



Challenges in Preventing Corruption and Implementing Federalism in Nepal: Implications for Education and Governance

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Keywords

Federalism,
corruption,
Governance,
decentralization,
transparency

Abstract

Corruption is a major barrier to good governance and development worldwide. In Nepal, even after adopting federalism in 2015, corruption continues to weaken decentralized governance. This study examines its impact on federalism, with a focus on governance and education. It analyzes constitutional provisions, anti-corruption laws, and policy documents using qualitative research methods. The findings show that corruption appears in various forms, such as misuse of public funds, bribery, and political favoritism, all of which reduce transparency and accountability. Weak institutions and political interference further slow down the effective implementation of federalism. In the education sector, corruption affects policy execution, resource allocation, and institutional integrity, making quality education less accessible. To address these issues, the study recommends stricter anti-corruption laws, institutional reforms, and integrating civic education into school curricula. The success of federalism and good governance in Nepal depends on transparency, public participation, and independent oversight.

Introduction

Federalism is a political system that prioritizes federal government, balanced power sharing, rule of law, values, and other governing principles. It is a political ideology in which a single representative leader governs a group or body of members. Federalism refers to legal and political institutions that disperse authority throughout a state's territory. There must be two different tiers of governance

that are neither legally or politically subject to one another. Its defining aspect is hence the concept of shared sovereignty. The exact scope of state and federal duty has long been debated. Federalism is a political structure in which authority is divided between a central ruling body and smaller, more local governments. Federalism aims to empower citizens by bringing government closer to them and giving them a stronger say in their

governance. The world's 27 countries with federalist governments account for 40% of the global population. According to Baral (2008), they account for about half of the world's land. Federalism is often preferred in large nations with diverse populations.

Corruption has become a big concern in most countries throughout the world. Corruption has a greater impact on rising nations, hindering their progress by preventing proper resource use. Corruption is a growing issue in Nepal, despite anti-corruption measures. Corruption is prevalent at both the national and local levels. It is widely accepted as a major contributor to Nepal's underdevelopment. It is quite frequent, has numerous forms, and is practiced at all levels of society. Corruption has a significant impact on Nepal's bureaucracy, politics, and economy. This presents a substantial challenge to the current Nepal effort (Ghimire, 2018). Corruption is a growing issue in Nepal, despite efforts to combat it. Corruption is prevalent at both the national and local levels (Shrestha, 2019). Corruption can be identified at the appropriate government level. Nepal's political transition from monarchy to federal republic has faced obstacles in delivering government that meets people's aspirations.

Although the federal system aims to decentralize authority and improve resource distribution, it has not effectively addressed socio-economic inequality or local development. Critics believe that the federal structure has caused unhappiness and increased resistance to the government, rather than addressing important concerns for regular residents (Acharya, 2021). Dissatisfaction with the political system originates from perceived inefficiencies and inadequate response to daily governance problems. Nepal's shift to the federal

government, which was codified with the adoption of the Nepalese Constitution in 2015, was a turning point in the country's progress toward decentralization and inclusion. The Article 4 of the Constitution of Nepal has declared Nepal as a 'Federal Democratic Republican State'. This federal system was intended to strengthen provincial and municipal administrations, minimize regional imbalances, and bring government closer to the people (Pokharel, 2017). However, the laudable goals of federalism are being undercut by the ubiquitous problem of corruption, which has infiltrated many levels of government.

Nepal's federal framework separates authority into three levels: federal, provincial, and local. Each level has legally mandated authorities, responsibilities, and financial authority. However, the absence of strong institutional structures and the quick adoption of federalism without appropriate planning have created weaknesses, allowing corrupt practices to proliferate (Chandrika & Acharya, 2020). Corruption presents itself in a variety of ways within Nepal's federal system, including fund embezzlement, nepotism in appointments, bribery, and contract manipulation. These activities not only deplete public resources but also weaken faith in public institutions, which has a direct influence on governance effectiveness.

