

# School Education and Local Government



February 2020

**DEMOCRACY**  
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Democracy Resource Center Nepal (DRCN)

# School Education and Local Government

## A Study Report

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## ABBREVIATIONS

CAO	Chief Administrative Officer
DEO	District Education Office
EDCU	Education Development and Coordination Unit
LGA	Act relating to the Operation of Local Government
MuAN	Municipal Association of Nepal
MoFAGA	Ministry of Federal Affairs and General Administration
NARMIN	National Association of Rural Municipality in Nepal
NCP	Nepal Communist Party
PCF	Per Child Fund
RPP	Rashtriya Prajatantra Party
SMC	School Management Committee
SSDP	School Sector Development Plan

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**Democracy Resource Center Nepal**  
Lalitpur



## INTRODUCTION

After the promulgation of *The Constitution of Nepal* in 2015, school education has come under aegis of local governments. Schedule 8 of the Constitution lists basic education (up to grade 8) and secondary education (from grade 9 to 12) under the list of powers granted to the local level. Under this constitutional provision, *Act Relating to the Operation of Local Government 2017* (LGA) gives local governments 23 rights pertaining to school education. Local governments have been granted the right to draft and implement policies and legislations related to school education, and to draft, implement, monitor, evaluate and regulate their plans.<sup>1</sup> Previously, the rights pertaining to school education resided primarily with the District Education Office (DEO) under the central government. Although the rights and responsibilities of the DEO have been transferred to local governments, it appears that the federal government is trying to retain some rights regarding basic and secondary education.

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<sup>1</sup> Rights pertaining to the establishment, permission, operation, management and regulation of Community, Private, Trust and Cooperative School; Mother Language Education; Village/Municipal Education Committee Formation and Management; Increasing School Quality; Educational Infrastructure Building, Repair and Maintenance and Management; Management of Teachers and Employees Approved Position; Trainings and Capacity Development; Community School Budget Management; Basic Level Examinations Management, Monitoring and Regulation; and additional educational activities have been kept under the jurisdiction of the local governments (*Act Relating to the Operation of Local Government 2017* [LGA]), Section 11(2)(H).

Over past few decades, government made various attempts to centralize and decentralize school education. As the first attempt at centralization, the Panchayat regime implemented a new education policy under the title ‘National Education System Plan’ in 1971 and nationalized schools that were run by local communities with local resources. Thereafter, such schools were controlled and regulated by the central government. Local communities, subsequently lost a sense of ownership in their schools, and local participation and assistance dwindled.<sup>2</sup> In 2001, the government began transferring schools to School Management Committees (SMCs), comprising local guardians, teachers and the local community, to reestablish community ownership over them. The SMCs were tasked with the management and operation of schools.<sup>3</sup> After the transfer, community institutions like SMCs, Parent-Teacher Committees, Village or Municipal Education Committees, and District Education Committees attempted to mobilize local resources for school education, school management and the management of resource centers and resource persons.

These attempts led to an increase in the number of schools alongside some improvement in student enrollment and literacy rates. However, the overall quality of learning among community school students and their annual examination results did not improve.

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<sup>2</sup> Martin Chautari, 2019. *Sanghiyata ra Vidyalaya Shiksha*. Research Brief 24. Kathmandu, Martin Chautari.

<sup>3</sup> *Education Act, 1971* (7th Amendment), Section 12.



Since the annual examination results of private schools<sup>4</sup> were better than that of community schools, the general populace's attraction towards community schools began to decrease.<sup>5</sup> The common perception was that community schools lacked qualified teachers, and the influence of local leaders from various political parties and of teachers' associations had a negative effect on the quality of education available at community schools.<sup>6</sup>

There is a tangible difference in the decentralization of school education since the promulgation of *The Constitution of Nepal*. In the previous system, local bodies had operational, management and monitoring roles in community schools which were primarily implemented through the SMCs. Although it was supposed to increase local community ownership, local institutions lacked the authority to make most decisions pertaining to school education. The central government, through its Regional Education Directorates and DEOs, continued to oversee activities like issuing permits for new schools; conducting secondary school examinations; observing and monitoring schools; managing the appointment, transfer and promotion of teachers and relocating, merging or shutting down schools.<sup>7</sup> In the current system, local governments have

received all of these rights except for managing the appointment, transfer and promotion of teachers.<sup>8</sup> This report was prepared in this context to study how local governments are utilizing the opportunity to exercise school education rights that have been transferred to them, and how they are addressing the new challenges they face.

