

# Legislature system in SAARC countries: A comparative study

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## **Abstract**

*The south Asian association of regional cooperation (SAARC) established on December 8<sup>th</sup> 1985. SAARC is the regional intergovernmental organization of eight countries of south Asia. India, Bangladesh, Pakistan, Nepal, Bhutan, Sri Lanka, Maldives, Afghanistan. The SAARC charter was adopted in Dhaka (Bangladesh) during the first summit of the group. The charter was signed by leaders of the seven countries. The prime focus of SAARC is work collectively to promote the welfare of the people in the region and to improve their standard of living through social progress and economic development. According to Baylis and Smith, "Regionalism and integration may in the post-cold war period comprise significant world under stabilizing mechanism." Despite the strong significance of SAARC in south Asia it failed to maintain a strong regional balance throughout the years. Issue like border dispute, political stability, economic crisis, Terrorism, illegal migration affect it so much. For the stability and cooperation in the SAARC countries we need to focus on these points and we also need an efficient legislature system in SAARC countries so that they can connect to the rest of the world with strong bond and give a stable social and economic environment to their people.*

**Keywords:** SAARC Organization, Legislative System, Constitution, Government

## **Introduction**

SAARC has a key role not only in south Asia but in the entire world because it consists 21 percent of the population of the world. The basic motto of the SAARC is the economic development and regional integration. For the overall development a country needs a stable and strong government, which provides a good democratic environment to the citizen of the country. The constitution of a country shows the nature of the country and ensure human right and overall development of the citizen.

If the rule of law followed by the government, then its citizen has political, social, economic, cultural, religious, educational freedom to spread it to the rest of the world and can enhance their standard of living. Every country has its own cultural heritage, ethics, literature, language and this value can prosper through generation by generation when a democratic liberal, legal, stable constitutional government belong there.

Now in this globalization era every country is connected with each other and makes itself more and more economic strategic, technical, military prospect strong. So international and regional organization play its important role. In regional organization countries are connected very closely because they have the same vision to act. It is very difficult for a country to stay out of a regional organization and strong stable government.

## **Objectives of the study**

1. To study SAARC countries political history.
2. To study the structure of SAARC countries legislature system.
3. To explain the different types of government in SAARC countries.
4. To examine the data of Democratic index, Political stability index, Commonwealth parliamentary Association regarding SAARC countries.

## **Literature Review**

\*“SAARC-An evaluation of its Achievements, failures, and compulsion for cooperation” in this article Muhammad Muzaffar, Iqra Jathol, Zahid Yaseen is showing SAARC achievements, reasons for SAARC failure, need for cooperation, Indian hegemonic design in south Asia.

\*” India’s role in the SAARC “in this article Dr. Ramana Reddy has explained India’s contribution in the SAARC.

\*” Democracy in south Asia” in this article Rohit Kumar Nepali has explained diversity, commonalities and contradictions of South Asia, the crises of democracy in south Asia, the way forward for the democratization of politics.

\*” South Asia political and economic region” in this article Dr Nitasha Malhotra has explained political history of south Asia countries, South Asia development challenges.

## **Background**

SAARC started as an idea since 1980 ZIAUR AL RAHMAN, the president of Bangladesh at that time. SAARC took so much time to be established due to the unstable situation after the colonial period, ethnic and religious difference and many more. ZIAUR AL-RAHMAN formal letters to the south Asian countries, it was named as Bangladesh working paper, a proposal of forming regional organization. In 1981 Bangladesh, Bhutan, India, Maldives, Pakistan, Nepal and Sri Lanka send their foreign secretaries to a meeting in Colombo for the first time. They identify the area for the regional cooperation and they wanted to strengthen relation and cooperation with the developing country. According to Raza Khan (2015) in 1985, after five years of initial idea of the regional organization, SAARC was formally established with signing of the SAARC charter by the seven founding members. They met in a summit in Bangladesh, DHAKA, they declare the importance of cooperation. 8<sup>th</sup> December 1985 was the establishment date of SAARC and the declaration at DHAKA summit was named as DHAKA Declaration. SAARC headquarter was based in Kathmandu, Nepal. In 2007 Afghanistan joined the regional association and completed its members that remains now.

