

RESEARCH ARTICLE

NEPAL'S FEDERAL JOURNEY: EXPLORING HISTORICAL FOUNDATIONS FROM ANCIENT TIMES

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ABSTRACT

Nepal has been a diverse society since ancient times, with ethnic communities maintaining identity based on specific locations. In ancient and medieval periods, central rulers appointed feudal leaders in different parts of the country due to transportation challenges. These provincial rulers governed, and collected revenue, forming a historical basis for the current provincial state. Post-Unification, ruling power was centralized to the king, and the concept of decentralization developed with the People's Movement 2006. This study was conducted to investigate the historical origins and context of federalism in Nepal. The study found that the present federal system in the constitution reflects ancient and medieval provincial governance, adapting to contemporary needs.

KEYWORDS

Centralized, historical, ethnic, regional, linguistic, movement

1. INTRODUCTION

Nepal has been informally and indirectly practising the federal government system since the ancient period. However, the formal basis of the federal government system is considered to have been determined by the first amendment of the Interim Constitution of Nepal 2006 in 2007 (Khanal, 2007). Whether knowingly or unknowingly, this kind of system has been tested to some extent in the past. In ancient Nepal, during the Lichchhavi dynasty, the province system was effective in solving the problems of the people living in remote areas of the country as compared to the central government system (Jha, 1970). In such provinces, local feudal rulers were appointed and given the responsibility of running the administration of the designated place. The feudal rulers appointed in the current Terai region of Nepal. However, eventually, these substrates succumbed to assimilation in Nepal, leading to the appointment of local rulers by central authorities to oversee regional administration (Nepal, 1983). Even during the reign of the Lichchhavi dynasties, which is believed to have started from the beginning of AD, the Kirat feudal rulers in the coastal areas of the Arun and Tamakoshi rivers of eastern Nepal were entrusted with the management of the administration (Pande, 1976). Similarly, in a place called Mallapuri across the Gandaki river in the west,

the Malla feudal rulers had the right to run the administration based on internal autonomy (Kayastha, 2018). Such feudal rulers used to collect taxes in the areas under their control, announce the orders of the central ruler to the people and maintain peace and security in that territory. In ancient Nepal, a system resembling federalism emerged, where local rulers in Terai, eastern coastal areas, and Mallapuri had autonomy in administration, tax collection, and maintaining peace (Regmi, 1978). This decentralized structure operated under the overarching rule of Kirat and later transitioned to the Lichchhavi and Malla dynasties.

In the medieval period, within the geographical boundaries of present-day Nepal, initially, the state named Tirhut in the Terai region in 1097, and the Khas states in the Karnali region, western Nepal gained autonomy (Pokhrel, 2018). After that, gradually, since those states could not systematically manage their entire geographical area, twenty-two small provincial states developed in the Karnali region and twenty-four small provincial states in the Gandaki region (Subedi, 1997). Similarly, in the Terai region, the Sen kingdoms continued to exist nearly 200 years after the Indian Muslim ruler Gayasuddin Tughlaq attacked the Tirhut kingdom. Lohang Sen, the son of King Mukunda Sen of Palpa, ventured into the eastern Terai and surrounding hills in 1553, establishing a new realm known as Makawanpur (Ghimire, 2008). This sovereign domain was eventually integrated into Nepal during the reign of Prithvi Narayan Shah. During the reign of King Yaksha Malla, the king of Nepal mandala of Kathmandu Valley, there was a feudal rule of Saptakutumbaj (seven kins) in Lalitpur and twelve Thakurai (elit feudal) in Kantipur. In this way, when the central power of the state was weak, the feudal rulers of the provinces tried to become independent and the new tendency to be loyal to the centre led to the disintegration of the state (Ranjitkar, 2018). However, the concept of a federal system was developed centuries ago as an alternative to the policy of equal development due to geographical difficulties in the state of Nepal. Knowingly or unknowingly, the concept of such a provincial governance system or federalism was maintained as a test until the unification period. Prithvi Narayan Shah, the King of Gorkha, who was

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running the state based on complete independence, defeated the provincial kings of Nepal by war and strengthened the central power of the state through unification.

Nepal has assumed a federal form since ancient and in various periods, even though there is no historical event in which a state, province, or region was determined based on ethnicity. The entire Terai region also never seems to have been formed in history. Even the provincial states which were formed covering all the plains or hilly regions such as Mithila, Devdah, Kapilvastu, Tirhut, Makwanpur, Chaudandi, Vijaypur, etc. could not cover the entire plains of Nepal (Ghimire, 1999). Those states also developed at different times in different places.

