

Role of District Co-ordination Committee in Nepalese Federalism

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Abstract

The main objective of this paper is to explore the significance of role of District Co-ordination Committee in Nepalese Federalism. The paper seeks to identify and critically analyze the role of district Co-ordination committee. This study makes a brief description and analysis of the role of District Co-ordination Committee in Nepal. It is a descriptive and analytical paper. The present Constitution of Nepal has added two new tiers in ruling structure of the country. They are province and local levels. Province government is completely new in Nepalese history. Local level has been in existence long before now as an administrative unit but this is a new practice as constitutionally recognized unit. In this new restructuring and distribution of power, duties and responsibilities, District Development Committee (DDC) in the previous system is removed, the administrative unit is removed, the role of District Administrative Office is also minimized to maintaining peace, security and acting as a representative of the federal government and in their places there is a new mechanism, created constitutionally - District Co-ordination Committee to undertake coordination between the rural municipalities and Municipalities within the district. DCC also monitors development and construction works to make a balance of such works. District Co-ordination Committee carries out coordination between the Federal and the State Government offices and rural municipalities and Municipalities in the district.

Keywords: Administrative structure, district coordination committee, local government, prosperity, service delivery.

Introduction

Nepal is a federal democratic republic nation institutionalized by the Constitution of Nepal, 2015 (Dahal, 2015). In the preamble of the constitution it is stated that “We, the Sovereign People of Nepal, Internalizing the people's sovereign right and right to autonomy and self-rule, while maintaining freedom, sovereignty, territorial integrity, national unity, independence and dignity of Nepal” (Constitution of Nepal, 2015). This statement is the basis for the right to local self-governance vested in the people of Nepal. Local government is a public institution in a small geographic area, such as a city, town, or county, which are the closest and trustworthy organizations of the local citizen (Acharya, 2018). Local governments have full authority of lawmaking for the welfare of local people as per their desires. Local levels are the governments close to the people at grassroots levels. In the latest administrative division, Nepal is divided into 77 districts, 7 Provinces, and 753 local government units for sharing of power in a cooperative model of federalism with altogether 761 local government units. In this new restructuring and distribution of power, duties and responsibilities, District Development Committee (DDC) in the previous system is removed, the administrative unit is removed, the role of District Administrative Office is also minimized to maintaining peace, security and acting as a representative of the federal government and in their places there is a new mechanism, created constitutionally- District Co-

ordination Committee to carry out coordination between the rural municipalities and Municipalities within the district. According to the constitution, 22 exclusive functions are assigned to local government (The Constitution of Nepal, 2015). Local government is a public institution in a small geographic area, such as a city, town, or county, which is the closest and most trustworthy organization of the local citizen (Acharya, 2018). Local governments have full authority of lawmaking for the welfare of local people as per their desires. Local levels are the governments close to the people at grassroots levels. The District Coordination Committee (DDC) is a district-level political authority in every districts of Nepal. They were formed in March 2017 to replace the former District Development Committees (Election Commission of Nepal, 2017). At present, there are 77 DCCs in Nepal. The framers of the new constitution had a choice as to whether to continue with the existing administrative districts within the unitary system of government, or to allow them to be assimilated into the framework of the three-tier federal system. They continued with DCCs for several political reasons (Adhikari, 2019).

Since the Panchayat era, Nepal remained divided into 75 districts, 14 zones and five development regions. The new constitution gave continuity to the districts, but split the districts of Rukum and Nawalparasi into two, thus increasing the number of districts to 77, while restructuring the country into a seven-province federal model (Adhikari, 2019). Thus, the constitution created 77 DAs to coordinate between the village bodies and municipalities within each district. As these assemblies were crafted out as deliberative bodies, the constitution also gave them a leadership role. That role comes with the power of coordination given to the DCCs by the constitution of Nepal (The Constitution of Nepal, 2015) Article 220(7).

