnic population in all government bodies, including a 50 percent reservation for women. A legal provision in the act stipulates that the Provincial Public Service Commission must implement a qualification system for filling posts at provincial and local-levels based on existing law and recommend suitable candidates to the respective posts. Personnel management plays an important role in the effective functioning of the provincial structures. The Provincial Service Commission has been affected in its work because the federal government has not formulated the corresponding Federal Civil Service Act. Additionally, because the provincial government has also failed to enact necessary laws, allocate budget and provide physical infrastructure in order for the Commission to function smoothly, the Commission's work has not gained the expected momentum. The Commission prepares an annual work schedule, advertises vacancies after tabulating requirements at various bodies, and decides on the percentage of promotions as well as the determining the share of open and reserved posts. Further, the Commission is also responsible for developing public service curricula, setting question papers, conducting qualifying examinations, checking answer sheets, publishing results, conducting interviews, and recommending appointments.

Based on the stipulations in the Provincial Public Service Act, 2019, the Madhesh Provincial Government formed the Madhesh Province Public Service Commission. The Act has provisions for three office bearers,

including a chairperson and two other members, at the Commission. The Madhesh Province Public Service Commission came into operation with the appointment of the chairperson on September 8, 2019, and of the remaining two members two months later. According to the spokesperson of the Madhesh Province Public Service Commission, in the period until the end of November 2024, a total of 1,110 advertisements for various posts have been published. A total of 1,030 posts have been filled- 416 via promotions, and 694 through open calls. All vacancies advertised in the two Fiscal Year (FY)s 2020/021 and 2021/022 have been filled. However, for various vacancies advertised in the FYs 2022/023 and 2023/024, even the qualifying written exams remain to be completed.<sup>35</sup>

Delays in appointing the chairperson and other members have also affected the functioning of the Commission. The main reason for such delays was said to be the desire of the political leadership to appoint people favorable to themselves. The erstwhile Chairperson, Surendra Prasad Yadav, retired on March 5, 2024 after crossing the age limit of 65 years. Another member, Maharudra Jha, had already retired on December 18, 2022. Only one member of the commission Dr. Sujata Dev remained. The Madhesh Provincial Government complained about the shortage of employees in the provincial ministries and agencies, yet it delayed the selection of a new chairperson and members for the very Commission tasked with filling those posts. A new chairperson was appointed only on August 7, 2024, four months after the post became vacant. The delay in appointing the Commission's office bearers stalled the entire process of filling post vacancies.<sup>36</sup> Additionally, questions about the abilities and qualifications of the Commission's officers have also been raised.

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<sup>35</sup> Interview with Provincial Civil Service Commission Spokesperson Gangesh Gunjan Jha on November 24, 2024.

<sup>36</sup> Mahato, Shailendra. 2024. The Lack of Officials in Madhesh Public Service Commission Halts Appointments. *Onlinekhabar*, July 16. Available on <https://www.onlinekhabar.com/2023/10/1383446/4-judgments-of-the-administrative-court-which-raised-questions-on-the-credibility-of-the-madhesh-public-service-commission>; accessed on December 3, 2024 (in Nepali).

Although the appointees have been experts in their respective fields, their lack of expertise in the Public Service Commission's work affected its functioning and credibility. LSP provincial assembly member Prameshwor Prasad Sah argues that none of the structures formed by the Madhesh Provincial Government have been able to function effectively because the top leadership of the Madheshi parties have indulged in the practice of appointing only their favored people as institution or committee officials, including at the Provincial Public Service Commission.<sup>37</sup> Political analyst Roshan Janakpuri holds a similar view: "The Madhesh-centric regional parties have shaped the provincial structures in a manner conducive to organizing their cadres and supporters, which is weakening federalism rather than strengthening it."<sup>38</sup>

The Local Services (Formation and Operation) Act is necessary in order to facilitate employee recruitment as a means of strengthening and improving service delivery at the local-levels. However, the then Chief Minister Lalbabu Raut registered the 'Bill to Make Provisions Regarding the Formation of Local Service Structures and Terms of Service' in the Provincial Assembly only towards the end of his term. The bill became inactive when the second provincial elections were announced before the Assembly could pass the bill. After the 2022 Provincial Elections, the JSP Nepal-led government registered the bill again in the Provincial Assembly. The Act came into effect only in August, 2024, after it was officially communicated in the provincial gazette. Recruitment of necessary employees at the local-level was not possible before the Act came into effect. The JSP Nepal manifesto raises the issue of the negative effects of employee shortage and truancy at the provincial and local-levels on development and infrastructure work. The same document also argues that having local-levels directly within the federal structure complicates and confuses administrative mechanisms and, therefore, local-levels should be

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<sup>37</sup> Interview with Sah on November 25, 2024.

<sup>38</sup> Interview with Janakpuri on November 22, 2024.



organized within the provincial structure.<sup>39</sup> If the JSP Nepal-led provincial government had drafted and enacted the Local Service (Formation and Operation) Act with the required urgency, the posts at the local-levels could have been filled through the Provincial Public Service Commission. That could have made coordination between the province and local-levels possible and made things easier.

Additionally, the Provincial Public Service Commission upheld decisions the Promotion Committee at the Office of the Chief Minister made at various times to promote junior employees to senior positions. The Administrative Court ruled against such decisions when lawsuits were brought against them and overturned them. These promotion decisions made by the provincial government raised serious questions about the impartiality and integrity of the Provincial Public Service Commission.<sup>40</sup> The crisis of confidence in the Provincial Public Service Commission is certainly not a positive sign for the institutionalization of federalism, especially if it happens when the provincial government is led by JSP Nepal and the LSP, the very parties who claim to be the progenitors of federalism.

## 4.2. Dalit Development Committee

The essence of federalism is equal access for all ethnic groups to the resources, means and institutions of the state. Among the seven provinces, Madhesh Province was the first to bring forth the Provincial Police Bill. However, since the bill included only a 7 percent reservation for the Dalits, the community's leaders staged a protest. The main demands of the protest were to correct the proposed reservation for Dalits in the Provincial Police Bill, to seek recommendations from Dalits, *Adivasi Janajati* and

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<sup>39</sup> Yadav, Upendra, Presenter. 2024. *Janata Samajwadi Party, Nepal: Political Manifesto*. Lalitpur: JSP Nepal. Available at <https://jspnepal.org/wp-content/uploads/2024/07/राजनीतिक-प्रतिवेदन.pdf>; accessed on December 3, 2024 (in Nepali).

<sup>40</sup> Mahato, Shailendra. 2023. Four Judgements of the Administrative Court Which Raised Questions on the Credibility of the Madhesh Public Service Commission. *Onlinekhabar*, October 20. Available at <https://www.onlinekhabar.com/2023/10/1383446/4-judgments-of-the-administrative-court-which-raised-questions-on-the-credibility-of-the-madhesh-public-service-commission>; accessed on December 4, 2024 (in Nepali)

other marginalized communities while formulating provincial policies and laws, and to ensure proportional inclusion of Dalits in all state bodies and provincial structures based on their population. After the protest, the provincial government updated the Provincial Police Act to provide a 17.29 percent reservation in proportion to the population of Dalits in Madhesh Province. The same percentage is also reserved for Dalits in the Provincial Civil Service Act. Suggestions from Dalit communities are said to be considered while formulating laws and regulations. Bhola Paswan, a leader of the protest, claimed that the provincial government was also compelled to enact the Dalit Empowerment Act because of pressure from Dalit leaders.<sup>41</sup>

The Dalit Empowerment Act includes provision for the formation of Caste Discrimination and Untouchability Monitoring Committees at the provincial and municipal levels separately. The Act also provides for special arrangements for Dalit students who wish to study law and journalism in addition to those for technical education. It also has provision for the provincial government to arrange special programs targeting students from the communities that have low reach to education including Musahar, Dom, Mestar and Bantar communities. It also provides for the establishment of a Caste Discrimination and Untouchability Control Unit under the Madhesh Provincial Police.

A Dalit Development Committee has been formed in Madhesh Province, in accordance with Section 7 of the Dalit Empowerment Act, 2019, to formulate and implement programs and plans related to the rights and interests of the Dalit community in the Province. The Act stipulates that the Committee must be consulted while approving and operating all Dalit-related programs at the provincial level. The Committee is also responsible for operating income-generating and skill-based programs. The Committee has also been given the role of studying, researching, publicizing, and publishing on various issues related to the Dalit community. The Dalit community has considered the provisions in the Dalit Empowerment Act

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<sup>41</sup> Interview with Paswan on September 10, 2024.

as a positive step taken by the provincial government. However, according to members of the Committee, although the Act ensures rights for Dalits, the implementation has been quite weak due to the weak structure of the Committee.<sup>42</sup>

Section 7 of the Dalit Empowerment Act, 2019, also states that the Dalit Development Committee is to be formed under the chair of the Minister for Social Development. The Vice-chair is to be appointed from among those Dalit community members who have a Bachelor's degree and have gained renown studying, teaching or researching in areas of uplifting and developing Dalit communities or other Dalit-related work. Similarly, the Act provides for four members, including two women, from among those who have made special contributions to uplift and develop the Dalit community. According to Bhola Paswan, coordinator of the Recommendation Coordination Committee for the Dalit Empowerment Draft Bill, 2018, the draft had a provision that the Chairperson of the Dalit Development Committee would be from the Dalit community. However, Paswan said that the Madhesh Provincial Government later changed that provision in the Provincial Assembly to stipulate that the Minister for Social Development be the chair of the committee. According to a member of the then Advisory Committee and currently a member of the Dalit Development Committee, the Dalit community's position was that the Social Development Minister should not be made chair of the Committee. He says, "Even at that time, we opposed an arrangement where a minister chaired the Committee, asserting it would limit the Committee's autonomy, weaken it and disrupt its work. But because the then Minister of Social Development, Nawal Kishore Sah, refused to advance the bill for about six months, insisting that the chair of the Committee should be the minister, we were forced to accept it." Now, when ministers change repeatedly, policies and priorities also change. From March 2020, when the officers of the Dalit Development Committee were appointed, to November 2024, ministers have changed four times. Additionally, the ministers have not

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<sup>42</sup> Interview with those members on November 24, 2024.

made time for regular meetings. Not a single committee meeting was held between July 2024 and November 2024. A member of the committee alleged that the chairperson lacked empathy for Dalits as a result of being from a non-Dalit community.

There are also complaints that the provincial government has not allocated sufficient funds to the Committee. In the FY 2020/021, the Committee was allocated a budget of NPR 5 million. That amount was spent on office management. In the FY 2021/022, NPR 20 million was provided. In the FY 2022/023, only about NPR 48 million was allocated out of a request for a budget of NPR 370 million. About NPR 10 million of that amount was spent on various activities. Some of it went to running classes for Dalit community members to prepare for civil service qualifying exams and to form a local Caste Discrimination and Untouchability Monitoring Committee. From the remaining NPR 38 million, Dalit leaders claim, a significant portion was re-appropriated with targeting the federal House of Representatives by-elections in Constituency 2 of Bara district. The by-election, held in the constituency on April 24, 2023 was won by the JSP Nepal Chairperson Upendra Yadav.

The Committee, formed for the empowerment and advancement of the economically exploited, politically neglected, socially oppressed, educationally deprived, and religiously and culturally disrespected Dalit community, which constitutes about 18 percent of the population spread across various districts of Madhesh Province, is itself being ignored and neglected by the provincial government. Its four-year term is ending in February 2025, without the Committee being able to function as expected. The services and facilities provided to its four members besides the vice-chairperson are negligible. An official of the Dalit Development Committee complained, “We are among the most economically backward communities. The members of this Committee are from various districts of Madhesh. We require transportation to attend meetings. The regulations made by the provincial government have no dispensation for us. We are not looking for much, but it would be reasonable to provide us with benefits equal to a seventh or an eighth level officer. Our community also played a

role in the Madhesh Movement. The current government is run by parties that emerged from the Madhesh Movement. But the government of those parties has discriminated against us in a visible way.”<sup>43</sup>

The enactment of laws in favor of Dalit equality, justice and development is a positive development. However, the Madhesh Province government does not seem to have paid attention to implementing them. Although the Dalit Empowerment Act provides for proportional and inclusive representation of Dalits in all constitutional commissions and bodies of the province, proportional Dalit representation has not been achieved in such bodies except for the Dalit Development Committee.

### **4.3. Provincial Jana Lokpal (Ombudsman) Commission**

The three major regional parties of Madhesh, JSP Nepal, LSP and Janamat Party, had made the formation of the Provincial Jana Lokpal an election commitment. In its manifesto for the federal and provincial elections in 2022, the LSP justifies the creation of the commission as thus: “Our basic goal is to end corruption and maintain good governance and ethics in the field of politics and public service. The constitutional organs and administrative bodies set up to control corruption currently work as no more than a party office of the big parties. Therefore, an independent and impartial People’s Ombudsman should be established to monitor corruption and improper acts, investigate them and recommend necessary action on behalf of civil society.” Under the JSP Nepal-led government, the Provincial Assembly enacted the Province Jana Lokpal Act, 2020. The Act provides for the formation of a three-member Jana Lokpal Commission, including a chairperson. The organizational structure of the Commission has been designed to include employees from the Provincial Civil Service, Provincial Government Service and Provincial Police Service. The Act has given the Commission the authority to form an information unit for its work. This act seeks to empower the Provincial Jana Lokpal Commission to control corruption and maintain good governance.

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<sup>43</sup> Interview with those members on November 27, 2024.

