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Dimensions of Good Governance at Local Level: A Case Study of Madi Rural Municipality of Kaski District, Nepal

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Abstract

Local government is an ancient social institution used in the modern time. It has been providing goods and services to the people at local level. Law making is one of the dimensions of good governance at local level. It empowers the people at the local level for building leadership qualities of democratic practice. The new constitution of Nepal 2015 has provisioned local governments as a miniature government. It has been practicing executive, legislature and judiciary power at local level. Main objective of this study is to explore a dimension of good governance at local level: a case study of Madi Rural Municipality of Kaski District, Nepal. In this study primary and secondary data have been used. The primary data was collected through the field work and secondary data was collected through the constitution, books, journal articles and local government operation act. This is descriptive and analytical study. Local level people are participating in planning, budgeting and monitoring as self governance. The local government of Madi Rular Municipality has made 69 laws- act, regulation, procedural law, code of conducts, directives. It involves in day to day service delivery through the principle of good governance and, social and infrastructure development. It also distributes senior citizen and disable person allowances at their doorstep. Educational and health sector reform, connectivity road construction and one home one tap program have been implemented in every village. Similarly, it is an institutionalized federal democratic republic Nepal.

Keywords: Ancient, dimension, empower, good governance.

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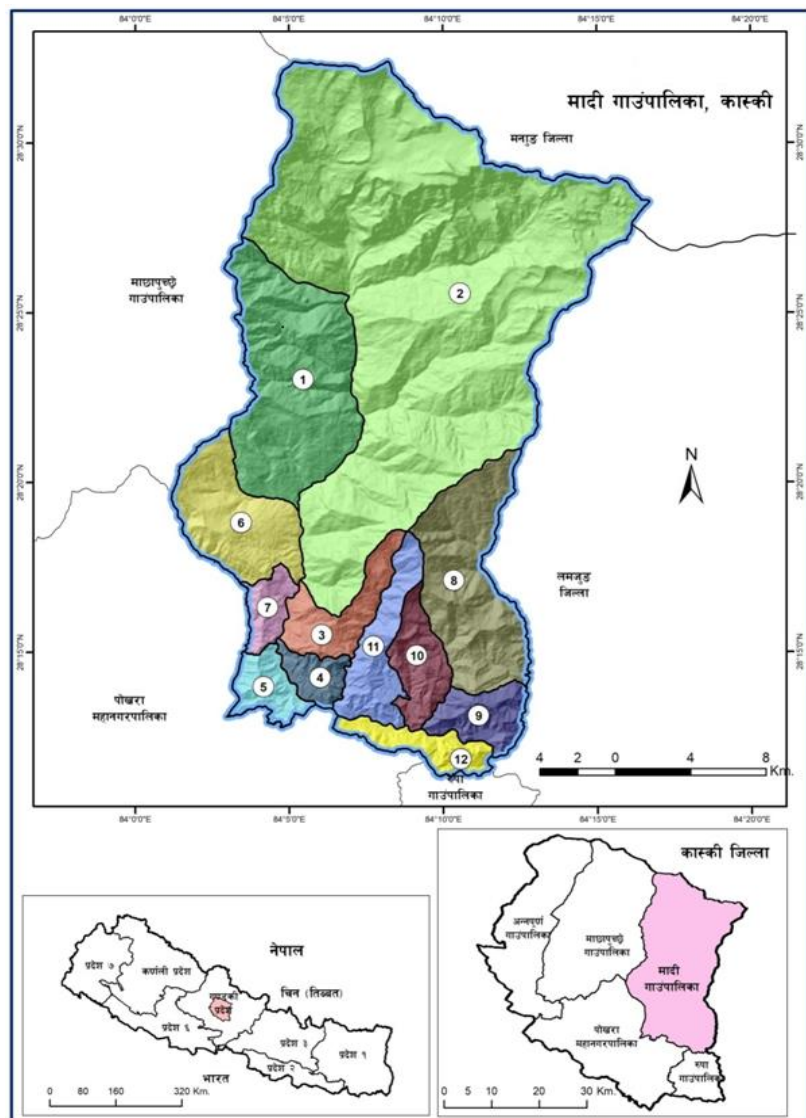
Introduction

