

A Look at Efficient Administration at the Local Level of Nepal

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Abstract

This paper aims to explore the limitations of Nepali local governments for effective administration constituted by the provisions of the Nepalese Constitution 2015 for strengthening democracy. Local-level public administration aims to achieve efficiency at all levels, providing necessary public goods and services without discrimination based on affordability. However, there are problems in the LGUs of Nepal. Performance should not only be a cost-benefit analysis but also provide value to citizens. In a scarcely available world, understanding efficiency's historical perspectives and future role is crucial. Advancements in technology are expected to significantly influence public administration's evolution. This study collected qualitative data from 5 LGUs in the Kathmandu Valley. A total of 11 in-depth interviews were conducted with representatives and common people from LGUs and 3 federal government officials at both national and local levels. The result shows that there are problems with effective administration at LGUs, which the federal government should address to strengthen the LGs. It delves into understanding that Nepali LGs can deliver services at the local level.

Keywords: Constitution, development, goodsandservices,local government, public administration,

Introduction

Local-level public administration focuses on achieving efficiency in public delivery to the common people. Public administration at the local level can draw on its decades of experience to generate solutions for future changes in the economy or organizations. The challenge lies in balancing technological advancements and societal changes in pursuit of public service. New technologies, such as resources and sustainability measures, can facilitate solutions. Nepal has faced challenges in institutionalizing socio-political changes since 2006, including developmental activities, political stability, inclusivity, decentralization of power, and transitional justice issues, aiming for a new era of political stability and strengthening the effectiveness of the LGs. The efficient running of governments requires a balance between information and communication technologies and human resource development. In the current era, public administration is a networked effort between the public and private sectors, requiring governance to pursue public administration goals.

Efficient administration provides public goods and services. It is rooted in Wilson's (1887) essay on public administration and is often defined as the ratio of output to input. Waldo (1984) stated that public administration has discovered new focuses and disciplines in the postwar era of administration. Along with political theory, business administration, sociology, economics, and social psychology were recommended that public administration be studied from a "professional perspective" (p. 9). The proliferation of dominant theories, methodological

experimentation, open dissatisfaction among scholars, a great deal of philosophical speculation, and discussion surrounding basic epistemological issues were the reasons why public administration faced a paradigmatic crisis. However, studying efficiency in public administration in a value-based environment with traditionally measured quantities offers a unique perspective. Organizations must evaluate their performance, which is related to their mission and activities. Outputs are not easily measurable in monetary terms and have a value base, making it crucial to be cautious when exploring efficiency in public administration. Ghosh (2020) states that local governments (LGs) in developing countries are grassroots units responsible for decentralizing services, institutionalizing governance, and promoting social and economic development. They are based on subsidiarity principles, allowing power to be delegated to the lowest governmental tier. LGs encourage citizen participation and develop solutions to pressing social, economic, and community development issues, using government administrative, executive, and judicial functions.

In 1990, a decentralized democracy was established, but issues arose in service delivery due to inexperienced political representation and the bureaucracy's overlooking of local governments. The Local Self-Governance Act (LSGA) 1999 was formulated in Nepal to address the issue of efficient administration for the development at the local level, enhancing autonomy, participatory planning, financial management, accountability, transparency, and involving external stakeholders like civil society groups, NGOs, and private sectors. Decentralization of public services has been adopted in developing countries like Latin America (Bossuyt, 2013), Southeast Asia (Grant and Dollery, 2010), South Asia (Wignaraja, 2005), and Africa (Shah, 2006) over the past 40 years. LG is considered the lowest tier, offering greater grassroots involvement. LG's superior capacity for collective action and inherent efficiencies in governing with local knowledge are key reasons.

The Nepalese government has faced criticism for its top-down planning, corruption, elite-controlled administration, weakened institutional systems, and local governance (Adhikari, 2020). The 1990 Constitution aimed for decentralization to improve participation. However, between 2002 and 2017, local democracy was absent due to the lack of elected leadership and a decade long conflict lasted from 1996 to 2006 affected to conduct local level election in Nepal. The 2015 Constitution aims for federalization, decentralization, and comprehensive LG reform (Kharel, 2019). The Constitution of Nepal transferred political, administrative, and economic authority to sub-national levels to address governance and service delivery problems. This paper examines the limitations and possibilities of contemporary local governments in Nepal to ensure effective service delivery at the local level. Local Governance Operation Act (2017) promotes cooperativeness, co-existence, and coordination between the federation, province, and local levels and it aims to deliver effective and value-based services by ensuring people's involvement, accountability, and transparency. It makes the required provision for LGs to deliver the goods and services to institutionalize the power of the legislature, executive, and judiciary through the local leadership. It analyses the service delivery of newly restructured local governments through a qualitative approach and attempts to understand how LGs deliver services to the people. For this, the research question is: what are the limitations of local government in delivering services to implement constitutional provisions for strengthening democracy?