The Jana Lokpal Commission was established on September 7, 2021, as per the Provincial Jana Lokpal Act. Within a week of its formation, the Commission requested 47 employees, but the provincial government approved only 33 posts. Moreover, the Madhesh Provincial Government has not prioritized filling even the approved posts or formulating necessary regulations for the Commission. In the first eight months since the Commission was formed, the provincial government did not make a single employee available. After eight months, a chief of office and an accountant were assigned, but they were sent not with the intention that they would carry out the day-to-day functions of the office, but that they would release the salaries of the Commission officers that had been withheld for the previous eight months. The two were also carrying out responsibilities at other offices. Raj Kishor Sah, a member of the Commission, argues that if the powers granted by the Act are to be exercised, the Commission should have its own employees. “How can the Commission investigate if a complaint is received against an employee who also works at other places?” he asks.<sup>44</sup> The Commission needs technical employees like engineers, overseers and surveyors to carry out technical work, as well as police to assist in the investigation. It has been more than three years since the Commission was formed, but it still only has a single computer operator working at its office.

The Commission received 10 complaints in the first five months of its establishment. This confirms that the public expects the Commission to do its work. However, due to the provincial government’s failure to formulate regulations and furnish employees, the Commission has not been effective. Worse, according to Commission Member Raj Kishore Sah, the public has started to raise questions about the legitimacy of the commission. “Despite complaints about numerous irregularities in service delivery, we are forced to sit idly by as the provincial government has not formulated regulations and provided employees,” he says.

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<sup>44</sup> Interview with Sah on December 2, 2024.

Although 42 complaints against local and provincial governments have been filed with the Commission in the past three years, the Commission has not been able to investigate and resolve them. Commission Chairperson Ram Sahaya Yadav claims that the Commission has not had any achievements because the provincial government does not want it to be competent.<sup>45</sup> Statements have been taken in 10 of the 42 complaints. Some of the complaints are about corruption, and as per the stipulations of the Provincial Jana Lokpal Act, such complaints should be referred to the Commission for the Investigation of Abuse of Authority with a recommendation. However, according to Commission member Raj Kishore Sah, it is not appropriate to make recommendations to the Commission for the Investigation of Abuse of Authority on a sensitive issue like corruption without the help of a legal officer and a technician, therefore, the files have been stuck at the commission.

The commission had requested documents from the provincial government's Ministry of Finance in order to investigate a complaint that the Ministry had engaged in corruption by transferring funds, contrary to legal provisions, at the end of the last month of the FY 2022/023. But the ministry refused to provide them. Similarly, a letter was sent to the Office of the Chief Minister requesting relevant documents after it was raised in the Provincial Assembly and was printed in newspapers that the transfer of employees from the Office involved corruption. But that letter too was ignored, said commission member Raj Kishore Sah.<sup>46</sup> According to Sah's experience, the provincial government tends to ignore document requests more frequently than the local governments. Though the Jana Lokpal Commission was established with great fanfare, the Chief Minister himself has come out in favor of abolishing the Commission. Saroj Kumar Yadav, the then Chief Minister from JSP Nepal, has argued that the Commission

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<sup>45</sup> Ratopati. 2024. Jana Lokpal Commission Without Work. October 25. Available at <https://www.ratopati.com/story/454131/jan-lokpal-commission-workless>; accessed on November 25, 2024 (in Nepali).

<sup>46</sup> Interview with Sah on August 19, 2024.

should be abolished for its inability to produce results.<sup>47</sup> However, Prameshwor Prasad Sah, a provincial assembly member from the LSP, argues that the provincial government refused to cooperate with the Jana Lokpal Commission because the JSP Nepal-led government was afraid that it would be exposed for its financial irregularities.<sup>48</sup> Many, during the course of this study, claimed that the Jana Lokpal Commission was formed only to quell the public discontent resulting from the Madhesh Provincial Government's reputation for financial irregularities and corruption. The fact that the Provincial Jana Lokpal Commission, established with much publicity, has failed to be effective due to the government's non-cooperation has raised questions about the provincial government's commitment to good governance and service delivery.

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<sup>47</sup> Mishra, Anil. 2023. Madhesh Government's Lack of Support for Jana Lokpal Commission, Chief Minister Says Commission Should Be Discontinued. *Kantipur Television*, July 27. <https://kantipur.tv/news/2023/07/27/1690436025.html>; accessed on November 25, 2024 (in Nepali).

<sup>48</sup> Interview with Sah on November 25, 2024.





## 5. PROGRAM AND POLICY PRIORITIES, AND BUDGET IMPLEMENTATION

The government's annual policies, programs, and budget allocations are regarded as both economic and political instruments. Once the parliament approves the budget, the government is authorized to collect taxes and revenues, raise loans, and allocate expenditures. The distribution of resources to various government bodies and structures is not merely a technical process but also inherently political. The inclusion or exclusion of different groups in budget allocation and implementation reflects underlying power dynamics and disparities.<sup>49</sup>

Every party has its own distinct set of principles, objectives, policies and programs. Accordingly, they make various promises to voters during an election, and receive the opportunity to realize such promises if they are elected and subsequently included in the government. Through governance, parties work toward achieving their stated goals and objectives. To this end, the government presents its policies, programs, and budget to the legislature annually. The effective implementation of these elements plays a crucial role in institutionalizing federalism.

### Program and Policy Priorities

During the first term of the Provincial Assemblies, the government of Madhesh Province was led by Lalbabu Raut of JSP Nepal (erstwhile SSF). Following the second provincial elections, the government was led by Saroj Kumar Yadav, also of the JSP Nepal. Since June 7, 2024, Satish

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<sup>49</sup> Norton, Andy and Diane Elson. 2002. What's behind the Budget ? Politics, Rights and Accountability in the Budget Process. Overseas Development Institute. Available at <https://internationalbudget.org/wp-content/uploads/Whats-Behind-the-Budget-Politics-Rights-and-Accountability-in-the-Budget-Process.pdf>; accessed on December 8, 2024.

Kumar Singh, of the Janamat Party, has served as the Chief Minister. The major regional parties of Madhesh JSP Nepal, Janamat Party and LSP, all claim good governance to be a party ideal. Accusing leaders of Madhesh as corrupt, Janamat Party has claimed it will expose the corruption of such leaders, and establish good governance by ending corruption.<sup>50</sup> JSP Nepal considers providing clear, transparent, virtuous and effective services to the citizens as its ideal and guiding principle.<sup>51</sup> However, an analysis of seven years of provincial governance through the rubric of policy and program priorities, the process of budget allocation and implementation reveals that the regional parties of Madhesh have abandoned their ideals and principles.

Whether it is led by Janamat Party or JSP Nepal, the government in Madhesh has been criticized for being unable to align the priorities it sets with the needs of the province. The economic and social indices in Madhesh Province are poor. According to the fourth living standards survey, 2022/023, the average poverty in Nepal is 20.27 percent while the poverty in Madhesh Province is 22.53 percent.<sup>52</sup> At NPR 71,828, the mean annual per capita consumption expenditure in rural areas of Madhesh Province is the lowest among all seven provinces. During the FY 2022/023, the lowest per capita Gross Domestic Product in all seven provinces was that of Madhesh Province, at USD 892.<sup>53</sup> Dr. Binaya Mishra has done studies on Madhesh Province's policy and programming as well as its budget implementation

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<sup>50</sup> Janamat Party. Date not mentioned. *Janamat Party: Training Manual*. Available at <http://janamatparty.org/files/2020/06/janamat-prashikshan-v11r.pdf>; accessed on December 10, 2024 (in Hindi).

<sup>51</sup> Yadav, Upendra, Presenter. 2024. *Janata Samajwadi Party, Nepal: Political Manifesto*. Lalitpur: JSP Nepal. Available at <https://jspnepal.org/wp-content/uploads/2024/07/राजनीतिक-प्रतिवेदन.pdf>; accessed on December 3, 2024 (in Nepali).

<sup>52</sup> Of the other three provinces, the poverty rates are 34.16 percent in Sudurpashchim Province, 24.35 percent in Lumbini Province, and 26.69 in Karnali Province. The poverty rate is the lowest in Gandaki Province, at 11.88 percent.

<sup>53</sup> Ministry of Finance. 2024. *Economic Survey, 2023-2024*. Kathmandu: Ministry of Finance, Government of Nepal. Available at [https://giwmscdnone.gov.np/media/pdf\\_upload/1717566409\\_Economic%20Survey%202080\\_81\\_qfdhxbg.pdf](https://giwmscdnone.gov.np/media/pdf_upload/1717566409_Economic%20Survey%202080_81_qfdhxbg.pdf); accessed on December 20, 2024 (in Nepali).

between the FYs 2018/019 and 2021/022. According to him, the policy and programs put forth by the Madhesh Province government across the four years have not been able to address the lack of development, poverty and the persistent inequality in the province. On one hand, there is a lack of internal resources within the province, while on the other hand its budget allocation is distributive.<sup>54</sup> However, some programs implemented by the provincial government have been designed with consideration for the local social and economic context. Salma Khatun, a JSP Nepal leader and a former deputy mayor of Pokhariya municipality says, “The Chief Minister *Beti Padhao, Beti Bachao* Program, instituted with the social and economic circumstances of Madhesh in mind, is a program that will have long term positive effects. The Chief Minister Clean Up Program, started by the government led by JSP Nepal was able to break the dependency on the federal governments for the repair and maintenance of even small ponds, temples, mosques and monasteries. Similarly, the government ran a strong campaign against COVID-19, reducing the loss of human lives.”<sup>55</sup> However, the implementation of the *Beti Padhao, Beti Bachao* and Chief Minister’s Clean Up programs, introduced by the JSP Nepal-led provincial government, faced controversy due to financial irregularities.

The progress and upliftment of the Dalit community, which makes up about 18 percent of the population of Madhesh Province, has not become a priority for the provincial government. Instead, the main priority of the Madhesh Province government seems to have been the beautification of shrines and temples, mosques and ponds. While it is necessary for the province to carry out such work, they must not constitute the main area of priority. During the FY 2019/020, the Chief Minister’s office allocated NPR 31,33,34,000 in its annual budget for the preservation and beautification of ponds and to build 185 toilets. Similarly, it allocated NPR 10,31,88,000 in order to repair and maintain shrines and temples, mosques and public

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<sup>54</sup> Mishra, Binaya. 2022. An Analysis of Madhesh Province’s Policies, Programs, and Budget. *Madhesh Adhyayan*, 8(8): 33 - 248 (in Nepali).

<sup>55</sup> Interview with Khatun on November 30, 2024.

spaces in all eight districts (totaling 30 locations).<sup>56</sup> On the provincial government's inability to draw appropriate plans and allocate budget properly, the Dalit leader Bhola Paswan says:

The main reason Madhesh Province is so low on indices including education and health is because it has the largest share of the Dalit population. Dalit communities are at the bottom of all those indices. Therefore the province cannot prosper unless Madheshi Dalits can make progress. But the government led by JSP Nepal prioritized building shrines and temples. And the government led by the Janamat Party allocated even less money for the Madheshi Dalits than the one led by JSP Nepal. The government of Madhesh Province has released a budget totaling NPR 43,89,21,70,000 for the FY 2024/025. In it the programs that directly benefit the Dalit community amount to only NPR 35,03,00,000. That is only about 0.79 percent of the total budget.<sup>57</sup>

The budget and planning provincial governments prepare need to be such that they can fulfill the United Nations Sustainable Development Goals, of which the Nepal government is a signatory. However, according to the 2021 annual report by the Office of the Auditor General, the projects chosen and implemented by Madhesh Province were too minor to contribute to the sustainable development goals and merely publicity minded.<sup>58</sup>

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<sup>56</sup> Office of the Auditor General. 2021. *Auditor General's Report, 2021, Province No. 2*. Kathmandu: Office of the Auditor General. Available at <https://oag.gov.np/uploads/files/Erk-महालेखापरीक्षकको%20वार्षिक%20प्रतिवेदन,%20२०७८%20प्रदेश%20नं.%20२.pdf>; accessed on November 25, 2024 (in Nepali).

<sup>57</sup> Interview with Paswan on September 10, 2024.

<sup>58</sup> Office of the Auditor General. 2021. *Auditor General's Report, 2021, Province No. 2*. Kathmandu: Office of the Auditor General. Available at <https://oag.gov.np/uploads/files/Erk-महालेखापरीक्षकको%20वार्षिक%20प्रतिवेदन,%20२०७८%20प्रदेश%20नं.%20२.pdf>; accessed on November 25, 2024 (in Nepali).

The interests of political operatives, user groups and business entities dominate the planning and budgeting process of the province. Interest groups, from ministers to local representatives, builders to user groups, claim to be in the practice of paying ‘commissions’ in order to have projects included in the budget. There were various news reports which claimed that Rajeshman Singh, the Mayor of Birgunj Metropolitan City, delivered large commissions to the Chief Minister from JSP Nepal, who was leading the Madhesh Province government, to have the budget disbursed into his constituency.<sup>59</sup> Singh won the post of Mayor of Birgunj Metropolitan City as a candidate from the same. According to a respondent met in Parsa during the course of this research, Singh reportedly paid NPR 60,00,000 to the leadership in the provincial government in order to get the budget allocated within his constituency.<sup>60</sup> Many business people interviewed during the research claimed to have had to pay 10 to 20 percent of a project’s total cost in order to have the project included into the provincial government’s planning. One businessman from Dhanusha relates his experience of delivering money to various provincial ministries in order to have his project included in the budget thus: “To get the Madhesh Province government to include a project in its Red Book, you have to pay a sum of 5 percent of total cost as advance. That amount is called a ‘prepaid sum’. There is no guarantee that the payment will be returned in the event that the project fails to make it into the Red Book. If the project is included in the Red Book, the work order for that project is approved only after paying an additional 15 percent.”<sup>61</sup> A Madhesh Province minister even said that the offer to pay up to 12 percent for a majority of infrastructure construction projects came from user groups and business entities themselves. He did accept that the provincial government had failed

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<sup>59</sup> Tiwari, Yadav. 2024. Mayor Singh Claims That Madhesh Government Leadership Was Given Commission To Bring Program To Metropolitan. *Naya Patrika*, May 18. Available at <https://www.nayapatrikadaily.com/news-details/141393/2024-05-18>; accessed on December 9, 2024 (in Nepali).

<sup>60</sup> Interview with those respondents on September 5-6, 2024.

