

Participative Decision-Making in the Local Political System of Nepal: Challenges Faced by Elected Representatives at Local Governments

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Abstract

Nepal has made strides towards inclusive political participation, notably empowering representatives from women and marginalized communities. Participation alone does not necessarily lead to increased ability and capability unless the representatives participate effectively in the making of policies and laws that benefit the groups they represent. Representation without equal opportunity, capability, and decision-making power is not true participation. Local governments in Nepal are assuming constitutional jurisdiction over participative decision-making. Despite these strides, significant obstacles persist, limiting effective engagement. This paper explores the challenges faced by elected representatives in decision-making within Nepal's local governments.

The most immediate challenge is the limited technical capacity of representatives, which hinders diverse and informed decision-making. Second, the presidential model at the local level centralizes executive power in the hands of mayors or chairpersons, which suppresses constructive debate and curtails input from other council members, including women and marginalized groups. Third, ambiguities in the federal system's jurisdictional roles create conflicts among governments, underscoring the need for clearer frameworks. Finally, local governments' financial and political dependence on the central government limits autonomy in participative decision-making. To enhance genuine participative decision-making, these challenges must be addressed through targeted capacity building, financial autonomy, reduced central interference, and clearer jurisdictional frameworks.

A. Introduction

The practice of a local political system in Nepal is not new. The quest for a participative local political system dates back at least to the early movements against the autocratic Rana regime in the 1940s. There was a strong push for establishing a political system that empowered ordinary people to actively engage in decision-making. (Shrestha, 1989). Over the past nine decades, Nepal has undergone various forms of government, with different rulers and political leaders exploring diverse governance models.

In 2017, Nepal achieved a significant milestone in governance by revitalizing its local political system as part of the federalization process outlined in the 2015 Constitution. This reform established seven provincial governments and 753 local governments, transferring power from the central government to local authorities. The decentralization process has strengthened inclusion and public participation in governance. In recent years, local governments have actively promoted participatory decision-making,

recognizing its benefits in fostering community engagement and responsive governance. With greater administrative, financial, and developmental responsibilities, local authorities now play a more influential role in shaping policies and services at the grassroots level.

A participatory approach emphasizes placing people at the center of development efforts (Selim, 2014), with decision-making as its key dimension. The recognition of citizen participation in political decision-making as a fundamental right was formally established with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR upholds the principle of equal dignity and rights for all, regardless of language, gender, religion, political affiliation, or other distinctions, reinforcing the universal right to engage in governance and decision-making processes. Article 21 explicitly states that everyone has the right to take part in their government, either directly or through freely chosen representatives (United Nations, 1948).

Nepal's Constitution and legal frameworks strongly emphasize participative decision-making, particularly within the context of democratic governance, social inclusion, and decentralization. The Constitution guarantees the participation of historically marginalized and oppressed communities in decision-making by recognizing their rights to social, cultural, and political autonomy. This marks a significant shift toward participative democracy, with provisions ensuring representation and participation at three levels of government: federal, provincial, and local. Specifically, rural municipalities and municipalities hold substantial decision-making authority, aiming to empower citizens at the grassroots level and promote decentralized governance.

Nepal's Constitution and legal frameworks strongly emphasize participatory decision-making, particularly in the context of democratic governance, social inclusion, and decentralization. The Constitution ensures the participation of historically marginalized and oppressed communities by recognizing their rights to social, cultural, and political autonomy. This represents a significant shift toward participatory democracy, with provisions guaranteeing representation and involvement at all three levels of government: federal, provincial, and local. Notably, rural municipalities and municipalities hold substantial decision-making authority, fostering grassroots empowerment and strengthening decentralized governance.

Participative decision-making is complex and multidimensional (Black & Gregersen, 1997), yet when effectively implemented, it fosters a collaborative process of shared responsibility in governance (Russ, 2011). It ensures the engagement of communities, stakeholders, and individuals while emphasizing their active involvement in governance. Moreover, it safeguards the inclusion of marginalized voices in shaping policies and decisions. By promoting shared responsibility, participative decision-making cultivates a sense of ownership and accountability in governance.

Despite constitutional provisions and Nepal's evolving governance structures, the

practical implementation of participatory decision-making often falls short of its intended goals. Ensuring and safeguarding inclusive governance in Nepal's diverse multi-ethnic, multilingual, multi-religious, and multicultural society remains a significant challenge. At the local level, political leaders, despite their authority, grapple with deeply entrenched discrimination, power imbalances, and systemic barriers that hinder truly participatory decision-making.

Against this backdrop, this study investigates the challenges local governments encounter in ensuring political equality in decision-making and shaping governance. It examines the distribution of authority and power in decision-making and its impact on historically marginalized communities. In the current political landscape, meaningful participation is vital not only for political leaders but also for the broader empowerment and emancipation of disadvantaged groups. By focusing on the local political system, this study evaluates the state of participatory decision-making in Nepal's local governments, analyzing the extent of political leaders' engagement and the obstacles they face in the process.

This study draws from three primary sources: (a) a review of constitutional and legal frameworks to identify gaps and shortcomings in participatory decision-making, (b) telephonic interviews with elected representatives, particularly women and members of marginalized communities, involved in local governance, and (c) discussions with mayors, deputy mayors, vice chairpersons, and ward chairs during a training organized by the Nepal Administrative Staff College. By integrating insights from legal analyses, interviews, and discussions, this study provides a comprehensive understanding of the challenges and opportunities for participatory decision-making in Nepal's local governments. Addressing these challenges through targeted capacity building, financial autonomy, reduced central interference, and clearer jurisdictional frameworks will be crucial to strengthening genuine participatory governance at the local level.