The new federal structure is full of challenges. Power struggles at different levels and among different actors can be considered a threat to the successful implementation of the new federal structure. For instance, local governments have seen provincial governments as a threat to exercise the given constitutional powers. Some tensions between the provincial and federal governments have also been observed, especially in the case of taking control of local security agencies as well as managing the local bureaucracy. There are also some tensions between mayors and deputy mayors in the course of exercising power. The division of power and authority between elected local leaders and government officials created other problematic issues in many local governments. Tensions between elected leaders at local governments and his/her party command regarding the mobilization of local governments' resources have also been observed in some cases. When it comes to economic challenges, the implementation of the new federal structure is considered to be costly, as Nepal is supposed to set up a new administrative as well as physical infrastructure. Furthermore, mechanisms for the allocation and distribution of adequate financial and natural resources among provinces are yet to be built. So far, provincial and local governments are heavily reliant on federal funding and they are yet to explore the locally viable economic development opportunities. Other resource mobilization issues such as the proportional distribution of resources, increasing the fiscal management and decision-making power of the local and provincial governments, diminishing the risk of corruption, and investing in structural public policy changes are also quite prominent. District Co-ordination Committees is in the role to resolve these sort of problems.

Methodology

It is a qualitative research based on the data collection methods - document analysis, historical studies, and exploratory or preliminary studies. Qualitative research is a scientific method of

observation to gather non-numerical data. This type of research "refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and description of things" and not to their "counts or measures" (Parris, 2018). Major documents referred to in this study are the Constitution of Nepal, 2015, and the Local Government Act, 2017. In this study sources of data include; primary and secondary sources. These include books, journal articles, reports etc. This study is basically a descriptive research involving different judgmental, historical, and analytical techniques, and intuitions of the researcher to draw out the conclusion from this study.

Constitutional Position of District Co-ordination Committee

The Constitution of Nepal, 2015 Article 306 has defined and interpreted some terminologies. According to its interpretation "Local level" means the Village Bodies, Municipalities and District Assemblies established in accordance with 'this Constitution' (Constitution of Nepal, 2015). According to 56 Sub Article (1) The main structure of the Federal Democratic Republic of Nepal shall be of three levels, namely the Federation, the State and the Local level and according to Sub Article (4) There shall be Village Institutions, Municipalities and District Assemblies under the Local level. As the District Coordination Committee discharges all functions required to be discharged by the District Assembly, District Coordination Committee is also local level focused specifically for co-ordination role.

Composition of District Co-ordination Committee

Article 220 of the constitution has made provision for District Assembly and District Coordination Committee (Constitution of Nepal, 2015). According to Article 220 Sub Article (1) there shall be a District Assembly to undertake coordination between the Village Bodies and Municipalities within the district. According to Sub Article (2). The District Assembly shall consist of Chairpersons and Vice-Chairpersons of Village Executives, and Mayors and Deputy Mayors of Municipal Executives within the district. The first meeting of the District Assembly shall be held no later than thirty days of the date of final results of the election to the Village Assemblies and the Municipal Assemblies. Sub Article (3) has made a provision that the District Assembly shall elect the District Coordination Committee consisting of a maximum of nine Members including one Chief, one Deputy Chief, comprising at least three women and at least one Dalit or representative from the minority group. The District Coordination Committee shall discharge all functions required to be discharged by the District Assembly. Sub Article (4) has mentioned that a Member of a Village Assembly or Municipal Assembly within the concerned district shall be eligible to be a candidate for the office of Chief, Deputy Chief or Member of the District Coordination Committee. If elected to the office of Chief, Deputy Chief or Member of the District Coordination Committee, his or her office of Member of Village Assembly or of Municipal Assembly shall be ipso facto lapse. The term of office of the Chief, Deputy Chief and member of the District Coordination Committee shall be five years after the date of being elected and shall become vacant if the Chief tenders resignation in writing before the Deputy Chief, and if the Deputy Chief or member tenders resignation in writing before the Chief or if his or her term of office expires or if he or she dies (Local Government Operation Act, 2017).

The functions, duties and powers of District Co-ordination Committee

According to Article 220 Sub Article (7), the functions, duties and powers of the District Assembly shall be:

(a) to make coordination between the Village Bodies and Municipalities within the district
(b) to monitor development and construction works to make a balance of such works
(c) to be in charge of coordination between the Federal and the State Government offices and Village Bodies and Municipalities in the district. (The Constitution of Nepal, 2015)

Jurisdiction of Province Law in the scope of District Co-ordination committee

Article 220 Sub Article (8) has granted jurisdiction to State law to determine other functions of District Co-ordination committee other than as mentioned in the constitution (The Constitution of Nepal, 2015). Provisions relating to the conduct of the District Assembly, facilities of Members of the District Coordination Committee and other matters relating to the District Assembly will be also as per provided for in the State law.