<sup>61</sup> Interview with the entrepreneur on September 9, 2024.

in setting proper priorities because of the practice of including projects according to the interests of user groups and business entities.<sup>62</sup> According to him, there is a tug of war amongst the parties at the provincial level to secure control over the Ministry of Finance and the Ministry of Physical Infrastructure. The main motivation behind it is to be able to strengthen the party organization through financial wheeling and dealing and budget and project distributions.

There are instances of parties refusing to join the provincial government or attempting to unseat an existing government unless given the Finance and Physical Infrastructure ministries. When Satish Kumar Singh of the Janamat Party formed a government, the Nepali Congress Party was among the parties who gave his government the vote of confidence. However, when Nepali Congress claimed the finance portfolio for itself, the two parties disputed for a whole week over who would get it. When the Nepali Congress threatened to withdraw its support for the government unless given the ministry, Chief Minister Singh was compelled to give Nepali Congress the ministry.<sup>63</sup> When the government led by Saroj Kumar Yadav of JSP Nepal was unable to secure a vote of confidence, an agreement was reached to form a government led by the Janamat Party. The CPN (Unified Socialist) agreed to support a chief minister from the Janamat Party in return for one of the Finance and Physical Infrastructure ministries. That demand delayed the whole process of electing a new chief minister.<sup>64</sup> Similarly, the then Chief Minister Saroj Kuram Yadav of JSP Nepal secured a vote of confidence for the fourth time on April 16, 2024, and thereafter expanded the Council of Ministers for the 11th time. When, during this expansion, the Parliamentary Party Leader of CPN (Maoist Centre) Bharat

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<sup>62</sup> Interview with the Minister on February 15, 2024.

<sup>63</sup> Singh, Santosh. 2024. Madhesh Province Government Expands After Congress Gets Finance Ministry. *Kantipur*, July 19. Available at <https://ekantipur.com/pradesh-2/2024/07/19/madhesh-government-expansion-after-congress-gets-money-06-50.html>; accessed on December 9, 2024 (in Nepali).

<sup>64</sup> The Mirror of Society. 2024. Uncertainty Surrounds Madhesh Chief Minister Appointment Due To Problem in Ministry Division. Available at <https://themirrorofsociety.com/53987>; accessed on December 9, 2024 (in Nepali).

Prasad Sah was assigned to the Ministry of Forest and Environment instead of the Ministry of Finance, he became upset. He claimed that an agreement had been made, in line with the balance of power within the province, to assign the Ministry of Finance to the CPN (Maoist Centre) and the Ministry of Physical Infrastructure to the CPN-UML, and insisted on the Ministry of Finance in order to be able to work for the citizens.<sup>65</sup> The Ministry of Finance, because it allocates resources, is prioritized by everyone. The Ministry is also preferred because physical infrastructure has come to symbolize development, and because it has a larger budget compared to other ministries. In Nepal, the ability to get as much budget as possible allocated to one's constituency is considered the measure of a politician's power. This tendency of extracting resources that is spreading its tentacles in provincial ministries is counterproductive to the efforts of strengthening federalism.

The distribution of resources among the three tiers of government remains unbalanced. However, it is the responsibility of the provincial government to set priorities for the limited resources allocated to it and ensure their effective implementation. The Auditor General's report has highlighted instances of financial mismanagement in the prioritization and execution of budgets since the inception of the Madhesh provincial government. It has also documented cases of budget and program implementation beyond the provincial government's jurisdiction. Tula Narayan Shah, a researcher on Madhesh, argues that discrimination and inequality are fundamental issues within Nepal's state structure. Shah asserts, "While state restructuring, power distribution, and proportional inclusion have addressed discrimination to some extent, the problem of inequality—particularly in terms of governance—has deepened. Widespread corruption across all three levels of government has hindered the effective delivery of public services."<sup>66</sup> The trends observed in the

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<sup>65</sup> Hasid, Wahid. 2024. Debates Flare Again in Madhesh Coalition, CPN (Maoist) and RSP Face-off. *Shilapatra*, April 28. Available at: <https://shilapatra.com/detail/135542>; accessed on December 9, 2024 (in Nepali).

<sup>66</sup> Interview With Shah on December 8, 2024.



budget implementation of the Madhesh provincial government, led by regional parties from FY 2017/018 to 2022/023, reflect these challenges.

## Undivided Budget

Right from its inception, the provincial government adopted a practice of allocating lump sums, without specifying plans or programs, and later spending the money through reappropriation. Allocating the budget in such unitemized manner goes against the principles of budgeting. This practice of disbursing the undifferentiated budget, not according to any policy or process but at the whim of ministers, lacks transparency and has been accused of being riddled with irregularities. And because such budgets are spent towards the end of the year, they are not properly monitored. For example, in the budget statement for the FY 2019/020, the Ministry of Finance allocated NPR 7,56,00,00,000 for Current Expenditure and NPR 6,86,00,00,000 for Capital Expenditure – a total lump sum of NPR 14,42,00,00,000 and 37.29 percent of the total budget, under the uncategorized ‘Fiscal Miscellaneous’ heading. Of that amount, the Ministry of Financial Affairs and Planning used the process of reappropriation to spend a total of NPR 6,47,00,00,000 – NPR 3,67,00,00,000 on Current Expenditure and NPR 2,80,00,00,000 on Capital Expenditure – through various ministries. That amount was 16.70 percent of the entire budget.<sup>67</sup> Similarly, according to the report from the Office of the Auditor General, in the FY 2020/021, the ministry reappropriated NPR 36,04,32,000 out of NPR 1,24,87,99,000 allocated under Miscellaneous Capital Expenditure to transfer to 7 different ministries. Of that amount NPR 3,72,15,000 was transferred between mid-June and mid-July. From the Miscellaneous Current Expenditure allocation of NPR 2,05,00,00,000, it transferred NPR 77,31,27,000 to 11 government bodies as additional disbursement. Of that amount NPR 52,38,27,000 was added between mid-June and mid-

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<sup>67</sup> Office of Auditor General. 2021. *Auditor General's Annual Report 2021, Province No. 2*. Kathmandu: Office of Auditor General. Available at <https://oag.gov.np/uploads/files/Erk-महालेखापरीक्षकको%20वार्षिक%20प्रतिवेदन,%20२०७८%20प्रदेश%20नं.%20२.pdf>; accessed on December 19, 2024.

July. An additional NPR 30,00,00,000 from the un-earmarked funds were sent to Bagmati Municipality of Sarlahi district for the construction of a pond.<sup>68</sup> Each year, the provincial government has continued the practice of allocating uncategorized lump sums within the budget.

## **Budget Expenditures at the End of the Year**

According to the Financial Procedures and Fiscal Accountability Act, a quarterly progress report on the budget must be prepared and departments must execute programs or activities within a scheduled quarter according to a pre-approved annual plan. In the FY, 2018/019, the provincial Ministry of Financial Affairs and Planning spent NPR 5,02,88,00,000 by May, 2019. In the remaining 2 months of the fiscal year, the ministry spent NPR 10,05,35,00,000. The balance of expenditures in the period between mid-June and mid-July alone was NPR 8,53,96,39,000, or about 57 percent of the total expenditure.<sup>69</sup> This kind of practice increases the likelihood of financial irregularities while decreasing the quality of work being done. The regional parties in Madhesh point to a shortage of personnel as the reason behind the government's inability to efficiently disburse funds and to effectively provide services. However, the outsize share of spending that takes place between mid-June and mid-July, mirroring the federal government's pattern, illustrates that the reason is not a shortage of staff but rather a lack of political will among the leadership to effectively implement the budget.

The leaders and members of the Janamat Party interviewed for this study claimed that the Madhesh Province government their party leads was formed expressly to reduce the imbalance caused by spending only

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<sup>68</sup> Office of the Auditor General. 2022. *Auditor General's Fourth Annual Report 2022 Madhesh Province*. Kathmandu: Office of the Auditor General. Available at <https://oag.gov.np/uploads/files/qw3-मधेश%20प्रदेशको%20महालेखापरीक्षकको%20चौटो%20वार्षिक%20प्रतिवेदन.%20२०७९.pdf>; accessed on December 19, 2024 (in Nepali).

<sup>69</sup> Office of Auditor General. 2020. *Auditor General's Annual Report 2020 Province No. 2*. Kathmandu: Office of Auditor General. Available at <https://oag.gov.np/uploads/files/प्रदेश%20नं.%20२%20को%20२०७५।७६%20को%20वार्षिक%20प्रतिवेदन%20.pdf>; accessed on December 19, 2024 (in Nepali).

between mid-June and mid-July and to reduce corruption in infrastructure projects. They claimed that the government led by the Janamat Party would amend procedures and issue a budget mandate before the Dashain holidays. According to Sheikh Jamshed, a Janamat Party leader from Rautahat, the party has instructed its cadres to facilitate and monitor projects instead of getting involved in their implementation.<sup>70</sup> In the budget statement for FY 2024/025, presented in the assembly by the government led by the Janamat Party, clause 147 states that infrastructure development projects will be carried out only through open competition. According to Om Prakash Sarraf, a Janamat Party leader from Parsa district, infrastructure development projects executed through user groups had been halted because of excessive politicization and corruption.<sup>71</sup> However, Rakesh Mishra, Executive Director of the North South Collective, a Janakpur-based research organization, has a counter claim. According to him, executing projects through construction business instead of user groups carries even bigger possibilities for corruption and commission dealings. Claiming that the policy put forth by the Janamat Party-led government was merely for public appeasement, Mishra expressed skepticism that the policy would be implemented.<sup>72</sup> The decision to avoid carrying out infrastructure projects through user groups, taken without proper preparation, has resulted in only 0.05 percent of the budget being disbursed in the first quarter of the FY 2024/025. As a result, the Janamat Party led government is preparing to reverse its decision.<sup>73</sup>

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<sup>70</sup> Interview with Jamshed on September 7, 2024.

<sup>71</sup> Interview with Sarraf on September 5, 2024.

<sup>72</sup> Interview with Mishra on September 9, 2024.

<sup>73</sup> Mahato, Shailendra. 2024. Madhesh Government Retreats From Budget Expenditure Guidance, Leads to No Capital Expenditure. *Onlinekhabar*, October 20. Available at <https://www.onlinekhabar.com/2024/10/1556041/in-madhesh-the-government-retreated-from-the-budget-expenditure-guidance>; accessed on December 15, 2024 (in Nepali).

## Extra-Jurisdictional Spending

If provincial governments, through their organizational bodies, carry out works and deliver services effectively, it strengthens the citizens' trust towards governments. But the Madhesh Province government has been allocating budget funds for federal bodies. In the FY 2020/021, the provincial government spent NPR 3,19,28,000 on behalf of offices for the federal government. That amount was used to build toilets and perimeter walls at the Janakpur High Court, for construction work at the District Administrative Office in Siraha and the Armed Police Force premises in Janakpur, and to build a park at the No. 28 Brigade post of the Nepal Army.<sup>74</sup> The province government also gives funds to federal government programs. In the FY 2021/022 the province disbursed a total of NPR 56,81,51,000 out of its budget to nine federal offices to run programs carried out by the federal government.<sup>75</sup>

The then provincial Ministry of Commerce, Supplies and Science and Technology signed an agreement with the Nepal Army Shree No. 9 Brigade on May 11, 2022, to work on 30 programs, including 12 on biodiversity and 18 on promotion and conservation of historical heritage and also made payments for the work. The fifth annual report of the Auditor General states that the contract between the provincial ministry and the Nepal Army's Shree No. 9 Brigade, along with the associated payment, violates provincial government regulations on project assignment.<sup>76</sup> Given

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<sup>74</sup> Office of the Auditor General. 2022. *Auditor General's Fourth Annual Report 2022 Madhesh Province*. Kathmandu: Office of the Auditor General. Available at <https://oag.gov.np/uploads/files/qw3-मधेश%20प्रदेशको%20महालेखापरीक्षकको%20चौटो%20वार्षिक%20प्रतिवेदन,%20२०७९.pdf>; accessed on December 19, 2024 (in Nepali).

<sup>75</sup> Office of the Auditor General. 2022. *Auditor General's Fifth Annual Report 2022 Madhesh Province*. Kathmandu: Office of the Auditor General. Available at <https://oag.gov.np/uploads/files/qmZ-महालेखापरीक्षकको%20पाँचौं%20वार्षिक%20प्रतिवेदन,%20२०७९%20मधेश%20प्रदेश.pdf>; accessed on December 19, 2024 (in Nepali).

<sup>76</sup> Office of the Auditor General, 2022. *Auditor General's Fifth Annual Report 2022 Madhesh Province*. Kathmandu: Office of the Auditor General. Available at <https://oag.gov.np/uploads/files/qmZ-महालेखापरीक्षकको%20पाँचौं%20वार्षिक%20प्रतिवेदन,%20२०७९%20मधेश%20प्रदेश.pdf>; accessed on December 19, 2024 (in Nepali).

that provincial structures are struggling to function effectively due to budget constraints, it is natural to question the justification for expenditures in offices under the federal government. On one hand, Officials from the Provincial Public Service Commission report a shortage of rooms needed to conduct examinations with confidentiality. Yet, the provincial government appears to prioritize allocating funds to federal institutions, structures, and programs. Such instances reinforce the criticism that the provincial government, led by the regional party, is not genuinely committed to strengthening the provincial framework.