B. Arguments for Participative Decision-Making in Nepal

In Nepal, participatory decision-making holds particular significance due to the country's unique ethnic, linguistic, and cultural landscape. As a highly diverse nation, Nepal is characterized by its rich social, cultural, and geographical variety, encompassing numerous ethnic groups, languages, religions, and traditions. According to the 2021 census (conducted from November 11 to 25), Nepal's population stands at 29,164,578, with an annual growth rate of 0.92%. This diversity underscores the importance of inclusive governance that ensures representation and equitable participation in decision-making processes. According to the 2021 census, Nepal's sex ratio—representing the number of males per 100 females—stands at 95.59, an increase from 94.2 recorded in the 2011 census. The 2021 census of Nepal recorded a remarkable diversity, reporting 142 caste/ethnic groups, 124 languages spoken as mother tongues, and 10 religious categories, highlighting the country's rich multicultural and multilingual landscape (National Statistics Office, 2023). Nepal's geographical diversity is reflected in its three distinct ecological regions: the Mountain Region in the north, the Hill Region across the center, and

the Terai Region stretching along the south. This varied terrain influences the country's demographic and cultural composition. Key ethnic groups in Nepal include the Chhetri, Brahmin, Magar, Tharu, Tamang, Newar, Rai, Gurung, Limbu, and Sherpa communities, each contributing to the nation's rich cultural heritage.

The mid-eighteenth century marks the beginning both of Nepal's political unification and of its modern history (Brown, 1996). The unification of Nepal laid the foundation for its modern political system, with Prithvi Narayan Shah, the first King of unified Nepal, serving as the architect of this consolidation process. Following unification, Kathmandu was declared the kingdom's capital. However, Nepal's diverse social, geographical, and cultural composition was historically overlooked in national policy-making, particularly before 2015. While Prithvi Narayan Shah acknowledged Nepal's diversity, political and administrative representation remained unequal, with various communities and ethnic groups facing systemic exclusion from governance and decision-making. Chhetri and Brahmin presumably were occupying most of the key positions of the state (Shrestha, 1989).

Though Prithvi Narayan Shah unified Nepal politically, governing the newly acquired territories due to the diverse languages, cultures, traditions, and ethnic traits of the people was a fundamental challenge. The Nepalese political and administrative system did not represent the diverse communities and ethnic groups and in fact had a narrow base of public representation (Shrestha, 1989). The political system was highly centralized (Mishra, 1998) and the approach to political participation was largely characterized by centralizing power (Pant, 1989) under the monarchy. The general population had minimal involvement in decision-making processes. Due to the kingship polity, the king exercised all types of state powers, executive, judiciary, legislative, military, administrative, etc. Placed at the peak of the politico-administrative hierarchy, the king was the one who promulgates laws and decrees as a chief legislator, executes them as a chief executive, punishes those violating them as the supreme judge, formulates and implements military strategies as a supreme commander-in-chief and finally designs and implements foreign policy as its architect (Shrestha, 1989).

After the demise of Prithvi Narayan Shah and Pratap Singh Shah, the Rana dynasty rose to power in Nepal. The most notable aspect of the Rana regime was the establishment of a strong oligarchy made up of 20 to 30 Rana members, led by the Prime Minister (Shrestha, 1989). During the Rana regime, the Prime Minister functioned as the de facto sovereign, while the King remained the de jure sovereign, with a largely symbolic role. The monarchy was reduced to a mere figurehead, as the Prime Minister wielded absolute control over all state powers, including executive, judiciary, legislative, military, and administrative functions. Governance was highly centralized, with local entities limited to maintaining law and order, rather than actively participating in decision-making. Political development in Nepal was severely restricted, as the Ranas monopolized power within their own family, leaving the general populace with minimal rights and almost no opportunities for political participation. As a result, engagement in the political pro-

cess was virtually impossible for those outside the ruling elite.

Nepali is the official language of Nepal, but many ethnic groups continue to use their own languages—such as Maithili, Bhojpuri, and Tamang—to preserve their cultural identity. Historically, Nepali was elevated as the national official language, as it was spoken by the ruling elites, including Prithvi Narayan Shah, and served as the mother tongue of many communities in the hill regions. However, Nepal's linguistic diversity remains a vital part of its cultural heritage, with multiple languages playing a crucial role in local communication and identity. Nurtured and developed under official patronage, the Nepali language came into prominence (Shrestha, 1989) and a hegemonic policy in terms of language and culture was formulated (Gautam, 2021) during the entire pre-Rana and Rana period.

The first elected democratic government of Nepal in 1959 marked the end of more than a century of autocratic rule under the Rana regime and the beginning of democratic governance. With the promulgation of a new constitution, Nepali citizens were granted the right to vote for their representatives (Nepal Law Commission, 1959). It was the first opportunity for the general population to participate in the political process, marking a significant step toward participative decision-making. This was a crucial step in fostering political participation at the grassroots level, particularly for marginalized communities who had been historically excluded from governance under the Rana regime. Among the 145 members of parliament in 1959, two women members as well as representatives from marginalized communities were elected in the cabinet (Parliament Secretariat, 2017). Members of parliament, who were elected by the people, played a central role in debating and shaping laws, policies, and national decisions.

While democratic governance was established at the national level, participatory decision-making at the local level remained weak. The central government retained significant control over local affairs, and mechanisms for public engagement at the village and district levels were underdeveloped. Institutional frameworks to support participatory decision-making in rural areas were fragile, with local governance structures still in their early stages. Additionally, civil society organizations and grassroots movements were still emerging and had not yet evolved into a strong force capable of driving meaningful public participation in decision-making processes. Although the establishment of parliamentary democracy created new opportunities for citizen involvement in governance, local-level decision-making often remained dominated by key leaders. Rather than fostering genuine participatory and inclusive processes, decision-making was frequently concentrated in the hands of a few, limiting the broader population's engagement in shaping policies and governance (Pant, 1989).