In the Medieval period, the Butwal region was under Palpa State, Banke, Bardia, Kailali, and Kanchanpur under the Khas State of western Nepal, and after the division of the Khas kingdom were under Doti State (Adhikari, 2003). Some of the territories of eastern Terai were under Makwanpur, some under Chaudandi, and some under Vijaypur state. During the Medieval period, when Prithvi Narayan Shah, King of Gorkha, conducted the unification campaign of Nepal, there were three Sen kingdoms in the eastern Terai of Nepal. From Morang across the Koshi River to Jhapa was under the state of Vijaypur, the western part of Koshi River Saptari, Ambarpur, etc. under Chaudandi, and another Makwanpur was ruled by the Sen dynasty (Pradhan, 1978). The areas west of the Gandaki River, such as Nawalparasi, Kapilvastu, Dang, Banke, Bardia, Kailali, Kanchanpur, etc. were under the rule of the Khas kingdom in the medieval period. After the unification, all of them were absorbed into the central state. Thus, from the ancient period, Nepal was divided into small provinces and sometimes large provinces, states, federations, units, and regions. It can be considered as the culmination of this historical development that the country took the form of federalism when it reached the People's Movement in 2006. The objective of the study is to explore the historical roots and background of federalism in Nepal, dating back to ancient times.

2. MATERIALS AND METHODS

The historical research framework is used in this study because it is dependent on the historical subject matter. This study is prepared based on a qualitative research design, the sources used in this study were also related to the same research design. Most of the sources are based on secondary documents. Such sources have been used from various libraries and private collections. Nepal is a country with mostly mountainous terrain. Due to geographical difficulties, the rulers of the centre could not make the people feel the rule equally in all parts of the nation. Therefore, the administration was streamlined by appointing assistant rulers at the local level. This order continued in ancient and medieval periods. After unification, there was a change in the governance system. The kings started to rule from the centre. By doing this, the people of remote areas could not feel peace and harmony. After the People's movement in 2006, Nepal was brought back to the federal system. This system was constructed in a different structure from the ancient and medieval system of appointing feudal rulers. The concept and background of this federal form of development from the ancient period have been prepared based on descriptive and analytical methods using the necessary sources in this research paper. APA Seven is followed in parenthetical notes and references while managing the sources.

3. RESULT AND DISCUSSION

Nepal's governance structure has undergone a complex evolution, transitioning from a unified nation with administrative provinces to periods of internal fragmentation. King Prithvi Narayan Shah's unification efforts established a single Nepal, but challenges persisted, particularly in the eastern and western regions. The incorporation of Western Nepal considered maintaining internal autonomy, but the subsequent Panchayati regime centralized governance, suppressing calls for federalism. The restoration of democracy in 1990 sparked demands for local autonomy and federalism, gaining momentum through movements and political proposals. In response to protests, Nepal was officially established as a federal state in 2006, with the 2015 Constitution outlining a federal democratic republic with three levels: Sangh, Pradesh, and Sthaneya (federal, provincial and local) reflecting the historical background of Nepal's governance development.

3.1 Evolution of The Federalist Concept

Nepal was a unified nation in the ancient period, although some provinces were created for administrative simplicity. In the Medieval period, the state of Nepal itself was divided into small sub-states, so central control could not be maintained. The states that were developed as provinces

operated their governance system independently. But after King Prithvi Narayan Shah established a single country of Nepal divided into small sub-states, some federalists continued small movements against it. Since the unification of the state of Nepal, efforts have been made to maintain local autonomy in the Limbu majority region in the Eastern part and the Khas majority region in the Western part of Nepal. Prithvi Narayan Shah's army was defeated 17 times in the Kirat region during the Eastern unification (Adhikari, 2021). After many efforts, it was seen that there might be problems later even if the unification was done only by the force of the army, an agreement was reached with the people of the Limbu community to maintain some part of the autonomous government system. After it was ensured that the local rights, Kirat customs, and ritual culture would be established there, it was decided to incorporate that area into the state of Nepal (Baral, 2006). Even up to the Rana period, the right to collect taxes in that area and submit to the centre and the right to spend in the related areas as per the need.