### **Peace and Security Spending**

On May 24, 2018, the Madhesh Province government, jointly led by JSP Nepal and LSP, decided to authorize the minister and the secretary of the Provincial Ministry of Internal Affairs and Law to make expenditures on unforeseen issues of peace and security. There is a provision that the minister can spend NPR 30,000 and the secretary NPR 10,000 per such event up to five times per month without having to submit a bill for such expenditures. Each year, the Minister, the State Minister and the Secretary of Internal Affairs and Law (now Home, Communications and Law), have received funds in such a manner. The practice of collecting funds for peace and security is present only in Madhesh Province. Between FYs 2018/19 and 2022/023 a total of NPR 1,35,50,000 have been disbursed for peace and security.<sup>77</sup> There was strong opposition to these expenditures which were also made by the Federal Home Minister. Since the federal government

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<sup>77</sup> The amounts disbursed are as such: In FY 2018/019, the Minister and the Secretary at the Ministry of Internal Affairs and Law received NPR 1.80 million and NPR 0.60 million respectively, totalling NPR 2.40 million. In FY 2019/020, over a 11 month period, the Minister received NPR 1.80 million while the Secretary received 0.55 million, totaling NPR 2.35 million. In FY 2020/021, the Minister received NPR 1.80 million while the Secretary received NPR 0.57 million, totaling NPR 2.37 million. In FY 2021/022, the Minister and State Minister together received NPR 3 million while the Secretary received NPR 0.60 million, totaling NPR 3.6 million. Similarly, in FY 2022/023, the Minister, the State Minister, and the Secretary together received a total of NPR 2.83 million. (Refer to Annual Report of the Auditor General, FY 2019–2024).

has not enacted the Police Personnel Adjustment Act and holds that the control of police is not under the jurisdiction of the provinces, there is no justification for such expenditures at the province level. Therefore, the regional parties of Madhesh must be held accountable for such expenditure.



## 6. REGIONAL PARTIES AND INCLUSION

Inclusion is a key condition of Nepali federalism. All the regional parties included in this study have raised the issue of proportional representation, based on ethnic demographics, as a priority in their statutes and election manifestos. Not only that, the parties claim that their demands and movements played a major role in the provision of proportional inclusion being adopted in the Nepali constitution. One basis for measuring how well regional parties have implemented the principle of inclusion can be the level of inclusiveness adopted in provincial assemblies, governments, and various offices.

### 6.1. Inclusivity in the Provincial Assembly

In the Provincial Assembly, 60 percent of the members of the Provincial Assembly come from the FPTP system and 40 percent from proportional representation. Within the proportional representation system, representatives from the Dalit, *Adivasi Janajati*, Khas-Arya, Madheshi, Tharu, Muslim, backwards sectors, and other minority communities are included based on their respective population sizes. Similarly, at least one-third of the total number of members of each political party represented in the provincial assembly must be women. Due to these provisions in the constitution, the provincial assembly has become inclusive.

A close examination of the level of representation at the provincial assemblies of the regional parties included in the study found that the SLRM won one seat, out of a total of 93 seats, in the Koshi Province in the 2017 provincial elections. The party sent a woman to that seat, which it had won through the proportional representation system. In the second provincial elections, though the party fielded the most candidates in Koshi Province (35 out of a total of 47), it did not win a single seat. In



Sudurpashchim Province, the regional party NUP, which is now strongly associated with the province, was not yet established during the first tenure of the provincial assembly. However, in the second provincial elections, NUP won seven seats out of a total of 53 seats in Sudurpashchim Province. All the winners of the five seats that the party won via the FPTP system were Tharu men. Meanwhile, in the two seats won under the proportional representation system, the party elected Khas-Arya women.

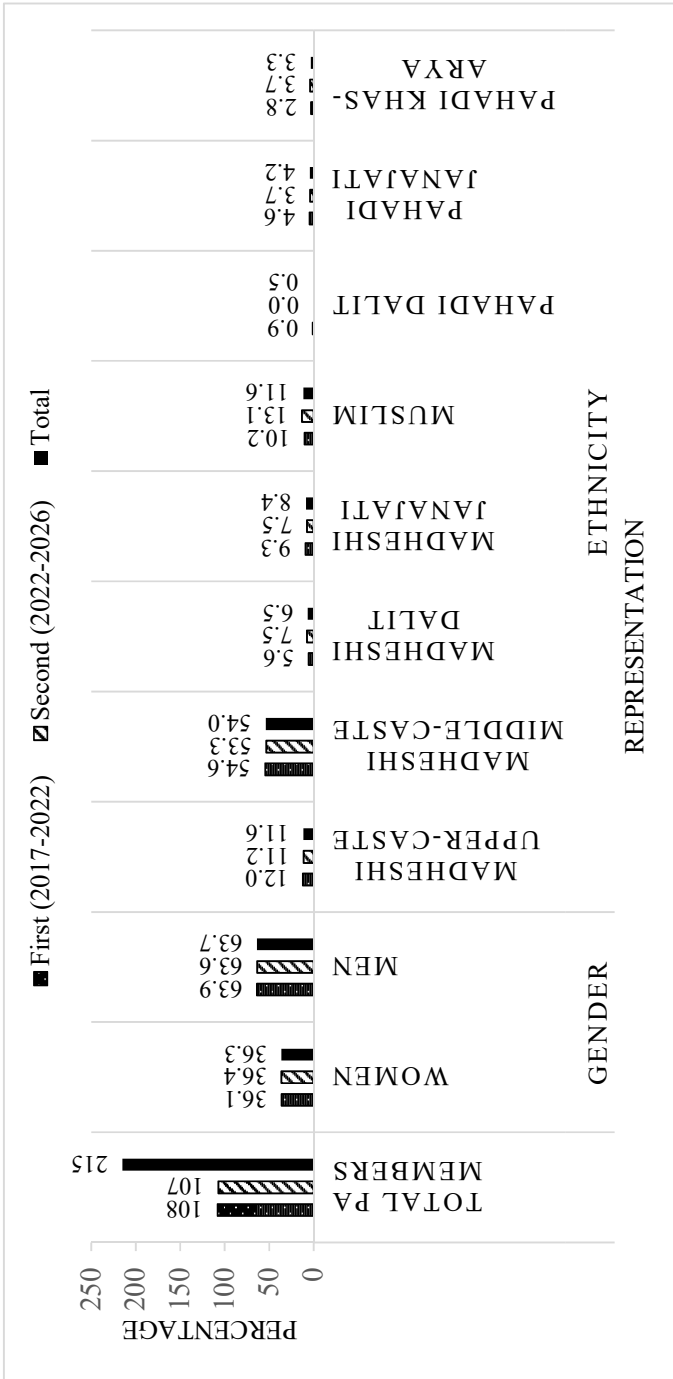
In Madhesh Province, three regional parties included in the study – JSP Nepal, LSP, and the Nepal Sanghiya Samajwadi Party, were represented in both the first and second provincial assemblies, while the Janmat Party was represented only in the second provincial assembly. In the first provincial elections, JSP Nepal won 38 seats (12 women) and LSP won 15 seats (5 women) out of a total of 107 seats in the Madhesh Province Assembly. In the second provincial elections, JSP Nepal won 19 seats (6 women), LSP won 9 seats (3 women) and the Janamat Party won 13 seats (4 women). The caste and gender representation in the Madhesh Province Assemblies, combining the numbers of both the first and second assemblies, is as follows (see 6.3.1 The Social and Caste Structures in Madhesh Province for the Basis of this Classification in this volume).

During the first term of the Madhesh Provincial Assembly, Mohammad Samir of CPN (Maoist Centre), who was elected on the Muslim quota within the proportional representation system, was sacked after a sanction from his party.<sup>78</sup> Following the appointment of Pashmina Qadri to the vacant post, the number of people who had become members of the first

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<sup>78</sup> Along with Samir, three other Provincial Assembly members were relieved from their offices under party sanction: Jwala Kumari Sah, Ram Chandra Mandal, and Kundan Prasad Kushwaha. The unification of NCP (NCP) was invalidated through a decision of the Supreme Court, reinstating CPN (Maoist Centre) and CPN-UML to their former selves. The aforementioned four members of the Provincial Assembly had been elected from CPN (Maoist Centre). However, when CPN (Maoist Centre) was reinstated through the court-decision, they entered CPN-UML. Therefore, CPN (Maoist Centre) expelled the four Provincial Assembly members from party membership on March 12, 2021. Apart from Samir, the remaining three had won their seats through the FPTP system.

**Figure 1: Gender and Ethnic Representation in the Madhesh Province Assembly (2017-2024)**



Source: The Provincial Secretariat, Madhesh Province.

Provincial Assembly reached 108. Of these, 36.11 percent (39) were women and 63.89 percent (69) were men. The balance is almost the same in the second term of the Provincial Assembly.

On ethnic demographics, the Madheshi middle-caste has had the highest representation in the Provincial Assembly at 53.95 percent. The representation of the Madheshi upper-caste and Muslims is in second place at 11.63 percent each. The representation of Madheshi Janajati is in third place with 8.4 percent. The representation of Madheshi Dalit is in fourth place with 6.51 percent. The Pahadi Janajati with a 4.2 percent representation, and Khas-Arya with 3.3 percent, take fifth and sixth place, respectively. While the representation of Madheshi upper- and middle-caste decreased from the first to the second Provincial Assembly, the representation of Madhesh Dalit and Muslims increased slightly (see Figure 1). The representation of Madheshi Dalits in the Provincial Assembly increased by 1.9 percent – from 5.6 percent to 7.5 percent. Similarly, the representation of Muslims increased by 2.9 percent – from 10.2 percent to 13.1 percent.

## **6.2. Inclusion in the Provincial Assembly Thematic Committees Leadership**

Since thematic committees of the provincial assemblies play a major role in policymaking, monitoring, and addressing local needs, it is important for their leadership to be inclusive. Diverse leadership increases the trust of all participants in the policymaking process and reduces the perception of discrimination. Therefore, inclusion is not just a question of simple representation but is also indispensable for making federalism effective and sustainable. Political parties have a role to play in making thematic committees of the assemblies inclusive. Political parties are the main institutions that provide policy direction, represent the people, and determine the structure of the legislature. Only in Madhesh and Sudurpashchim provinces were the leadership positions of the thematic committees of the provincial assemblies held by the regional parties included in the study.

### **6.2.1. The Selection and Inclusion in the Madhesh Provincial Assembly Thematic Committees Leadership**

The parties divide the chairs of the various thematic committees of the provincial assemblies among themselves. It is natural for political self-interests to dominate in such practices of give and take. Due to exactly such self-interests, the chairperson of the Public Accounts Committee for the Madhesh Province Assembly could not be selected well into the last year of the first five year term (2017–2022). The committee chair had been assigned to the then NCP (NCP) but there was a dispute within the party itself for the selection of the committee chairperson. Ram Kumar Yadav and Shatrudhan Mahato had filed competing candidacies for the position. However, the election for the chairperson could not be held since the internal dispute could not be resolved. The responsibilities of the Public Accounts Committee include monitoring the province government’s public spending, discussing the Auditor General’s report, investigating the irregularities pointed out in the report, and directing relevant bodies to take necessary action in that regard. No annual report of the Auditor General, except for the first annual report, has been discussed in committee. Since the committee was without a chairperson for four years, it could not carry out any of its functions. And although the Public Accounts Committee met twice under Lagan Lal Chaudhary, a member of CPN-UML who as a senior member of the committee acted as a temporary chairperson, there were no policy decisions made by the committee.<sup>79</sup>

After the Nepali Congress – on June 9, 2021, the CPN (Maoist Centre) – on July 17, 2021, and the CPN (Unified Socialist) – on January 20, 2022, joined the government led by the then Chief Minister Lalbabu Raut, the stage was cleared for all thematic committees of the Madhesh Provincial Assembly to get their respective chairpersons. The committees finally got their respective chairpersons on February 8, 2022. Naresh Kumar Yadav,

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<sup>79</sup> Khabarhub. 2022. The Four Years of Province 2 Province Assembly: No Representatives Selected for Public Account Committee. November 2. Available at <https://khabarhub.com/2021/27/327241/>; accessed on December 6, 2024 (in Nepali).

from the ruling party of Nepali Congress, was elected as the Chairperson of the Public Accounts Committee. LSP, the main opposition party, and the CPN-UML, another opposition party in the assembly, had jointly registered their nomination of Prahlad Giri Goswami, from LSP, for the post. It is customary in parliamentary practice to give the Chairpersonship of the Public Accounts Committee to the opposition party. When the candidate from the LSP and the CPN-UML alliance did not win the post of chairperson, the opposition party leaders accused the ruling parties of making a mockery of the democratic practice. The regional party, JSP Nepal, which led the provincial government and which should have been serious about inclusive representation in selecting the leadership of the committee, did not even continue the tradition of giving the Chairpersonship of the Public Accounts Committee to the opposition party.

In the first term of the Provincial Assembly, not a single chairperson was a woman. In the second term of the Provincial Assembly, four of the seven chairpersons are women. They are from the Janamat Party, LSP, CPN-UML and CPN (Maoist Centre). Two of them are from the Madheshi middle-caste group, while one is a Dalit and one is from the Pahadi Janajati community.

The Madheshi middle-caste group dominates the ranks of chairpersons of the committees. Five of the seven chairpersons are from the same group. This is a continuation of the past. In the first term, the chairpersons of two committees were from the Muslim community, while all the rest were from the Madheshi upper- and middle-caste groups. The Dalit and Janajati communities were not represented in the chairpersons of thematic committees (see Table 3). The situation that a majority of chairpersons are selected from the same caste group poses a long-term challenge to inclusive democracy. Political parties need to prioritize inclusion in a manner that respects the societal diversity. Compounding the matter, the regional parties have been able to lead only three of the seven thematic committees of the Madhesh Provincial Assembly. The remaining four committees are led by other parties—CPN-UML, Nepali Congress, CPN (Maoist Centre), and CPN (Unified Socialist).