Literature Review and Conceptual Framework

In the late 1960s, decentralization was introduced to transfer the power from national to sub-national governments. Jacobs and Laybourn-Langton (2018) remark that in the 1970s, a people-centered development approach emerged in neo-liberal theory, and it combined the principals of capitalism and socialism to carry out effective services and perform developmental activities. This approach advocates for a decentralized approach and focused on a free market system and implemented market-based strategies. In developing countries, decentralization aims to promote public participation, empower marginalized groups, and increase efficiency in service delivery. However, transferring legislative, judicial, or administrative authorities is a challenging task. Dhungana and Acharya state (2021) that LGs in developing countries like in Nepal deliver decentralized services, institutionalize governance, accelerate social and economic development, advance democratic values, and encourage public participation in decision-making at the grassroots level (Brosio, 2012). It focuses on the efficiency of public administration to strengthen the local institutions of the governments.

Scholars have discussed public administration in academia, and the issue of efficiency in public administration. Schachter (2007) finds it is an intrinsic value in public administration and exists two very distinct schools of thought on the concept of efficiency in the public administration domain. The Weberian model is an ideal type of bureaucracy and it argues the environment of its operational aspect. In contrast, Manzoor (2014) states “performance measures of public organizations are structured as bureaucracies, which provide rational and efficient organization structures to public organizations” (p. 2). Bureaucracy with efficient organizations stated by (Denhardt, 2000; Nyhan, 2000) sees public organizations as pursuing value-based objectives. Rutgers and VanderMeer (2010) point out that this multiplicity of goals provides a basis for public organizations. Schachter (1989) writes that public administration being efficient as well as working within the constraints of governmental accountability should establish a relationship between resources and its output.

The service and value accountability that incorporates outputs for efficiency in public administration. It has been defined based on the duties of government, initially focusing on increasing output. However, it has evolved to include value for citizens' expectations. There are two distinct schools of thought on efficient public administration: i.e. Weberian model of ideal bureaucracy argues public organizations are structured as bureaucracies, and the other sees the public organizations as pursuing multiple value-based goals to strengthen the democratic system. Efficiency in public administration at local level is more than just a technical relationship between resources and output; it also includes values and accountability as an inherent quality of democratic governance. However, efficiency in public administration covers more than just the input-output relationship. Public organizations have multifaceted goals, and the ultimate output is not as easily identifiable as in private organizations. Efficiency in public organizations may not be a viable indicator of performance based on revenue generation.

The attainment of public service values with limited resources is measured by the ratio of the positive effects obtained with the available resources to the maximum effects. Johansson and Lofgren (1996) proclaim that the means or input should be used to produce an output in inexpensive ways for maintaining a constant level of quality. Frederickson (2018) has viewed the three components of public administration are equitable, efficient, and economical seem effective to deliver services to the common people. Equitable is a part of fairness, justice, and equality, and efficient administration is for offering the best service. Finally, economical

administration is for achieving the goals of administration with low expenses. Wildavsky(1988) argues “goal attainment with least possible effort” and points out to the pursuance of some other associated desired outcomes. Efficiency in public administration is a complex concept that encompasses various views and definitions. Scholars like Gulick (1937), Slichter (1950), Diesing (1973), Simon (1976), Waldo (1984), Wilson (1987), Johansson & Lofgren (1996), and Rainey (1997) all have different views on efficiency. Scholars have also questioned whether efficiency is a goal in itself or merely a means of achieving other objectives, such as education, security, healthcare, or transportation.

The concept of efficiency has its roots on the four aspects of causation. It was initially used to achieve goals or objectives but later found limited use in the 19th century. Bentham (1948) used the term in a broader sense, connecting it to the efficiency of the oath. He states that saw collegial organizations as more efficient in specific functions, and warned against an efficient bureaucracy as a danger to democratic values. Taylor (1992) stressed the need for efficient officials to conduct government work, but the notion of efficiency must be conceived in the context of doing the job. The term was introduced by Rankine in 1855 as a performance ratio for engines. The term has evolved, with the addition of "allocative efficiency" to describe resource allocation.