Even during the unification of Western Nepal, some states were incorporated into the nation of Nepal so that their internal autonomy was maintained. Among such states, it was mentioned in the internal independence letter of authority that the king of Nepal would grant the rights of shaving, caste giving and taking, Tulo, Mana, Pathi, Seal, Panchakhat, and punishment to the king of Jajarkot (Khanal, 2002). After the unification of Nepal and until the Panchayati regime, some Rajautas were running an autonomous type of administration based on the federal system. Later, during the Panchayati regime, the centralized system of governance was made stronger by implementing the 'Raja Rajouta Kharej Ain' (Raja Rajauta Repeal Act). Such a centralized system of government was not by the people's will but by the policy adopted by the war (Heiniger, 2009). In the ancient, medieval, and modern periods, people of some castes, communities, and religions had a feeling of superiority and continued to dominate others. People with majority settlement expected to rule in their areas. But in fear of the central government, locals could not protest for federalism. At that time, the local people were aware that they could be accused of disintegrating or dismembering the state, so they suppressed their want to self-govern their area.

With the end of the Rana rule in Nepal, the leader of the 'Tarai Congress', political party Kulanand Jha, Baldev Das Yadav, etc., led by Vedanand Jha, demanded a separate autonomous state in the Terai resigned (Mishra, 2011). But after 1960, the same leaders of Terai accepted the Panchayati governance system implemented by King Mahendra, and the issue of federalism or autonomy was overshadowed (Khanal, 2009). Although the leaders of the Terai Congress demanded autonomy in the Terai region at that time, they did not raise the issue that there should be federalism in Nepal. They wanted to establish an independent state in the Terai region of Nepal. Also, there were no significant movements on the issue of federalism. However, with the People's Movement of 1990 and the restoration of democracy, political parties such as Nepal Janmukti Party, Nepal Rastriya Janajati Party, and Nepal Sadbhavana Party put forward the demand for local autonomy and a federal administrative structure (Mishra, 2011). Even after the restoration of the multi-party system, some loud voices were raised about federalism in the Terai region. This demand was also raised by people living in other parts of the country and some political parties supported them.

In 1990, Kajiman Kandangwa the leader of the Janajati party proposed that there should be 12 federal provinces in Nepal and that the state should be restructured (Baral, 2006). Nepal Sadbhavana Party mentioned in its manifesto in the parliamentary election of 1991 that a federal system should be implemented in Nepal. In the manifesto, the demands of the provincial government were put forward. The Nepal Rastriya Janajati Party had also declared in its manifesto the commitment to establish 12 states namely Awadhi, Bhojpuri, Jadan, Khambuwan, Khasan, Kochila, Limbuwan, Magarat, Mithila, Nepal, Tamsaling and Tamuwan. Nepal Sadbhavana Party also adopted the concept of having three federal states in Nepal in the party convention held in Birgunj in the year 1993. In eastern Nepal, especially the Limbu and Rai of the Kirats had been continuously raising the concept of federalism after the political change in 1990.

It is found growth in the number of people supporting the concept of federalism in Nepal was due to the lack of inclusiveness in the government since the unification period and only people of single class being close to the governance system. Especially, because the unitary state system and monarchy relate to the national existence of Nepal, new thinking was developing about state restructuring and federalism (Sharma, 2009). In this environment, the 'Nepal Communist Party Maobadi' also conducted a rebellion for ten years based on the errors in the state structure and traditional governance system of Nepal. However, the issue of federalism was not included in the initial 40-point demand which was submitted to the government of Nepal (K.C., 2006). The subject of federalism was not

included in the 12-point agreement between the seven-party alliance and the Maoist party, which was in armed conflict on 22 November 2006, and in the interim constitution of Nepal 2063. Based on this evidence, it does not seem that the conflict of Maoists was centred on federalism.

The issue of federalism was not included in the interim constitution made in the year 2063, some Terai and Madhesi leaders protested the constitution and burned it in Kathmandu on 16 January 2007. Along with protesting the arrest of those who burned the constitution by the Nepal government, the movement started in Terai with other demands. After that movement took a violent form and the demand for federalism became very strong (Mishra, 2011). In the following days, it became a very strong basis among the foundations for the development of the concept of federalism in Nepal.