Just over a year after the elections in 1960, the King dissolved the government, effectively ending Nepal's first experiment with parliamentary democracy. For the next three decades, the King held absolute power, prioritizing national unity and stability. During this period, political parties were banned, and any form of opposition was heavily

ly suppressed, restricting democratic participation and consolidating control under the monarchy. The 1962 Constitution introduced decentralization by granting limited authority to local units through the village panchayat and village assembly, though real power remained centralized (Nepal Law Commission, 1962). Several high-level commissions were formed, and the government enacted various decentralization acts and local development plans aimed at devolving responsibilities to local authorities. However, the political system limited participatory governance and sidelined grassroots involvement in decision-making and the monarchy continued to exert significant control (Shrestha, 1989). Civil liberties were restricted, and political activists, especially those supporting democracy and multi-party politics, faced persecution.

In 1990, a people's movement led to the restoration of multi-party democracy, the establishment of a constitutional monarchy, and the promulgation of a new constitution. The restoration of democracy empowered Nepal's parliament, which became a key institution for participative decision-making (Parliament Secretariat, 2017). The electoral system expanded political participation for various social groups, including marginalized communities and women, allowing citizens to vote in national and local elections. Public involvement in decision-making occurred indirectly through elected representatives, who were accountable to voters, marking a significant step toward participatory governance.

While the 1990 Constitution introduced some degree of political participation, it failed to address deep-rooted social inequalities related to caste, ethnicity, and gender, leaving marginalized communities and women facing barriers to meaningful engagement. Political instability and social disparities further weakened participatory processes, as frequent government changes due to party infighting hindered long-term democratic governance. Power remained concentrated among political and economic elites, particularly in urban areas, limiting genuine participatory decision-making at the grassroots level.

A major step toward participatory decision-making after 1990 was the push for decentralization, marked by the enactment of the Local Self-Governance Act, 1998. This was a significant step in transferring power and resources from the central government to local bodies, such as Village Development Committees, Municipalities, and District Development Committees (Nepal Law Commission, 1998). The Local Self-Governance Act, 1998 aimed to enhance public participation at the grassroots level by granting local communities greater control over development, infrastructure, and social services. Local government representatives played an active role in planning and budgeting, ensuring decisions reflected local needs and priorities. However, the Maoist insurgency (1996–2006) severely disrupted governance, rendering many elected bodies non-functional and limiting public participation, particularly in rural areas, which were effectively cut off from democratic decision-making during the conflict.

The Comprehensive Peace Agreement of 2006 ended the Maoist insurgency, usher-

ing in a new political transition that led to the abolition of the monarchy and the establishment of a federal democratic republic in 2008. The adoption of federalism in the 2015 Constitution aimed to decentralize power, granting local governments greater authority over decision-making.

The 2017 elections, the first under the new federal constitution, enabled the election of representatives at local, provincial, and federal levels, expanding opportunities for participatory decision-making. The 2022 general elections, the second under Nepal's federal system, reaffirmed the country's commitment to decentralization by allowing citizens to elect leaders at all three levels simultaneously, ensuring broader representation of diverse regional voices.

Nepal's federal structure includes provisions to increase the representation of women, *Dalits*, indigenous groups, and other marginalized communities, with quotas and reserved seats at local, provincial, and federal levels. These elections further strengthened local governments, empowering municipalities and rural areas with greater autonomy in governance and decision-making.

C. Constitutional and Legal Frameworks for Participative Decision-Making in Local Political System

Nepal is declared a federal democratic republic, ending the centuries-old monarchy. Power is decentralized across seven (7) provinces and 753 local governments, and the country follows a multi-tier system of governance (federal, provincial, and local). Nepal's constitution and national policies are consistent with international legal frameworks, including the UDHR. Likewise, the legal frameworks strongly emphasize participative decision-making, particularly in the context of democratic governance, social inclusion, and decentralization.

The Constitution of Nepal enshrines provisions for participation across its preamble, fundamental rights, directive principles, and political party regulations. The preamble emphasizes protecting and promoting social and cultural solidarity, recognizing Nepal's multi-ethnic, multilingual, multi-religious, multicultural, and regionally diverse characteristics. It further commits to building an egalitarian society based on proportional, inclusive, and participatory principles, aiming to achieve economic equality, prosperity, and social justice by eliminating gender-based discrimination and caste-based untouchability.

Part 3 of the Constitution guarantees fundamental rights, including Article 38, which ensures women's right to participate in all state bodies based on the principle of proportional inclusion. Similarly, Article 40 upholds the rights of *Dalits*, granting them the right to participate in all state bodies under the same principle of proportional inclusion. These provisions underscore Nepal's commitment to inclusive governance and equal representation.

Nepal's constitution marks a landmark shift toward participatory democracy by embedding provisions that guarantee representation and inclusive participation across multiple levels of government and society. The Constitution also emphasizes equality by prohibiting discrimination on grounds of gender, caste, religion, ethnicity, or social origin and guarantees equitable opportunities, particularly for socially or culturally backward groups such as women, indigenous people, *Dalits*, *Madhesis*, and other marginalized communities (Ministry of Law Justice and Parliamentary Affairs, 2017).

Political participation generally encompasses four key activities: (a) expanding and fostering political debate across a broader section of society, (b) enabling individual or collective expression of opinions, (c) improving access to information, and (d) formulating and advocating proposals for state governance (Khalaf & Luciani, 2006). The Constitution of Nepal empowers local governments to play a central role in governance and development, granting them significant authority over matters that directly affect citizens' daily lives. These powers are defined in Parts 17, 18, and 19 of the Constitution and further elaborated in the Local Government Operation Act, 2017. The Constitution establishes a framework for decentralization, ensuring that decision-making is more inclusive and responsive to local needs.

The specific powers of local governments are outlined in Schedule 8, which allows them to exercise authority through laws enacted by the Village Assembly or Municipal Assembly. Additionally, Schedule 9 defines concurrent powers that are shared among local, provincial, and federal governments, requiring coordination among different levels of governance to effectively implement policies and programs.

