



The Position of Marginalized Groups in the Elite Captured Local Level Planning Process in Nepal

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Abstract

The participatory planning and budgeting process at the local level encourages citizens to participate in the selection, implementation, and management of development plans. Over the last few decades, the elite captured planning process in Nepal is criticized for being unfair to the marginalised groups. This paper, through a critical qualitative assessment of the local level planning process, explored the role of political actors and the marginalised communities in the local level decisions. It adapted the Weberian idea of power networks where elites can implement their will, even against the will of others. It revealed that the influence of traditional political elites - i.e., Panchas - has shifted to the newly elected or selected political elites, the neo-elites, represented by the local leaders including elected Mayors, with some exceptions. The neo-elite control in the local planning process is as strong as it was in the past despite there being progressive provisions in the constitution, laws and systems. The distribution of plans among influential leaders, bhagbanda, is widely practised at the local level. As a result of these progressive provisions and the follow-up of the seven-step planning process, the neo-elites started consulting with the representatives of the marginalised communities in planning-related decisions. It is recommended that the political parties re-orient the neo-elites to be pro-people. Neo-elites who are inclusive, and follow the progressive laws and the formal systems of the nation, are to be prioritized.

Keywords: Planning, local governments, municipalities, constitution, federalism, Nepal

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1. Introduction

1.1 Planned Development at the Local Level

Planning is a systematic assemblage of technical and political thinking about designing goals and missions, formulating strategies and objectives, and implementing development activities. It involves certain components such as resources, technology, and ideas that maximise the peoples' needs such as infrastructure development, socio-economic wellbeing and most importantly the governance system of the governing institutions (Malekpour, Brown, & de-Haan, 2015). Since the past few decades, the planning process has been embedded with the people and places mainly in developing countries to engage the people in decision making, resource allocation, and project implementation so that real needs and demands can be generated to carry out development activities (Cilliers, & Timmermans, 2014). Cvitanovic, McDonald & Hobday (2016) suggest that planning is a set of decision-making processes and the systematic design of actions, which integrate actors and factors to attain the desired goals, guide the decision-making system, and reduce the risks of overlapping and ambiguity so that organisations can manage strategic functions and planned activities. In the planning connotation, elitist and pluralist theories are widely used. Representing a critical worldview, the elitist theorists argue that community power is monopolised by local elites who set the political agenda and control key decisions. In contrast, the pluralist claims community power creates a conducive environment to enable people to participate in various decision-making processes, and discussions on communities' agendas (Burtenshaw, 1968).

In the late 1970s and early 1980s, a major paradigm was the shift in policy discourse that instituted the neo-liberal agenda (Theede, 2008). This agenda focuses on decentralised planning, and competitive financial, administrative, and service delivery systems. Similarly, the discussion was to enable the state so that it transfers the central government's authorities and responsibilities to the subnational bodies (Acharya, 2021). Cheyne (2015) suggests that the decentralised system as a part of participatory planning is inter-related to people, place and their actions whereby the participatory process ensures democratic involvement of people in contributing to the development effort, sharing equitably in the benefits, and decision-making in respect of setting goals, forming policies and development programs. Through this process, not only does stakeholders' engagement and control over priority setting, policy making and resource allocations increase but also creates the platform to represent the state and non-state actors for promoting self-government so that citizens and communities take on more responsibilities themselves (Tortajada, 2016).

During the 1980s, participatory development was considered a major policy agenda that contributed to changing the thoughts of local level planning activities and the type of participation in the planning process mainly two ways. First, communities could not only express problems and demand projects but also had adequate competence to generate and mobilise the resources and take responsibilities as owners of the projects or to partner with development actors. Second, increasing the local dimension in new partnership arrangements seek a new solution to complicated problems through coordination (Kelly & Westoby, 2018). So far, the state and the community both have a key role to play in the formulation of plans, strategic policies and governmental coordination. In 1979, Chambers focused on participatory development through “putting the last first” which created an avenue for people’s engagement in the planning and decision-making process more inclusive, more acceptable, and increases the efficiency and cost-effectiveness of services (Ward, 2010). Chambers (1994) highlights participatory development as a process, which involves people actively in decision-making, planning, project implementation, and evaluation that affect them.

During the mid-1990s, different methods of planning as participatory development have become more widespread such as visioning exercises and participatory planning (Chambers, 1994). A participatory planning process allows citizens, government, and concerned actors to participate mutually in the formulation of policy and the provision of government services building linkages, and consultation, and making citizens capable to achieve tangible results (Dutta, 2020). Zafarullah (2004) explains that the people’s participation in a planning process gives them a real opportunity to make difference in the prevalent issues, and to influence the decisions and actions that affect the community. At the grassroots, peoples’ participation replaces the ‘top-down’ governance system and plays a role in increasing empowerment, stimulating democracy, and improving efficiency through programs of peoples’ involvement and the expression of a civic ‘voice’ in governance (Zafarullah, 2004). In Nepal, the realisation of the planning system was made with the creation of the National Planning Committee in 1941 to prepare a 15-year plan (Pant, 1966). However, the actual output of the planned development was started in the 1990s when the local bodies were constituted, and the people’s representatives had focused on decentralised planning (bottom-up planning) as one of the principles for providing opportunities to citizens to become involved in local governance (Bhusal, 2018).

Despite significant efforts, a meaningful engagement of actors, mainly the marginalised communities, in the planning process of Nepal remained negligible due to the deep-rooted feudal cultural practices and elite domination in the planning process. This

paper adapted from the Weberian approach of power networks where elites are able to implement their will, even against the will of others (Weber 1964).