The definition of local government is different from country to country. Institutionally, local governments have different structures across countries. For example, in India, there are

different types of government in local level similarly in South Africa and Brazil too (Do Vale, 2015). The local government autonomy, its strength and inherent contradictions in achieving the objectives of local government system in Nigeria (Adeyemo, 2005). The local level of authority has been practicing in Nepal from the ancient period. The historical evidence shows the existence of local level bodies in the Lichchhavi period as 'Panchali,' as the local authority (Shrestha et al., n.d.). The constitution of Nepal has provision power and authority to the local government (Government of Nepal, 2015).

Madi Rural Municipality is a Gaupalika in Kaski District in Gandaki Province of Nepal. It is one of the local governments of Nepal started in 2017. It began a new dimension of good governance at the local level as a new structure. Before it, there were 9 village development committees in this area. Local government is the closest unit of the grassroots communities as they are not only undertaking to institutionalize the governance system and create an enabling environment to promote the democratic values and public participation mainly from the marginal section in the decision making process (Acharya, 2018). Now it is constructed after a new constitution as a federal democratic republic.

Madi Rural Municipality comprises of 12 wards with a local government elected in the local election of 2017. After that, it has been practiced good governance at local level. It began its work as the basis of 22 constitutional rights. In the first year, it has made essential laws, a plan with a resource map with a five years plan and made yearly budgeting and prepared the foundation for good governance. Now, Madi Rural Municipality has



made more than 69 laws within four years. It began its work with citizen charter put on each and every wards office and Rural Municipality office for good governance. It has been providing day to day service from the wards office by issuing different recommendation letters and keeping record of the personal events like birth, marriage and death of the local people. Similarly, people participate in planning, monitoring, evaluation with social audit. Education, health, clean drinking water, and the social sectors have been reformed for people's interest. It has also constructed infrastructures like new school buildings, ward offices, link roads (Gurung, B. Personal communication, 24 November, 2020). The local government is the miniature government that has exercised executive, legislature and judiciary power and function.

The local government's legislative body is the rural municipal assembly. It comprises of the whole body of local governments. There is a chairperson, a vice chairperson or a mayor, a deputy mayor, ward persons, ward members, elected by legislature for executive members are together called local government legislature. Similarly, the executive body includes chairperson, vice chairperson or mayor, deputy mayor, wards chairperson with legislature elected members. There are a vice chairman or deputy mayor with two members in the judicial branch of the local government. Legislature is the main organ of the local body and it makes policy and law making according to the constitution. Similarly, executive is the second important organ of the local body that has been providing day to day service delivery to the local people. And the judicial organ is the third important organ of the local body that has been disputing civil miniature cases of the local level.

The local governments in Nepal have taken on broad powers in law making, budget formulation, planning and policy formulation, and implementation, and will take on the responsibility for delivering most local public services (Bahl et al., 2020). Thus, within four years Madi Rural Municipality has made social and infrastructure development in local level.

Objective

Main objective of this study is to explore the dimensions of good governance at local level: a case study of Madi Rural Municipality of Kaski District, Nepal. It shows the local government's day to day service delivery and, social and economic development at local level as self governance. Similarly, it also examines the constitutional rights used as miniature government and practiced executive, legislature and judiciary power at local level. How to institutionalize a federal democratic republic by the people representative at local level and actually local governments are responsible and accountable to the sovereign people of Nepal.

Methodology

This study is based on qualitative and quantitative data. In this study grounded theory is used as a qualitative research approach that uses inductive analysis as a principal technique

(Bowen, 2006). Similarly, in this study bottom up approach was used for data analysis. Primary data were collected through the interviews, email interviews, and telephone interviews with 19 respondents. The cases of Municipality Chairperson, Vice-Chairperson and Head teachers were also included. Respondents were the Chairperson, Vice-Chairperson, Chief Executive Officer, nine Wards Chairmen, and 7 intellectuals of the study area. These respondents were selected through a convenient and purposive sampling method. That data was verified from the focused two groups' discussion at the fieldwork of the Madi Rural Municipality office and assembly hall. The researcher requested and informed them about the objective and implication of the academic study on a telephone conversation. The interviews were taken at a convenient time for the respondents. The interviews provided by local government members and intellectuals. Secondary data were collected from different books, journal articles, reports, etc. The data were collected from November 15 to 30, 2020.