Co-coordinative Role of District Co-ordination Committee

Article 235 has made provisions on Coordination between Federation, State and Local Level (The Constitution of Nepal, 2015). According to Sub Article (2) of this Article the State Assembly may maintain coordination between the State and Village Bodies or Municipalities and settle political disputes, if any that have arisen, in coordination with the concerned Village Body, Municipality and the District Coordination Committee.

Limitation to Powers and Function of District Co-ordination Committee

Article 57 Sub Article (4) stipulates that the powers of the Local level shall be vested in the matters enumerated in Schedule-8, and such powers shall be exercised pursuant to this Constitution and the law made by the Village Assembly or Municipal Assembly (The Constitution of Nepal, 2015). Sub Article (5) of the same Article has provided that the concurrent powers of the Federation, State, and Local levels shall be vested in the matters enumerated in Schedule-9, and such powers shall be exercised pursuant to this Constitution, the Federal law, the State law and the law made by the Village Assembly or Municipal Assembly. According to Article 226 Sub Article (1) A Village Assembly and a Municipal Assembly may make necessary laws on the matters set forth in the Lists contained in Schedule-8 and Schedule-9. In this sense District Co-ordination Committee does not hold law making power.

Chairpersons and vice-chairpersons of the Village Bodies, and Mayors and Deputy-Mayors of the Municipalities hold voting right to elect members of the State Assembly. But Chief, Deputy Chief or Member of the District Coordination Committee does not hold such rights. This might be because a member of District Coordination Committee is not elected by people directly but by voting of Chairpersons and Vice-Chairpersons of Village Executives, and Mayors and Deputy Mayors of Municipal Executives.

Role of Local Governance Operation Act, 2074

Local Governance Operation Act, 2074 section 92 has made provision for functions, duties and powers of the District Assembly (Local Governance Operation Act, 2074). The District Coordination Committee does necessary co-ordination in the identification and management of development work inside village municipal and urban municipal. It manages record of development works carried out by the government and non-government sectors inside the district. Similarly, it publishes guidelines to maintain ecological balance of development activities. Its

major role is to do necessary co-ordinations with federal and provincial government about the works accomplished by the rural municipality and urban municipals. DCC also has its role in coordination of disaster management planning and works of district. The other role of DCC is to study and research on proportionate development throughout the district and maintain balance to ensure effectiveness in development and construction. DCC has to submit an annual reports to the province ministry. It carries on other works recommended by Nepal government and provincial government. The District Coordination Committee shall discharge all functions required to be discharged by the District Assembly. District assembly shall prepare annual budget and program in fields of its jurisdiction and implement it after approving from district assembly.

District Assembly can issue necessary procedures, directives and standards in matters relating to its jurisdiction and implement them. According to Section 93 Nepal government and province government shall provide the necessary budget to district assembly (The Constitution of Nepal, 2015). According to section 95, Offices of Nepal government and Province government residing inside the district shall coordinate with the district co-ordination committee.

The Section 105 has made provision for Province Coordination Council. For bringing policy coherence in functions of Province and local government, strategic co-ordination in planning management, the exercise of concurrent power, distribution and use of natural resources, there shall be Province co-ordination council. The chairperson and deputy chairperson of District Co-ordination Committee of each district of Province remains a member of this council.

Jurisdiction of District Coordination Committee as per Province Law

Government of Nepal (the federal government), which has been supporting the local as well as provincial governments in developing their legal regimes, provided to the provinces a model law called the District Assembly (DA) and District Coordination Committee Act 2075 (District Assembly and District Coordination Committee Act 2075). The model covers the basic rules of internal operations of the DAs, their functions, duties and powers, restrictions on discussions and reporting procedures. It has three additional provisions that are significant. It creates the position of the District Coordination Officer as an executive under the Act. It is clearly mentioned that the budgetary and personnel matters regarding the DAs will be handled by the federal laws. Additionally, the power to devise and enforce necessary procedures, directives and standards in matters that fall under the DA's jurisdiction has been given to the concerned DA. All seven provinces have passed the model law with little to no changes, but these provisions have fallen short of the anticipated legal requirements, although they have been able to help the DAs and the DCCs move on with these basic prerequisites. The model law that has been enacted into provincial legislation does not give any clue as to how the federal government or the provinces are connected with the concerned DAs and DCCs.