The Constitution also grants executive, legislative, and financial powers to local governments. Part 17, Article 214 vests executive authority in the Village Executive or Municipal Executive, ensuring that local governments can implement decisions and administer services. Part 18, Article 221 establishes legislative powers, placing the responsibility of law-making at the local level in the hands of the Village Assembly and Municipal Assembly. Furthermore, Part 19, Article 228 defines financial procedures, allowing local governments to generate revenue through local taxes, fees, fines, and penalties, ensuring financial autonomy.

By decentralizing governance, the Constitution seeks to bring government closer to the people, making governance more participatory, inclusive, and accountable. The provisions ensure that local governments have the authority and resources needed to address community needs effectively, promote democracy, and support equitable development across Nepal.

The Constitution of Nepal grants local governments significant authority in governance, ensuring their role in dispute resolution, development planning, and community engagement. Article 127 empowers local governments to establish judicial bodies for resolving minor disputes through alternative dispute settlement methods, allowing lo-

cal-level resolution of conflicts and reducing reliance on higher courts.

In addition to their judicial role, local governments have the power to plan and implement projects within their jurisdiction, including infrastructure development, social welfare programs, and other community initiatives. Their ability to directly oversee and execute such projects ensures that governance is more responsive to local needs.

Further reinforcing the importance of community participation, Article 51(c) of the Constitution outlines policies for social and cultural transformation, mandating that community development should be driven by enhanced local public participation. This provision encourages the mobilization of local creativity and resources in social, cultural, and service-oriented initiatives, ensuring that development efforts are inclusive, participatory, and reflective of local aspirations. These constitutional provisions collectively strengthen local governance, making it more effective, accountable, and community driven. Article 51(f) of the Constitution of Nepal promotes local public participation in development projects, ensuring community involvement in planning, decision-making, and implementation to make governance more inclusive and responsive (Ministry of Law Justice and Parliamentary Affairs, 2017).

The Local Government Operation Act 2017 (LGOA) operationalizes the constitutionally mandated powers of local governments in Nepal, serving as a key framework for implementing local governance as envisioned by the constitution. Emphasizing local autonomy, inclusivity, and participatory decision-making, the act defines the structure, powers, and responsibilities of local governments across legislative, executive, and judicial functions. It also establishes mechanisms for active citizen participation, ensuring that governance remains transparent, accountable, and community driven.

The LGOA grants local governments legislative powers to draft and implement laws tailored to their jurisdiction, covering areas such as education, health, agriculture, and local infrastructure. These laws must align with federal and provincial frameworks while addressing the specific needs of local communities. Additionally, local governments hold executive authority over matters within their jurisdiction, enabling them to enforce laws, implement policies and programs, and manage public services at the local level, ensuring governance remains responsive and community driven. The executive function is vested in the mayor or chairperson, who serves as the head of the local government (Nepal Law Commission, 2017). Local governments are supported by the municipal executive council, which includes elected representatives, ensuring participation from women and marginalized communities. The LGOA grants them quasi-judicial authority through Judicial Committees at each local level, chaired by the deputy mayor or vice chairperson, to provide accessible and timely justice. While their powers are limited to minor cases such as family disputes, property conflicts, and local business issues, these committees serve as a crucial mechanism for mediation and arbitration, promoting social harmony and stronger community relations.

Nepal's Constitution and the LGOA serve as the foundation for participatory decision-making in the local political system, granting local governments legislative, executive, and judicial authority. These legal frameworks have transformed local governments into key democratic institutions, enabling them to address public needs while ensuring inclusive governance. Unlike their past role, which was primarily service-oriented, today's local governments function as both governing bodies and service providers, exercising their exclusive and shared constitutional powers to enhance local democracy and accountability.

D. Political Reservation in Favor of Participative Decision-Making

Following the 1990 People's Movement, Nepal's liberal political environment allowed marginalized communities to openly advocate for their rights, leading to sustained political actions that reinforced these demands. Policies, laws, and international covenants served as key instruments in advancing inclusion and equality. As a result, Nepal's latest constitution formally embraced the principles of proportionality, inclusiveness, and participation, affirming its commitment to building a just and non-discriminatory society.

The 1959 general parliamentary election led to the inclusion of Ms. Dwarikadevi Thakurani in the cabinet (Parliament Secretariat, 2017), demonstrating that Nepal's political system has shown openness to women's participation in governance despite historical challenges. She is known as the first woman minister in Nepal's history. The Constitution of Nepal in 1962 provisioned a limited quota system aimed at providing representation for underrepresented in the zonal assembly to be formed in each of the 14 zones and national panchayat (Nepal Law Commission, 1962). The 1990 Constitution of Nepal mandated that at least 5 percent of each political party's candidates in House of Representatives elections must be women, ensuring greater gender representation in politics. The Constitution also mandates that at least three women must be elected in the National Assembly, ensuring a minimum level of female representation in the legislative body (Nepal Law Commission, 1990).

The Local Self-Government Act, 1998 mandated the representation of at least one woman in village development committees and municipal ward committees. It also required the Village Council to nominate six qualified members, including one woman, from social workers, economically and socially disadvantaged castes, ethnic groups, indigenous peoples, and *Dalits*. Similarly, the Municipal Council was required to nominate at least six and up to twenty members from backward castes, tribes, *Dalits*, and indigenous communities to ensure broader inclusivity in local governance.

The District Council was also required to have six nominated members, including at least one woman, selected from social workers, economically disadvantaged ethnic groups, *Dalits*, and indigenous peoples, ensuring their representation in local governance (Nepal Law Commission, 1998). As a result of all these arrangements, about 27 percent of women were able to win local body elections in 2054 Bikram Sambat (Nation-

al Women Commission, 2022).