Review of Literature

Governance means different things in different contexts, but the concept generally relates to group decision-making to address shared problems (Esty, 2006). Governance is widely understood, when used with regard to government or the public sector, to refer to the institutional underpinnings of public authority and decision making (Harvard, 2012). Good governance, on this view, requires deliberation in a vibrant public sphere as well as good electoral participation and broader patterns of citizen engagement (Farrington, 2011).

Power has been transferred from center to province and local level according to the constitution of Nepal 2015. The constitution of Nepal has provisions of 22 power and functions to the local government and with it also has concurrent rights with the provincial government and the federal or central government (Government of Nepal, 2015). The Local Government Operation Act, 2017 has provisioned to delegate much power and functions to the local level (MOFALD, 2017). Historical documents give evidence that Nepal has a long tradition of local governance and leadership, which were relatively autonomous. The terms like *gramalika*, *panchayat*, *guthi*, *Bikas Samiti* and the like have strong connotations with local governance in Nepal (Khanal, 2004). Local government is an ancient institution with modern concepts. It is a locally elected representative body responsible and accountable to its electorate, it has a multidimensional role at local level (Shrestha, 2000). The idea of Local self governance (1999) is to institutionalize the process of development by enhancing the participation of all the people including the ethnic communities, indigenous people and down-trodden as well as socially and economically backward groups in bringing out social equality in mobilizing and allocating means for the development of their own region and for balanced and equal distribution of fruits of development to all people of the local level (MoFALD, 1999). Local Government Operation Act (2017) has provisioned rigorous performance management according to the constitution of Nepal. Political leadership is an important component of governance. The quality of governance is very much dependent on it. In the context of developing countries like Nepal leadership is not only confined to the role of

executive (Khanal, 2004). Local government has been practiced on good governance as three dimensions: the rule of law, the democracy, and the institutional dimension. The next step is to look at the principles of good governance, as parts of the motto of good governance (Addink, 2018). Local government means the regulation and administration of local affairs by the people inhabiting the locality through representative bodies composed mainly of elected representatives (Rijal, 2011).

Power and Functions of Local Government

The constitution of Nepal 2015 has set provisions for the Local Governments to form their Municipal police, Cooperatives, Frequency Module operation, collect local tax, management of local services, maintain local statistics and record-keeping at the local level. There are also constitution provisions for development projects, basic and secondary education, basic health and sanitation, management of local markets, environment conservation and biodiversity, local roads, rural roads, agriculture road, irrigation project (Government of Nepal, 2015). Local government has a provision of local judicial branch led by vice chairman with two members of local body for local courts. This body involves in dispute settlement and mediation. The local government is also responsible for the management of local records, distribution of land, building own certificates, collection of statistics of unemployed people, management, operation and control of agriculture extension, drinking water, small scale electricity projects, alternative energy, disaster management, conservation of watershed areas, wetland, wildlife, mines and minerals, reservation and development of language, culture and fine arts (The Constitution of Nepal, 2015).

Results and Discussion

The local government of Madi Rural Municipality of Kaski district was elected in 2017. It is a legitimate government. Similarly, it has full authority provided by the sovereign local people. So that all elected representative is responsible to the people. They try to make social welfare physical infrastructure with overall development of the local level. According to the elected represented try to make it rural municipality will made model rural municipality.

Day to Day Service Delivery

Local government is the closest unit of the people. This can ensure people have access to the services at their door steps (Islar, Brogaard, & Lemberg-Pedersen, 2017). Despite these developments, Nepal still faces challenges in public service delivery. A sizable number of people do not yet have access to basic public services. It is not uncommon to find people who have hardly had access to basic public services (Sharma & Muwonge, 2010). This restructuring of local levels opens to the door development opportunities in terms of economic dimension, political dimension, social dimension and environmental dimension. Especially, the opportunities of service delivery have been highlighted in terms of service delivery and administrative convenience (Dhital, 2018).