The past “AKHAND BHARAT” is today's south Asia. In this region 72 percent area (physical) 77 percent population are Indian. The position of India in this region is very broad. India has democratic government, military strength, economic growth technically in advance stage rather than the other SAARC countries. In 1988 in 4<sup>th</sup> SAARC summit Sri Lankan representative Jay Vardhan says, - “India is the key to development and progress of SAARC.” Most of the countries of

SAARC shared same history and culture, language, tradition, literature, as well as they are ruled by the same British government.

## **INDIA**

\*1858 India under direct British rule after an unsuccessful rebellion in north India.

\*India's freedom struggle culminated in the transfer of power in 1947(The Indian Independence Act of 1947). In 1947 15<sup>th</sup> August, British rule had end and established a free and independent India.

\*The domination of India was reborn on 26<sup>th</sup> January 1950, as a sovereign democratic republic and a union of states. India is the largest democracy in the world. It was declared secular and democratic when the constitution came.

\*1991 an economic reform program begins in an attempt to open the Indian economy to global trade and investment.

\* There is federal structure of government which means there is a government at the centre and at the state.

## **PAKISTAN**

\*1947 After the British rule ended, India split into separate states, creating the Muslim states of East Pakistan and West Pakistan.

\*Like India Pakistan achieved independence as a dominion with the commonwealth in August 1947. Pakistan historically and culturally associates with its neighbours like Iran, Afghanistan and India.

\* The constitution of Pakistan comes with effect from 23<sup>rd</sup> March 1956. Under the constitution Pakistan became an Islamic Republic. The country is composed of four provinces and federal territory.

## **BANGLADESH**

\*The modern state of Bangladesh gained independence from Pakistan in 1971.

\*The borders of modern Bangladesh were established with the separation of Bengal and India in 1947, when the region became east Pakistan as a part of newly formed state of Pakistan following the end of British rule in the region.

\*The constitution of Bangladesh adopted on 4<sup>th</sup> November 1972. 1972 Sheikh Mujib becomes prime minister and begins a program to nationalize key industries.

\*\* There currently 8 division of Bangladesh, each is named after the major city with its jurisdiction that also serve as the administrative seat of that division.

## **NEPAL**

\*Nepal was split in three kingdoms from the 15<sup>th</sup> to 18<sup>th</sup> century, when it was unified under a monarchy.

\*1814-1816 the Anglo Nepalese war ends in a treaty which establishes present day Nepal's boundaries.

\*Between 1846 and 1951 the country was ruled by the rana family. In 1923 Treaty with British affirms Nepal's sovereignty. 1951 royal sovereignty is established, as the rana rule ends.

\*After a long period, Nepal has moved from monarchy to republicanism (abolishing the long 240-year monarchy) Nepal has six constitutions in the past (first in 1948, second in 1951, third in 1958, fourth in 1962, fifth in 1990, six in 2007).

\*Nepal has established itself as a federal democratic republic through the promulgation of its constitution on September 20, 2015.

\*Majority of population in Nepal is Hindu (81.3 percent) still Nepal is a secular country.

\*Nepal has seven provinces.

## **SRI LANKA**

\*1505 European interest begins when Portuguese arrive in Colombo, the largest city in Sri Lanka.

\*1658 Dutch force out the Portuguese and establish control over the island except for the central kingdom of Kandy

\*After the British begin to take over the whole island is reunited under a British administration.

\* In 1948 after nearly 150 years of British rule Sri Lanka became an independent country, but the country remained a dominion of the British empire till 1972.

\* In 1972 Sri Lanka assumed the status of republic. A republican constitution was adopted in 1972.

\*Sri Lanka is a strategic and naval link between West Asia and South East Asia.

\*According to the 2012 census Buddhists make up 70.2 percent of the population.

\*For administrative purpose country is divided into nine provinces and sub divided in 25 districts.

## **BHUTAN**

\*1616 Ngawang Namgyal, from Tibet, consolidates Bhutan and become ruler of the country.