**Table 3: Inclusion in the Thematic Committees Leadership in Madhesh Provincial Assembly**

Committee	Chair	Ethnicity	Gender	Party
<b>Chairpersons of Thematic Committees from 2022 elections to 2027</b>				
Public Accounts	Manju Kumari Thapa Magar	Pahadi Janajati	Woman	CPN-UML
Development	Sarada Sankar Kalwar	Madheshi middle-caste	Man	JSP Nepal
Provincial Affairs	Ratneshwar Goit Yadav	Madheshi middle-caste	Man	CPN (Unified Socialist)
Women, Children and Social Justice	Rupa Kumari Yadav	Madheshi middle-caste	Woman	LSP
Natural Resources and Environment	Sharada Das (Pahadi)	Dalit	Woman	CPN (Maoist Centre)
Agriculture and Land Management	Sanjay Kumar Mahato	Madheshi middle-caste	Man	Nepali Congress
Finance and Planning	Anita Kumari Shah	Madheshi middle-caste	Woman	Janamat Party

Chairpersons of Thematic Committees from 2017 elections to 2022						
Public Accounts	Naresh Kumar Yadav	Madheshi middle-caste	Man	Nepali Congress		
Development	Sheikh Abul Kalam Azad	Muslim	Man	Samajwadi Party		
Provincial Affairs	Ashok Kumar Yadav	Madheshi middle-caste	Man	Samajwadi Party		
Women, Children and Social Justice	Jainul Rain	Muslim	Man	RJP		
Natural Resources and Environment	Ramchandra Mandal/Jagat Prasad Yadav	Madheshi middle-caste	Men	NCP (NCP)*/CPN (Maoist Centre)		
Agriculture and Land Management	Birendra Prasad Singh/Madansen Srivastava	Madheshi upper-caste	Men	Nepali Congress/CPN (Unified Socialist)		
Finance and Planning	Manish Kumar Suman	Madheshi middle-caste	Man	RJP		

Source: Madhesh Province Assembly Secretariat.

\* The NCP (NCP) was formed on May 17, 2018, through the merger of the CPN-UML and the CPN (Maoist Centre). A chairperson of a thematic committee in the provincial assembly, who was affiliated with the same party, was placed in the newly formed NCP (NCP). However, the party later split, restoring the original CPN-UML and CPN (Maoist Centre) as separate entities.

### 6.2.2. Leadership Selection and Inclusiveness of the Thematic Committees of the Sudurpashchim Provincial Assembly

In the Sudurpashchim Provincial Assembly, the NUP represents a good example of the role and influence a regional party can have. The party, which has become the fourth largest force in the 53 member Provincial Assembly with seven seats, is an important partner in the ruling coalition. The party won five of seven seats through the FPTP electoral system. All five of those elected are men from the Tharu community. The remaining two, who were elected via the proportional representation system, are women from the Khas-Arya community. That the NUP has the chair of one of the four thematic committees is evidence of the fact that the party has a significant influence on the balance of power in the provincial assembly.

Almost a year after the formation of the second provincial assembly, the leadership of the thematic committee of the Sudurpashchim Provincial Assembly was established. In December 2023, the ruling coalition led by the then Chief Minister Kamal Bahadur Shah agreed on the assignments of the leadership of the four thematic committees.<sup>80</sup> Following that process, Ghanashyam Chaudhary of NUP was elected as the Chairperson of the Economic Development and Natural Resources Committee.

Because of frequent changes in the ruling coalition and the balance of power within it, the chairperson of thematic committees moved on to become ministers in the government. Since changes in political coalitions at the federal level also affect provinces, Kamal Bahadur Shah of the Nepali Congress, who was appointed as the Chief Minister of the Sudurpashchim Province on February 9, 2024, was under pressure to save his government. A vote of confidence from NUP was going to be decisive in saving his government. At that time, a power struggle between the party chair Ranjita Shrestha and its founding leader Resham Chaudhary was going on within the party. Chief Minister Kamal Shah appointed five of its seven Provincial

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<sup>80</sup> Bhatta, Tejrjaj. 2024. Sudurpashchim's Chair of Thematic Committee Elected Unopposed. *Nayapatrika*, January 10. Available at <https://www.nayapatrikadaily.com/news-details/132246/2024-01-10>; accessed on December 19, 2024 (in Nepali).



Assembly members, aligned with Resham Chaudhary, as ministers in his Council of Ministers. In the process, Ghanashyam Chaudhary of NUP, who was the Chairperson of the Economic Development and Natural Resources Committee, was also appointed as a minister. The effect of the change in the power equation at the federal level has affected the Sudurpashchim Province government. During the government change, several chairperson of the committees became ministers. As a result, three provincial committees without permanent leaders. The committee meetings are chaired by the senior member. All the committees, led on the basis or seniority, are led by male members of the Nepali Congress. Currently, the government of Sudurpashchim is led by a coalition of Nepali Congress, CPN-UML and NUP. There are three vacant posts of chairperson in the Provincial Assembly. NUP has asserted its claim for the post of chairperson of one of the committees.

### **6.3. Inclusivity in the Provincial Council of Ministers**

Though only regional parties have led the government in Madhesh Province, other parties also have been members of the ruling coalition. Therefore, it is appropriate to consider those parties equally responsible for implementing principles of inclusion. Since the establishment of the Madhesh Provincial Assembly until now (December 2024), the provincial government has been led by JSP Nepal and the Janamat Party. During this period, the Council of Ministers has been reshuffled 26 times. The number of parties participating in the government during those reshuffles has reached 12.<sup>81</sup> Before examining how they practiced the principle of proportional inclusion, enshrined in the constitution, it is relevant to present a picture of the social and ethnic structure of Madhesh Province.

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<sup>81</sup> The 12 parties are: SSF, JSP Nepal, RJP, Samajwadi Party Nepal, Nepal Sanghiya Samajwadi Party, Nepali Congress, CPN (Maoist Centre), CPN-UML, CPN (Unified Socialist), Janamat Party, LSP and NUP.

### 6.3.1. Social and Ethnic Demographics of Madhesh Province

The major communities of Madhesh Province include Madheshi, Tharu, Janajati, Dalit, Muslim, as well as Pahadi immigrants. These communities have various sub-ethnic groups. According to the Study Report on the Surname Listing of Madheshi Community in Nepal, released by the Madhesh Commission in March 2022, there are 152 castes in Madhesh.<sup>82</sup> These castes, catalogued in increasing numbers by various studies as well as the decennial censuses are classified into various broader groups for better political and academic understanding. Viewed from that lens, just as the hill castes are classified into three main groups—Khas-Arya, *Janajati*, and Dalit—the Madheshi castes are classified into five ethnic groups.<sup>83</sup> Tula Narayan Shah, a Madhesh scholar and activist, largely agrees with this classification. He, however, suggests an addition to the list – that of a ‘Pahadi’ group. “Just as the Pahadi view us as Madheshis whether we are high caste, middle cast, Dalit, or Janajati, we also view Pahadis, whether they are Khas-Arya, Janajati, Dalit, as Pahadi. Therefore, when looking at the social and ethnic structure of Madhesh, a Pahadi ethnic group should be added. Because they also have a population in Madhesh.”<sup>84</sup>

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<sup>82</sup> Gupta, Dipak Kumar. 2022. *Nepal's Madheshi Communities Caste List Study Report, 2022*. Lalitpur: Madheshi Commission (in Nepali).

<sup>83</sup> Shree Govind Shah has categorized Madheshis into five groups, comprising: Brahmin/Kshatriya/Kayastha; Vaishya, Yadav and Others; Dalit; Indigenous Ethnicities; and Muslim. (see, Shah, Shree Govind. Date not mentioned. Social Inclusion of Madheshi Community in National Building. Presented in Civil Society Forum Workshop for Research Program on Social Inclusion and National Building in Nepal, Day 2, Session 1.) While accepting that this categorization matches the caste structure of the Madhesh, Dipak Chaudhary has suggested a new categorization to accommodate the fact that there is no equivalence between the Kshatriya and Vaishya groups. There are also five groups in his categorization, comprising 6 Castes, 36 Castes and Others, Dalit Hindus, Indigenous peoples, and Muslims (see, Chaudhari, Dipak, 2009. *Nepal's Madheshi Communities*. Ratna Pustak Bhandar, Kathmandu (in Nepali).) Similarly, a book edited by Mukta Singh Lama and Om Gurung categorizes Madheshis into five categories, comprising: Madheshi High-Caste, Madheshi Other-Castes, Tarai Indigenous, Madheshi Dalit, and Muslim and Others. (see, Lama, Mukta S., Om Gurung, eds. 2014. *Social Inclusion Atlas of Nepal Ethnic and Caste Groups*. Kathmandu: Central Department of Sociology/Anthropology.)

<sup>84</sup> Based on an interview with Shah on December 8, 2024.

Although the myriad categories differ in name, there is no substantive difference in every single classification. Therefore, for the purposes of this study the following classification of ethnic groups is used: Madheshi upper-caste, Madheshi middle-caste, Madheshi Dalit, Madheshi Janajati, Muslim, Pahadi Dalit, Pahadi Janajati, and Pahadi Khas-Arya. There are many subgroups within these groups. Some new sub-groups are also formed over time. *Dikka* is one such newly formed ethnic group under the Madheshi middle-caste group.<sup>85</sup> This middle-caste group has a large population in Madhesh Province. One subgroup alone within this group, Yadav, constitutes 15.2 percent of the total population of Madhesh Province which is 61,14,600.<sup>86</sup> Yadav represents the largest single caste group in the province. According to the book edited by Lama and Gurung, the Madheshi middle-caste group includes 35 castes including Yadav, Sah, and others, whose combined population is 51.80 percent of the total population in the province.<sup>87</sup> The next largest ethnic group is Dalit. According to the National Census of Nepal 2021, 16.5 percent of the total population of Madhesh Province is made up of the Dalit community. A total of 19 castes of Madheshi origin are included in the Dalit Caste Schedule prepared by the National Dalit Commission.<sup>88</sup>

For an ethnic group, a large share of the population in the province can be a basis for political power, preservation of cultural identity, and representation at policymaking levels. Such a group can play an effective role in advancing its rights and political representation in order to prioritize

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<sup>85</sup> Mishra, Binaya, Mohd Ayub, Krishna Kumar Sah and Tula Narayan Shah, 2023. *Situational Analysis of Madhesh Province (April 2023)*. Lalitpur: Nepal Madhesh Foundation (NeMaF) (in Nepali).

<sup>86</sup> National Statistics Office. 2022. *National Census 2021: Population According to Main 10 Ethnic Groups*. Kathmandu: National Statistics Office. Available at <https://censusnepal.cbs.gov.np/results/np/cast-ethnicity?province=2>; accessed on December 6, 2024.

<sup>87</sup> Lama, Mukta S., Om Gurung, eds. 2014. *Social Inclusion Atlas of Nepal Ethnic and Caste Groups*. Kathmandu: Central Department of Sociology/Anthropology.

<sup>88</sup> National Dalit Commission. Date not mentioned. *Dalit Ethnicities Index Details*. Available at [https://ndc.gov.np/storage/listies/June2022/Anusuchi\\_News\\_2074.pdf](https://ndc.gov.np/storage/listies/June2022/Anusuchi_News_2074.pdf); accessed on December 6, 2024 (in Nepali).

its needs. However, in Madhesh Province, Dalits have historically been neglected and marginalized by the so-called Madhesh upper-caste. If those who practice their politics in Madhesh by advocating against caste and class discrimination can only take Dalits into their confidence, the community can become a reliable cluster for them.<sup>89</sup> The population of Muslims in Madhesh Province is in third place at 13 percent. However, respondents reported that political competition in Madhesh Province is primarily driven by rivalry between the Madheshi upper-caste and the Madheshi middle-caste groups. The Brahmins of Tarai origin, especially those with surnames like Jha, Mishra, Pandit, Tripathi, Thakur, Bhatta, Tiwari, Pathak, etc., are considered the upper-caste of the Madheshi community. Kayastha, Rajput, and Bhumihar are also counted among the Madheshi upper-caste groups. Dhanuk, Dhimal, Khawas, Munda, Tharu and other castes are the Janajati people of the Tarai. The population of Janajati people of the Tarai makes up the fourth largest share in Madhesh Province. The Tharu community has the largest number of Janajati people (4.9 percent). Similarly, 49.86 percent of the total population of Madhesh Province is women and 50.14 percent is men.<sup>90</sup>

### **6.3.2. Inclusivity in the Madhesh Provincial Council of Ministers**

On February 15, 2018, following the provincial assembly elections in November and December of 2017, the Office of the Chief Minister and the Council of Ministers was formally established along with a seven member council of ministers. As the then Sanghiya Samajwadi Party was handed the responsibility to lead the provincial government, Lalbabu Raut, from the party, was appointed Chief Minister. Since then (until December 2024), two others, Saroj Kumar Yadav of JSP Nepal and Satish Kumar Singh of Janamat Party, have become Chief Ministers of the Madhesh Provincial

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<sup>89</sup> Interview with Paswan on September 10, 2024.

<sup>90</sup> National Statistics Office. 2022. *National Census 2021: Main Findings - Madhesh Province*. Kathmandu: National Statistics Office. Available at [https://censusnepal.cbs.gov.np/results/files/result-folder/province/Madhesh\\_Nepali\\_summary.pdf](https://censusnepal.cbs.gov.np/results/files/result-folder/province/Madhesh_Nepali_summary.pdf); accessed on December 6, 2024 (in Nepali).

Government. In seven years, the provincial government Council of Ministers has been reshuffled 26 times. In that period, a total of 73 people have become members of the Council of Ministers.

Article 168, Clause (9) of the Constitution of Nepal stipulates that the principle of inclusion be a basis for the formation of the Provincial Council of Ministers from among the members of the Provincial Assembly. However, the regional parties that have led the government seem not to have embraced proportional inclusion. Since its establishment, the Madhesh Provincial Government has been dominated by the Madheshi middle-caste. Traditionally, Pahadi communities residing in Madhesh and the Madheshi upper-castes had established dominance over government structures and state resources.<sup>91</sup> However, the dominance of the Madheshi middle-caste in the newly formed provincial governments shows that the traditional caste dominance in politics is weakening. But the essence of federalism is not to replace the dominance of one caste with that of another caste. Federalism should include all groups and communities, especially marginalized groups, in proportion to their share of the population. However, that seems not to have happened.