The Political Party Act of 2016 provisions that a political party's organizational structure should mirror Nepal's social diversity through election, nomination, or appointment of its members to its committees (Nepal Law Commission, 2016). The Election Commission introduced the Gender and Inclusion Policy in Election Management, 2020, to strengthen the participation of gender-diverse and marginalized groups in elections. This policy guarantees the inclusion of women, *Dalits*, indigenous peoples, *Madhesi*, *Tharu*, and other underrepresented groups in all three levels of government elections. It also requires political parties, under the proportional electoral system for the House of Representatives, to submit a sealed list of nominated candidates, ensuring representation of women and marginalized communities in accordance with federal law. A similar provision applies to the Provincial Assembly elections under the proportional electoral system. Other provisions in the policy are: (I) members of village and municipal executive shall consist four women members and two members from *Dalit* or minority community and five women members and three members from *Dalit* or minority community respectively, (II) district assembly shall elect a nine-member district coordination committee consisting of at least 3 women, 1 *Dalit* member or a member from minority community, and (III) members of village and municipal assembly shall comprise a elected *Dalit* or minority community members as village executive members (Election Commission, Nepal, 2020).

The initiatives are a good arrangement to put gender and inclusive representation into practice. It can be claimed that political reservation policies of Nepal are designed to promote inclusive decision-making by guaranteeing representation for marginalized and underrepresented communities, such as women, *Dalits*, indigenous groups, and other marginalized community members. The quota system within the government and political structures has ensured that these groups have an active role in legislative bodies and decision-making arenas.

By reserving seats and positions for diverse social groups, Nepal aims to establish a more equitable and inclusive governance framework that reflects its social diversity and ensures equal access to political leadership. These initiatives seek to empower marginalized communities, address historical inequalities, and promote a collaborative decision-making culture across all levels of government, including local governance structures.

E. Participative Decision-Making Challenges Faced by Elected Representatives at Local Governments in Nepal

1. Local Government as 'Presidential Model'

Ideally, local governments operate as collaborative bodies, where representatives from diverse political backgrounds work together to address community needs. Nepal's local governance system is distinctively structured as a 'presidential model', in which the mayor or chairperson holds a role like a president in a presidential system. Direct-

ly elected by the people, they are accountable to the public rather than an assembly, ensuring direct democratic legitimacy. They are also granted significant executive authority, enabling them to make and implement decisions within their jurisdictions while functioning with relative independence from local assemblies.

The presidential model has helped streamline decision-making in Nepal, particularly when key figures, such as the mayor and influential assembly members, share the same political affiliation. However, this concentration of power can also limit deliberative governance. A 2021 survey by the Nepal Administrative Staff College found that, in general, mayors and chairpersons encourage elected representatives from women and marginalized communities to express their opinions in meetings, promoting inclusivity in local decision-making (Nepal Administrative Staff College, 2021). However, when disagreements arise, elected representatives often become polarized, aligning with the mayor or chairperson, leading assembly members to prioritize the leader's agenda over community interests. These conflicts quickly escalate into partisan disputes, undermining effective governance and participatory decision-making. In many instances, such partisanship has not only delayed decision-making but also led to favoritism, benefiting groups aligned with the mayor or chairperson's personal interests. The dominance of the mayor or influential representatives with shared political affiliations has often overshadowed the voices of women and marginalized community members, limiting their participation. Additionally, conflicts over resource allocation and policy priorities have frequently emerged due to clashing priorities between the mayor, assembly members, and marginalized representatives, further complicating governance.

2. Jurisdictional Confusion

Nepal's federal structure requires lower levels of government to assume greater responsibilities while seeking consent from central and provincial governments in participatory decision-making. The Constitution outlines specific areas of local governance in Schedule 8, defining the exclusive powers of local governments. Additionally, Schedule 9 lists shared responsibilities among federal, provincial, and local governments, requiring coordinated decision-making. In this framework, the federal government holds binding authority over provincial governments, while both federal and provincial governments exercise binding influence over local governments, ensuring a structured approach to governance (Ministry of Law Justice and Parliamentary Affairs, 2017).

Jurisdictional confusion among Nepal's three levels of government has complicated participatory decision-making, creating overlaps in authority and responsibility across sectors like education, health, agriculture, and disaster management. These ambiguities have led to uncertainty about which level of government holds decision-making power, policy implementation authority, and resource allocation control.

For example, during recent landslides and floods, local governments were expected to lead relief operations but faced delays and restrictions due to provincial and federal

mandates, lacking the clear guidelines needed to act independently. While local governments were required to respond quickly and effectively, confusion over the distribution of responsibilities between federal, provincial, and local governments hindered timely disaster response and recovery efforts. This lack of clarity restricted local representatives from making swift, autonomous decisions that align with community needs and priorities.

More broadly, without a well-defined framework that clarifies roles, local governments must often navigate complex approval processes involving multiple levels of authority, slowing down the implementation of shared responsibilities outlined in Schedule 9 of the Constitution. As a result, jurisdictional confusion has not only limited meaningful participation of elected representatives in decision-making but has also hampered service delivery and development outcomes.

3. Competence in Decision-Making

Competence serves as both a constraint and a catalyst in the participatory decision-making process, influencing its effectiveness and inclusivity (Heller, 2000). Elected representatives must be competent in managing the local political system and providing effective leadership that aligns with the diverse needs of their communities. When representatives have a clear understanding of local government mandates and responsibilities as outlined in the constitution and laws, they can actively contribute to discussions, identify solutions, and make informed decisions. Additionally, possessing strong expertise or relevant knowledge enables them to offer valuable insights, ask critical questions, and propose innovative solutions, enhancing participatory governance.

Not all elected representatives in Nepal's local governments possess the same level of competence or awareness of their mandates and responsibilities. The roles of assembly and council members vary widely, encompassing development planning, policymaking, law implementation, monitoring and evaluation, social justice, coordination, resource mobilization, revenue generation, public service delivery, governance, and leadership. However, a capacity gap exists, hindering their ability to initiate and lead the decision-making process effectively.

For instance, during recent floods and landslides, some local representatives struggled to coordinate disaster response and relief efforts due to limited understanding of disaster management protocols and insufficient preparation. While some municipalities efficiently mobilized resources and aid, others faced delays, confusion, and mismanagement, leaving affected communities vulnerable.