\* The British intervened in Bhutan in 1772 -73 and again in 1864-65.

\*1910 the Treaty of Punakha is signed with the British. The treaty allows Bhutan to keep control of its internal affairs if Britain is given control of Bhutan's foreign affairs.

\*1949 The Treaty of peace and friendship is signed with newly independent India, which gives Bhutan control of its internal affairs but allows India to guide Bhutan in its foreign policy.

\* Until 1950 Bhutan was an absolute monarchy.

\*During the mid-1970s, Bhutan's king Jigme Singye Wangchuck first introduced "Gross National Happiness" and said that the gross domestic product (GDP) is less important because it could not deliver happiness and wellbeing.

\*In Bhutan at the end of 2007, the country held a direct election for the first time and marks the completion of the change to a democratic system. The constitution of Bhutan was adopted in 18<sup>th</sup> July 2008. The constitution defines the king of the Bhutan as a democratic constitutional monarchy belonging to the people of Bhutan.

\*Majority of population in Bhutan is Buddhism (74.8 percent)

\* The territory of Bhutan is divided in 20 districts.

## **MALDIVES**

\*The Maldives has been inhabited since around the 5<sup>th</sup> century BC by people coming across from

what is today, Sri Lanka and India. Evidence suggest that early inhabitants are Buddhist but in 1153 Islam was adopted across the land when the Arab interest in the region became prominent.

\* In 1965 the Maldives island attained full political independence from British. After the independence a national referendum in march 1968 did away the sultanate and established a republic. Subsequently the Maldives was ruled for a major part of its post-independence period from 1978 to 2008 by Maumoon Abdul Gayoom (in the first free and fair election in 2008 Nasheed first freely elected president) The current constitution of Maldives has accepted in 7<sup>th</sup> august 2008.

\* Maldives has seven provinces.

## **AFGHANISTAN**

\* Afghanistan after the fall of the predecessor the Afghan durrani empire considered the founding state of modern Afghanistan. Alexander the great, Genghis khan and the Persian armies amongst others all attempted to conquer the country until 18<sup>th</sup> century.

\* 1919 Afghanistan declares independence from British influence. In its first year of independence Afghani king Amanullah instituted constitution in 1921 but it was deposed 1929. 1964 constitution of Afghanistan transformed Afghanistan into a modern democracy.

\* The Democratic Republic of Afghanistan was renamed as the republic of Afghanistan in 1987 during the one-party rule of the people's democratic party of Afghanistan (1978 to 1992)

\* In January 2004 a new constitution has come, in 2005 nation held its first parliamentary elections in more than 30 years. First ever elected president of Afghanistan was Hamid Karzai, and Afghanistan has 34 provinces. On august 15 2021 Taliban ousted former president Ghani's government and captured Kabul.

\* Table-1 Political system of SAARC countries

\* The following table shows each nation's government type, government name, and year of constitution adaptation

COUNTRY NAME	GOVERNMENT TYPE	GOVERNMENT NAME	CONSTITUTION ADOPTED
INDIA	Federal parliamentary constitutional republic	Republic of India	1950
PAKISTAN	Federal Islamic parliamentary republic	Islamic republic of Pakistan	1974
BANGLADESH	Unitary parliamentary republic	People's Republic of Bangladesh	1972
NEPAL	Federal parliamentary Republic	Federal Democratic Republic of Nepal	1990
BHUTAN	Unitary parliamentary semi-Constitutional Monarchy	Kingdom of Bhutan	2008
MALDIVES	Unitary presidential constitution republic	Republic of Maldives	2008
SRI LANKA	Unitary semi-Presidential Republic	Democratic socialist Republic of Sri Lanka	1978
AFGHANISTAN	Unitary provisional theocratic Islamic emirate	Islamic Republic	2004

\*SAARC countries has different type of government India, Nepal, Pakistan, are federal republic, Bangladesh is unitary parliamentary republic, Bhutan is unitary constitutional monarchy, Maldives presidential republic, Sri Lanka is unitary semi-presidential republic.