Corruption, particularly the misuse of devolved power and resources, has become a major obstacle to efficient federal governance. Decentralization of authority has led to corruption at numerous levels, worsening inequality and weakening public trust. Decentralization is at the heart of Nepal's federalism, yet corruption has hampered its successful implementation. Many local governments are unable to implement their

constitutional authority owing to intervention from higher levels of government (Khanal, 2024). Corrupt behaviors such as bribery and favoritism in resource allocation undercut the idea of equal distribution, further disadvantaging underprivileged regions. Instead of promoting autonomy, corruption reinforces reliance on central authority, undermining the foundation of federal rule.

Objectives of the study

1. To examine the impact of corruption on the effectiveness and accountability of federal governance in Nepal.
2. To propose strategies for reducing corruption and enhancing transparency in federal governance.

Methodology

This research is qualitative and based on secondary data. It follows a doctrinal approach to study the link between corruption and federalism in Nepal, focusing on governance and education. The study looks at how corruption affects policies, resource distribution, and trust in institutions within the education system.

The study uses information from various secondary sources, including:

- Legal documents such as the Nepalese Constitution, anti-corruption laws, and federalism policies.
- Books, journals, and policy reports on corruption, governance, and education.
- Government and NGO reports on transparency and education governance.
- Online legal sources and academic materials for reviewing Nepal's governance and education system.

Thematic analysis is used to identify patterns, gaps, and weaknesses in Nepal's

anti-corruption framework and governance policies.

This study uses two main methods:

Descriptive analysis: Summarizes key discussions on corruption, federalism, and education governance.

Analytical evaluation: Examines legal frameworks and their implementation in Nepal's federal and education systems.

This research studies corruption through federalism and education governance. It also suggests solutions, such as institutional reforms, stronger anti-corruption laws, and civic education in schools to improve governance and accountability.

Result and Discussion

Understanding Corruption and Federalism

Corruption is a severe issue in Nepal, undermining the rule of law, democracy, and economic progress. Corruption is classified as "offences punishable under Chapter -2" in the Prevention of Corruption Act of 2059. Corruption is a global phenomenon and has become rampant around the world despite the various actions taken against it. While corruption is widely acknowledged as a significant issue, there is no universally accepted definition. According to the International Monetary Fund (IMF, 2013), corruption is "the abuse of public authority or trust for private benefit". Corruption, like any other complicated social phenomenon, is impossible to characterize in a single line. Alatas (1990) defines corruption as abusing trust for selfish benefit. It might be considered a deviation from typical norms (Lessig, 2018). It provides a comprehensive overview of a country. Corruption is a reflection of a country's legal, cultural, institutional, political, and economic systems

Corruption is acknowledged as one of the leading reasons for Nepal's underdevelopment. It is pervasive, has many forms, and is practiced at all levels of society. Corruption has the greatest impact on Nepal's bureaucracy, politicians, and economic sector. According to Upadhaya (2003), contemporary Nepal has a significant obstacle in its mission. Corruption has existed as long as humanity has (Guragain, 2024). It may be found in both public and private sectors, including business, non-profit, and philanthropic organizations. Corruption is a complicated phenomenon with diverse sources and effects, manifesting itself in various circumstances. Corruption can range from a single illegal payment to a systemic issue.

Corruption occurs between the executive branch of government and the administrative and bureaucratic branches (civil service, judiciary, legislature, and local authorities) on a national scale. Conflicting authority, political power battles for finite resources, and personal dependencies can all lead to relationship corruption (Rapacha, 2018). Factors contributing to this issue include a lack of separation between civil service and politics, a lack of professionalization in the bureaucracy, a lack of accountability and transparency, and inadequate political oversight and auditing. (Amundsen, 2000; Bista, 1991; Pyakuryal, 2000). corruption is more prevalent when authorities have greater discretion due to complicated and opaque legislation.