3.2 Additional Movements for Federalism

The governance system of the country has been operating in its current state based on the background of the people's movement in 2006, among the protests against it, because the state administration and governance system is not under the people's wishes in Nepal (Khanal, 2007). After the people's movement of 2006, the 'Interim Constitution of Nepal 2006' was initially based on the fact that the federal system was neglected. Based on that neglect, some small and big movements and revolts took place in different parts of the nation for the protection and assurance of provincial and regional rights. Terai-Madhes movement was one of those rebellions. In the interim constitution of 2006, the subject of restructuring the state based on federalism was not included (Ghimire, 2008). Based on this, the Madhesi Janaadhikar Forum protested against that constitution and burned it in a public place in Kathmandu on 16 January 2007. That protest mainly brought forward the demand that federalism must be included in the internal constitution and that there should be an inclusive system in the election of the Constituent Assembly so that representation is based on population (Mishra, 2013). In addition to this, in other places of the dominion, movements were held demanding the progressive restructuring of the federal government system and ending the centralized and unitary governance system of the state to end discriminations such as caste, class, language, gender, culture, religion and region (Lawoti, 2010). There were signs that such movements would bring the country to a position of disintegration. To resolve it, the constitution was amended and Nepal was established as a federal state in 2007.

After the promulgation of the interim constitution by the government of Nepal, about two months after because of the protests by the people of different castes, ethnic groups and Madhesi, the first amendment of the Interim Constitution of Nepal 2006 and declared "to end the class, ethnic, linguistic, gender, cultural, religious and regional discrimination, by ending the centralized and unitary framework of the state, with an inclusive democratic federal governance system of the state." (Kanun Kitab Byabastha Samiti, 2010). However, only after the first amendment of the Interim Constitution of Nepal in 2006, Nepal was established as a federal state.

The Interim Constitution of Nepal mentions that 'Nepal will be a federal democratic republic state by accepting the wishes of the Madhesi people, including the indigenous and ethnic groups and the people of backward and other regions, for an autonomous province and have their rights, while keeping the sovereignty, unity and integrity of Nepal intact, the boundaries, number, name and structure of the autonomous provinces will be determined (Khanal, 2009). It was stated that the complete details of the lists of additional centres and provinces, allocation of resources and rights will be determined by the Constituent Assembly. Article 56 of Part 5 of the current Constitution of Nepal made in the year 2015 clearly states that the basic structure of the Federal Democratic Republic of Nepal will be three levels, namely the Sangh, Pradesh and Sthaniya (Union, Provinces and Local Levels (Kanun Kitab Byabastha Samiti, 2015). It is in this historical background that the federal government system has been developed and built in Nepal.

4. CONCLUSION

Since the ancient period, the administrative system of Nepal has been operating in a federal form due to the hilly topography and the inconvenience of transportation and communication. Due to this, in the medieval period, Nepal was divided into various small sub-states. After unification, the central government system was established in Nepal. The concept of federalism developed with the end of the Rana regime was established in 2006. Nepal is a country with diverse ethnicities, languages, religions and cultures. Among the citizens, some of them have been living in the forefront and some in the backward in terms of using the resources and means of the state. Since the ancient period, Nepal has been a

monarchical country and since 1768, the Shah dynasty has been ruling Nepal, which was divided into different kingdoms, by creating a single nation. In this way, the concept of a federal government system was developed in Nepal while expressing their bitter experiences after the political change of 1990, the Nepali people, who did not reach the government after the centralization of the state and did not get to use the means and resources provided by the state. Until there is a federal state, Nepali people living in remote areas of the country will not be able to use the resources and means of the same state as the people living in the approachable place, but it is natural to seek equality in the use of the state as well. Federalism has been chosen as one of the best foundations of administration to bring the concept of equal development to every corner of the nation. Through decentralization, the concept of proportional distribution and utilization of all resources and means has been introduced in Nepal to end the disparity that occurs when many rights are transferred to the centre of the state and few to the local level. If it is properly utilized, this arrangement can prove to be a boon for the people of all classes, castes and communities of the state. Otherwise, only accessible people and leaders in the local area will only be benefitted and other classes will be forced to live without rights as in the past. If this happens, the federal system can be a disaster for Nepal in the future. In this regard, all Nepali citizens concerned are becoming aware and making proper use of federalism has become a challenge for the current situation. Based on these facts, it seems that the shadow of federalism has been used in Nepal since ancient times.

DISCLOSURE STATEMENT

The authors report there are no competing interests to declare.

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