### **Legislature system – Analytical discussion**

#### **INDIA**

Legislature of union which is called parliament consists of the president and two houses known as council of state (Rajya Sabha) and house of people (Lok Sabha). Each house has to meet within six months of its previous sitting. A joint sitting of two house can be held in certain cases.

##### **Rajya Sabha (upper house)**

The constitution provides that the Rajya Sabha can consist of 250 members of which 12 members shall be nominated by the president from amongst person having special knowledge in science, arts, social service. Election to the Rajya Sabhais indirect. The Rajya Sabha is not the subject to dissolution, one third of the members retire every second year. Vice president of India is the chairman of Rajya Sabha.

##### **Lok Sabha (Lower House)**

The Lok Sabha composed of representative of people chosen by direct election on the basis of adult suffrage. The maximum strength of the of the house envisaged by the constituent is now 552. (530 members directly elected from the state, 20members represent from the union territory and 02 members are appointed by the president, in 10<sup>th</sup> December 2019 ,104<sup>th</sup> Amendment of the constitution it removed the reserved seat for the Anglo-Indian community from the Lok Sabha and it will be applicable from the 2024 Lok Sabha election). The term of Lok Sabha, unless dissolved earlier is five years from the date appointed for its first meeting. Speaker and Deputy speaker to conduct all activities relation to the session of the parliament.

#### **PAKISTAN**

The bicameral federal legislature consists of the senate (upper house) and national assembly (lower house). The national assembly the senate and president make up a body known as Majlis -i-shora(council of adviser) (parliament of Pakistan).

##### **The Senate**

The senate is a permanent legislative body with equal representative from each of the four provinces elected by the members of their respective provincial assemblies. There are representative from the federally administrated tribal areas and from Islamabad, capital territory. The chairman of the senate, under the constitution is next in the line to act as president until the time a new president formally inducted. The Senate consists of 104 members with the duration of six years for each elected body. Chairman and Deputy chairman are the administrative body for the senate.

##### **National Assembly of Pakistan**

National assembly of Pakistan has 342 seats. Members of national assembly are selected by the universal adult suffrage. Seats are allotted to each of the provinces, the federally administered tribal areas and Islamabad capital territory on the basis of population. National assembly members serve for the parliamentary term, which is six years. Speaker and Deputy speaker are the administrative heads.

## **BANGLADESH**

The jatiya sangsad (National parliament) often referred to simply as the sangsad also known as the house of the nation, is the supreme legislature body of Bangladesh.

### **House of the Nation**

House of the nation has 350 seats including 50 seats reserved exclusively for women. Election to the body is held in every five years unless a parliament is dissolved by president of Bangladesh. The ceremonial head of the state is chosen by parliament. The leader of the party (or alliance of parties) holding the majority of the seats becomes the prime minister of Bangladesh and so the head of the government. One speaker and deputy speaker to conduct all activities related to the session of the parliament.

## **NEPAL**

The federal parliament of Nepal is the bicameral federal and supreme legislature of Nepal established in 2015, it consists of the National assembly and the house of representatives with the president of Nepal acting as their head.

### **National Assembly**

The national assembly has 59 members. Eight members are elected from each of the seven provinces and three are appointed by the president on recommendation of the government. Members serve staggered six-year terms such that the term of one third members expires every two years. Chairman and deputy chairman are administrative bodies of the parliament.

### **House of Representatives**

The house of representatives has 275 members. 165 members are elected by the single member constituencies by first, and then rest of the members are elected through proportional electoral system, where voters vote for the political parties, considering the whole country as single election constituency. The members of the house hold their seats for five years or until the body is dissolved by the president on the advice of the council of ministers. Speaker and deputy speaker are the administrative bodies of the house.

## **BHUTAN**

The government of Bhutan has been the constitutional monarchy since 2008. The king of Bhutan is the head of the state. The executive power is exercised by the prime minister. Bhutan's democratically elected parliament is the highest legislative institution in the country. It consists of His Majesty Druk Gyalpo, National Council and National Assembly. Bhutan's parliament is bicameral.