Now ward offices are trying to provide day to day service delivery easily. The elected local governments are accountable to the people ensuring public service. Basically, the local bodies are given a day to day service delivery recommendation list with citizen charter 64 (Field Visit November, 2020). They try to build an effective partnership with the local people. The accessibility of service is one of the major opportunities of the local governments in the federal model (Dhital, 2018). The local government ensures they can continue to deliver essential local services at local level such as adult social care through the Machhapuchhre bank in rural areas for allowance distribution. Thus, Madi Rural Municipality cares for all people; basically adult, disadvantaged groups get their allowance at their home (Gurung, Bed Prasad. Personal communication, 23 November, 2020). Bed Gurung further elaborates his vision:

We made master plan with resource map of this rural municipality after being elected in 2017. We have provided home to home service, social security. We had provided professional employee grant for self motivated young employee. We prepared for foundation of model local government. We cannot discrimination socially and overall development of our motto.

It is fruitful for the people of the Rural Municipality. This is a new dimension after the new constitution federal democratic republic Nepal. It changes drastically being responsible to the people. Now the rural area will be changed and develop gradually (Bastola, Pas Bahadur, personal communication, November, 2020). The constitution of Nepal provided power and authority to the local level. It is a significant change the government of Nepal provided power and authority to the local government.

Law Making

Law making is a new practice and foundation at local level. It has been practicing executive, legislature, and judicial functions. They have no idea how to make laws - act, rule, regulate and code of conducts. It is a new dimension for empowerment from the grass root level representatives. The constitution of Nepal has provided power and authority with 22 constitutional rights to the local government (Government of Nepal, 2015). The constitution of Nepal provided judicial power at the local level. It is a very difficult task for dispute resolution at the local level (Gharti, Lokmaya, Personal communication, 24 November, 2020). There is no law background good main power. Local government needs experts for justice and dispute resolution. But unfortunately the local level has no good manpower for judicial work. Similarly, the local level needs good manpower for law making. This is the first time law making in local level for local governance. The basic concepts of law and justice were guided by Hindu religious scriptures and customary practices of the ancient and medieval history of the Kingdom (Shakya, 2009). According to the vice chairman of Madi, judicial disputes are difficult at local level because there is no idea with the judicial committee. All three members of the judicial committee have no law background academic knowledge and there is no any legal officer. It is difficult for them at the

local level; the mediation committee provided good suggestions for dispute resolution at local level (Paudel, Bisnumaya, personal communication, 24 November, 2020). Her views are as follow:

We try to provide justice to the local people. We have no idea how to do dispute resolution at local level. Constitutional right is better for dispute resolution at local level. But unfortunately we have no essential legal manpower. May be it will be help for background and will develop good dispute resolution institution at local level. Still now we try to dispute resolution at local level unofficially.

By the way we care and discuss with neighbors and find out the facts and provide justice to the actual suffering person at the local level (Gurung, Yakjang, Personal communication, 24 November, 2020). However, the justice system had been administered under the religious, social, cultural and moral rules and traditional values. Most of the local disputes continued to be settled by people based local institutions (Shakya, 2009).

Madi Rural Municipality has made 69 laws within the fourth year, according to the chairman. He says that in the first year they make various laws and prepare the foundation for good governance as well as social infrastructure. After that, they began for day to day service delivery to the people and make a plan for overall development of Madi rural municipality (Gurung, Ratna B., Personal communication, 24 November, 2020). The local government is clean governance and transparency will help restore people's faith in republicanism, secularism and federalism of the country. Madi Rural Municipality has formulated more than six dozen important laws including acts, rules, regulations, operation guidelines, policies, and codes of conduct (Sapkota, Gopal, personal communication, November 23, 2020). It has made the Financial Act 2018, Cooperative Act 2018, Administrative Procedural Act 2018, Infrastructure Management Act 2018, Judicial Procedural 2018, Agriculture Professional Act 2018, Health Sanitation Act 2018, Local Hydropower Act 2018, Land Utilization Act 2018, Disaster Management 2018, Education Act 2018, Social Security Act 2018, Police Management Act 2019, Natural Resource Protection and Utilization Act 2019, Environment and Natural Resource Protection Act 2019, and Public Private Joint Investment Act, 2020 (Joint \Act combination, 2020).