Many local representatives, particularly in rural or newly established local governments, lack the experience, training, or technical expertise needed to fully carry out their mandates. In Nepal, mayors and chairpersons play a crucial role in guiding and leading the local governance process, serving as the principal authorities responsible for steering their municipalities or rural municipalities. Studies indicate that mayors,

chairpersons, and deputy mayors who have participated in trainings and workshops related to local governance responsibilities make more informed decisions and facilitate smoother discussions.

Such trained leaders directly contribute to efficient service delivery, good governance, and participatory decision-making by ensuring stakeholder coordination, building networks, and fostering partnerships to comprehensively address community needs.

Elected representatives, including women and marginalized community members, often have limited technical knowledge of their mandates and responsibilities and are less skilled or informed about the participatory decision-making process. A 2021 survey conducted by the Nepal Administrative Staff College among women and marginalized representatives found that while a few demonstrated strong leadership, actively leading groups and influencing decisions, the majority remained passive, merely listening to their fellow members and rarely speaking or engaging in the decision-making process. (Nepal Administrative Staff College, 2021). Several factors contribute to this issue, but a key challenge is the limited access of female, *Dalit*, and Indigenous council or assembly members in Nepal's local governments to capacity-building programs, such as training sessions and workshops. Compared to mayors, chairpersons, and other elected officials, these representatives rarely receive training opportunities, leaving them inexperienced and unprepared to fully engage in local governance. Such programs are crucial for helping them understand their roles, develop policy-making skills, and participate effectively in decision-making.

Moreover, the gap in training access has further widened existing inequalities, as marginalized representatives are often sidelined in governance or struggle to assert their perspectives. As a result, policies and projects that address the needs of marginalized communities have received less priority, reinforcing social disparities rather than resolving them.

4. Consensus as the Main Mode of Decision-Making

Local governments hold legislative powers to draft and implement laws, with clear constitutional provisions assigning legislative functions to local assemblies. Unlike national legislatures, local assemblies often lack a distinct opposition, as they are typically composed of representatives from two or three major political parties, and sometimes more. Mayors and chairpersons, who serve as chairs of local assemblies, emphasize that collaboration and consensus are the primary modes of decision-making within these bodies.

Furthermore, when mayors or chairpersons hold a majority in the assembly, they tend to feel politically secure, as they receive support and favors from members aligned with the governing side, known as *satta-pakshya*, reinforcing their authority and influence in local governance.

While consensus is a valuable approach in participatory decision-making, it also has notable limitations. The process is time-consuming, requiring extensive discussion, negotiation, and compromise to reach an agreement. Additionally, it can lead to groupthink, where cooperation and group cohesion take precedence over the critical evaluation of ideas. Consensus becomes particularly challenging when decisions are urgent or must be made under tight deadlines, as certain elected representatives tend to dominate discussions, creating an imbalance where only a few voices shape the final outcome.

In Nepal's local governments, urgent decisions often see power concentrated among influential members, limiting diverse participation. A 2021 survey by the Nepal Administrative Staff College found that an overwhelming 67% (N=210) of elected representatives from women and backward communities reported using consensus as the primary method for resolving disagreements, highlighting both its importance and its challenges in local governance (Nepal Administrative Staff College, 2021). In the name of consensus, the compromises made by women representatives and marginalized community members have undermined inclusivity in participatory decision-making. In their efforts to reach consensus, they often feel pressured to conform to the majority view, even when they hold valuable insights, creative alternatives, or legitimate reservations.

In many cases, mayors/chairpersons, deputy mayors/vice chairpersons, and ward chairs are the key figures whose voices shape final decisions. As a result, decisions often fail to fully reflect the diverse needs and priorities of all members, instead favoring the interests of those who dominate discussions. This imbalance has led to resource allocation and policy priorities that are less participatory and inclusive, often overlooking the unique challenges faced by marginalized communities. Over time, this practice has not only undermined fairness in local governance but also discouraged participatory engagement, weakening the overall representativeness of local councils and assemblies.

5. Inadequate Administrative Capacity

Administrative capacity encompasses a broad range of roles and responsibilities essential for efficiently managing local government affairs and the political system. It involves a combination of administrative skills, policy expertise, resource management, and service delivery to citizens. In Nepal's local government structures, the Chief Administrative Officer (CAO) serves as the administrative head of each local government, acting as secretary of the local assembly and a member of various committees, most of which are chaired by the mayor or chairperson. The federal government deploys the CAO, who is then deputed by the mayor/chairperson at the local level. By advising elected representatives and leading community engagement initiatives, the CAO ensures that decisions align with both policy priorities and community needs.

Due to bureaucratic centralization, local governments struggle to attract qualified administrative heads, resulting in vacant positions or reliance on acting CAOs. Additionally, the federal government has faced challenges in deploying officials to the local level, further hindering effective administration. Out of 753 local governments, 256 of

them are being run by acting CAOs (Dangal, 2024). Without the active engagement of the CAO with local assembly or council members, the execution of decisions has been significantly affected. As a key coordinator between elected representatives and departments, the CAO's absence has led to delayed policy implementation, weakened oversight, and reduced inter-departmental communication. Without a CAO, decision-making processes have become disorganized, often shifting responsibilities to other officials who may lack the necessary expertise, further impacting governance efficiency. For example, several municipalities in Madhesh Province were unable to table and approve their annual budget due to the absence of a CAO, highlighting the administrative challenges local governments face (Informal Sector Service Centre, 2023).

Furthermore, local governments are facing operational challenges due to a shortage of human resources. According to data from the Department of National Personnel Records (Civil), only 32,808 out of 65,414 provisioned positions in Nepal's local governments have been filled, highlighting a significant staffing gap (Department of National Personnel Records, 2024). Local governments with limited administrative capacity face challenges in coordinating with elected representatives and facilitating communication across different units, directly hindering the efficiency and inclusivity of decision-making processes.