### **National Assembly (Lower House)**

Members of national Assembly are directly elected from 47 constituency in the country. 47 members in the National Assembly elected for a term of five years. The party that secures majority of the seats in the national assembly forms the government. The presiding officer of the national assembly is the speaker.

### **The National Council**

The national Council has both legislative and review function and is also referred to as the house of review on matters affecting the security and sovereignty of the country and the interest of the nation. Each of the 20 districts directly elect one member to the National council in a separate election held in every five years. While five eminent members are appointed by his majesty. Chairperson runs the national council.

### **SRI LANKA**

The parliament of the democratic socialism republic of SriLanka is the supreme legislative body. It reserves the power to make all laws. Head of the state, head of the government is the president. President elected through a contingent vote system, and is working period is 6 years. The parliament has 225 members elected for a six years terms and 196 members elected in multi seat constituencies and 29 by proportional representation. The president may summon,suspend, or end alegislative session and dissolve parliament any time after it has served for one year. The deputy speaker and chairman of committee or the Deputy chairman of committee presides over parliament.

### **MALDIVES**

The Maldives has unicameral legislative body or people's majlis. People's majlis consists 87 seats includes 2 seats added by the election commission in late 2018. Members directly elect in single seat constituency by simple majority vote to serve five years terms. Head of the government is the president. A president to be elected by direct vote. President also is the head of the state. The speaker chairs the meetings in majlis, is representative for maintaining order in the chamber and supervise the administrative affairs of majlis.

### **AFGHANISTAN**

The National assembly also known as the parliament of Afghanistan was the legislature of the Islamic Republic of Afghanistan. It was effectively dissolved on 15<sup>th</sup> august 2021 after the fall of Kabul and after almost all government official fled the country. It was a bicameral body; head of the state and head of the countrywas the president.

### **House of people**

The house of people has 250 seats with members directly elected by the people, sixty-eight women were elected to the seats reserved under the constitution. Each province was given constitution and proportionate representation I the house of people to its population. Each member of house of [people will enjoy a five-year term. President of the house of [people run the chamber.



## House of Elders

House of Elders consists a mixture of appointed and elected members of 102. Sixty-eight members are directly selected by 34 directly elected provincial councils and 34 are appointed by the president. representative of provincial council serves a term of four years while representative of district council will serve a term of three year. President of house of elders runs the chamber.

Note-After the fall of Kabul Mohammad Hasan Akhund has been announced as the leader of new acting government in Afghanistan.

Table :2 Legislature structure of SAARC countries

\*The following table shows each nation's legislature name, parliament type, head of state, head of the government.

COUNTRY NAME	LEGISLATURE NAME	PARLIAMENT TYPE	Head of the state	Head of the Government
INDIA	Bhartiya sansad	Bicameral	President	Prime Minister
PAKISTAN	Majlis-e- shura	Bicameral	President	Prime minister
BANGLADESH	Jatiya Sangsad	Unicameral	President	Prime Minister
NEPAL	The federal parliament of Nepal	Bicameral	President	Prime Minister
BHUTAN	Gyelyong tshokhang	Bicameral	King of state	Prime Minister
SRI LANKA	The Parliament of the democratic socialist Republic of Sri Lanka	Unicameral	President	President
MALDIVES	The People Majlis	Unicameral	President	President
AFGHANISTAN	National assembly of the Islamic Republic of Afghanistan	Bicameral	President	President

\*India Pakistan, Nepal Bhutan, Afghanistan's parliament is bicameral. Maldives, Sri Lanka, Bangladesh's parliament is unicameral.

## SAARC countries democracy index 2021

The democracy is an index compiled by the Economist Intelligence Unit (EIU). the index attempts to measure the state of democracy in 167 countries. The index is based on 60 indicators grouped in five different categories, measuring pluralism, civil liberties and political culture. in addition to a numeric score and ranking, the index categorizes each country in to one of four regime types: full democracy, flawed democracy, hybrid regimes, and authoritarian regimes.