Federalism involves distributing power and authority between national and sub-national governments (Burris, 2015). According to Kelemen (2003), a consensus-based political system splits the state's authority and sovereignty into many entities depending on necessity and priority. Many

nations have autonomous legislative, executive, and judicial entities at various levels of government, as outlined in their constitutions. Robust federalism requires result-oriented self-governance systems, effective decentralization, and functioning public institutions (Acharya & Zafarullah, 2020).

Nepal has been a unitary state for the past six decades, with the victorious establishment of democracy against the Rana aristocracy in 1951. Unfortunately, it reverted in 1960, when the late King Mahendra instituted non-party Panchayat democracy, which ruled the nation for thirty years under an active autocratic system. Peaceful political movements and battles led to the effective reinstatement of multi-party democracy in 1991 (Bhatta, 2009). In 2005, King Gyanendra took over the democratic system as the nation faced a severe Maoist insurgency. The political parties responsible for governing the state failed to deliver services and were unable to address the insurgency, leading to constitutional challenges.

So, Nepal has a bitter experience of back and forth of deprivation of democratic system over the six decades, but none of the turmoil or dictatorial regime realized a necessity of change of unitary to federal system. Federalism in Nepal has been adopting as an outcome of struggle of regional and ethnic identity as well as experiences of prolong ideological dispute. It is true that when political parties formed and begun to fight for democracy. The federal system involves several levels of government in all stages of development, from policy formation to monitoring and assessment (Lamichhane, 2011). Federalism divides authority among national, provincial, and local governments.

Corruption and federalism are mutually exclusive, as the division of power across many levels of government in a federal system can provide opportunities and obstacles in fighting corruption. In Nepal, the shift from unitary to federal was supposed to address regional and ethnic imbalance and promote self governance and decentralization. But this has created new complexities like overlapping authorities, lack of clear accountability and insufficient professionalization of institutions, which can aggravate corruption. A federal system with weak checks and balances, opaque laws and no political oversight can be a breeding ground for corruption to flourish. This part explores federalism along with its implications and consequences in the scenario of Nepal, placing a special focus to the decentralization's ability to empower local governments while also leaving a pathway to arbitrary abuse of power. Even though the assurance of good governance is given lack of institutional exclusive ability and divisioned authority have affected the effective efforts on anti-corruption. This illustrates that, even when federalism seeks to overcome past injustices and bias, its implementation in Nepal places a necessity for significant institutional reforms to prevent corruption and promote accountability.

Constitutional provision and Federalism in Nepal

Nepal's Constitution 2015 has laid the foundation for federalism in Nepal, a major change from unitary to federal system. Federalism has become the backbone for a constitution in Nepal to decentralize power and ensure inclusive government. As per the Schedule of functions, the Constitution of Nepal distributes itself into three tiers of government-federal, provincial and local each having specific legislative, executive and judicial functions. These levels work independently and together towards good

governance, diversity and accountability (Breen, 2018). Article 56 provides a federal framework while Part 20 deals with inter-governmental relations in order to foster harmony and cooperation. The objective of the structure is to counter historical inequalities, empower marginalized communities, and encourage democratization through co-ownership in governance (The Constitution of Nepal, 2015). However, challenges such as resource allocation, capacity building, and ensuring coherence among various units of governance have complicated the definition of federalism and require ongoing policy development and partnership to address these issues.

Relationship between Federalism and Corruption

Corruption is a worldwide phenomenon. Corrupt practices and abuses of power exist in countries all around the world, including federations. Indeed, some of the most prominent corruption scandals in modern history have place in federal nations. The correlation between federalism and corruption is complicated, with both being multidimensional and dynamic. The challenges associated with examining these issues make it fundamentally difficult to draw conclusions about the relationship between them (Freille et al., 2007). The present literature on the link between corruption and federalism is split into two major schools of thinking. Some researchers suggest that decentralization of government increases the risk of corruption arising due to the lack of central control. Others argue that less corruption occurs when governance is closer to the people.

