

Constitutional Legal Frameworks for Inclusive Decentralization: Examining the legal provisions and policies that support inclusive governance at the local level.

- Nepal's commitment to inclusive decentralization is reflected in its constitution, which aims to guarantee representation from various communities and to institutionalize a democratic and well-functioning local government.
- Provisions in the Constitution of Nepal, 2015 lay the foundation for inclusive decentralization. The Constitution guarantees local autonomy and decentralization: Article 50 has provided the principle of inclusion in the governance system based on local autonomy and decentralization.
- As per Article 56, the Federal Democratic Republic of Nepal has three main levels of structure: federal, provincial, and local which highlights the independence of local levels in deciding issues falling under their purview. Schedule 8 of the Constitution guarantees the authorities and powers at the local level.
- Likewise, Article 59 provisions that local-level entities can make budgets of their respective levels utilizing natural resources.
- Article 60 mentions the distribution of sources of revenue, has the provision of imposing a tax on subjects within their fiscal jurisdiction, and collects revenue from such sources.
- The legislative powers of the local level are in the village assembly and municipality assembly. As per Article 226, these assemblies may make necessary laws on the matters set forth in the list contained in Schedule-8 & 9 of the Constitution.
- These fundamental principles are further implemented by the Local Self-Governance Act of 2017, which outlines local bodies' duties, authorities, and obligations.
- Representatives in the local government act as change agents of the society in terms of economic, social, and political activities. The role of local governance is vital in rural development including agriculture development.
- In 2017, the Local Government Operation Act (LGOA) was introduced to enhance the effectiveness of the local level. It places special emphasis on development at the local level. The LGOA contains numerous provisions, including financial jurisdictions, judicial works, and plan design and implementation.
- It is a major barrier in the light of the local level's effectiveness that local authorities are still seeking the center's order and direction in the context of big decisions. However, local levels have enough powers and authority as per the Constitution and they can make required laws under prescribed authorities mentioned in Schedule 12.
- Local governments have been dealing with a number of issues, such as a lack of staff, laws, infrastructure, and financial resources. Inadequate coordination, especially at the local and provincial levels, is negatively influencing progress in certain areas.
- Local leaders in Nepal have largely been associated with party workers rather than ordinary people.
- However, The constitutional commitment to inclusivity is also aligned with international principles, as Nepal, being a signatory to various international conventions, strives to meet global standards of participatory governance. The United Nations Development Programme (UNDP) and other international organizations collaborate with Nepal to support the implementation of inclusive decentralization practices, in harmony with the country's constitutional mandates.

