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Measuring Governance in Nepal

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Abstract

The study aimed to explore the approaches, tools, and indicators around the world to measure governance and how Nepal is taking advantage of them. Measuring governance is a complex phenomenon because it depends on the context in which it is being discussed. Based on the secondary information, the study discussed the introduction of governance, its importance, prevailing approaches, and indicators of measuring governance globally and their uses in Nepal. The article acknowledges that periodic assessment of governance indicators urges countries to continuously strive for better service delivery for further improvements on these governance indicators. Nevertheless, the most widely used governance indicators by developing countries such as Nepal is developed mostly by international organizations and multi-laterals and with their strategic interest limiting their universality. Thus, such indicators may require critical evaluation and customization by developing countries before adoption. The research concludes that there is no single best universally accepted method and indicator for measuring governance. Also, Nepal needs to conduct prudent assessment and customization of the indicators and approaches for measuring governance of all three tiers of government namely local, provincial, and federal governments.

Keywords: Measuring governance, corruption, survey, indicator, Nepal

Introduction

The term 'government' is understood as the official institutions of the country that has constitutional authority for legitimate coercive power to ensure policies, rules, regulation as well as law and order as per the Anglo-American political theory whereas governance is the process of the government actions (Stoker, 1998). Broadly, governance may be defined as a process through which societies, economics and nations are steered to meet common objectives using a single best or combination of multiple approaches such as authority-driven, market-driven, or network-driven, demanding participation and interaction with all relevant stakeholders.

The modern sense of governance surfaced from the early 1990s with the disintegration of the Union of Soviet Socialist Republics (USSR), maturing Ronald Regan's and Margret Thatcher's, neoliberal ideas whereby multilaterals like United Nations (UN) and World Bank were aggressive to redefining good governance. These multilaterals were reintroducing updated versions of structural adjustment programs to liberalize, stabilize and privatize economies in new democracies. Neupane (2015) defines governance as the exercise of economic, political, and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences. As per the World Bank (2020), governance is defined as a mechanism based on power dynamics in which state and non-state actors come together to formulate and execute policies using official and unofficial structures.

Presently, governance is recognized as one of the pertinent global issue and its importance is well- acknowledged worldwide. How the governance indicators of each country are performing temporally and spatially is a prime area of importance for governments. Thus, measuring governance provides insights to the government for the necessary policies adjustment that drives its continuous improvement. Specifically, measuring governance provides three key insights; monitors and communicates progress towards the country's goal, provides evidence-based insights for policy making in the priority areas identified by stakeholders, and strengthen democracy by engaging stakeholders through informed decisions (Mease, 2009).

In Nepal, with the federalization in 2015 and the formation of three tiers of 761 governments: local, provincial, and federal, understanding governance and its measurements becomes highly relevant. But literature review indicated a serious void in scientific knowledge materials specific to tools and regular practices of governance measurement in Nepal. Furthermore, the need for an integrated approach is realized to look at and evaluate the governance measurement system including discussion on Nepal specific challenges. Thus, the research attempts to explore and examine the governance measurement practices and indicators prevailing in Nepal compared to global practices. The article further deepens its exploration on the performance, stakeholder ownership and suitability of various limited indicators and practices of measuring governance in Nepal for the period of post-1990s.

However, the specific objective of the research is to synthesize the available information and knowledge generated from various pieces of literature on governance measurement practices in Nepal and abroad. Also, the paper critically analyzes and presents the suitability of indicators and practices for the Nepali context including its challenges, and mitigation measures.

Methodology

Qualitative analysis based on information collected purely from secondary sources is the methodology followed for developing this article. The information is collected from books, reports, published articles and online platforms. Similarly, information on governance measurement practices is collected from reports of multilateral institutions such as the World Bank, Asian Development Bank (ADB), and Transparency International (TI). The information thus collected is processed and synthesized. Furthermore, a critical explanatory approach of qualitative analysis is performed under the discussion and analysis section.

Literature Review

The World Bank examined governance from four perspectives: Public administration, information, and a legal framework for development and transparency (World Bank, 2013). Furthermore, Biswas (2020) mentioned that there are six types of governance namely: Democratic governance, corporate governance, good governance, environmental governance, e-governance, and global governance. The key facets of these dimensions are building the public sector's capacity for providing quality services and upholding the rule of law for corruption control (Biswas, 2020).