2. Evolution of Participatory Planning at the Local Level

Following this context, this section attempts to elaborate on the evolution of the participatory planning process in Nepal that was begun almost a hundred years ago. The major political system and/or the existing context have shaped local-level planning in Nepal. These contexts can be divided into the following four phases: Partyless Pancha-led planning (1960-1990), elected political cadre-led planning (1991-2002), all-party-mechanism-led planning (2002-2016), elected political party representative-led planning (2017-till date).

2.1 Panchayat-led planning (1960-1990)

In 1951, a democratic system was established in Nepal that restructured the administrative system and focused on local development planning through decentralisation. At the district level, the District Development Board was constituted to plan and implement development projects. In 1960, the '*Panchayat*' was instituted as a political system that created five tiers of governance: Central Government, Five Regional Development Regions, 14 Zones, 75 Districts, and around 4000 local bodies (Village and Rural *Panchyat*) (Chaudhary, 2019). The objective of the local *Panchyat* system was to create local institutions to strengthen the political control over the local levels and develop their cadres for local leadership; involve local people in decision-making processes; mobilise resources; and strengthen the local level planning process and service delivery mechanisms (Acharya, 2016). A separate act, named the Local Administration Act 1965, was formulated to define the local bodies' roles and powers, authorities and functions, their representative system and organisational structures, and horizontal and vertical linkages. In order to strengthen the system, the Decentralisation Act 1982 successively provided more authority to local bodies to formulate periodic and annual plans in villages in a participatory manner. Despite such initiatives, the planning system was largely centralised and controlled by local elites who were represented by the *Pancha*.

2.2 Elected political leaders-led planning (1991-2002)

The second phase began when the multiparty system was restored in 1990 and it progressed until 2002 when the local bodies were vacated from their elected tenure. In 1999, the Local Self-Governance Act (LSGA) and by-law were promulgated to guide the local bodies including formulation of the bottom-up planning and implementation (Acharya, 2021). This caused several positive impacts at the grassroots

level. For example, community involvement increased in the local level planning process, in the implementation of local infrastructures, and in delivering social and sectoral services. Moreover, external stakeholders such as sectoral line agencies, civil society groups, Non-Government Organisations (NGOs) and the private sector played their respective roles to promote their causes under the local government umbrella. In addition, the biggest contribution of the LSGA in the participatory planning process, which was popularly known as the 14-step planning process, was to bring the voice of the lower levels to the centre. In this period, few institutions such as Ward Citizen Forums, Tole Lane Organisations and Citizen Awareness Centres played important roles in local level planning (Pandey & Shrestha, 2016; Acharya, 2014). Although bottom-up participatory planning was mandatory for all local bodies, no significant step was taken to resolve existing conflicts between LSGA 1999 and sectoral laws that restrained local government bodies in coordination and linkage development.

In general, in comparison to the Panchayat-led planning processes, this period was quite progressive in terms of the participation of the community, including women and marginalised groups, in local level planning. During this period, local level planning was largely led by elected political cadres but largely guided by the political masters, the emerging-elite class associated with major political parties. The majority of the *Pancha* also joined the political parties and thereby were able to maintain their influence in local level decision-making. However, the influence and control over the resources and planning process of the classical elites, the *Pancha* and the newly emerging political elites was yet to be cemented.

2.3 All-party-mechanism-led planning (2002-2016)

After the termination of the elected local representatives in 2002, the central level bureaucrats took charge of development activities including planning, implementation and the overall local governance system at the grassroots level. In 2008, an all-party mechanism was arranged to carry out planning, service delivery and development work at the local level. However, this political mechanism had no legal base; rather it merely functioned as a 'de facto' decision-making body. This mechanism started the practice of sharing projects among influential leaders of the parties, mostly represented by local elites, involved in planning based on their personal, political or community interests rather than the existing needs and priorities. This practice is known as *Bhagbanda*. This is the practice of project sharing among the political elites. *Bhagbanda* was criticized for being non-transparent and unaccountable; rather, it was considered a space for local political elites to exercise their status quo and control over resources.

In 2008, the government launched a national flagship programme, the Local Government & Community Development Program (LGCDP) supported by multiple development partners to build the capacity of local bodies for effective planning, budgeting and service delivery (GON, 2008). The programme supported the establishment of thousands of local level citizen's organisations, such as Ward Citizen Forums and Community Awareness Centers, as the key vehicles to promote the bottom-up planning process and ensure the representation of women, Dalits, Janajatis, children's groups, mothers' groups, the disabled in local level planning processes (Acharya, 2014). Under this support, community organisations made a significant contribution to bringing substantial results in local-level planning processes. The mid-term review of LGCDP also revealed that the Ward Citizens Forum (WCF) played an imperative role as an established and easy-to-activate local level organisation. One of the five key mandates of WCF was to support local bodies in the planning process (GON, 2016).

2.4 Elected political elite-led planning from 2017

The constitution of Nepal has empowered local levels as the third tier of government by devolving 22 exclusive and 15 concurrent powers and mandating them to institutionalise a democratic and well-functioning government at the local level. They deliver public services and enhance the social and economic development of local communities. The 2017 election of the Local Government established a full board of representatives to fulfil constitutional mandates. Local level planning is an integral part of the process of fulfilling their mandates. Local Government Operation Act (LGOA) 2017 has given the mandate to formulate annual, periodic, strategic and sectoral development plans for local development. Considering the mandate of the Act, the federal government has prepared the local level plan and budget formulation guideline 2017 with a seven-step planning process.