Several scholars have criticized new public management (NPM) because of its minimum focus on public values in the pursuit of government efficiency (Grandy, 2009). Scientific management, promoted by Taylor (1989), emphasized the quantity of output and finding the best way to do tasks. It influenced the municipal reform movement in the early 19th century. However, some argue that efficiency was not a crucial component of scientific management, as it focused on finding the one best way and dividing responsibilities between management and workers. Some scholars criticize NPM for its minimal focus on public values in achieving efficiency in government. Scheer (2010) finds that the cities were under pressure because of the increasing population due to immigration and industrialization, which attracted masses from rural areas and other countries. This rapid expansion in the population of cities made huge demand on the government apparatus for the protection and provision of basic utilities, schools, and hospitals.

Stivers (2000) argues that men and women in bureaus laid the foundations for public administration and social work disciplines. Men choose public administration due to its technical scientific approach, while women choose social work. Scholars Gulick (1990), and Waldo (1984) have different approaches to efficiency in public administration. Gulick sees efficiency as the first principle, while Waldo questions its purpose and emphasizes clear definition. Gluck sees efficiency as a basic criterion for managing an organization and maximizing production function. Technical efficiency is dependent on other values and forms a link with other values to achieve public agency objectives and responsiveness to stakeholders.

Efficiency and effectiveness are often used interchangeably in discussions about technical efficiency. Efficiency refers to the extent to which a government produces output with minimal resource use, while effectiveness refers to the actual service provided to the public. However, ambiguous attributes like quality and public value remain. Both terms are sensitive to environmental factors.

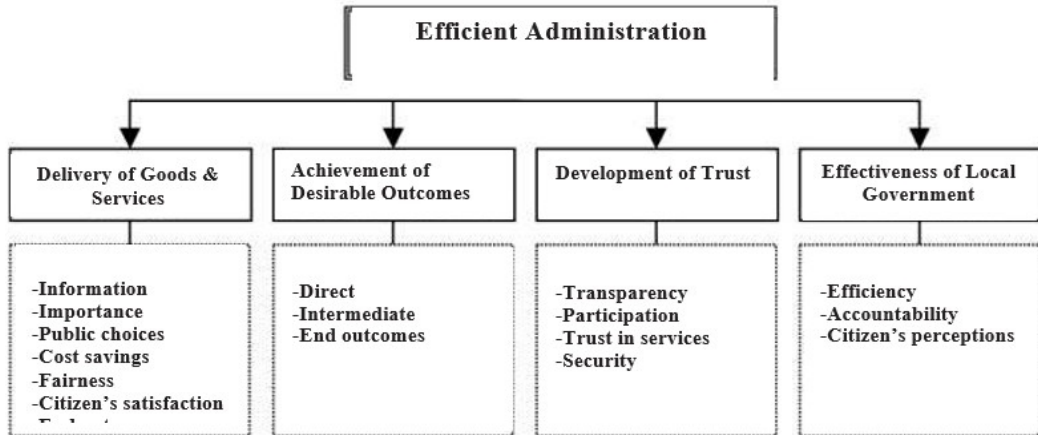


Figure 1: Efficient Administration elaborated by the author, 2024

Nepal's democratic polity was established in 1950, and it focused on local development through ministries and departmental committees. The 'Panchayat' system introduced in 1960 as an autocratic political strategy aimed to strengthen the political system at the grassroots level (Pradhan, 1969). In 1990, a decentralized democracy was restored and practiced decentralized policy with the practice of the Local Self-Governance Act (LSGA) 1999. Acharya and Scott (2020) acknowledge that the new Constitution, 2015 paved the way for federalism to embrace people's right to autonomy, self-rule, and peace. Nepal's current federalism and local governance system claims hybrid federalism, allowing all kinds of governing power to local governments based on cooperation, coordination, and co-existence. Article 214 (2) states that the Constitution of Nepal (2015) incorporates local level government can exercise the executive power as stated in schedules 8 and 9. In the preamble of the constitution it acknowledges that Nepalese Constitution aspires for sustainable peace, good and effective governance to perform developmental works and intends to achieve prosperity through federal political system which has constitutionally empowered the local level governments.