Nepal restored multiparty electoral democracy in 1990 after overthrowing 30 years of a party-less Panchayat system. King remained the head of state and three independent cross-balancing mechanisms: executive, legislative and judiciary systems were established. Following 1990, the primary components of the governance structure included two parliaments, a central cabinet headed by the Prime Minister, District Development Committees (DDCs), Municipalities, and Village Development Committees (VDCs). The Supreme Court, appellate court, and district court occupied a dominant position in the judicial system's hierarchical order of power. In addition, the establishment of the Commission for the Investigation of Abuse and Authority (CIAA) in 1991for curbing corruption, and the Nepal Human Rights Commission (NHRC) established in 2000 under the Human Rights Commission Act (HRCA) 1997 were some of the moves to improve governance. Similarly, the Office of the Auditor General (OAG) for an annual audit of all public spending and periodic elections provisioned in constitutions for measuring the quality of governance in the country.

However, disputes and significant political movements led to the promulgation of a new constitution in 2015. This new constitution transformed Nepal to the Federal Democratic Republic of Nepal with seven provinces and 753 local governments called Municipalities and Rural Municipalities. A periodic election every five years for federal, provincial, and

local government is envisioned. To ensure better governance, the constitution adopted all the state apparatus established earlier such as CIAA, NHRC and OAG under federal control.

Tools of measuring governance

As Dahal (2017) highlighted, after the restoration of democracy in 1990, a series of events for good governance were held in Nepal between 1990 and 2006. During the period, the then prime minister initiated and chaired the higher public administrative reform commission and enacted a local self-governance act to empower local administrative units like villages and municipalities.

Now, the Constitution of Nepal (2015) has provisioned the establishment of the Election Commission by Article 245 to conduct a free, fair, and credible election by conducting periodic elections to make political leaders accountable and responsible at all tiers of government. Similarly, Article 238 has provisioned CIAA to investigate any abuse of authority. In addition, Article 248 established NHRC to serve as a national watchdog over human rights issues. Article 241 of Nepal's Constitution 2015 and the Audit Act 2019 highlight that OAG is a legal entity and Nepal's ultimate audit institution. The OAG is authorized to conduct audits of several government offices such as the office of the President and Vice-President, Provincial Governments, the Federal Parliament, and the Supreme Court. Provincial Assemblies, Constitutional bodies and their offices, district courts, Office of the Attorney General and the Nepal Army, Nepal Police and Armed Police with due regard for the efficiency, economy, uniformity, effectiveness and transparency of government expenditures. Each institution prepares its annual progress report and submits it to the President.

The Nepal National Governance Survey conducted by Nepal Administrative Staff College (2018) in association with the Central Bureau of Statistics was the first of its kind effort for assessing the effectiveness of the governance apparatus. The survey had three specific objectives namely, capture citizen perspective on governance, provide evidence-based insight into policies and provide insight for capacity building exercises, and generate academic discourses. The major findings of the survey were mixed across four dimensions; foundations of the governance, infrastructure of governance, service delivery and economic outlook and prospects (for the country and household) that are investigated.

Mostly Nepal depends on the indicators published by various international institutions and multilateral for measuring its own governance performance temporally and spatially compared to other countries. The following section briefly outlines the most widely used governance measurement tools globally.

Liberal Democracy measured by Freedom House

On an annual basis, Freedom House, an independent research institute located in the United States analyzes worldwide political trends and measures political trends, political rights, civil liberties, electoral process, and government functioning. Annually it maintains a strong

time series database since 1972 however it has challenges in accurately measuring data from 193 nations. Mainly it monitors the electoral process, political pluralism and functioning of government in a particular country (Norris, 2011).

Constitutional Democracy measured by Polity IV

Initiated by Ted Robert Gurr in 1974, the indicator focuses on the presence of institutions and procedures through which citizens can express preferences about alternative policies and leaders such as democracy or autocracy; the existence of institutionalized constraints on the power of the executive; the guarantee of civil liberties to all citizens and its widely used in the comparative and international relations. It has two century database (1800-1999), but it equally finds challenges to maintaining data aggregation and transparency as it relies on the opinion of the chief executive of the state. The indicator mainly monitors the presence of institutions, power control of the executive and civil liberties (Norris, 2011).