Although the present research on corruption and federalism has numerous contradictions, one repeating theme is that corruption in federal nations manifests locally/regionally.

It is possible (and likely) that there is corruption inside the central administration of federations. However, the majority of available studies on the issue focus on corruption at the regional and local levels of government (Ghimire, 2018). There are several common themes identified in the current evidence base that appear to support the contention that corruption manifests itself locally: the influence of regional funding mechanisms; the lack of effective anti-corruption measures on the ground; and the influence of political alignment.

Local and state corruption in a federal context may entail some very complicated impacts from the combination of political and administrative federalism. It is usually local authorities who have the discretionary powers for expenditure and allocation of resources, where misuse and mismanagement are likely if not well supervised and accounted for (Dincer and Gunalp, 2020). This is made worse in the presence of regional political elites imposing their influences on the decisions to be taken at the local level. Such elites might be utilizing their positions for specific interests or rent-seeking behaviors, which hamper egalitarian governance.

Thus, the decentralization also provides a fertile ground for corruption since it leaves out grey areas and gaps in the law for concealment. A significant source of corruption in federal political systems includes the role of intergovernmental transfers and financing arrangements at the regional level through which resources are mobilized (Shon & Cho, 2020). The transfer of cash from the central to the subnational government is usually conducted in a non-transparent way, prone to manipulation. Thus, as regards project approval, regional leaders may give priority to cash flow to

certain projects on the criteria of political allegiance or personal benefit, thus creating a patronage culture. At the same time, most often, structures at regional levels are poor and mechanisms for enforcement inadequate, which hampers effective monitoring and accountability. This scenario calls for strong anti-corruption frameworks that deal with the distinct vulnerabilities students in federal institutions face so that devolution does not inadvertently create room for corruption.

Anti-corruption measures in Nepal

Corruption is the sickness of all countries and societies; it cuts across all cultures and economies. It destroys the very fabric of democracy, indifference to human rights, and the reality of development efforts. It goes even further and injures the judicial system, breeds biases and prejudices, and erodes equality. In a similar way, it has many other festering injuries in the face of the world today.

To counter corruption in Nepal, a number of national and international laws and regulations have been compiled. The major legal laws and organizations related to corruption in the country are as follows:

The Prevention of Corruption Act of 2059: The anti-corruption legislation in Nepal names specific offenses as criminal (Aryal, 2023). The Act covers substantive as well as procedural matters. The Act also delineates the duties, powers, and procedures of the investigating agencies and officers with respect to prescribed compulsory occupations.

The Commission for the Investigation of Abuse of Authority Act, 2048: This is procedural legislation pertaining to CIAA procedures. The Act specifies inappropriate behavior and gives the CIAA extensive power. According to the Act, the CIAA can

conduct investigations based on a complaint or information from any source (Neupane et al., 2012). The CIAA may get a statement from the suspect, or any other individual considered essential. The Commission can conduct searches and seizures, suspend public officials, and hold suspects for up to six months with the agreement of the appropriate court.

The Special Court Act of 2059: This Act created the Special Court, a specialized and expedited court that hears corruption charges brought by the CIAA. The Special Court is made up of three judges: one serving or former Supreme Court judge, and two sitting or retired appellate court judges. The Special Court has authority to hear and judge corruption cases within one year of their filing.

The Money Laundering Prevention Act of 2064: The Act addresses money laundering and terrorism funding through broad legislative measures. The Act makes it illegal to earn, acquire, keep, own, be involved in, or consume the proceeds of tax evasion, terrorist activities, and other crimes and offenses (Gupta & Adhikari, 2018). The law has recently been updated to include measures to prevent money laundering.

The Mutual Legal Assistance Act of 2065: This Act establishes reciprocal legal aid and collaboration between Nepal and other nations and international organizations in the investigation, prosecution, and adjudication of criminal offenses, including corruption and money laundering. The Act also allows for the extradition of those charged or convicted of such offenses, subject to the principles of reciprocity, dual criminality, and non-refoulement.