Research Methodology/Methods

This paper is based on the qualitative method. The study analyzed the reform process in 5 Local Government Units (LGUs) out of 11 LGs of Kathmandu. Among them Kathmandu Metropolitan City has 32 LGUs (Wards). Similarly, Kageswari Manohara Municipality has 9, Kirtipur Municipality has 19, Gokerneshwar Municipality has 9, Chandragiri Municipality has 15, Tokha Municipality has 11, Dakshinkali Municipality has 9, Nagarjuna Municipality has 10, Budhanilkantha Municipality has 13 and Sankharapur Municipality has 9 LGUs. It involves 5 wards of 5 LGs only. The researcher has used convenience non-probability sampling as it is easy and fast for collecting data. It is inexpensive method for selecting data from a population without requiring a complete survey frame. Golzar, Noor and Tajik (2022) state, "it is significant to strengthen the representativeness of the sample and the generalizability of the research results. One of the non-probability sampling techniques is convenience sampling which is a way of selecting participants from the target population based on ease of access (p. 72). For this, 6

ward of Tokha Municipality, 11 ward of Tarakeshwar Municipality, 5 ward of Budhanilkantha Municipality, 26 ward of Kathmandu Metropolitan City, and 4 ward They are the of Kirtipur Municipality were selected. They are LGUs of LGs, and the researcher wants to get an idea and people's attitude and opinions to generate assumption for extended hypothesis. The research involved 11 in-depth interviewstakenfrom January 2024 to March 2024. A Chair and a member from each smallest unit of LGUs, 5 common people from each LGU, and 3 administrative officers who had already worked in LGs were selected purposively. The interviews aimed to understand participants' thoughts on LGs' efficient administration.

This study used a narrative analysis as a content analysis approach. It converts text into narrative and identifies common themes. Thematic coding was used to categorize the stories into 'negatives' and 'positives', and sub-categories were created for analysis (Clandinin, 2013). The working capability, their constitutional powers, collaborations with development partners, technical and administrative abilities, budgetary capacity, and law design were discussed. The qualitative data (Hsieh and Shannon, 2005) was transcribed and classified using four themes e.g. delivery of goods and services, achievement of desirable outcomes, development of trust, and effectiveness of LGs. Stemler (2000) states that the characteristics of the messages were identified and coded according to themes, ensuring a comprehensive understanding of the respondents.

Findings and Results

LGUs' governance has revolutionized government services, reducing communication time and making governments more accountable. This has led to increased efficiency in public services. In the 19th century, public administration faced unique challenges such as urbanization, industrialization, and immigration (Frederickson, 2018). However, they provided utilities and a strong stewardship focus, providing training and scientific management techniques.

From the legal framework, as the Constitution of Nepal 2015, grants all three levels of government are the authority to exercise legislative, executive, and judiciary functions. However, these functions require local assemblies to draft and approve subsidiary laws. In 2017, the federal government introduced the Local Government Operation Act 2017 (LGOA-2017) to expedite local governance. The Act aims to promote cooperation, provide efficient services, and institutionalize legislative, executive, and judicial practices. However, it has faced criticism for not minimizing conflicting laws, addressing professional capacity limitations, and lacking clarity in some devolved functions. Stemler (2000) states about the content analysis, and the delivery of goods and services, a Chair of one LGU from research area expressed the following ideas:

The Constitution has granted the rights to the LGs. However, the Federal Parliament has not approved the necessary laws required for the local level. The major function of LGs is to deliver various services to the people like information, public choices, fairness in services, increasing citizen satisfaction, etc. at the local level. At present, Rural Municipalities and Municipalities have replaced the functions of district governments of the Constitution of 1991. For this, to increase the citizens' satisfaction is important and necessary. It will take time to draft municipal laws. We expect the federal

governments should cooperate with the LGs to assist in the law-making process that ensures local autonomy is not limited to slogans but practical.

Local governments after 2017 have faced substantial challenges in delivering services to the local people as mandated by the constitution and as the expectations of local people is very high. Despite having the authority to formulate laws on 22 areas, only very few LGs have taken initiation in law-making procedures, often relying on federal model laws. Most local governments appear confused about their rights on exclusive and concurrent lists. Even at present out of 753 local governments, dozens have not formed a judiciary committee due to financial resources, infrastructure, human resources, and conceptual clarity. The LGOA 2017 provides judicial functions and rights to these committees, but most people approach them for settlement cases.

The following expression is communicated by one of the federal officers who had already worked at the local level. As Connelly and Clandinin (1990) state about the narrative analysis, the officer talked and conceded the overall nature of the Nepalese bureaucracy.

Nepal's bureaucracy is centralized and linked to political parties, often making services more complicated than innovation. Trade unions are working for each political party at the local level. Meritocracy is neglected in the government system. Executive officers at local levels get chances to work for the interest of political parties and fail to achieve the desirable outcomes at the local levels as the LGUs are under the vertical control of LGs.