Global Governance measured by Kaufmann-Kraay (K-K) Indicators

Since the mid-1970s, the World Bank has started assessments of government performance as a measure of Kaufmann-Kraay (K-K) indicators in six dimensions of macroeconomic management. Later with the implementation of The Washington Consensus in late 1980s, it was expanded to cover business regulation, trade, social sector policies, financial policies, functioning of the public sector, accountability, corruption, and transparency as well as allocating resources to those countries for technical assistance and debt. This measure is widely used in Nepal particularly for measuring governance by the World Bank. However, data collected for this indicator has high margins of errors because it involves few experts for the surveys in a country. The measurement of corruption is the central piece for this indicator (Norris, 2011).

Corruption Perception Index measured by Transparency International

Transparency International Nepal (TIN), one of the national chapters of Transparency International, is a civil society institution dedicated to increasing public accountability and curbing corruption in all walks of life. Based on the expert assessment, TIN measures composite index from fourteen sources focusing on how authorities misuse of public power for private benefits. The measurement of this indicator started in 1996. For this, perception of corruption is collected from key business people of the country. Annually TIN publishes the rank of the country among 180 countries on the corruption index (Norris, 2011).

Human Rights measured by Amnesty International and CIRI Index

Amnesty International conducts a global survey on human rights. Its 2020 report includes data from 149 nations. (Amnesty International, 2021). In addition, the Cingranelli-Richards (CIRI) database tracks a variety of human rights in 191 nations, including women's rights, civil freedom, and political oppression. It measures quantitative data on 13 types of Human Rights practice issues, but it is equally criticized for only relying on US state department

data for the measurement. CIRI indicator monitors civil liberties, women's rights, and state repression (Norris, 2011).

The World Value Survey (WVS)

WVS started in 1981 and is now operating in 120 countries. It is a global network of social scientists studying changing values and their impact on social and political life. These studies are expected to help political scientists, sociologists, social psychologists, anthropologists, economists, and policy-makers understand changes in the beliefs system, values, and motivations of people throughout the world. Currently, the 7th wave of the World Values Survey took place in 2017-2021. Unfortunately, WVS has not been widely practiced in Nepal.

Findings and discussion

Governance is a multifaceted approach for exercising power to better utilize resources for improved service delivery. The quality of governance is determined by the impacts of the power exercise on citizens' quality of life. Development agencies now believe that a comprehensive examination of the enabling environment of institutions and policies is important to determine the net impact of the state on the well-being of its citizens (Huther& Shah, 1999).

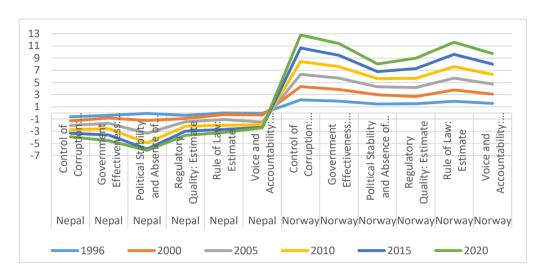
For Nepal, Dahal (2017) mentioned that good governance is gradually evolving compared to the pre-democracy period prior to 1990. He further alluded that the quality and quantity of services delivered to the people of Nepal are gradually improving even though there is still a lot of work to be done on quality service delivery.

Asian Development Bank also initiated governance improvement intervention in Nepal in early 2000. It was believed that poor governance has contributed to weak bureaucracy, ineffective implementation of development programs, and misallocation of budgetary resources, with lacking essential institutions for the functioning of the market economy. From 2001-2007, ADB implemented a Governance Reform Program which built the capacity for improved governance and poverty reduction. Later in 2010, ADB evaluated the effectiveness of this program and produced a validation report (Asian Development Bank, 2010) highlighting Nepal's low performance in almost all the 32 policy reform areas that the program has envisioned.

In 2020, the Worldwide Governance Indicators (WGI) project implemented by World Bank, measured six specific parameters: voice and accountability, political stability and absence of violence/terrorism, government effectiveness, regulatory quality, rule of law and control of corruption. The findings were reported in aggregate and individual governance indicators for over 200 countries and territories in the world starting from 1996 to 2020 (World Bank, 2020). Utilizing the data, the historical performance of good governance against K-K indicators of Nepal compared to Norway is presented in Figure 1, where Nepal is poorly performing day by day while Norway is performing better year by year.