It has also endorsed other acts like Frequency Module Radio Procedure Law 2017, Social Reform Procedure Law 2017, Property Management Procedure Law 2017, Home Stay Management Procedure Law 2017, and Senior Citizen Identity Card Procedure Law 2019. Final Appropriation Procedure Law 2017, School Management Committee Procedure Law 2019, Drinking Water Utilization Committee Procedure Law 2019, Technical Scholarship Distribution Procedure Law 2019, Birthplace Award Procedure Law, 2019 etc. Similarly, the Madi Rural Municipality has developed its village profile and five years' periodic plan (Gurung, Yam, personal communication, November 24, 2020). The Infrastructure Implementation Code of Conducts has also been developed. These policies and laws have been made for easy and effective service delivery to the people. The rural municipality has altogether formulated four acts, two

regulations, nine procedural laws, eight codes of conduct, etc. in a short period of time after the election held in 2017, (Gurung, Mitra, personal communication, July 28, 2020).

Table 1: Law Made by Madi Rural Municipality

| Description | Numbers | Remarks |
|------------------|---------|------------------------|
| Acts | 17 | 2018, 2019, 2020 |
| Regulation | 6 | 2017, 2018, 2019, 2020 |
| Procedural laws | 41 | 2018, 2019, 2020 |
| Code of Conducts | 3 | 2017 |
| Standard | 1 | 2018 |
| Directive | 1 | |
| Total | 69 | Within four years |

Source: Feld Study, 2020

Table 1 shows that the local government has made 17 acts as education, financial, cooperative, health and sanitation. These laws help facilitate service to the local people. Similarly, the local government has made 6 rules, 41 procedural laws, 3 code of conducts 1 directive within four years. Now the local government has not any legal problem for service delivery and development activities at the local level. It is a good opportunity for local leaders for leadership development. They should use it well and manage it for their better future to serve the people. It is a great achievement of the federal system.

Educational Reform

According to the chairperson, the education system was the worst in Madi Rural Municipality. The constitution has been providing school education management to the local level. When the local government was elected in 2017, the team began to reform local education. Local government has made an education act, 2018. The act has the provision of providing mother tongue education on the local level (Gurung, Om, Personal communication, 24 November, 2020). His views are as follow:

We have started mother tongue language as Gurung began from class three. It is great achievement of local level constitutional right to the child. Similarly, we are starting local need and resource based courses of education such as tourism, agriculture, water resource.

Madi Rural Municipality made a law and started Gurung mother tongue education from class three in primary level. The constitution provided school level education management at the local level. Local governments like to provide quality education at the local level. But

unfortunately public school teachers are not responsible for their duty. How to make them accountable to the students? They are qualified, they have training and experience but there is a lack of a good management system. Firstly, the local government began management reform with new management committees chaired by rural municipality chairperson and began electronic attendance at each school. There are 51 schools among them 10 are higher secondary schools. Secondly, all head teachers join meetings each and every month and report on their progress report (Sapkota, Gopal, Personal communication, 22 November, 2020). The rural municipality education management committee makes policy. After that, they make contract with the head teacher for two years. The head teacher contracts with their school's teacher and improves the quality through the academic system. They make various indicators and the teacher who has achieved more than 50 percent and achieved the highest mark is awarded one-month salary for his\ her performance every year. There are some professional organizations but they are not responsible and accountable in school (Shapkota, Rudra Prasad, Personal communication, 20 November, 2020). The local government requested them to be responsible to the students with school. Now, there are dramatically changes in the governing system of the school's level. But it has not yet brought out substantial changes. We hope the coming time will be better, according to the chairperson of the local government of Madi Rural Municipality.