This paper, by using the elitist theory, aimed to make a critical assessment of the policy and practical issues being faced by the local governments while applying the seven-step planning process in Nepal from the social inclusion outlook. Also, this paper assesses the current situation of the participation of marginalised communities in the local-level planning process. Marginalised communities are politically, economically and socially marginalized groups that are unable to enjoy services and facilities because of discrimination, oppression, geographic remoteness or other forms of deprivations that force them into a lower status and standards of human development (GoN, 2015). Based on the definition of the government of Nepal, the excluded groups include indigenous nationalities, women, Dalit, differently-abled people, other backward castes (OBC), poor people, single women, divorced women,

unmarried women above 35 years, victims of natural calamities and conflict, and endangered groups. Following this context, this study aims to diagnose the local governments’ seven-step planning process from social inclusion outlook.

3. Methodology

In the course of collecting data, both primary and secondary sources of information were employed. Similarly, primary data were collected from the following 21 Local Governments purposively during the period of September to December 2020. The selected municipalities were *Khandbari, Duhabi, and Dhankuta from Province-1; Bardibas, Hariwon, and Shambhunath from Madhesh Province; Daxinkali, Thaha, Panchkhal from Bagmati Province, Beni, Shuklagandaki, Galyang from Gandaki Province; Pyuthan, Rajapur, Devdaha from Lumbini Province; Musikot, Gurbhakot, and Chandannath Karnali Province; Patan, Gauriganga, and Sukhlaphanta from Sudur Paschim Province.*

Both quantitative and qualitative data were collected as primary source data. A total of 189 respondents were selected for key informant interviews. For KII, seven participants were selected (Mayor/Chair, Deputy Mayor/Vice Chair, coordinator of one thematic sector, planning officer, one ward chair, three executive board members from women, ethnic and Dalit communities, and a ward member) as respondents. In addition, a total of seven focused group discussions (one from each province) with local community members including Dalit, Tharu, Women, and marginalized communities were conducted.

Concurrently, we also used the authors’ experiences and reflected on such experiences as qualitative information, as all authors have long experiences in local governance and the local level planning processes of Nepal. This strategy has helped triangulate the information to enhance the validity and reliability of the information collected.

Furthermore, for the assessment of the quality of participation of the local communities, we applied Pretty’s (1995) framework of participatory learning for sustainable development.

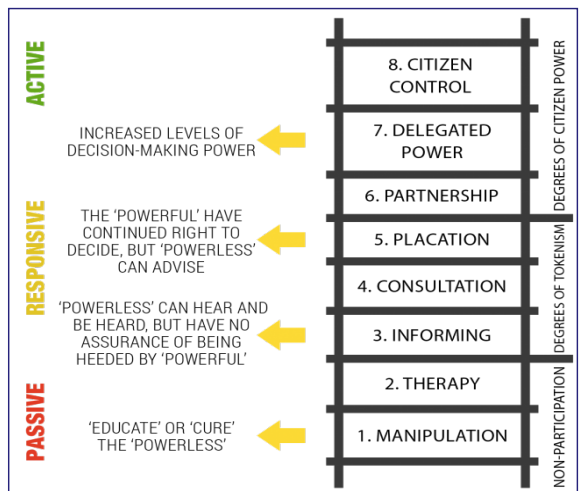


Figure 1 Participatory Learning Process for Sustainable Planning (source: (Pretty, 1995))

Participation is broadly classified as non-participation, tokenism, and active participation when the citizen can control the decision and when the chances of elites controlling the decisions are none.

By applying this model, it has been attempting that how Nepal's marginalised population participate in the local level planning process, and they become excluded from the mainstreaming of the development.

4. Findings and Results

4.1 Pre-planning and budgeting

As a base for evidence-based resource allocation in different sectors in the following fiscal year, local governments are required to collect and update disaggregated data to compile a municipal profile that includes demographic to socio-economic information. As a mandatory legal provision, each LG submits the profile of projected resources and expected expenditure for the following fiscal year by mid-December to the federal and provincial governments as a first step of the local level planning process. Based on the local government profile of potential resources and expected expenditure, and other development indicators¹, federal and provincial governments prepare the budget ceiling for the fiscal transfer to LGs and forward it by mid-February from the federal government and by mid-April from the provincial government.

At this initial stage of the annual planning process, as guided by the Local Government Operation Act (2017), each local government formulates five thematic committees to lead the preparation of annual sectoral plans. The committees are led by the members of the municipal executive and their members represent diverse sectors of society. The provision of such sectoral committees is intended to create the opportunity for every elected member to contribute to the planning process. However, as reported in the Local Government's Institutional Self-Assessment Report, these committees are fully functional only in 106 local governments out of 753 in the fiscal year 2077/78. In the absence of these committees, the mayor (the chair in rural municipalities) and the administrative personnel take responsibility for the annual plan preparation process.

The result shows that all selected LGs constituted 'local revenue advisory committee' including the members of municipal representing disadvantaged groups. However, the members from disadvantaged groups were invited to the meetings only for legal formalities. They were not properly informed about the meeting schedule and the

1 The determined development indicators were existing size of administrative area, size of population, and human development index.

agendas as per the provision of the LGOA-2017. Because of the limited information about the agenda, they follow the decisions taken by the mayor, the deputy mayor and the personnel involved in the process. In some cases, the deputy mayors complained that they also felt excluded in the key decision-making process as decisions were made without adequate discussions in the committee. In particular, Dalit and woman members were excluded from the critical decision-making process as decisions were made by the key officials of the municipality and members of the minority groups were only invited to witness the approval of those decisions.