The UN Convention Against Corruption (UNCAC): This is the first worldwide and comprehensive convention to combat corruption in both the public and commercial sectors. Nepal ratified the UNCAC in 2011, and has committed to implement its provisions (Rimal, 2020), such as the criminalization and prevention of corruption, the promotion of integrity and accountability, the enhancement of international cooperation and technical assistance, and the recovery and return of stolen assets.

The South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Corruption is a regional treaty that is meant to promote cooperation and coordination among the SAARC member countries in preventing and controlling corruption (Gemperle, 2021). Nepal ratified the SAARC Convention in 2011, agreeing to adopt and implement the provisions with respect to harmonizing and enforcing anti-corruption laws and policies, setting up and strengthening anti-corruption agencies, exchanging information and evidence, and offering mutual legal assistance and extradition.

These are Nepal's primary corruption laws and frameworks as of 2080. As stated earlier, these legislative protections are inadequate because several problems and loopholes exist in their implementation and enforcement and are not able to fight against corruption in Nepal. Corruption is a serious problem in Nepal and goes against rule of law, democracy, and economic development. Hence, there is an immediate need to strengthen the Nepal anti-corruption laws and framework, along with effective implementation and enforcement that should include involvement and support from all stakeholders—the government, anticorruption

agencies, the public, civil society, the media, the judiciary, the parliament, audit institutions, and international community-as it is only through this can Nepal realize that objective of becoming wealthy, peaceful, and free from corruption.

Federalism and Corruption in Nepal

Federalism in Nepal under the Constitution of 2015 was intended to decentralize authority and bring governance closer to the people. The shift from unitary to federal forms, however, did not come without challenges, especially with corruption. Nepal's new decentralized administration has provided a space for local accountability, increasing local potential for corruption at the subnational levels (Bhatta & Murshed 2009). Most of the provincial and municipal administrations in Nepal have been deeply entrenched in corruption owing to lack of institutional capability and transparency as well as lack of effective supervisory mechanisms to curb corruption.

This includes mostly monopolizing the resource allocation and implementation of development projects at the hands of the local governments; it is a major cause of corruption in Nepal's federal system. The provincial and municipal levels have very little technical capacities coupled with poorly established mechanisms of checks against corruption, which result in mismanagement and misuse of public funds (Guragain & Pokharel, 2024). Besides this, the nexus formed between local party leaders with powerful national political parties leads to patronage politics where public resources are used to enrich party affiliates or personal networks, thus eroding the ideal of the federal rule.

The main areas of concern in Nepal's federal system are power transfer and budget reform,

which have facilitated the decentralization of corruption. Moreover, the current shortcomings within the system, along with the influence of national politics on local governments, have raised questions on the effectiveness of the system to fight against corruption and to provide adequate services (Bhul, 2024; Bhusal & Breen, 2023).

It is sad that the federal administration appears to be drowning in corruption charges from all angles. The country's pervasive corruption and poor service delivery can be attributed to a lack of accountability and coordination mechanisms across all three levels. At the federal level, there have been cases misuse of public properties, such as the acquisition of Lalit Niwas property by a group of high-ranking politicians, bureaucrats, and businesspeople (The Kathmandu Post). However, anti-corruption investigators, like the Commission for the Investigation of Abuse of Authority (CIAA), lack the fangs and bravery to challenge them, much alone probe or punish.

Misuse of public funds to benefit the relatives and friends of people in prominent public positions has become prevalent at the provincial level, as seen by the issue in Province 2. The funds that were provided to lawmakers in both the federal and provincial parliaments are said to have been routinely misappropriated in practically every constituency in the country. A CIAA survey found that 46.7 percent of local residents believe corruption in development projects stems from collaboration between political leaders and officials. (The Kathmandu Post). Other key areas where errors occur include service delivery and local government finance administration.