Figure 1

Performance of Nepal Compared to Norway on Good Governance



Source: (World Bank, 2020)

Furthermore, with a score of 34 out of 100, Transparency International's Corruption Perceptions Index 2020 has ranked Nepal 113th among 180 countries, 11 spots down, compared to 2018 (Transparency International, 2022).

Amnesty International (2021, p.260) highlights several issues including legislation limiting the rights to freedom of expression and privacy, and security forces detaining individuals criticizing the government during the COVID-19 pandemic in Nepal. The report further highlights that minimal effort was put towards securing justice, truth, and reparation for crimes under international law. Also, there have been reports on human rights violations committed during the 1996-2006 conflict that remained unaddressed, Indigenous families were forcibly evicted, sexual and gender-based violence continued with impunity and the government did not protect Nepali migrant workers stranded.

The above performance indicators are the overall performance of Nepal. However, none of these indicators discussed in previous paragraphs reflect the segregated data among provincial and local governments and rural areas versus urban areas in the context of federal Nepal. As Nepal has 761 governments, measurement of the governance system of each of them is equally important. This will give the opportunity to learn lessons from the better-performing local and provincial governments by other lower-performing ones for further improvement.

Proxy measurements and results for Nepal

Though Nepal hardly measures the effectiveness of governance directly on its own, there are various indicators that could be taken as indicators to measure Nepal's relative improvement

over time. In 2021, OAG audited over 5,000 institutions and found the annual undeclared amount (*Beruju* in the Nepali language) of 1,555.8 billion Nepali Rupees which is 2.85 percentage of total annual expenditure, but this is lower compared to 5.29 percentage in 2019. Similarly, there is an improvement in the undeclared amount in provinces from 7.25 percent in 2019 to 2.74 percent in 2021 whereas the issue is still alarming in local governments where the undeclared amount was 4.22 percent in 2019 but it is increased to 5.0 percent in 2021.

Likewise, the number of corruption cases filed in CIAA every year is an increasing trend. There was total 8,313 corruption cases filed in 2018 and the number of cases has increased to 12,992 in 2021 mostly being the corruption cases in the education sector (Commission of the Investigation of Abuse of Authority, 2021, p.22). Thousands of cases are pending in courts, and as per the Nepal Police database, 6,233 murder cases were reported in 2018 and criminal cases have increased by 40 percent in the last five fiscal years in Nepal (Dhungana, 8 December 2019). Similarly, the Doing Business Indicator for Nepal is fluctuating every year and improved from 110 positions in 2018 to 94 positions out of 190 counties in 2020 (World Bank, 2020b). Nepal is only monitoring the budget spending from OAG in the local and provincial levels using these proxy indicators. Thus, a more structured and strategic governance measurement culture must be designed and implemented for local and provincial governments as well. Most importantly, technology adaptation, knowledge base and availability of skilled manpower in urban settings compared to rural settings could be different in Nepal. Thus, while devising such governance measurement tools, suitable customization for rural contexts may be required.

Criticism on contemporary governance indicators

Nepal lacks a comprehensive integrated approach and tools for monitoring and measuring the performance of the governance apparatus. This raises two doubts; why is the government not fully committed to measuring it and are variously disintegrated and proxy measures reflecting the true picture to the governance level of the government? The government's incapacity towards measurement is itself an example of poor governance practices prevailing in the country. This incapacity has become a due advantage to a handful of elites, politicians, and bureaucrats. Establishing a robust governance mechanism and measurement mechanism to reward and punish is disadvantageous to those who are enjoying a weaker system. Besides, Nepal itself does not envisage the importance of an integrated approach of measuring governance customized to the local context. Thus, Nepal has no choice but to follow the indicators set by the multilateral and international organizations. These multilateral institutions have their own strategic interest in weaker states like Nepal. Donors often put prerequisite conditions related to governance performance before sanctioning any aid including soft loans, grants, or technical assistance. After 1990, this has been the consistent historical practice where national priorities are influenced by donors.