The first Chief Minister of Madhesh Province, Mohammad Lalbabu Raut, is from the Muslim community. During his tenure, the Council of Ministers was reshuffled eight times, and 21 people became members of the Council of Ministers. Yet, he was the only representative of the Muslim community, which accounts for 13 percent of the total population in Madhesh Province and represents 10.2 percent of the provincial assembly members. The Raut-led Council of Ministers did not include a single Dalit person, while there was only one person each representing the Madhesh Janajati and the Pahadi Khas-Arya communities. During Raut's tenure, the largest number of Council of Ministers members represented the Madheshi middle-caste, followed by the Madheshi upper-caste. Calculated against

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<sup>91</sup> Mishra, Binaya, Mohd Ayub, Krishna Kumar Sah and Tula Narayan Shah, 2023. *Situational Analysis of Madhesh Province (April 2023)*. Lalitpur: Nepal Madhesh Foundation (NeMaF) (in Nepali).

the total number of people who were members of the Council of Ministers during Raut's tenure (21), more than a quarter (29 percent) were from the Madheshi upper-caste and 62 percent were from the Madheshi middle-caste. And from within the Madheshi middle-caste, the Yadav group alone constituted 38.1 percent (8) of the Council of Ministers members in the Lalbabu Raut led government. That share is more than double the share of the Yadav population within the province (15.2 percent) (see Table 4).

When the optics of the lack of inclusion in the various Council of Ministers expansions became untenable, the Lalbabu Raut-led government faced widespread criticism. The Office of the Chief of Madhesh Province even sent a letter to the Chief Minister Office on June 11, 2021, urging for a more inclusive government. Chief Minister Lalbabu Raut argued that the issues raised in the letter were simply natural and emphasized that the federal, provincial, and local governments should all be prepared and are responsible to implement constitutional provisions. He further challenged, "Shouldn't this constitutional provision be implemented everywhere from top to bottom? Is the federal Council of Ministers in accordance with the constitutional provisions? Or are Mr. Oli, Mr. Dahal, and Mr. Deuba operating under different laws?"<sup>92</sup>

The Council of Ministers has not changed its non-inclusive character even under the two Chief Ministers who have led Madhesh Province in the second term of the Provincial Assembly. That the representation of some ethnic groups has increased at the expense of some other ethnic groups does not change the overall picture. Saroj Kumar Yadav, of JSP Nepal, led the Madhesh Province government for almost a year and five months. During this period, the Council of Ministers saw the greatest frequency of reshuffling yet (12 times) and 26 individuals became Council of Ministers members. But the presence of Dalits remained zero. In the Yadav-led cabinets, the representation of Madheshi upper- and middle-castes decreased slightly compared to the Raut-led cabinets. The share of Madheshi upper-caste decreased from 24 percent to 8 percent, while the

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<sup>92</sup> Interview with Raut on September 20 2024.

representation of Madheshi middle-caste had decreased from 62 percent to 58 percent. The benefits of this reduction went to the Pahadi Khas-Aryas, Pahadi Janajatis and Muslims. Muslims, who made up 5 percent of the Raut-led cabinets, increased to 15 percent in the Yadav-led cabinets. Similarly, the participation of Pahadi Janajatis increased from zero to 4 percent. The representation of the Pahadi Khas-Aryas increased from 5 percent to 12 percent. That the small decrease in the representation of Madheshi upper- and middle-castes is made up for by the increase in the representation of Pahadi communities points to the fact that traditionally dominant caste groups continue having access to state power and resources in Madhesh Province.

The Council of Ministers formed under the leadership of Satish Kumar Singh of the Janamat Party presents a slightly different character. However, it is still questionable from the perspective of proportional inclusion. The caste groups with the lowest share of population in Madhesh Province are the Pahadi Khas-Aryas and the Madheshi upper-caste group. Yet, they each still have 15 percent representation in the Council of Ministers, while the representation of Dalits, who constitute 17 percent of the total population of the province, is limited to only 8 percent (see Table 4). The percentage of Dalit representation in the previous Council of Ministers was zero. The dominance of Madheshi middle-castes, especially the Yadav group, has remained constant on all cabinets – from the Raut-led government, through the Yadav-led government, to the Singh-led government. And although it has decreased slightly, the increased representation of Pahadi Khas-Arya has replaced it (see Table 4). The members of the Council of Ministers representing the Khas-Arya came exclusively from the CPN-UML, Nepali Congress, CPN (Maoist Centre) and CPN (Unified Socialist).

Women represent only 36 percent of the Madhesh Provincial Assembly. And political parties have ignored women's representation while forming governments. In the three governments led by two regional parties, only 15 out of 73 Council of Ministers members have been women, making up only 21 percent of the total. If we break down the numbers further under each Chief Minister's leadership, the picture is even worse. The lowest

**Table 4: Ethnic Representation in Formation and Reshuffle of Madhesh Province Government**

Chief Minister/ Political Party	Throughout tenure		Castes and Ethnicities							
	Formation and Reshuffle of Government	Member Total in Office	Madheshi High Caste	Madheshi Middle Caste	Madheshi Dalit	Madheshi Janajati	Muslim	Pahadi Dalit	Pahadi Janajati	Pahadi Khas-Arya
Lal Babu Raut, SSF/Samajwadi Party	8	21	6 (29%)	13 (62%)	0 (0%)	1 (5%)	1 (5%)	0 (0%)	0 (0%)	0 (0%)
Saroj Kumar Yadav, JSP Nepal	12	26	2 (8%)	15 (58%)	0 (0%)	1 (4%)	4 (15%)	0 (0%)	1 (4%)	3 (12%)
Satish Kumar Singh, Janamat Party	6	26	4 (15%)	11 (42%)	2 (8%)	1 (4%)	3 (12%)	0 (0%)	1 (4%)	4 (15%)
<b>Total</b>	<b>26</b>	<b>73</b>	<b>12 (15%)</b>	<b>39 (53%)</b>	<b>2 (3%)</b>	<b>3 (4%)</b>	<b>8 (11%)</b>	<b>0 (0%)</b>	<b>2 (3%)</b>	<b>7 (11%)</b>

Source: Office of the Provincial Chief and Office of the Chief Minister, Madhesh Province.



number of women in the Council of Ministers was during the tenure of Lalbabu Raut at 14 percent (3). All three women served as ministers of state. One of them was from the then SSF, one from the then RJP and the other from the CPN (Maoist Centre). The SSF (later JSP Nepal), which led the government, did not ensure representation of women and Dalits at the Council of Ministers level. Stating that the party's top leadership should pay attention to such issues, a woman provincial assembly member of JSP Nepal said, "Our party Chairperson personally directed the process of appointing even the personal secretary to the Chief Minister. But why did he not instruct the Chief Minister to appoint a single woman or Dalit to the cabinets, when they were led by our party throughout the entire five-year term? This shows that no matter how much our party raises the slogan of proportional inclusion, it is not serious about its implementation."<sup>93</sup> JSP Nepal also led the Madhesh Province government at the beginning of the provincial assembly's second term. Saroj Kumar Yadav was the Chief Minister at that time. During that period, only four women were appointed to the Council of Ministers, which is only 15 percent of the total Council of Ministers members led by Yadav. Among them, one woman representative each from JSP Nepal, CPN (Maoist Centre) and CPN (Unified Socialist) became a minister and one woman representative from CPN-UML became a minister of state.

In the government led by Satish Kumar Singh, as of December 2024, eight women, including four ministers and four ministers of state, have been appointed. This number is 31 percent of the total number of Singh-led Council of Ministers (see Table 5). The four ministers include one each from LSP, the CPN (Unified Socialist), the Nepal Sanghiya Samajwadi Party, and NUP. The NUP and the Nepal Sanghiya Samajwadi Party, which won just one seat each in the Madhesh Provincial Assembly, under the proportional representation system, elected women to those seats. Those women also became ministers. Looking at the full picture, although women's representation seems to be increasing, it is limited to nominal

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<sup>93</sup> Interview with the Provincial Assembly member on November 30 2024.

**Table 5 : Gender Representation in Formation and Reshuffle of Madhesh Province Government<sup>94</sup>**

Chief Minister, Political Party	Throughout tenure				Minister		Minister of State	
	Formation and Reshuffle of Government	Member Total in Office	Women (%)	Men	Women	Men	Women	Men
Lal Babu Raut, SSF/Samajwadi Party	8	21	3 (14%)	18 (86%)	0 (0%)	12 (67%)	3 (100%)	5 (28%)
Saroj Kumar Yadav, JSP Nepal	12	26	4 (15%)	22 (85%)	3 (75%)	16 (73%)	1 (2,5%)	4 (18%)
Satish Kumar Singh, Janamat Party	6	26	8 (31%)	18 (69%)	4 (50%)	13 (72%)	4 (50%)	4 (22%)
<b>Total</b>	<b>26</b>	<b>73</b>	<b>15 (21%)</b>	<b>58 (79%)</b>	<b>7 (47%)</b>	<b>41 (71%)</b>	<b>8 (53%)</b>	<b>13 (22%)</b>

Source: Office of the Provincial Chief and Office of the Chief Minister, Madhesh Province.

<sup>94</sup> The percentage of women and men is calculated by considering the total number of people who held the position during the tenure of the respective Chief Minister as 100%. Similarly, for Ministers and Ministers of State, the percentage is determined by considering the total number of women and men who held these positions during the respective Chief Minister's tenure as 100%.

representation. Further, the very parties that have been raising the issue of inclusion and women's participation have been accused of being indifferent to the issue. Nizamuddin Samani, a central member of LSP, said, "During the Madhesh Movement, the leadership worked hard to include all communities and genders and encouraged them to join the party structure because it required cooperation and support. However, as the party seems to be weaker in its commitment now, the leadership has started presenting opportunities exclusively to those close to it. As it itself becomes less inclusive, the chances that the party will push for inclusiveness in state offices are obviously reduced."<sup>95</sup>

The fact that women's representation in the Madhesh Provincial Assembly is limited to the minimum standards set by the Constitution and is ignored during the formation of the government is against the principle of inclusion. Political parties have not made an honest effort in implementing women and Dalit participation in practice. It is deplorable that the regional parties, whose very existence was borne of aims to secure proportional representation, ignore women, Muslims, *Adivasi Janajatis*, Dalits, etc., in consequential positions like the Council of Ministers.

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<sup>95</sup> Interview with Samani on September 6, 2024. Samani, who was earlier affiliated with LSP, is now affiliated with Rashtriya Mukti Kranti.

## 7. IMPACT OF PARTY'S INTERNAL DISPUTES

There are many examples of the performance of regional parties in government being negatively affected when they indulge in internal disputes. Regional parties in Madhesh have a long history of internal divisions. Although they all claim securing the rights and identity of the Madheshi people as a primary goal, they have been divided amongst each other over leadership arrangements within the party and power struggles for positions in the government. The Madheshi parties have been accused of putting Madheshi issues secondary to self-interest and power politics (see 3.3 The Perspective of Cadres and Supporters in this volume).<sup>96</sup> As a result, Madheshi parties have gradually proven to be weak in elections. The Madhesh Provincial Assembly elections of 2022 are the most recent illustration of this. The CPN-UML emerged as the largest party in the Madhesh Provincial Assembly after those elections.

In April 2020, the government led by the then Prime Minister KP Sharma Oli brought an ordinance to amend the Political Parties Act. The ordinance was designed to make it easier for disgruntled members of parliament in erstwhile Samajwadi Party Nepal and RJP to split their respective parties to form a new party.<sup>97</sup> With the introduction of the ordinance, the two political forces of Madhesh, RJP and Samajwadi Party Nepal, merged to form the JSP Nepal. However, within a short time of the party being formed, a power struggle arose between the former RJP faction

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<sup>96</sup> Yadav, SK. 2024. 17 Years of Madhesh Movement: Madheshi Parties Revolving Around Power and Government. *Ratopati*, January 19. Available at <https://www.ratopati.com/story/406891/madhesh-movement-in-nepal->; accessed on December 18, 2024 (in Nepali).

<sup>97</sup> BBC News Nepali. 2020. The Meaning of Prime Minister Wanting Amendment in the Party-Splitting Ordinance. April 20. Available at <https://www.bbc.com/nepali/news-52356262>; accessed on December 18, 2024.

and the main leadership of the former Samajwadi Party. As a result of this conflict, the Upendra Yadav faction dismissed four out of the six JSP Nepal members of the Lumbini Provincial Assembly. Similarly, when the then Prime Minister K.P. Sharma Oli sought a vote of confidence in the House of Representatives on May 10, 2021, the JSP Nepal decided its members of parliament would remain neutral on the motion. However, the Upendra Yadav faction decided to support the alliance of the Nepali Congress and the CPN (Maoist Centre) and voted against Prime Minister Oli. Most of the members from the RJP voted in favor of the Oli leadership. After the dispute within JSP Nepal escalated, the party split and Mahantha Thakur and others formed the LSP in August 2021. The most recent instance of a split within a Madheshi party was in May 2024. Ashok Rai and others split from JSP Nepal and registered the Janata Samajwadi Party (JSP) with the Election Commission Nepal. These continuous divisions have weakened the organizational capacity of Madhesh-centric parties and reduced their political influence. When the very party that claims to be a champion of federalism splits because of falling victim to power politics, the efforts to institutionalize federalism are negatively affected.

The NUP is also plagued by internal disputes. The chairperson of the party and Member of Parliament Ranjita Shrestha joined the Nepali Congress and CPN (Maoist Centre) coalition government as the Minister for Land Management and Poverty Alleviation. This led to disagreement between Shrestha and Resham Chaudary, who was serving a jail sentence, a central member of NUP said. After being released from prison on May 29, 2023, following a general amnesty, Resham Chaudhary sought to get back to active politics. When Resham Chaudhary was elected as the chairperson at the party's first general convention, held in Tikapur on January 12, 2024, the dispute between Chaudhary and Shrestha reached its peak. However, after the Election Commission declared Resham Chaudhary ineligible to be a member of the party, the party committee recognized Ranjita Shrestha as the founding chairperson.