4.2 Resource Projection and Budget Ceiling Finalization

The second step of the LGs annual planning process begins in the middle of April. Local review of the fiscal transfer ceilings received from federal and provincial governments and estimate of the LGs' overall resources that would be available for the following fiscal year. As provisioned in the Intergovernmental Fiscal Management Act (2017) and Local Government Operation Act (2017), the local governments collect resources from (a) revenue sharing with federal and provincial governments, (b) grants from federal, provincial and other local governments, (c) internal revenue (d) royalties and (e) loans and external assistance. Nonetheless, local governments need prior approval from the federal government to mobilize loans and external assistance. The amount of loans that a particular local government can mobilize is determined by the National Natural Resources and Fiscal Commission.

Resource projection and budget ceiling finalization is carried out in a committee under the leadership of the mayor (the chair in rural municipalities). The committee comprises of mayor/chair, deputy mayor/vice chair, and four other members nominated by the mayor/chair. The members are chosen to ensure the representation of women and minority groups among the members of the municipal executive. The committee's mandates include the estimation of potential resources that would be available for local governments and the preparation of an outline for balanced development considering the national and provincial priorities and local needs. Based on the estimated available resources, local governments prepare budget ceilings for the defined thematic areas such as economic development, social development, physical infrastructure development, environment protection and disaster management, and governance and institutional development. The committee is also responsible for determining the ward level and sectoral budget ceiling. After finalizing the budget ceiling, the divisions/sections of the municipalities and ward committees receive budget preparation guidelines with budget ceilings by the middle of May.

The participants reveal that the LGs, under the legislative mandate, formulated local level plans and the budget to run the governance system effectively, provided access

to citizens for services, and carried out sustainable development and prosperity at the local level in line with the people's demand. This process maintained the interdependence within different tiers of the governments and set up the development targets and the level of expenditures. However, the action of the resource's projection and budget committee for planning and budgeting was found imposed and partial. The 'resource projection and budgeting committee' was found highly influential to the mayor, who can influence committee members to manipulate ideas that came from women, Dalits or minorities. The result indicates that 55 per cent of the members, including women, Dalits or minorities of this committee, expressed that the municipalities did not inform the members about meetings and agendas of the resource projection and budgeting committee in a formal way. 45 per cent of members, including women, Dalit or minorities of the committee, informed that their voices were addressed during the preparation of the budget ceiling, which will be provided to the wards and the sectoral units of the municipalities. Next, 47 per cent of members spoke that the municipalities did not adopt approved standard criteria; nor did they place the needs and priorities of the people in preparation for the budget ceiling. Finally, 61 per cent of members reported that they were not aware of what exactly decisions the committee took and documented in the minutes.

As per the legal mandate, the 'resource projection and budget committee' is an integral structure to streamline the planning process, guiding the thematic committees, wards, and sectoral units of the local governments. Based on the instruction of this committee, LGs can prioritise the public demands/needs in an effective way, project and allocate the revenue and resources on a priority basis, which supports LGs to self-sustain in terms of tax collection and local development. However, the findings indicate the committee was highly influenced by the mayor, the deputy mayor and the CAO as they were not sincere in public concerns, in which the issues were raised by the committee members including women, Dalit or minorities. In many municipalities, the budget ceiling was not prepared with intensive discussions and the consensus of all members. The mayor, deputy mayor and CAO had self-interests in the planning and budgeting process at the local level. For some municipalities, some ward chairs had the biggest influence because of their higher position in the concerned political parties, connection with higher position leaders and matching of interests with the mayor, the deputy mayor and the CAO. These also influenced the 'resource projection and budgeting committee' in the selection of the projects, allocation of the budget, and many times they also influenced the policies so that budget was prepared on the basis bhagbanda (equal sharing of projects among the parties involved in planning based on their personal, political or community interests) rather than need and priority. Following such a

tendency, they utterly failed to take the wider political confidence while taking decisions.

4.3 Settlement level consultation and project selection

As soon as the wards receive budget preparation guidelines and the budget ceiling, the ward members facilitate the settlement level projects' identification process. The ward committee divides the ward into different clusters and convenes meetings at the settlement level. Local households have the opportunity to raise local demands and share ideas about their priorities. The representatives of tole/lane organisations, women development groups, CSOs, children's clubs, non-governmental organisations, cooperatives, and private sector organisations also participate in the process. This consultation provides ground realities to prepare the LGs' strategic vision. This process contributes not only a strong basis for grassroots democracy but also ensures the institutionalisation of the devolution of power and functions, and accountability. Similarly, the settlement level consultation process encourages local autonomy and citizen-centric governance.

Field information shows 65.22 per cent HHs, including DAGs, expressed that they were comfortable putting their issues and problems at the settlement level project followed by 80.58 percentage households including DAGs were meaningfully participated at the settlement level during the project selection process. Finally, 50.47 per cent of respondents expressed that settlement level consultation meetings were inclusive in the decision-making process for project selection, followed by 34.66 per cent of respondents who answered that the settlement level consultations gave top priority to DAG-focused projects. Despite such results, the settlement level consultation process found not completely respected by the municipal leaders, consequently, the genuine needs of the people were shelved and sidelined. The big shots at the decision-making level and powerful politicians controlled and overrode the defined statutory planning process and planned their own pet projects to support their respective constituencies.

The main approach of the settlement level consultation is making the local citizens aware of their roles and responsibilities so that they can optimally utilise the local resources for their welfare. Nevertheless, field observations indicate that elected representatives, including the mayor, ward chair and ward members, had a great influence on both the project selection and implementation. Consequently, the settlement level consultation process became paralysed, and the projects, which were selected at the settlement level people mainly by the marginalised section of the society including, women, children, persons with disabilities, and senior citizens were discarded in the annual plan and budget.