On contrary, these indicators mostly by western institutions are also based on many assumptions and are not free from weakness and criticism. Data reliability, transparency, coverage of respondents, and high margins of errors are some of the well-known criticism of the five elite indicators. Polity IV, Freedom House, and CIRI index are measured from institutions based in the United States of America (USA) and particularly CIRI index is mostly based on information taken from US departments staffs. In addition, Transparency International, Amnesty International, UN and World Bank are headquartered either in Europe or in the USA. Thus timing, frequency, objectives, and methodology of measurement are influenced by western countries and institutions to meet their strategic hidden interest such as investment and loan sanctioning (Rotberg, 2015) to developing counties based on the governance performance defined by them. As an example, the Nepal government rejected the corruption perception index measured by Transparency International in 2020 claiming that data collection were confined to non-relevant respondents creating biased sampling. Also, the government argued that these international institutions were intentionally trying to defame the government. Similar was the case with the doing business index in Nepal in which the foreign minister expressed his dissatisfaction with World Bank in 2018.

Dhakal (2008), wrote that 1990s revolt and reestablishment of democracy in Nepal has not able to meet people expectation regarding the conditions of oppression and deprivation, individual freedom, equity, peace and prosperity and democracy as inequality and poverty conditions still prevails. With Neoliberal push, governments were shortsighted to privatize the public institutions at dirt-cheap prices without sufficient preparation, everything including justice, fairness, price, and equity were left for the market to decide. Even the healthcare and education sectors were opened to the private sector which has made these basic services out of reach of the poor. The state completely ignored the basic essence of democracy, which is to instil a system of justice, and fairness and let the market decide every economic activity. Inviting the market economy hastily in 1990, while exclusion, corruption, and circumvention-of-justice remained rampant did not produce the intended result. This clearly demands the role of developing nations like Nepal to moderate the role of the private sector and foster competition while the responsibility of providing basic services such as security, education and health remains with the state.

Key challenges of governance measurement in Nepal

Pokharel (2015) emphasized that Nepal encounters multiple challenges for good governance and its measurement. Low accountability, poor responsiveness and transparency, rampant corruption, non-inclusive governance, low credibility of public institutions, overpoliticization in governance practices and low innovation in governance are the challenges. These lapses are well reflected in the governance indicator measured by various international and multilateral institutions. Until the improvement in the execution and service delivery to the people as guided by the eight principles of good governance, the results of governance measurement are meaningless even though it is measured with the best approaches and indicators (Shrestha, 2021).

The challenges are further exacerbated by low civic literacy and engagement. Civil society is not impartial, strong, or well-organized also. Dahal (2017) outlined several hurdles to effective application of good governance practices. He further adds that the armed conflict in the 1990s created a political vacuum, instability, problem in bureaucracy, and a rise in corruption and leading to weak civil society, an unregulated private sector and unemployment are some of the direct and indirect factors posing major challenges to Nepal's good governance. On the one hand, chronic issues of poor professionalism, red-tapism, and nepotism, favoritism in politics and bureaucracy and on other hand, poor state apparatus and poor functioning opportunist private sector are the most significant hindrance to improving governance in Nepal. The issue is further complicated in rural Nepal due to poor literacy rate, lack of awareness, lack of financial resources as well as lack of access to modern tools, technology, and knowledge.

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Conclusions

The main essence of measuring governance is to evaluate the temporal and spatial performance of the government and learning ways to improve in the future. The Constitution of Nepal, associated Acts, Regulations and Policies are properly intended for each government to perform its duty at its best, yet the results are quite disastrous. This has proven that just being an electoral democracy and formulating ideal formal and informal instruments alone is not sufficient for a state to achieve good governance. Good moral

values, ethos, and honesty towards the state from all stakeholders; politicians, bureaucrats, civil servants, non-state actors and citizens are equally important toward shared values and goals. Higher civic literacy is the most crucial.

For a nation, continuous measurement of the performance of governance is important to check, guide and improve in future however the mechanism of measurement and indicators applied must also be compatible with the country's context. In a nutshell, Nepal lacks its own measurement indicators, approaches and mechanisms rather follows various measurement indicators developed by multilateral institutions such as the UN, World Bank, Transparency International, and Amnesty International. These institutions always have their own strategic interest and hegemonic nature to influence weak nations. Many times, these indicators have given unrealistic results. Finally, it was learned that no single technique or tool is sufficient to truly reflect the situation of a particular country and blanket adoption of these international approaches and indicators of measuring governance would be misleading.

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