The Nepali Congress, the CPN (Maoist Centre) and the NUP had allied together to form the provincial government in Sudurpashchim Province

under the leadership of Kamal Bahadur Shah of Nepali Congress. But when the alliance between the CPN (Maoist Centre) and the Nepali Congress at the federal level collapsed and a new alliance between the CPN (Maoist Centre) and the CPN-UML was formed, it also affected the Sudurpashchim Province. After the CPN (Maoist Centre) withdrew its vote of confidence, the government led by Chief Minister Kamal Bahadur Shah fell into a minority. In such a situation, the NUP became a decisive force in keeping the government in the Sudurpashchim Province. Out of the total 53 seats in the Provincial Assembly, Nepali Congress had 19 seats and the NUP had seven seats. An independent member of the Provincial Assembly, Dr. Tara Joshi, and the seven members of NUP were willing to cast the vote of confidence in Chief Minister Shah's favor.<sup>98</sup> The Chief Minister appointed five members of the Resham Chaudhary faction of the NUP in order to save his government.<sup>99</sup> However, when Kailash Chaudhary and Tika Thapa, two NUP Provincial Assembly members from the faction supporting chairperson Ranjita Shrestha, refused to cast the vote of confidence in favor of the Chief Minister Shah, he resigned from his post.

Following Shah's resignation, the CPN-UML and CPN (Maoist Centre) alliance agreed to offer the Chief Minister's post to NUP.<sup>100</sup> For the CPN-UML, it was politically more advantageous to give the post to NUP than giving it to the CPN (Unified Socialist), which had formed after splintering from it. For the CPN (Maoist Centre), the post of Prime Minister was more important than the post of Chief Minister of the province. Those

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<sup>98</sup> Onlinekhabar. 2024. Independent MP Joshi Decides Against Giving Vote of Confidence to Chief Minister. April 4. Available at <https://www.onlinekhabar.com/2024/04/1459669/independent-mp-joshi-in-far-west-will-not-give-a-vote-of-;> accessed on December 18, 2024 (in Nepali).

<sup>99</sup> From the NUP, Rameshwor Chaudhary was made the Minister of Land Management, Agriculture and Cooperatives; Ghanshyam Chaudhari was made the Minister of Economic Affairs; Khushi Ram Chaudhary was made a minister without portfolio; Laxman Kishor Chaudhary was made a minister without portfolio; and Indira Giri was made the State Minister of Land Management, Agriculture and Cooperatives.

<sup>100</sup> Setopati. 2024. Agreement Reached at Baluwatar for NUP to Receive Sudurpashchim Chief Minister Position. April 14. Available at <https://www.setopati.com/politics/327076;> accessed on December 18, 2024 (in Nepali).

calculations had led the CPN-UML and the CPN (Maoist Centre) to reach an agreement to offer the Chief Minister's post to the NUP. Accordingly, a meeting of the 21 founding members of the NUP and its seven Provincial Assembly members decided that the party would lay claim to the post of Chief Minister of the Sudurpashchim Province. A founding central member of the NUP says about the decision,

Because our very slogan for the November 2022 provincial elections had been 'A Nagarik Unmukti Government in Sudurpashchim on 20 November', we thought we should not pass up the opportunity to acquire the post of Chief Minister. During that meeting, the most senior Provincial Assembly member, Laxman Kishor Chaudhary, was unanimously requested to apply to be the Chief Minister. After he declined the post of Chief Minister, Kailash Chaudhary was asked to apply for the post, including by Resham Chaudhary. However, when it was time to submit the claim for the Chief Minister's post, Resham Chaudhary asked Laxman Kishore Chaudhary to also claim the post.<sup>101</sup>

Some founding central members of the party interviewed during the study indicated that Resham Chaudhary, fearing that he would cease to have political relevance if someone else became a federal minister or another Tharu became a Chief Minister, created a barrier to such an outcome. However, Thakur Singh Tharu, the General Secretary of NUP, asserted that Laxman Kishore Chaudhary made a claim for the Chief Minister's post solely because the meeting of the party's provincial parliamentary group had decided to elect him as the Chief Minister. Further, he added, both the patron of the party Resham Chaudhary and its president Ranjita Shrestha were not worried about their political futures because of their special contribution to the party's formation.<sup>102</sup> After two people from

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<sup>101</sup> Interview with the member on December 30, 2024.

<sup>102</sup> Interview with Tharu on December 30, 2024.

the same party claimed the post of Chief Minister, the Chief of Province voided the claims and called for a new claim on the post. Tharu activist Thakur Kariya Pradhan argues that having a Tharu chief minister in Sudurpashchim Province would not only provide an important political message, but would also create an environment beneficial to the interests of the Tharu community.<sup>103</sup>

Further, the members of NUP in the Provincial Assembly have not been able to reach consensus even on important issues. A Provincial Assembly member provides an example:

One of our party members asserted in the Provincial Assembly that the Sudurpashchim Province should be called Khaptad Tharuhat. Another argued that a special area should be allocated for the Tharu within Sudurpashchim Province. But, the Tharuhat movement's demand is a separate province encompassing the whole region between Kanchanpur and Chitwan. However, there is no discussion on such issues within our party, so the Provincial Assembly members speak in manners they seem fit. As a result, the Tharu community feels that even the Tharu party is going the wrong way about raising its issues. This weakens the Tharu people's faith in federalism.<sup>104</sup>

Tharu leaders themselves believe that the NUP received sympathy votes as a result of the imprisonment of Tharu leaders including Resham Chaudhary on political charges, which was viewed as the state's persecution of Tharus. "Nagarik Unmukti Party's chief demand was the release of Resham Chadhary. His release marked the conclusion of this party's political agenda. This party was also weak to begin with – organizationally, ideologically and in terms of political activities, but now internal disputes have sapped it of all its energy," said Tharu leader Basanti Chaudhary.<sup>105</sup>

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<sup>103</sup> Interview with Pradhan on October 25, 2024

<sup>104</sup> Interview with the member on October 25, 2024.

<sup>105</sup> Interview with Chaudhary on October 25, 2024.



The dispute amongst party leadership has affected even the local-levels won by NUP, down to the ward level. After the local-level elections of 2022, the party's candidates were elected to the posts of the mayor in Tikapur Municipality in Kailali, the mayor as well as the deputy mayor in Bhajani Municipality, Janaki and Joshipur Rural Municipalities, and to the post of ward chair in various wards. These municipalities were most affected by the Tikapur incident and are Tharu majority. All four local-levels have been presented with an opportunity to work individually or collectively on prioritizing the specific needs and problems of the Tharu community. Locals point to several such needs. Bhuwan Adhikari, a Nepali Congress leader and a local of Tikapur Municipality, said, "The Tharu community alone seems to suffer from the disease Sickle Cell Anemia here. If these four municipalities won by NUP can work together to manage the sourcing of blood used to treat the condition, that would be a great example of local-level service."<sup>106</sup> This type of collaboration requires coordination among the local bodies. The party could play a facilitating role in the process. The elected representatives themselves expected coordination and facilitation from the party. Janaki Rural Municipality Chairperson Ganesh Chaudhary says this about the situation:

Support and opposition naturally arise during budget allocation. Some of the opposition comes from representatives of their own party. In such cases, it would have been easier to get work done if the party had facilitated an environment conducive to finding a solution. But I have not received any advice or suggestions from the party so far on work at the local-level. Some of our party members in the Sudurpashchim Provincial Assembly are ministers. They never ask what kinds of programs are needed in the municipalities. They do not even authorize the projects we request.<sup>107</sup>

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<sup>106</sup> Interview with Adhikari on December 21, 2024.

<sup>107</sup> Interview with Chaudhary on October 25, 2024.

According to another mayor elected as a NUP candidate, the party focuses only on the number of seats it has won in a given municipality, and fails to provide necessary support to the office holders. Because it lacks clarity in its own programs and goals, the party is unable to even imagine how it can support its provincial assembly members and local-level representatives, said a founding central member of the party. The lack of clarity in the political, ideological and programmatic aspects of the NUP and the power struggles among its leadership have led to a failure to prioritize working in the interest of the Tharu community as well as strengthening federalism.

The essence of federalism conceptualizes a strong role for regional parties in resource and power allocation. However, internal disputes have particularly weakened them. In an eventuality where the expectations of the rights and interests of the community being upheld are not met, there is a risk that public trust in federalism will weaken. In order to institutionalize federalism, it is imperative that regional parties develop a clear vision, organizational unity and the capacity for effective implementation.



## 8. INITIATIVES FOR THE PROTECTION AND PROMOTION OF COMMUNITY HERITAGE

Nepal's federal system has given special rights to provinces and local-levels to protect and promote their regional identity, resources, and heritage. A provision in the Constitution grants the provinces and local-levels exclusive rights in the realm of use and conservation of languages, scripts, cultural practices, fine arts, and religion. This provision is a significant opportunity for regional parties to protect and promote community heritage in their constituencies. For communities that have been linguistically marginalized for years, the protection and promotion of their language, art, and culture can play an important role in providing a sense of belonging towards the state. Language, art and culture can become important benchmarks for assessing the qualitative development achieved by local-levels. Except at Janaki Rural Municipality, there are no initiatives to be found for the protection of local identity in the four municipalities won by NUP in Sudurpashim Province. Janaki Rural Municipality, however, has programs aimed at protecting Tharu language, food, and art.

Language is not only a means of expression but also an identity. It ensures the continuity of the culture, tradition, and knowledge of a community. Preserving a language also means preserving the knowledge, science, and history contained within that language. Therefore, citizens expect their local representatives to take appropriate initiatives in that regard. Dil Bahadur Chaudhary of Lamki Chuha Municipality says, "The local-level offices won by NUP could have instituted local language instruction in schools in areas where non-Nepali speakers are the majority. But that has not happened."<sup>108</sup> Dr. Gyanuraj Poudel, a professor at Tikapur

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<sup>108</sup> Interview with Chaudhary on October 27, 2024.

Multiple Campus and a native languages researcher argued that children learn better if the instruction is in their mother tongue. He said, “In my research, I have found that when students speak and read in their own language, they learn faster because they interact with each other better. On the other hand, when the instruction is in a language other than their own, their learning becomes patchy.” But, there are many examples of local representatives pushing English as the language of instruction, even at the elementary level. However, in an environment where English is perceived as the standard for quality, Janaki Rural Municipality has developed a curriculum for grades 1 to 3 in Tharu, the local language. But how will that newly developed curriculum be implemented? There is no clear blueprint on how to institutionalize the practice among the municipal officials. Municipal Chairperson Ganesh Chaudhary says, “We are in the preparation phase of how to implement the Tharu language curricula. An execution plan must be formulated to implement the curricula. We are holding discussions among public representatives, political parties, civil society, and experts in order to come up with one.”

Further, Janaki Rural Municipality is looking into whether the Badghar custom of the Tharu community can be preserved through certain laws. Initiatives are being taken up to enact a law that gives the Badghar responsibilities as the Neighborhood Development Committee Coordinator and local mediator. According to Badghar Dammar Dagaure Tharu, head of Durgauli Village Society of Janaki Rural Municipality 1, the Badghar plays a leading role not only in the traditions and rituals in the life of the community, but also in its development. However, he expressed grievance that there was so much delay, even in a constituency won by NUP, a Tharu party, in institutionalizing the inclusion of the Badghar in municipal development programs.

Identity includes attire, language, artistic culture and food. Janaki Rural Municipality, with the aim of preserving and promoting Tharu art, organized an Ashtimki painting competition in the municipality in coordination with the Nepal Academy of Fine Arts. Researcher Indu Tharu shared, “The Tharu community has a tradition of making Ashtimki

paintings and worshipping them on the religious holiday of Krishna Janma Ashtami. The Ashtimki paintings illustrate human's relationship with the universe."<sup>109</sup> The municipality plans to promote Ashtimki as a cultural brand, akin to Mithila art. In coordination with the Fine Arts Academy, Janaki Rural Municipality has made preparations for a Tharu painting exhibition in Kathmandu. Similarly, the municipality has made it mandatory to serve *Dhikri* and *Selroti* in its programs aimed at promoting local cuisine. Although they may seem minor, Tharu leaders say that such initiatives by the municipality play an important role in preserving cultural identity.

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<sup>109</sup> Interview with Tharu on December 22, 2024.



## **9. STRUGGLES AND ACHIEVEMENTS OF REGIONAL PARTIES**

Regional parties continue to struggle for the establishment of rights. But, within the context of provincial systems that started from scratch, they have also achieved some success in building provincial structures and executing programs.

### **9.1. Struggle for Rights**

The Madheshi civil society and leaders are dissatisfied with the constitutional provisions that provide far fewer rights to the provinces than was demanded by the Madhesh Movement. In addition, the centralized mentality of top political leadership as well as high-ranking employees of the federal government, has hindered the provinces' ability to utilize even those limited rights. The federal government has also continued to keep control of the offices, projects and programs that should have been transferred to the provinces. There are also instances of the federal government taking back control of offices and programs that were transferred to the provinces. The federal government's failure to enact laws in a timely manner and its failure to implement already enacted laws are challenges to the functioning of the provincial government. The Madhesh Provincial Government and the Madhesh provincial assembly have repeatedly demanded that the federal government honor the rights granted by the Constitution. The Madhesh government has even staged a movement against the federal government. The Madhesh government has filed about half a dozen cases against the federal government in the Supreme Court to acquire the rights that were taken in breach of the Constitution.

Even after more than five years since the Madhesh Provincial Government enacted the Provincial Police Act in 2018, the Provincial



Police has not been formed. Although the federal government has enacted the Police Personnel Adjustment Act in 2019, it has shown no urgency in implementing it. Since the federal government has not moved the police adjustment process forward, the province has not been able to exercise its powers related to police administration and peace and security. In response, the Madhesh Provincial Assembly passed a resolution to immediately start the police adjustment process. Similarly, the then Chief Minister Lalbabu Raut and members of the Council of Ministers repeatedly staged sit-ins at the Office of the Provincial Chief. Further, the provincial Home Ministry filed a writ petition at the Supreme Court and also officially called the attention of the Prime Minister and the federal Home Minister.

