

FEDERALISM WITH A DALIT PERSPECTIVE*

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Meaning

Federalism is a concept developed to disperse and share the power to the people. It means sharing of power among the central government and the provinces and the municipalities. It's a means of sharing power. Power sharing in a federal system will ensure that the federal states will have ample powers to develop their own socio-economic and political potentials. Under the centralized governance system, power is centered and controlled by a central wing of governance whereas, under the federalism, the states or provinces or local authorities are also given the authority to use the power for their own interest. It is in fact realistic and people oriented political economy and, it operated on the principles of inclusion of all societal stakeholders.

As we all are aware that a society is made by the different heterogeneous interests, a state is also the same having with different values and interest. This is the federal structure which respects for the differences among people in culture, language, religion and other point of view. It is also a means of negotiation among diversified groups.

In brief, federalism is a multi-dimensional concept and there cannot be a single definition. It is a structure that provides decentralized decision making, political participation, and accountability.

Origin of Federalism

Federalism has been chosen to bring the formerly separate units together to make a new country, or to re-arrange a previously unitary country. Today there are 192 member countries in the United Nations and 28 countries are in the federal system. These 28 countries cover around 40 percent of the world population. 6 out of the 10 most populous countries and 8 out of the 10 largest countries are federations. The eventual choice of federalism was in response to democratic political pressures for devolution because of the diversity in the country.

Dalit in Nepal and Restructuring Process

In a complex polity like ours where different groups are still living in different types of discriminations, exploitations and economic crisis; we can posit at least four categories of citizenship status as given below;

- citizen minus,
- citizen equal,

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- citizen plus and
- citizen plural

Despite of the universal concept of equality and human rights to ensure the right to equal citizenship and should never be treated as a citizen “minus” citizens, reality is different. There are hundreds of groups and communities having the problems and are being deprived to be real citizen. Citizen does not mean a mere individual rather it is in fact an institution that entitled with various powers and rights. As mentioned earlier, due to the societal structure and context; some of the communities like *Dalit*; are no more than “Citizen minus”. The citizen minus conveys repression and likely forced assimilation.

In principle and practice, the system of law and justice derive its legitimacy from the people's participation and representation on the whole governance system. It would be possible through the sharing of power. Unless sharing power among the people; it would be difficult to have legitimacy from people which may affect the whole paradigm of good governance. Good governance is a beauty of democracy. Democracy should not be receptive only. If democracy is not receptive to various identities in a plural society, then it remains only a majority based democracy that undermines even genuine concerns and needs of the marginalized minorities. In this regard, the constitution should ensure special provision for the protection of minority rights as well as balancing groups' rights with individual rights.

Management of Issues of Political Minority in Federalism

Unlike some of the communities and groups such as, indigenous and ethnic minorities, *Dalits* are dispersed all over the country. They do not have massive density in any particular constituency. In this connection, there will be a problem if the structure is defined based on language, ethnicity, culture or region. The *Dalit* will remain the minorities among minors. Giving the minorities a real voice in the central institution can be significant in providing social harmony and political stability. In order to foster the due respect and successful management of the different communities, social justice and appropriate programmes for de-facto equality are essential. Equally the political culture should also be established. To ensure the de-facto and empowerment strategies, the constitution should prescribe some strong provisions such as reservation and affirmative action policies.

Empowerment Strategies

Since we are now in restructuring process of the state; we should have thorough study and observation of the experiences and practices of other countries as well. At the same time, objective analysis is also must to outline for the future of Nepal. In this connection, the cooperative dimension of the federalism should be applied while restructuring. The integrationist strategies and, inclusive as well as responsive governance is must. Equally to end discrimination and empower *Dalit*, new institutional mechanism can be developed such as National Development Council, to provide the institutional space in

which the minority can make its own decisions and pursue its own values without requiring the consent of the majorities.

The constitution may explicitly recognize the presence of multiple groups acknowledging the "Bill of Rights" to give greater weight to the collective rights. The constitution should have strong strategies to promote national progress ensuring that key populations are properly represented. The electoral systems are likely to be highly proportional and inclusive. Even the quotas could be used through the electoral system. Inclusive local government is vital for the sustainability. True democracy emphasizes decentralization of governance and devolution of power. Local government is seen in the federal system as a key institution for enhancement of democracy. This is the local government that can also ensure genuine representation and wide participation of marginalized. Building transparency in the whole governance and combating with corruption can also help to respect the rights of marginalized groups. The most effective method of ensuring accountability is rights to recall.