6. Laws And Policies Governing Federalism Remain Incomplete

The framework governing federalism in Nepal remains incomplete, leaving local elected representatives uncertain about their authority and responsibilities. The Constitution of Nepal states that relations between federal, provincial, and local governments should be based on cooperation, co-existence, and coordination. While local governments have the power to formulate laws within their jurisdiction, ambiguity persists regarding their rights and functions. For example, secondary education falls exclusively under local government jurisdiction, as outlined in Schedule 8 of the Constitution.

Despite Nepal's federal structure granting authority to local governments, the lack of clarity in defining responsibilities among the three levels has created conflicts and overlaps. The absence of specific policies and guidelines has led to confusion regarding how local governments should exercise their authority. In shared responsibilities, such as education, local governments struggle to coordinate effectively with provincial and federal bodies, complicating governance.

The full implementation of federalism has been delayed by incomplete laws and policies that are essential for defining powers, responsibilities, and resource allocation across all levels of government. Local governments continue to face challenges in assuming their mandated roles, as the handover of authority remains unstructured and inconsistent. Additionally, contradictory laws and policies have caused confusion over jurisdiction, decision-making authority, and financial management.

Although education jurisdiction has been transferred to local governments, their

ability to function efficiently and autonomously remains uncertain. For example, the 2017 Education Act retained district-level agencies' authority over school management, supervision, and coordination, limiting local governments' decision-making power. Due to the lack of a comprehensive transition management plan and unclear legal frameworks governing cooperation, co-existence, and coordination, local governments struggle to take full control of their constitutional responsibilities.

7. Emerging Challenges in Governance

Nepal is highly vulnerable to natural disasters such as earthquakes, landslides, and floods, which severely disrupt local infrastructure and require immediate response from local governments. As climate risks and disasters continue to rise, local governments are increasingly responsible for developing disaster preparedness strategies and participatory resilience plans. Utilizing local knowledge of flood patterns and identifying high-risk areas plays a crucial role in risk assessments and mitigation efforts. A 2021 survey conducted by the Nepal Administrative Staff College across 102 local governments found that 'forest, environment, and disaster reduction plans' received the least attention among the five core functions of local governments: (a) economic development, (b) social development, (c) physical infrastructure development, (d) forest, environment, and disaster reduction plans, and (e) institutional development, service delivery, and good governance (Nepal Administrative Staff College, 2021). The absence of disaster preparedness and participatory resilience plans contributed to the loss of 13 lives, including 9 females, in floods and landslides in Roshi Rural Municipality during October 2024. Across Nepal, a total of 246 people lost their lives due to these disasters, highlighting the urgent need for proactive local disaster management strategies (Ministry of Home Affairs, 2024).

The COVID-19 pandemic exposed gaps in local governments' capacity to handle public health crises, as they were newly established and faced resource constraints while leading pandemic response efforts. Limited healthcare infrastructure, a shortage of trained medical personnel, inadequate supplies of test kits and protective equipment, and the absence of comprehensive local health policies made effective crisis management challenging. However, some local governments in Nepal swiftly implemented their own healthcare and sanitation laws to manage the crisis. Notably, those with a participatory decision-making culture, including the active involvement of women and marginalized communities, handled the pandemic more effectively than those lacking inclusive governance practices.

8. Influence of Central Politics

Nepal's local governments are formally autonomous under the 2015 Constitution, but political instability and central political influence continue to shape their governance. Most local elected representatives are affiliated with national political parties, and their party loyalty and career ambitions make them susceptible to central influence. Many rely on party support for future elections or seek political advancement, often prioritizing central political interests over local governance. For instance, a former

mayor has become a member of parliament, while many others have gained political advancement within their parties.

Factionalism within national parties has also trickled down to the local level, affecting governance. When local assemblies include members from multiple parties, discussions on resource allocation and policy priorities often turn into partisan disputes rather than constructive debates. Instead of focusing on local development, some elected representatives prioritize projects aligned with central party objectives, limiting genuine local engagement. Additionally, local representatives face pressure from central party leaders, influencing local decision-making and prioritizing party interests over community needs.

9. Financial Dependence

Revenue-sharing mechanisms between the central and local governments are designed to ensure that local governments receive adequate financial resources to fulfill their responsibilities. The central government collects revenues such as customs duties, value-added taxes (VAT), and excise duties, which are then allocated across different levels of government based on population size, development status, needs, and economic activity in each local area. Additionally, local governments in Nepal have the authority to generate revenue from specific sources within their jurisdictions, including property taxes, land registration fees, and business taxes, enabling them to finance local services and development projects. For instance, Vyas Municipality, one of Nepal's local governments, generates a significant portion of its internal revenue from natural resources, wealth tax, and house rent tax (Vyas Municipality, 2024).

Many local governments struggle to identify revenue-generating sources due to limited capacity in financial management. Without providing financial management education for elected representatives or developing mechanisms for gathering their input, it becomes difficult to engage them in revenue generation decisions. As a result, local governments often depend heavily on the central government for funding, which restricts their financial independence. These funds usually come with specific conditions or mandates.

The federal government provides four types of grants to local governments: fiscal equalization grants, conditional grants, complementary grants, and special grants. While revenue-sharing mechanisms are designed to help local governments fund essential services like education, healthcare, water supply, and infrastructure development, in practice, they are often inconsistent. When budget allocations are predetermined, elected representatives face limited options in participatory decision-making, which discourages their engagement in deliberations.

It has also been noted that local governments aligned with the ruling party at the federal and provincial levels often receive more funds or project approvals, further deepening their dependence on central government support. This reliance has dimin-

ished their ability to make independent decisions based on the actual needs of the local population, leading to decision-making that often reflects the priorities of the federal government rather than the needs of local communities.