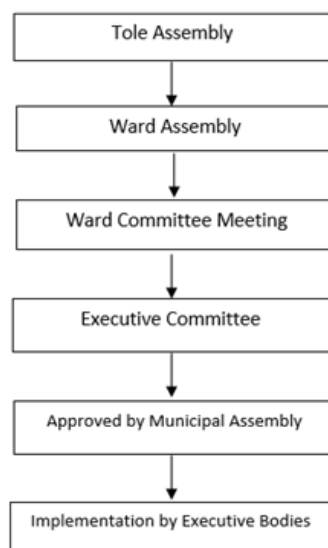
According to Om Prakash Gurung a head teacher of Himalaya higher secondary school began new local courses of tourism, agricultural, technical subject from class 6 to 10. Similarly, mother tongue education Gurung language is starting from class three (Education Act, 2018). They collect Gurung language courses, the course design by curriculum development center Kathmandu. Om Prakash Gurung argues that it is good development activities. He told his view of satisfaction about the good governance in the Madi Rural Municipality. It is a great achievement of language protection and development at the grass root level (Shahi, Nabin, Personal communication, 24 November, 2020). Some local languages disappear and it will be an important factor for minority group protection. Madi rural municipality's dominant mother is Gurung language. So it is beginning from the primary level of Gurung language (Gurung, Kaji, personal communication, November 24, 2020).

Infrastructure Development

Elected local government has used their budget for social and infrastructure development. It has been made new 9 wards offices building, schools building, health post office, ward connectivity road (Gurung, Lal B., personal communication, November 24, 2020). The federal government made a mid top highway through the Madi Rural Municipality and the provincial government also made 11 KM road. Now a day, people are satisfied with service delivery and development activities as road transportation with each ward and ward to hamlet. Similarly, the education, health, social service sectors are slowly changing and the people are satisfied with the people (Shersth, Utam, Personal communication, 24 November, 2020).

Empower the People

Local governments empower the people from the grass root level. Leaders of local government in Nepal are popularly elected every five years. Political parties play the most deciding role in their recruitment both at the local as well as national level (Khanal, 2004). The people participate to make their plan as health and sanitation, education reform, clean drinking, quality infrastructure, and provide quality service to the people at local level. They are selected for their plan and project for their development, they can participate and follow the inclusive democratic principle for decision making. The local governments in Nepal have taken on broad powers in law making, budget formulation, planning and policy formulation, and implementation, and will take on the responsibility for delivering most local public services. It provided equal opportunity to the people. Similarly, it held leadership development at local level, they empower for law making and decision making at local units.



(Dahal, 2020)

Proper planning and implementation of plans is crucial for the development of rural municipalities as well as for welfare of the people. The local government is always responsible for and accountable to the local people by guaranteeing good governance and by carrying out development activities properly (Dahal, 2020). Vice chairman monitors and evaluates administrative function to day to day service delivery, school's teaching activities, all infrastructure development activities and others. It is her main responsibility of their vice chairman of Madi Rural Municipality. The people of the local level are satisfied to get effective service delivery from the local unit (Gurung, Chitra, Personal communication, 24 November, 2020). Some intellectuals comment that they are misusing the dozens of government vehicles in all the rural

areas. It is necessary to visit from one ward to another ward and municipality office to monitor the development works. Many school teachers are happy to see the award giving policy of the local government.

Conclusion

Main objective of this study is a new dimension of good governance, a study of Madi Rural Municipality of Kaski district. Local government focused on capacity development of local representatives and employees through the various activities and makes them responsible to the local people. Local governance is a unique system; it is improving decision making power for self-governance at local level. It utilized the available resources for the people's interest in operating and providing public services from ward office daily. The newly restructured powerful local government in federal polity has opened so many opportunities. However, the local government has faced many challenges and opportunities. Local government hardly manages physical infrastructure and there is no sufficient economic resource. It has challenges of human resource to administrative service delivery and managing its administrative jurisdictions at the local level. Local government is a new structure; it tries to institutionalize the federal democratic republic at the local level. A good governance system has been practiced and used the rule of law, democracy and institutional dimension. Now the local government has made laws, physical infrastructure and social service in democratic norms and values. Local government made 69 laws within four years. It is a great achievement of local government. It has prepared the foundation for overall development of the rural area. It tries to make more than six dozens of laws- acts, regulations, code of conducts, procedural laws. Local levels try to develop leadership in the future. Local governments are really the people's government and provide goods and service at the local level.

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