Corruption is no longer a widely contested and despised problem, especially in political circles. The integrity of the senior leadership of all political parties has already been called into doubt. Provincial or local officials generally follow the central leadership and are frequently shielded by these powerful corrupt authorities in the center. Addressing corruption in Nepal's federal system needs a multifaceted strategy that prioritizes institutional improvement, openness, and accountability. Robust anti-corruption systems must be implemented at all levels of government, with empowered institutions such as the CIAA playing a critical role in enforcement. Furthermore, encouraging civic involvement and grassroots monitoring may assist guarantee that public resources are spent properly and fairly. Without immediate action, federalism's promise of efficient government and fair development would go unmet, leaving citizens dissatisfied and the federal system exposed to further degradation by corrupt activities.

Implications for Education and Governance

Education plays a vital role in addressing corruption and promoting good governance, particularly in political science, law, public administration, and governance. Understanding how corruption affects federal structures helps identify weaknesses in decentralization, equity, and institutional accountability (Acharya, 2021). Integrating anti-corruption education into curricula at all levels is necessary to equip students with the knowledge and skills to combat corruption effectively.

At the university level, political science and public administration programs should go beyond theoretical learning. Incorporating case studies, policy analysis,

and simulations can expose students to real-world governance challenges (Pokharel, 2017). A multidisciplinary approach, linking political science with economics, sociology, and ethics, provides a more comprehensive understanding of corruption and its broader implications.

At the secondary education level, social studies curricula should include interactive learning methods. Role-playing exercises, debates, and community engagement projects can help students understand the consequences of corruption and their role in promoting transparency and accountability (Shrestha, 2019). Mock governance activities and case studies of real-life corruption cases make learning more practical and meaningful. This approach not only enhances critical thinking but also instills values of integrity and ethical behavior from an early age.

Beyond the classroom, fostering a culture of accountability requires collaboration among schools, universities, civil society organizations, and government institutions. Universities can offer workshops, specialized courses, and seminars on anti-corruption measures, targeting students, public officials, and community leaders (Ghimire, 2018). Secondary schools can partner with NGOs and advocacy groups to organize awareness campaigns and extracurricular activities focused on good governance (Khanal, 2024).

Ensuring that anti-corruption education is embedded at all levels will help Nepal cultivate a generation of informed, ethical, and responsible citizens. Aligning educational reforms with national goals—such as effective federalism and sustainable development—will strengthen governance, transparency, and accountability, helping to build a corruption-free society (Chandrika & Acharya, 2020).

Conclusion

Corruption remains a major obstacle to effective federal governance in Nepal. Despite federalism's goal of decentralizing power and ensuring equitable governance, persistent corruption has weakened institutions, distorted resource allocation, and eroded public trust. The misuse of devolved powers, inadequate institutional mechanisms, and political interference have further hindered Nepal's transition to a functional federal system.

Addressing these challenges requires a comprehensive and multi-dimensional approach. Strengthening institutional frameworks, enforcing transparency measures, and promoting public accountability should be top priorities. Anti-corruption agencies like the Commission for the Investigation of Abuse of Authority (CIAA) must be empowered with full autonomy and resources to function effectively. Equally important is fostering a culture of ethical governance and civic responsibility through education. Integrating anti-corruption studies into school and university curricula can help cultivate a generation of informed, responsible, and proactive citizens. Practical learning methods—such as policy simulations, debates, and case studies—should be emphasized to provide real-world insights into governance and accountability.

However, education alone is not sufficient. Sustainable reform demands collective action from government institutions, civil society, and the public. Universities should serve as platforms for critical discussions on good governance, while schools can collaborate with NGOs to instill values of integrity and accountability in young learners. Civic engagement at the grassroots level must be

encouraged to hold authorities accountable and ensure transparency in decision-making.

The fight against corruption is complex but not insurmountable. With sustained commitment and coordinated efforts, Nepal can build a transparent, accountable, and resilient federal system. Immediate action is necessary—only through collective responsibility and systemic reforms can Nepal ensure transparent governance and sustainable development for future generations.

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