4.4 Priority setting and project selection at ward level

The ward meetings are conducted to discuss and identify the ward-level needs and priorities and to get them addressed in the annual development plans. Projects collected from the settlement level consultation are prioritized based on the set indicators and the given budget ceiling under the different thematic areas.

Following the categorisation and prioritisation of the projects, the ward committees submit the ward-level plans and budget to the budget and program formulation committee which is led by the deputy mayor (vice chair in rural municipalities) by the end of May. This legislative mandate makes ward committees responsible for many functions. First, they are responsible to identify and prioritise the settlement/ward level development needs and ensure active involvement of the poor, women, disadvantaged and their institutions. Second, ward committees act as the main vehicle of local governance at the grassroots level to undertake the civic oversight function of public goods and services. Third, they take the lead role in eliminating social malpractices and all kinds of discrimination. Finally, ward committees supported the achievement of development goals and visions of national, provincial and local governments.

As for the ward-level planning process, it was found that all municipalities formulated a ward-level plan with priority to local citizens especially disadvantaged, women, Adibasi/Janajati, Madhesi, Dalit, disabled, and marginalised, groups and community organisations. In addition, each ward categorized the projects according to the five thematic sectors according to priority and needs then it was endorsed by the ward committees and forwarded to the budget and program formulation committee of the municipalities for preparation of the annual development plan of the municipalities for next fiscal year. This process ensured a balanced approach to development such as equality and social justice, the delegation of power and resources, promotion of citizen participation in governance and the local democratic process.

However, findings indicate that merely 50 per cent of the municipalities found there was a consensus among the ward members to select the need-based project rather than equal distribution (Bhagbanda) of the projects, followed by 52.86 per cent of municipal ward committees gave top priority to DAG and the left behinds' needs and demands. Similarly, 55 per cent of municipalities established meaningful participation of the citizen, CBOs, and DAG groups in the project selection, resource allocation and other decision-making for ward-level planning processes. Nevertheless, a few more (65.71%) municipal ward committees compared to other activities expressed that they gave top priority to these projects which were identified by the settlement level consultations. In line with the participants' expressions, the ward-level planning

process was one of the key tasks of ward committees, but it was not given key priority by the ward committees. Similarly, the focus of some ward chairs, including committee members, was on translating political commitments that were made during the local election. For some municipalities, the elected representatives were from different political parties in which ward chairs did not consult with other members, did not delegate power to other members, and their actions were not public friendly as the ward chair treated committee members and the participants of the ward-level planning process as demand groups.

In addition, respondents said that the ward-level consultation was held at the local level every year and projects and demands were collected every year. However, after the approval of the plan and projects by the municipal council, only 50 per cent of the plans selected from the ward level existed.

4.5 Budgeting and Programme Formulation

The critical and major planning exercise takes place in the 'budget and program formulation committee' which is led by the deputy mayor (the vice chair in rural municipalities) of all LGs. The committee compiles the project proposal from all wards and divisions and sections of the municipalities. Further, project proposals are categorised and prioritized according to the five thematic sectors based on the set indicators. The respective thematic committees are involved in prioritizing the project proposals. In addition, the committee analyses the project and budget to avoid duplications in the plan and programme and ensures development links among the federal, provincial, and periodic and sectoral plans of the municipalities. The committee is responsible for preparing the budget and programme proposals and related laws to be tabled into the municipal executive.

The field information indicates that the budget and program formulation committee had an effective role in 61.27 per cent of municipalities which gave the key role to the budget and program formulation committee in preparing the local level annual planning process. Similarly, 67.74 per cent of municipalities paid attention to the projects' selection process, which was prioritised by the ward committees and thematic committee, followed by 64.86 per cent of municipalities that gave priority to the DAG communities, women and ethnic minorities concerns. Likewise, 59.82 per cent of municipalities integrated the sectoral proposals including development partners, NGOs, sectoral agencies, and CSOs/CBOs. On this basis, municipalities prepared the integrated annual development plan. In the end, merely 52.67 per cent of municipalities' sectoral committees and budget and program formulation committees adopted the criteria that were developed by NNRFC during the prioritisation of the ward and settlement level projects.

Following the legal mandate, all municipalities completed the budget and program formulation process for the next fiscal year. For some municipalities, the ‘budget and program formulation committee’ were found to be highly proactive whereby the deputy mayors were well competent, the result of these committees was more effective, followed by sectoral committees’ functions. In both the committees, municipalities assigned the role to all members including Dalit, women and ethnic minorities that provided opportunities to connect the municipalities with communities and citizens, and brought together municipalities and citizens for joint planning and allocating resources within deprived communities. In these municipalities, the administrative and technical staff, including ward committees, had good coordination in which they completed the assigned task in an effective way. However, the result was reversed in many sampled municipalities. In these municipalities, both committees were dysfunctional due to the apathetic role of the mayor. Similarly, the CAO was not interested to confront the mayors’ actions. This apathy led mayors’ actions and decisions to be authoritarian in the ‘budget and program formulation committee’, and thematic sectoral committees in some municipalities, the role of the mayor, who is assumed to hold key responsibility in the revenue collection, plan formulation and budget allocation process, ignored the role of budget and program formulation committee, sectoral thematic committees, deputy mayors, and thematic coordinators. Similarly, these thematic committees in many municipalities did not conduct a single meeting to address the sectoral agendas. In this situation, mayors replaced the projects that came from the wards. In addition, some municipalities were facing coordination issues between the mayor and the deputy mayor, the mayor and the municipal board, and elected representatives and municipal staff that were cumbersome to ‘budget and program formulation committee’, and thematic sectoral committees to functioning and decision making. The lack of capacity of the municipal staff, the priority of the municipalities to the project implementation and working as regulating bodies of the Ministry of Federal Affairs and General Administration rather than constitutional autonomous bodies, receiving the federal and provincial grants rather than generating own sources of resources and sustainable income sources, less priority for proper planning, and unwillingness to planning exercise resulted in less than 50 per cent projects came from the ward and settlement level were removed in the annual a programme and budget.