10. Limited Technical Skills

In the era of rapid technological advancements, including the rise of artificial intelligence, participatory decision-making becomes increasingly essential. Digital platforms enable wider and more inclusive participation, allowing people to contribute from anywhere, enhancing the ability of local governments to quickly gather assembly members' opinions and adjust policies based on current trends. Tools like social media, online surveys, and digital voting platforms make it easier for marginalized community members, who might otherwise be hesitant to participate in physical meetings, to voice their opinions. Technological systems also improve transparency in decision-making by creating a verifiable record of how decisions are made and why certain policies are implemented.

However, elected representatives need the technical skills and knowledge to effectively use modern technologies and engage in data-driven participative decision-making. The use of social media, online surveys, and mobile apps for decision-making is still rare in local governments. For instance, the reliance on traditional communication methods—such as phone calls, SMS, and letters to inform the public about council or assembly meetings—highlights both a missed opportunity and a structural gap in Nepal's local governments. While these methods are accessible, they are slow, resource-intensive, and lack interactivity, limiting their reach and engagement.

As technological advancements bring more specialized and complex systems, they require diverse expertise to understand and manage effectively. Unfortunately, most elected representatives lack the technological expertise needed. Training opportunities on the implications, risks, and benefits of technology are limited, particularly in rural areas, hindering the adoption of digital solutions for participatory decision-making. Moreover, lack of digital infrastructure has restricted the use of e-governance platforms, which could streamline participative decision-making in local governments.

11. Greater Priority to Executive Role

The Constitution of Nepal established a federal system with the goal of providing constitutionally mandated legislative autonomy to local governments. In line with this, the LGOA outlines the dual roles—legislative and executive—of elected representatives. While local governments are responsible for defining their own legislative framework, it must remain aligned with constitutional mandates and consistent with federal and provincial laws.

Elected representatives are aware of their dual roles and responsibilities. However, they often prioritize their executive functions, concentrating mainly on developmental tasks and budget spending, with less emphasis on their legislative duties (Sigdel,

Adhikari, & Kharel, 2021). They have devoted comparatively less time to their legislative duties, focusing instead on executive tasks. This concentration of power often leads to executive decisions taking priority over deliberations by the local assembly or council, diminishing the influence of other elected representatives. Local executives, such as mayors and chairpersons, are often under pressure to deliver visible results, like infrastructure projects, within their term to gain political favor and ensure future electoral success. While the assembly or council is meant to represent diverse local perspectives, the executive's focus on quick decision implementation has bypassed participatory decision-making processes. The desire to show concrete achievements has often led to executive-led decision-making, sidelining participatory processes and broader consultation with assembly or council members.

F. Conclusion

This chapter sought to analyze the challenges faced by elected representatives in decision-making at local governments in Nepal. While there has been undeniable progress towards participative and equitable political participation, particularly for women and marginalized communities, Nepal's local governments still hold great potential to enhance participative development efforts and increase responsiveness among elected representatives at the local level. While representation alone cannot meet citizen needs, effective participation in policy and lawmaking—particularly for excluded groups—is crucial. Despite the progress made, there are several ongoing challenges that hinder participative decision-making in Nepal.

First, the varying competency levels and capacity gaps among elected representatives in Nepal's local governments pose significant barriers to effective participatory decision-making. Many council or assembly members, especially from marginalized backgrounds, have limited technical knowledge and leadership experience, hindering their full engagement and restricting the diversity of perspectives in decision-making. This lack of capacity has affected vital functions like disaster response and policy deliberations, resulting in disparities in governance quality across local governments. While some leaders, especially mayors/chairpersons with training, show the necessary skills, many representatives from women and marginalized communities have remained passive in the decision-making process. To empower these representatives and foster a participative decision-making culture, governments at all levels, along with development partners, must prioritize inclusive capacity-building programs that equip all elected representatives, especially from marginalized groups, with the knowledge and skills required for impactful participation.

Second, the presidential model adopted for local governments in Nepal has introduced challenges for participative governance. While this model aims to streamline decision-making by granting significant executive authority to mayors/chairpersons, it often undermines participatory decision-making. With executive power concentrated in one figure, decision-making becomes dominated by mayors/chairpersons, reducing opportunities for input from other assembly or council members. This limits diverse per-

spectives and constructive debate. In several instances, the voices of women, marginalized groups, and less influential representatives have been sidelined. In times of crisis, dominant voices—typically from mayors/chairpersons, deputy mayors/vice chairpersons, or ward chairs—often shape the final decisions. However, the absence of broader input has hindered the development of comprehensive and localized solutions. Furthermore, the consensus model, while collaborative, has often resulted in groupthink, where members feel compelled to align with the mayor/chairperson's agenda, especially in urgent matters requiring swift decisions.

Third, Nepal's federal system, designed to distribute governance responsibilities among the federal, provincial, and local levels, has caused confusion in participative decision-making due to overlapping jurisdictions and unclear role definitions. It is essential to address the gaps in the frameworks governing intergovernmental relationships. Strengthening laws that promote cooperation, coexistence, and coordination among the federal, provincial, and local governments is vital to reducing jurisdictional ambiguity and enhancing effective decision-making. Developing specific guidelines for shared areas such as education, which require coordination among governments, would help local governments exercise their authority without conflicts or overlaps with provincial and federal bodies. A clearer framework delineating roles would empower local-level representatives to engage more effectively in decision-making processes, benefiting Nepal's federal system.

Fourth, although local governments are constitutionally autonomous, they continue to face financial and political dependence on the central government. Many local governments lack the expertise to identify and manage their own revenue sources, making them heavily reliant on central government grants, which often come with specific conditions. Similarly, party loyalty among elected representatives, tied to career aspirations and dependence on party support for future roles, has made local governance susceptible to central influence. This dependence restricts local autonomy, limits participative decision-making, and often results in priorities that reflect federal, rather than local, needs. Consequently, local governments' capacity to function independently and inclusively has been undermined. To promote genuine participative decision-making, guidelines that limit central party interference in local governance should be introduced, while encouraging local representatives to focus on community-driven development agendas. Promoting financial independence and minimizing central conditions on grants would enable local governments to deliver services that better align with local community priorities.

Note

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