Table-3The following table shows the Democratic rank of SAARC countries based on five parameters

Country	rank	Regime type	Overall score	Electoral process and pluralism	Functioning of government	Political participation	Political culture	Civil liberties
India	46	Flawed democracy	6.91	8.67	7.50	7.72	5.00	7.35
Sri Lanka	67	Flawed democracy	6.14	7.00	5.71	5.56	6.25	6.18
Bangladesh	75	Hybrid regime	5.99	7.42	6.07	5.56	5.63	5.29
Bhutan	81	Hybrid regime	5.71	8.75	5.00	6.11	2.50	6.81
Nepal	101	Hybrid Regime	4.41	4.83	5.00	4.44	2.50	5.29
Pakistan	104	Hybrid Regime	4.31	5.67	5.36	3.33	2.50	4.71
Afghanistan	167	Authoritarian	0.32	0.00	0.07	0.00	1.25	0.29

Source-Economic intelligence unit (EIU), Maldives'-data not available.

\*Afghanistan has lowest democratic rank in the world and SAARC organization also, India has high rank in SAARC countries.

### Political Stability Index

Political Stability index (-2.5 weak, 2.5 strong) – The average for 2020 based on 194 countries was -0.07. This index measures the perception of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically motivated violence or terrorism (\*Table -4)

The following Table shows the political stability of SAARC countries

County	Index
Bhutan	1.02
Maldives	0.41
Sri Lanka	-0.02
Nepal	-0.20
India	-0.86
Bangladesh	-0.92
Pakistan	-1.85
Afghanistan	-2.73

Source- The World bank

\*Bhutan is more politically stable country than rest member of SAARC countries.

### Commonwealth Parliamentary Association (CPA)

\*CPA is an organisation which works to support good governance, democracy and human rights. Bangladesh, India, Maldives, Pakistan and Sri Lanka are the members of this association.

### Future of SAARC

SAARC countries have many issues to solved but we have to look into the positive area where SAARC should focus to resume again. In this context India has to play key role not for the organization's interest but for global aspire. To became a global power India needs to be the leader in SAARC in all aspect. On September 24<sup>th</sup> 2020 the external affairs minister Mr S. Jaishankar meet the

foreign ministers of SAARC virtually. During the meet it was highlighted SAARC should overcome cross border terrorism by blocking of connectivity and obstruction in trade. So, it is very positive sign for SAARC. India wants SAARC to be technically strong, Prime Minister Mr Narendra Modi said, - "Let us built a SAARC satellite which we can dedicate to our neighbourhood as gift from India."

The entry of China, America, Japan and south Korea as an observer in SAARC indicates the growing significant of India in global Economy and security and then keen interest major state to profit a larger regional economy that SAARC can create.

### **Conclusion**

In South Asia context SAARC is needed for all over development for all eight SAARC countries, with acommon cultural heritage and historical legacy the ties among the people to the region have been extensive and deep rooted. Prime Minister Manmohan Singh said that "the political transformation is painful, each one of us has to work out for ourselves and within our countries and between our government."

SAARC has long and deep area for cooperation like agriculture, education, sports,culture, heath, population, tourism, transport, science and technology, communication, women development etc. SAARC also manged to get SAFTA, the south Asian identity, The SAARC food bank a south Asian university, SAARC arbitration council a south Asian regional organization and SAARC chamber of commerceindustry, south Asian regional standards organization, people to people contact, confidence-building measuresetc till now. But SAARC also suffered to gain its objective mention in the charter. The reason behind this is relation between many SAARC countries is unstable. Like in 19<sup>th</sup> SAARC summit Pakistan was scheduled to host in Islamabad on 15<sup>th</sup> to 16<sup>th</sup> November 2016. India cancelled its participation because alleging Pakistan involvement in the terror attack. (Bangladesh, Afghanistan,Bhutan, Maldives and Sri Lanka have pulled out of the summit.) To avoid this a stable and democratic government is the need of the hour. We can easily see it in democratic index where Afghanistan and Pakistan are lowest in SAARC countries. Rise of Taliban in Afghanistan also indicate the nature of government which effect not only the SAARC countries but to the rest of the world to trust.

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