Provision of Bill Relating to Interrelation between Federal, Province and Local Level

According to Section 24 of the proposed bill, the functions, duties and powers of District Coordination Committee shall exercise functions, duties and powers as mentioned in Article 220 Sub Article (7) to maintain coordination among federal, provincial and local levels. The District Coordination Committee shall have to act according to the provision of provincial law to maintain co-ordination with the province and local level.

According to Section 27 of the proposed bill, Province Assembly shall have to form a political dispute settlement committee to settle disputes between province and local level and Inter local level disputes. This provision of the proposed bill has further diluted the role of District Co-ordination Committee. This bill is unable to assign solid roles to District Co-ordination Committee to maintain co-ordination among the federal government and local level, province government and local level, inter local level and co-ordination of federal, provincial and local level as the same instance.

Challenges

The Government of Nepal and the concerned provincial governments need to address the growing concerns of the members of the District Assemblies (DA) and their executive arms, the District Coordination Committees (DCCs), regarding their functions, duties and powers. The sooner it is done, the better it is for the country, especially for the functioning of the three- tier system—federal, provincial and local. The delay is causing disillusionment not only at the DCC level, but also in village bodies, municipalities and the provincial governments, which have no clue about how to work with the DCCs under the existing constitutional regime.

The budget of the province could be prepared only after approval of the budget of the federal government. Budget of local level could be prepared only after approval of budget of federal and province government. Federal and Province government provide necessary budget to local level including budgets provided in conditional terms. Co-ordination through District Co-ordination committee is necessary to avoid duplicity of federal, province programs in local level. To harmonize in carrying national and provincial level development work, coordination with District Co-ordination committee is necessary. For equitable distribution of benefit of development work with local level, to carry balance of development work inside district, District Co-ordination committee should be empowered with clear cut jurisdiction in the field of co-ordination.

There are some concurrent rights and powers in the constitution that need to be defined clearly. There should be a straight demarcation in the working areas of the central, provincial and local levels. , District Co-ordination committee holds co-coordinative role to bring harmony in exercise of these rights by three tiers of government.

As the frontline service delivery function has been entrusted to the local level government while the national level mandates, policy formulation and standard-setting and redistributive functions have been entrusted to local level governments, there should be proper distribution of revenue and national income among federal, provincial and local level. For this Natural Resources and Fiscal Commission (NRFC) is formed, which should get information from District Co-ordination committee to acquire knowledge regarding needs and demands of local level.

Some overlaps and contradictions exist in the allocation of functions and authority among the three levels of the governments. For example, education, health and agriculture are provided in the concurrent list while these also fall within the exclusive functional jurisdictions of the local level government. Moreover, collecting Tourism Fee (Paryatan Soolka) has been given both to local, province and federal government. Double taxation is an extra burden on the people. If there is double taxation, the whole state mechanism will be a failure. And it could disrupt the supply system. District Co-ordination Committee needs to educate and link local level with province and federal government to prevent it.

Conclusion

It is really difficult for the DCCs to work in the absence of procedures, directives and standards that enable them to work with all the village bodies and municipalities within the district. There is

disillusionment regarding how to coordinate in the absence of such clear guidelines. Under the model law, the DAs have the power to develop these procedures, directives and standards themselves. But the support of the provincial government is very important in the given situation. The monitoring work of the DCCs has not begun in any meaningful sense, because they don't know how to achieve efficient results, or do it with some sense of authority. They also expect recognition of their power by the local governments. Some DA members think the local governments hardly have any respect for them because their capacity has not been clear. Even a ward member has a clear role in the local government. No such role has been identified for the members of the DCC. Many think that had they still been in their constituency as ward members, they would have had busier schedules serving their people rather than being left out as members of the DA. On top of that, they do not have enough budget and human resources to perform their jobs.

Given the nature of their coordination responsibility, such linkages need to be formal as well as substantive. The success of provincial governments will also depend on how far they will be able to use the good offices of the DAs and the DCCs and coordinate with them in the overall interest of the province. The same is required in the case of the federal government as well. It is clear that the legal regime needs to be created, developed and consolidated.

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