4.6 Approval of Budget and Programme from Municipal Executive

Annual policies and programs, finance bill (proposed tax rates and fees), appropriation bill (details of the line item of expenditures), budget statement (including the previous year’s actual spending, revised estimates for the current fiscal year and estimated budget details for the following year), are presented in the municipal executive

meeting by the third week of June. The municipal executive rectified the draft proposal for next year's annual development plan and budget with the local government periodic plan, strategic vision and expenditure framework, Federal and Provincial governments' policies and strategies, cost-benefit analysis, and expected people's participation. Through rigorous discussions, the municipal executive approves the draft and forwards it to the municipal council for final approval.

Field information shows that 79.26 per cent of municipalities allocated the resources to the wards and sectors according to the need and prioritised projects followed by 76.62 per cent of municipalities approved the draft proposal and budget prepared by the 'budget and program formulation committee' through a seven-step plan planning process. Similarly, 66.74 per cent of municipalities provided high priority to the DAG, women, ethnic minorities, and marginal communities related policies and programmes. Next, 62.88 per cent of municipalities focused on linking the LG projects and resources with national and provincial goals, objectives, strategies, periodic plans, policies, and programmes.

However, the analysis of the project selection and budget allocation trend shows all municipal executive boards had a major concern with infrastructure development followed by economic, and social development sectors. In addition to these issues, the municipal board did not concern itself with the linkage of the annual plan with sectoral ministries' programmes and the budget, which indicates that the annual plan and the budget were not based on deeper analysis. First, most of the local governments did not formulate a long-term vision whereby development is guided exclusively by the mayors' vision. This led municipalities to be confused about localising the national and provincial goals, vision, and policies. Although some local governments had prepared Integrated Urban Development Plan (IUDP) through the Department of Urban Development and Building Construction (DUBDC), and periodic plans through their own initiation or with the support of development partners, these were found to be completely dysfunctional or not entirely integrated with the annual planning and the budget. The reasons for this were that the Department of Urban Development and Building Construction (DUBDC) had a lack of coordination with municipalities. Similar issues such as quality, weak analysis of the programme and budget, linkages with sectoral plans and annual plans, and reflection of grassroots demands remained in the periodic plans. Second, there were weak inter-governmental relations between federal, provincial, and local governments, as well as coordination with sectoral ministries, was found to be nonexistent. In such a state of lack of communication, the LGs were enforced to identify the petty type of the projects without prioritisation and development indicators. This made 'thousands of plans' documented in the 'project book' as a project shopping list while the local level put

forward ambitious plans including local pride without assessing the capacity and resources. Third, most of the municipalities had no vision and plan of action to increase the area of internal revenue and invest it in Dalit, women and ethnic minority-centric projects. At the same time, the volume of current expenditure was increasing. This can lead to difficulty in managing expenses. Similarly, some municipalities had a lack of spending capacity, a lack of quality assurance mechanism of the plans and projects, and a growing tendency at the local level to keep large sums of money in abanda fund, which created fiduciary risks at the local level. Finally, a tendency of unethical alliance between executive board members including the mayor, the deputy mayor, the ward chairs and the DAG members, for sharing the projects and resources, adding, and removing the settlement and ward level project proposals were found in most of the municipalities.

4.7 Approval of Budget and Programme from Council

The municipal council meetings are held by June 24th (Ashad 10th of Nepali month), three weeks before the new fiscal year begins, to approve the budget and programmes. The council is the highest authority in the municipalities that comprises all the members from municipal executives, ward chairs and ward members. The council either completes the discussion and approves the programmes and budget within 15-days of the submission or sends them back to the municipal executive with suggestions for further review. If a project is sent back to the executive, the municipal executive resubmits the proposals to the council with necessary modifications or, if without modifications, with reasons for not doing so within five days. As a legal provision, each LG should approve the annual plan and budget by the council by mid-July before the next fiscal year begins.

The field information indicates that 65.02 per cent of municipal council meetings were found effective in their action and decision-making process. The information shows that 77.85 per cent of municipalities found as they avoided proportionate division of projects and resources among the political units (Wards) followed by 62.24 per cent ensured inclusiveness in their plan, policies, programmes, and budget. Next 61.26 per cent assured their council members that the plans and programs presented by the executive board at the council meeting included the plans demanded from their wards and areas. Finally, 58.72 per cent found as they focused on DAG concerns in their annual development policies, which were prepared through consensus of the executive board.

