

## **Elements required to be incorporated for the restructuring of the State institutions and State policies**

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Nepal unlike no other is shedding its old skins in anticipation to rejuvenate its life and shield itself from future disintegrative conflicts within its boundaries. The eleven-year conflict highlighted one fundamental insight to the recognition of the diversity of people of Nepal. And Federalism has raised the question of sustenance of the people's unity after what not the turmoil, the conflict has brought. Recognition and hopes of proliferated economic growth of the majority of the population is what that would give grounds for unity and perhaps federalism.

Our predictability of federalism has been consolidated by the fact that the constitutionally established unitary system could not adapt to, what the people wanted from it. In fact, large chunks of the population were not even aware that they were locked up in their regions while a few others were running the show of the nation through the state. When ripples of public opinion became gigantic mass waves, certainly ignorance was not possible. Mechanistic operation of the state, red-tapism reaching extremes, widespread corruption, nepotism, favoritism and inadequacy of political leaders all accumulated to expose deep grievances, everybody had with the system. The Interim constitution replaced the old constitution and fresh improvements time and again, indicate that progress is being made. Though, improvement has been expensive the difference felt in the lives of the public are disheartening and ill-promising. Restructuring of the state has never been more important than it is now.

A rich revitalization or incorporation of certain elements of the state implies a thorough identification of problems and then recommendations regarding what could be the particulars for these developments. Underestimating what we already have cannot be our solution; rather what are the defects and shortcomings should be of our prime concern. It is these errors which would definitely direct us towards what all need to be completely replaced and what can be recycled. The basic requirements in the following institutions are as follows.

### **Political parties and the Legislature**

The political parties of Nepal lack the serious element not of knowledge or experience in their old ways but the simple fact of not being able to hold strong positions, despite of the big public opinion they could harness against the King during the Revolt of 2063. Have leaders

been able to prove that they deserve to lead? Why is that our political parties are still weak....what is that element that they lack in them? Their instability underscores the lack of inter as well as intra-party unity, a serious drawback of pluralism. The flaw lies in the fact that however small in power, everybody wants to be the lion. Neither, senior politicians give space to the new generation, and neither the new has been equally consolidated, to voice their demand for space. Thus, it is this sluggish system which is rather status-quo and bureaucratic. It desperately is in need of modularism which writer, Alvin Toffler points out that a system should have dynamism and modularity. A functional model, of political parties than a hierarchical one is what would measure experience and competence of politicians in handling newer and newer inter and intra party situations. This model is a direct influence, of the rate of changes, which can also be exclusively seen in "Politics" of states. Theoretically, age would not bar competition in such a model of political organization and logical predictability of solutions to problems would have more impetus than experience of the past. But, traditionally, as there is less value for acting ingeniously in most of the political situations, there is a pitfall, for there are very few politicians in spotlight with such potentials. Young politicians have remained in the backstage and discrepancy between what is to be done and who can and should actually do it becomes ever more evident. Magnified because of the lack of modularity in our political systems, very small drawbacks have tsunami effects. The story of the political parties consequently impedes smooth functioning of the legislature.

### **Executive**

The executive of Nepal is sometimes known as the most corrupt division on the block. Big politicians are not the ones who usually steal. Accountability of politicians, which is the much highlighted heading for such atrocities, is not where the error lies. Corruption is usually the loot of associate subordinates who in the name of their executive superiors thwart heavy sums from the state. Tendency of corruption in the system is facilitated by the possibility to be corrupt. It is not the inadequacy in laws which sanction, rather the systemic failure of not delegating authority. Usually, the head in charge bears the sole responsibility of the institution, which slows the system down and devastatingly leaves much time for them to look into the details of procedures. Corruption is incepted by these two factors and so it is the system which should be recycled not the people of the system. When the system is cured the people working in it would automatically be, disciplined. If not, a proper implementation of meritocracy would soon pull in, effective human resources. An element crucial for the future clean and quicker functioning of the Executive is incorporation of whatever laws, policies, rules, strategies that could generate higher efficiency in distribution and completion of responsibilities by officials.

Other problems like dual involvement of members in the executive as well as the political parties could be curbed by a Presidential form of state, which would begin insulating the parliament from the executive.

### **Judiciary**

Comparatively, the Judiciary of Nepal though not fully independent because of the parliamentary system, has been progressive. Specifically, the Supreme Court due to competent lawyers has made many reforms in the legal system. However, the district courts still lack behind in quantity and quality of progress. The judiciary is basically the interpreter, but there is always room for improvement in terms of the speed and accuracy with which the Judiciary could give Justice.

The basic element to be incorporated in these institutions and policies is the formalization of the concept of modularization. Delegation of authority should be made effective and bureaucracy should be replaced by adhocracy.