Dhungana and Acharya (2021) view that LGs' adaptive capacity is influenced by essential resources e. g. social networks, collaboration, and political legitimacy. The political parties seek their legitimacy in the activities of bureaucracy. As Denhardt (1999) states new technologies present challenges at the local level. There are no sound human resources to deliver the services using modern technology. Reducing reliance on fossil fuels requires technology-based efforts to find renewable resources and sustainability measures.

Efficient government management requires balancing information and communication technologies with human resource development. Kettl (1999) states that requiring governance to pursue public administration goals depends on the effectiveness of LGs. As Connelly and Clandinin (1990) state an individual discussed in Tokha Municipality expressed the ideas as follows:

Here are poor services to the people. Common people get no priority in receiving services of drinking water, health facilities and awareness, notice for public choices, enhancing quality education in government schools, etc. Common people do not have any ideas about the effectiveness of local rules. However, the Constitution of Nepal has given rights to the local level. The local level government should be sincere to know why the people are not satisfied with the services. Due to this, there are many problems in achieving desirable outcomes at the local level. The developmental activities are for satisfying the powerful people of political parties. We can observe the same in the extension of roads, drainage, etc.

The participants discussed 6 components of delivery of goods and services, 3 components for achievement of desirable outcomes, 4 components of the development of trust, and 3 components of the effectiveness of local government (See Figure: 1). The municipal representatives were positive about all aspects of efficient administration of LGUs. The federal staff opines that LGUs have not built up the capacity for fulfilling these required components for

efficient administration. Similarly, common people had mixed approaches to the administration of local-level units.

Nepal, a federal republic with three tiers of governments, faces challenges in empowering local levels due to resource scarcity, conflict in distribution of resources, etc. Federal democracy must empower local bodies closest to the people, at the local level, to achieve the goals outlined in the constitution of Nepal. The local government in Nepal has faced challenges in enacting laws and assessing its legal rights. The federal government initially provided minimal resources and legal frameworks, while local governments had the authority to plan and enforce. The federal government and associations of local governments forwarded over 50 model laws to facilitate consistent approaches. However, the process of enacting laws at the local level is cumbersome, leading to disputes and grassroots protests. The capacity, knowledge, and law enforcement mechanisms at the local level are considered weak due to a lack of legal training and experience among LG personnel.

The paper revealed that participants at the local level of Kathmandu Valley have faced high levels of dissatisfaction with the services of LGS. It causes a sink situation for common people. The research question of this paper what are the limitations of local government in delivering services to implement constitutional provisions for strengthening democracy seems ineffective. Acharya (2022) asserts, “The Constitution of Nepal mandates that all three levels of government have the authority to exercise three governing functions by allowing 22 exclusive rights and 15 concurrent functions. These functions and privileges, however, cannot be carried out until subsidiary laws are drafted and approved by local assemblies” (p. 69). For this, the federal government should facilitate the LGs in order to strengthen the local institutions for effective implementation the Constitution of Nepal. First, the capacity enhancing activities should be introduced, which is not effective at local level. Second, effective administration is significant to empower the people at local level should be given priority by the federal government. It is not the separate activity to reform institutional mechanism of LGs. In order to make the LGUs, LGs should be successful and all required laws for LGs should be endorsed in the model of federal design and implement the necessary laws at local levels. Local autonomy is limited, and council members often apathetic due to capacity and priorities. Construction and business representatives pressure legislators to write laws benefiting them.

Conclusion

The Constitution of Nepal 2015 has implemented power devolution from the central to local levels and aims to reform the local governing system through coexistence, cooperation, and coordination. However, the current reality in Nepal is challenging due to the immaturity of Local Government Units (LGUs), lack of technical ability, and slow implementation of programs. The federal government's indifferent attitude towards law formulation and providing human resources has influenced local autonomy. The social capital in the local government system facilitates cooperative action among citizens and institutions. It strengthens the political legitimacy of influencing LGs to accelerate local capacity, ensuring autonomy and regulatory power. For this, the Constitution allows the federal government to direct or assist LGs directly or through the provincial government channels. Government's institutional mechanisms include the Inter-Governmental Fiscal Management Act 2017 to reinforce fiscal administration and reduce disparities in local service delivery. Enhancing the capacity of LGs is mandatory by

providing essential resources, developing inter-government and social networks, and political legitimacy. These factors are crucial for building resilient legal and social systems and promoting cooperative action at local levels. Law formation and effective implementation of laws at local levels ensures political legitimacy helps accelerate local capacity. Capacity development at LGs does not create dependency and weaken the federal state, but focus on financial sustainability of its units.

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