Despite the satisfactory figures, council meetings were actually run with personal clash, conflict, unholy alliance, and political equation between political parties,

political parties with the mayor, the mayor with the deputy mayor, ward chairs, DAG executive board members, and some of the council members. These were caused due to various reasons. First, the priorities of the project, budget and policies between the executive board and council members were different as council members were concerned with grassroots demands while the mayor, including the executive board, had alliances with contractors and elites. Due to this reason, most of the policies and legal Acts were prepared in the interest of the executive board. Second, it was found that most of the local governments adopted the practice of participatory planning with a bottom-up approach and prioritisation of the projects and programmes only for formalities. The executive board distributed the plan, budget and projects to their constituencies, cadres and voters. For this misappropriation of the governance, the mayor and executive board members intended to use the council as a rubber stamp witness. This created disputes between the executive board and the council. Third, most of the executive board tabled the formulated plans, budgets and services system with municipal vision and policies. Nevertheless, the vision and policies supported the unbundled package of the programs, which is supposed to break down after the approval of the council. This created disputes between the board and the council. Fourth, local level council meetings were held on the 24th of June (10th Ashadh); however, it was found that the decisions were continually added in the council's meeting minutes until the first quarter of the next fiscal year. The reason was that unholy agreements were placed between the mayor and the members of the council, this unethical alliance affected the accountability of the leadership to the local citizens and the priorities of the DAG groups were manoeuvre. Fifth, the amount going to the LGs through fiscal transformation is more than the amount going to the local body in the past. From these points of view, the agendas, projects and prioritisation of the women, Dalits and marginal communities were either left or mixed with other projects. Finally, opposition political parties were sceptical at the local level as they had a lack of constructive disagreement with the current mayoral leadership.

5. Discussions

5.1 Participation of Marginalised Communities in Local Level Planning Process

Since the 1960s, local community participation in local-level decisions has been initiated in Nepal. The participation of marginalised communities in planning and decisions was merely manipulative in nature where the role of the Pancha, the local elites backed up by the Royal Palace, was decisive. As classical elitism considers elites as essential and a dominant part of the power game, and they can be replaced by the other elites (Lopez, 2013). Pancha was the dominant actor in politics, including the local level planning process during the 30-year Panchayat system in Nepal. However,

since 1990, Nepal welcomed the role of NGOs in local development activities, which made communities open to organising and engaging with government-led development activities. NGOs played important roles in local level planning and the government's legal framework; the Local Self-Governance Act (LSGA) empowered the local bodies to lead local level planning inclusive of the local communities. As a result of this, the elite control over the resources and local level planning has been challenged by the representatives of NGOs, making the marginalised community's participation possible. Community participation, in particular the participation of marginalised communities, has been significantly limited when there were no elected representatives at the local level (2002 to 2016) and during the Maoist armed insurgency period of 1996-2006. The quality of participation regressed during this period. However, the centrally driven Local Governance and Capacity Development Programme supported local community organisations like Community Awareness Centre and Ward Citizens Forum were able to share their advice in local planning processes. As a result, some of the initiatives initiated during the 1990s to 2002 could be sustained. However, such interim mechanisms inadequately empowered the social and economically excluded people as they did not have sufficient space in the planning process.

Social inclusion is a process of optimising ability through providing opportunities, resources, and rights to the individuals and groups who are purposively or inadvertently blocked by the social structure, political system and geography (Peters & Besley, 2014). Thus, social exclusion defines those who experience livelihood insecurity, are subject to chronic unemployment and inadequate consumption levels and nutrients, and have poor housing and education (Sen, 2000). In Nepal, the root cause of social exclusion is the social structure, which is characterised by diversity, heterogeneity, and identity whereby more than 100 ethnic/caste groups and more than 90 distinct languages, cultures, and remote places are excluded. Women, Dalits, and ethnic and marginalised communities are economically, socially and politically deprived, and lack access to the mainstream of the state (Acharya, 2014). Enhancing the capacity of such groups of people and creating an enabling environment for them to participate in spaces and opportunities with the principle of social, political and economic inclusion will be a way to remove the constraints, which have started to happen since the post-democratic era. The 1991 Constitution of Nepal guaranteed equality to all citizens by declaring Nepal as a multi-ethnic, multi-cultural and multi-lingual, democratic, independent, indivisible sovereign state plural society (GoN, 1990). Additionally, the Constitution guaranteed civic rights, freedom of speech, freedom of organisation, freedom of religious practices and freedom of languages. Later, the GESI approach was implemented to assure equality and inclusion. In addition, periodic plans since 2000 have given top priority to indigenous peoples, women,

Madhesi, Dalits and other marginalised and excluded communities on inclusive development with a special focus on inclusive governance (Pandey & Shrestha, 2016). In 1999, LSGA was promulgated as a landmark in the promotion of inclusive governance at the local level, which provisioned mandatory representation of disadvantaged groups in local bodies (Khanal, 2016). However, these policies became insubstantial when integrated into the action.

After the establishment of the federal democratic republican state system in 2008, it started to ensure the representation of all at all levels of the state. To institutionalise it, policy arrangements have been made and arrangements have been made accordingly. In 2015, the new Constitution of Nepal was promulgated that envisions “Nepal as an inclusive state’ which is a significant milestone to capacitate DAGs and enshrine equal rights for women, the poor, the vulnerable, and people from different social groups (GoN, 2015). The constitutional provision that citizens should not be discriminated against on the basis of origin, religion, caste, gender, economic class, language, region, ideological belief or any other such means does not automatically increase the participation of women and marginalised communities in decision-making levels (Pandey & Shrestha, 2016).

In addition, the LGOA-2017 has also provided adequate space for the marginalised groups’ participation in terms of decision-making and implementation at the local level. However, effective implementation and institutionalisation of the efforts, significant support from concerned actors is enormous. Space for elected Dalit, women and ethnic members has not been sufficiently created in the LGOA-2017. Therefore, marginalised groups are not able to play a significant role at the decision-making level, even if it is significant in terms of numerical presence (Acharya & Zafarullah, 2020). Although there are few debates about the capacity of the marginalised whether they are weak or not qualified. This has distorted the very essence of the equity agenda in the planning process. Similarly, the binding provisions of the law at the local level seem to have created a situation where marginalised communities are being elected at the political level, and budgets and programs are set aside for women and marginalised communities. However, they are not empowered to influence decisions for their groups’ interests. Similarly, in terms of budget and programs, most of the budget allocated in the name of women and marginalised communities is kept in the municipal reserve (Abanda) fund and instead the funds allocated for Dalits and marginalised groups are used for other activities (Dalit leader, Karnali Province). Hence, marginalised groups’ participation in the local level planning process is yet largely tokenised by the new political elites (neo-elites), often represented by the elected and selected political cadres. The marginalised communities are invited or not invited based on the need and wishes of the neo-elites.