According to Bajrang Nepali, a Nepali Congress leader from Mahottari, in order to strengthen Madhesh Province, the leaders who led the Madhesh Movement should have themselves taken the leadership of the provincial government. He adds, “If that had happened, the irregularities seen in the operation of the provincial government would have been controlled to some extent and their leadership would have been effective in putting pressure on the federal government. But because they put forward second-tier leaders for provincial leadership, the provincial government has not been as successful as expected.”<sup>110</sup>

The examples above illustrate that the Madhesh Provincial Assembly and the provincial government are ready to wage a legal and peaceful struggle to achieve their constitutional rights. Concurrently, they have also tried to convey the message that the federal government’s refusal to honor their rights is hindering their ability to work for their citizens effectively. Therefore, they continue to appeal to as well as pressure the federal government in addition to seeking legal remedies.

## 9.2. Legislating

The Madhesh Provincial Assembly has enacted a total of 63 laws during its seven-year tenure. In its first term, 54 laws were enacted. In the

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<sup>110</sup> Interview with Nepali on 15 February, 2024.

second term, nine out of 12 laws registered by December 2024 have been enacted. These laws have provided the basis for the functions of the provincial government. Madhesh Province was first among the seven provinces to enact the Provincial Public Service Commission Act as well as the Provincial Police Act. Lalbabu Raut, the former Chief Minister of Madhesh Province claims that enacting those two acts forced the federal government to register the Federal Civil Service Bill and the Police Adjustment Bill in the federal parliament.<sup>111</sup> Similarly, by being the first to enact the Provincial Public Service Act, the province was able to show the way to other provinces as well. The 50 percent reservation for women in provincial civil service stipulated by the Provincial Public Service Act is a significant outcome. Similarly, the province has also enacted the Women Empowerment Act and the Dalit Empowerment Act. These acts provide a strong foundation for the rights and empowerment of women and Dalits.

### **9.3. Naming the Province Based on Identity**

Among the seven provinces, only Madhesh Province has succeeded in naming itself based on identity. Along with JSP Nepal, which led the provincial government, the CPN (Maoist Centre), which was also a ruling party and LSP, an opposition party, jointly proposed the name Madhesh for the province. There were 63 Provincial Assembly members, including 39 from JSP Nepal, eight from the CPN (Maoist Centre) and 16 from the LSP, who were in favor of naming the province Madhesh.<sup>112</sup> The Nepal Sanghiya Samajwadi Party, which had only one assembly member, also supported the name. A total of 99 members cast their votes during the naming process. Even with the four supporting parties joining, a two-third majority was still missed by six votes. However, some provincial assembly members

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<sup>111</sup> Interview with Raut on September 8, 2024.

<sup>112</sup> Mahantha Thakur split JSP Nepal to form LSP. During the division of JSP Nepal, which had been formed by uniting the erstwhile political parties SSF and RJP, some members of the provincial assembly remained with JSP Nepal, resulting in a slight increase in JSP Nepal seats in comparison to initial numbers, while the number of LSP seats has decreased slightly.

from the Nepali Congress, CPN-UML and CPN (Unified Socialist), parties opposed to naming the province based on identity, actually voted in favor of Madhesh Province, resulting in 80 votes. Lalbabu Raut, the Former Chief Minister, asserts that spirited lobbying by Upendra Yadav, the Chairperson of JSP Nepal, as well as by the provincial government, inspired even parties opposed to naming the province based on identity to eventually cast their vote in favor of naming the province Madhesh.<sup>113</sup> Pro-identity parties and communities in other provinces not only consider the naming of the Madhesh Province as an achievement, but also view it as an inspiration.

#### **9.4. Regional Sentiment and Building of Identity**

The formation of the federal state structure is an obvious achievement of the Madhesh Movement, but the creation and operation of Madhesh Province have also developed a regional spirit. In the past, people from districts like Saptari and Siraha used to go to Biratnagar for health treatment, to invest in property, or to get an education. But now their choice has become Janakpur, said Jitesh Karna, an entrepreneur from Siraha.<sup>114</sup> And despite all the criticism the Madheshi regional parties have received, they have actually been the main agents of driving the political discourse and agenda in the province. They have, through protests and political activities, been able to spread awareness, down to the grassroots level, about the truth of oppression and discrimination of the Madhesh at the hands of Kathmandu rulers. Beyond the Madheshi regional parties, other parties like the Nepali Congress, the CPN-UML and the CPN (Maoist Centre) also cannot afford to ignore this issue. Rakesh Mishra, Executive Director of the North South Collective, argues, “Even if parties like the Nepali Congress, CPN-UML, or CPN (Maoist Centre) run the government, the chief ministers and ministers of those parties must talk about Madheshi identity and rights, just like those from the regional parties of Madhesh. That is why the top central

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<sup>113</sup> Interview with Raut on September 8, 2024.

<sup>114</sup> Interview with Karna on September 13, 2024.

leadership of these parties is not that interested in leading a government in Madhesh. Otherwise, parties like the CPN-UML and Maoists, who orchestrated a split of Upendra Yadav's party in the federal House of Representatives, would have split that party in the provinces as well and formed a government under their own leadership."<sup>115</sup>

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<sup>115</sup> Interview with Mishra on September 11, 2024.



## 10. CONCLUSION

The Madhesh Movement was the main foundation on which Nepal adopted a federal system of governance. However, various earlier campaigns and movements carried out by *Janajati*, Dalit, Muslim and other communities against the unitary and centralized governance had laid the foundation for the system. Agitating against discrimination, exclusion, deprivation and injustice from the state, and advocating for autonomous provinces, and preserving their ethnic regional identities along with their languages, art, and culture, many ethnic regional parties emerged after 2005/06. Some of them even achieved representation in the Constituent Assembly.

Although the law of Nepal defines what a national party is, there is no clarity about regional parties. A party can be regional in nature based on the reasons for its formation, the issues it advocates for as well as its election pledges, the base of its organizational strength or the portion of votes it gets. JSP Nepal, LSP and Janamat Party, which were established to advocate for the rights of the Madheshi community and have built a strong organizational base in the region, are regional parties of Madhesh. Similarly, the NUP, which champions issues of the Tharu community, is a regional party of Sudurpashchim Province. The SLRM, which successfully entered the Koshi Provincial Assembly championing the issue of Limbuwan, is a regional party of Koshi Province. It is unfortunate to the Nepali context that, although such parties play an important role in helping strengthen the federal system – adopted with the aim of improving people’s representation in governance, there is no clear concept of regional parties.

The probability that regional parties will dictate the politics of the other six provinces is low because calls by indigenous ethnic communities to base their boundary demarcation on historical geography, culture, and ethnic populations were ignored. That possibility in Madhesh, however,

remains strong, and there have certainly been some developments in that regard. Because the federal system was adopted on the back of the Madhesh Movement and because the Madhesh-centric regional parties were formed during that fervor, the role they play in implementing federalism is of great public interest. This interest is further justified by the fact that they have led the Madhesh Provincial Government the entire time. Furthermore, the provincial government's autonomy in making its own laws, instituting provincial structures, and allocating and implementing its own budget is enshrined in the Constitution. Proportional inclusion is an important pillar of federalism. Therefore, any work that a provincial government led mainly by regional parties does in that regard, helps institutionalize the system of federalism.

Even after almost a decade since the constitution was promulgated, the federal government has been prolonging the implementation of federalism by delaying enacting several important laws, especially the Federal Civil Service Act, the Police Adjustment Act, and the Federal Education Act. As a result, the provinces have not been able to exercise the powers granted by the constitution. However, local and provincial governments have persevered with their operations despite the lack of personnel, legal structure, physical infrastructure, etc., and have had various achievements. In Madhesh, under the leadership of regional parties, the province, named according to regional identity as was demanded during the Madhesh Movement, took shape early in its first term. With Madhesh Province established, a strong provincial spirit and identity took hold and as a result, it has become a source of inspiration for other provinces also.

After regional parties joined the government in Madhesh, they established various structures in line with their election pledges. The parties had an opportunity to operate these new structures in a new way from the very beginning – according to the needs of the region. However, they were unable to shed the legacy of a unitary and centralized system in conceiving these structures and their work cultures. As a result, the traditional working style still permeates these new structures. The practice of parties dividing office-bearing posts amongst themselves has resulted in

incompetent leadership. When such bodies were invariably unable to work effectively, it raised questions about the purpose of their establishment. It has even raised suspicions that regional parties have established such structures merely to appease public discontent and only to recruit their own cadres.

The provinces have indeed received a bit more resources and powers than in the centralized governance systems, but that is not sufficient. Provincial governments led by regional parties as well as ministries under their command had the opportunity to set proper priorities for the limited resources and use them fairly. However, if we assess the seven-year old federal practice, the regional parties which have led the provincial government have failed to prioritize the available resources. A distribution-oriented budget, allocated to unproductive areas, has led to achievements falling well below expectations. When the provincial government insists on controlling the process of implementing even minor budget programs that should be delegated to local-levels, it creates obstacles to institutionalizing federalism. It is a tragedy that popular programs of far-reaching consequence like *Beti Padhau Beti Bachau*, introduced by the government jointly led by JSP Nepal and LSP, have been halted due to financial irregularities. Important projects and programs, implemented during the leadership of JSP Nepal and LSP, have suffered from poor financial governance. The main reason for this is that the prioritization of plans and programs is influenced by the self-interest of middlemen and businessmen rather than the needs of the citizens of the province. The leaders of the regional parties, who should prohibit this, have themselves become mediums for such influence. And although the same problems are found in other provinces, which are not led by regional parties, these regional parties are held to higher standards because they are expected to be the main agents of implementing federalism and good governance.

The main institutions championing the principle of inclusion are the regional parties. The Provincial Police Act and the Provincial Civil Service Act of Madhesh Province stipulate a 50 percent reservation for women. In addition, the Madhesh Province's reservation system has been determined



by following the principle of proportional representation, which takes into account the population of ethnic groups. These actions help provide models for other provinces to emulate. Marginalized communities in other provinces can use laws in Madhesh Province as reference to ensure their rights in their provinces as well. After the JSP Nepal and LSP led government was formed in Madhesh Province, the province became first of the seven provinces to enact the Provincial Police Act and the Provincial Public Service Commission Act. It cannot be denied that the enactment of these acts put pressure on the federal government to quickly present corresponding federal bills in the federal parliament. The enactment of the Act is an important milestone in itself, however, only its proper implementation will affirm its full significance and impact. If we take the appointments made in the Provincial Assembly, its committees, the provincial government and various bodies as an example, they do not reflect the full picture of the social diversity of Madhesh Province. Especially Madheshi, Dalits, Muslims and women are represented in such appointments in a proportion much lower than their share of population. This has called into question the regional parties' commitment to inclusiveness. The regional parties face no external obstacles to making those bodies of the provincial government inclusive. The reason why this has not happened is the weak political will of the regional parties themselves. The fact that they merely point to the lack of inclusion in the federal government as an excuse when challenged about proportional inclusiveness in the provinces, even as they continue to praise themselves as the progenitors of federalism and inclusiveness, lends credence to the claim that their commitment to federalism and inclusiveness is weakening.

The need for regional parties is justified by the needs of marginalized communities including the *Adivasi Janajatis*, Madheshi and Muslim communities. Regional parties continue to raise identity as a main issue. Preserving indigenous knowledge and skills, their place of origin and natural resources are important aspects of preserving identity for communities including indigenous ethnicities. The first and most important condition for preserving and promoting their identity is to provide education in their

mother tongues. Various researches attest to this fact. The provincial and local-level governments have been assigned responsibility for supporting language, art, and culture. The parties' manifesto and their election pledges also mention this. However, the leadership of these parties lacks a clear vision on how to implement it. As a result, representatives at the local-levels are acting in a muddled manner about this issue.

In the seven-year since federalism has been adopted, the regional parties which led provincial and local governments have made various attempts to institutionalize federalism. When regional parties remain committed to their founding objectives, they have successfully garnered national consensus on their issues. A notable example is the federalism and inclusiveness achieved through the Madhesh Movement. However, much remains to be done to ensure good governance, efficient service delivery, and the effective implementation of proportional inclusiveness within their own provincial structures. If regional parties—who strongly advocate that federalism is essential for Nepal—fail to institutionalize it effectively, anti-federalist rhetoric will only gain momentum. Moreover, some regional party leaders appear to struggle with the challenge of transitioning from raising regional issues to effectively governing as regional parties. This has further weakened their political influence and agenda. Recognizing this, regional parties must take immediate steps to address shortcomings in federalism's implementation while remaining committed to the needs of their regions and communities.



While the adoption of federalism in Nepal was rooted in the Madhesh movement, the ground for it had been laid by the movements and campaigns of various other communities. After the 2006 people's movement, regional parties emerged that stood for the protection of ethnic and regional identity and autonomy, and they even made themselves present in the Constituent Assembly. However, the Constitution and subsequent laws of Nepal, established after the Constituent Assembly, do not provide a clear definition of regional parties.

Regional parties are essential to the success of federalism, serving as its driving force and guardians. In Madhesh Province, parties like JSP Nepal, LSP, and Janmat Party are striving to uphold the spirit of the Madhesh movement. Similarly, across other provinces, regional parties continue to champion federalism, working to turn its promises. Strong legal and structural foundations are necessary to strengthen the federal system. Delays in enacting key legislation, such as the Federal Civil Service Act and the Police Adjustment Act, have hindered the efficiency of provincial governments. Despite these obstacles, Madhesh Province has set an example by passing the Provincial Police Act and the Public Service Commission Act under the leadership of regional parties, inspiring other provinces. Nevertheless, provincial governments led by regional parties have struggled to prioritize policy formulation, budgeting, and the practical implementation of proportional inclusion, limiting expected achievements. The federal system can only be strengthened if regional parties internalize the essence of federalism and make their role effective.



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