5.2 Neo-Elites' Control in the Local Level Planning Process

A new class of political elites has been emerging since the 1990s when the political party leaders started getting authority over the state powers which were exercised by the Monarchy during the Panchayat era. Parties started taking over the power of Pancha, through the elections in the 1990s. The political representatives continued exercising such authority even when there was no election at the local level. As the local context was unfavourable for local elections since 2002, an “all party mechanism” was put in place, as a transitional solution, maintaining the functions of the councils for an interim period. This mechanism was formally dissolved in January 2012, but it was influential and functional as a de-facto political body before the newly elected local representatives started leading the local level planning process (GoN, 2016). In many ways, however, their presence and influence, in one form or another, continues unabated as evidenced to date. During this period, the district-level political elites, through the all-party mechanism, exercised a great deal of power over local communities in planning, budgeting and all other critical decision-making and undermined the role of local communities in planning processes. During the Panchayat era, the marginalised communities were manipulated or informed about the planning process and the participation was quite passive. Since the 1990s, the participation of marginalised communities improved when they started getting more information about the plan and the political leaders started consulting with them before the planning and during the implementation process. The newly emerged elites started assuring the marginalised that they would be heard (Pretty, 1998) in the planning process.

From 2002 to 2017, the political elites started the Bhagbanda approach making planning more controlled by a few political party leaders controlling for their benefit and against the interest of others (Weber, 1964). Elites can come from a large array of sources (Cammack, 1990) such as civil society, business communities, public officials, and political parties. A number of political party leaders holding positions since the 1900s have emerged as a neo-elite and they have been influencing the political decisions, including the local level planning process. Despite having a history of being active in pro-people democratic movements, this group does not allow the marginalised community representatives in the political decisions.

The *de jure* process of local level planning is inclusive and therefore inclusion of the marginalised community in the planning process is mandatory in the formal process. The major challenge is to bring the formal mechanisms into practice as critical decisions are made in informal settings where marginalised groups such as Dalit women are not invited (Chandrika, 2022). Despite significant initiatives and power struggle to empower citizens to participate in local level planning and decisions, the critical decisions making authorities such as planning have largely shifted from the

Pancha, the classical political elites, to the *neo-elites* and the agents of established political leaders.

6. Conclusions

In Nepal, federal democracy is a major political governing system where people are engaging with different tiers of the government to obtain the benefits of federalism. However, the policy and legal arrangements and their implementation at the local level exhibit inefficient and unrealistic traits, particularly for the marginalised populations. In 2017, the Local Government Operation Act and the local level election-related Acts and regulations paved the way for the delivery of quality services to all. In this line, the LGs are expected to empower representatives from the marginalised groups to include their community's priorities in the local level plan and budget. Past experiences indicate that the local-level planning philosophy and its framework were dominated by the elites trained by *Pancha*. A large number of political party leaders remaining in the decision-making process since the 1990s have emerged as *neo-elites* and are dominating the local planning process. Hence, they undermine the inclusive spirit of the Constitution and some of the progressive laws that ensured the participation of marginalised communities in political decisions. *Bhagbanda* of plans and budgets among influential party leaders is practised at the local levels. The informal system of the decision-making process, which occurs in a covert and non-transparent manner, and taking them into the formal systems merely for endorsement are critical challenges to effective participation of citizens in general and the marginalised citizens. The control by *neo-elites* over local level planning cannot be challenged without strengthening formal institutional mechanisms of local level planning, enhancing the capacity of the representatives of marginalised groups to influence the seven-step planning process and promoting transparency in decision-making. Whether local democracy sustains or collapses depends on the role of *neo-elites* as well as on the trust between political parties and citizens.

7. Recommendations

- a. Political parties should closely monitor the status of their long-standing local leaders who have been holding various political positions at the local levels and transforming into a *neo-elite*. The *neo-elites* should be reoriented and empowered to be inclusive (pro-people and pro-poor and marginalised) in local level planning, budgeting, and implementation. Proactively, senior party leaders should start delegating political authority to young cadres.
- b. Transparency in all stages of the planning process is essential. Downward accountability tools such as public audits, public hearings, follow-ups of Local Self

Institutional Assessment, complaint handling mechanisms; pre-planning discussions; open town-hall meetings; effective use of social media; and, disclosure of planning-related documents can promote transparency and encourage marginalised community's participation in the planning process.

- c. Capacity building of local representatives of marginalised groups is important. They should be enabled to equally participate in the seven-step planning process. Local governments should make targeted efforts to include their voice in local level planning, as their voice will not be brought forward by neo-elites.
- d. Elected representatives from marginalised groups should lead the process of settlement level planning and prioritization. This enables them to consult with their constituencies and prioritise plans that are best for the marginalised communities.
- e. Elite capture of local level decisions cannot be contained unless the formal systems and mechanisms of local level planning are functional, effective and mandatory. Discussions should be organised in formal forums and decisions taken transparently.
- f. Local leaders should follow targeted consultations and discussion sessions on the issue of gender equality and social inclusion. The representation of marginalised communities should be mandatory in the seven-step planning process.
- g. Further in-depth studies are required to understand how the efforts of neo-elites to control the planning process and the ways to re-orient them can be more inclusive.

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