The next section of this report outlines the methodology adopted and the local units visited in the course of this study. Section 3 discusses the constitutional and legal provisions given to local governments as they pertain to school education, and the lack of clarity inherent in them. The analysis of local government priorities in Section 4 includes issues like local government policies, the status of their plans, programs and budgets in the education sector. Section 5 looks into the state of making legislation related to education and its accompanying challenges. Section 6 includes an exposition on the education section in local governments and the employees and resources available to them. Sections 7 and 8 respectively contain discussions on the effect of local politics on school management, and relationship between local governments and teachers. Conclusions and recommendations based on this study are given at the end of the report.

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<sup>4</sup> In the context of this report, private schools mean schools that are managed by non-governmental entities.

<sup>5</sup> Bhatta, Pramod. 2005. Decentralization of Primary Education in Nepal. *Studies in Nepali History and Society* 10(1): 3-38; Pramod Bhatta. 2009. *Education in Nepal: Problems, Reforms and Social Change*. P. 1-16. Kathmandu: Martin Chautari.

<sup>6</sup> The Asia Foundation. n.d. Political Economy Analysis of Local Governance in Nepal: With Special Reference to Education and Health Sectors. Available at <https://asiafoundation.org/resources/pdfs/analysislocalgovernancenepal.pdf>; accessed December 17, 2019.

<sup>7</sup> Neupane, P., Pokharel, T., Dhungana, H., Poudyal, T., Ghimire, IP., Gupta, A & Poudel A. 2018. *Political Economy Analysis of Education Governance at Local Level in Nepal*. Kathmandu: Nepal Administrative Staff College and The Asia Foundation. Available at [https://asiafoundation.org/wp-content/uploads/2019/06/2019-](https://asiafoundation.org/wp-content/uploads/2019/06/2019-Political-Economy-Analysis-Education.pdf)

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[Political-Economy-Analysis-Education.pdf](https://asiafoundation.org/wp-content/uploads/2019/06/2019-Political-Economy-Analysis-Education.pdf); accessed January 15, 2020.

<sup>8</sup> Apart from the management of teachers and employees at community colleges, LGA does not address issues like teachers appointment, transfer or promotion.

## METHODOLOGY

This study is primarily qualitative. During the course of this study, DRCN held discussions with various stakeholders engaged in school education at the local level. A total of 16 local units, two each in eight districts, were visited between August and December of 2019.<sup>9</sup> Over the past two years, Democracy Resource Center Nepal (DRCN) has been publishing periodic reports based on studies on various aspects related to the implementation of federalism in Nepal. Districts and local units that had previously not been visited by DRCN researchers were selected for this study. Four to five days were spent in a local unit and about eight to 10 days in a district. Officials at the local level and individuals directly or indirectly involved in education were included among the respondents. Among them

were mayors and deputy mayors of municipalities, chairpersons and deputy chairpersons of rural municipalities, ward chairs and ward members, representatives of political parties, officials of education sections, officials representing the Ministry of Education, principals, teachers, local governments' education committee members, SMC members, guardians, journalists and local residents.<sup>10</sup> Education acts, regulations and procedures created by local governments were also studied. Since this study was conducted over a limited period, covering a limited number of local units selected as per the objectives of the study, the research findings of this study might not be generalizable for all local units.

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<sup>9</sup> Field studies were conducted in Tikapur Municipality and Janaki Rural Municipality of Kailali, Chhedagad Municipality and Shivalaya Rural Municipality of Jajarkot, Aathbiskot Municipality and Banphikot Rural Municipality of Rukum West, Sisne and Bhume rural municipalities of Rukum East, Buddhabhumi Municipality and Yashodhara Rural Municipality of Kapilvastu, Bhanu and Shuklagandaki municipalities of Tanahun, Pipra Rural Municipality and Bardibas Municipality of Mahottari, and Budhiganga and Jahada rural municipalities of Morang.

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<sup>10</sup> Due to the sensitivity of the subject matter and for the purpose of confidentiality, details about the respondent and their local units have been redacted in some cases.

## CONSTITUTIONAL AND LEGAL PROVISIONS REGARDING SCHOOL EDUCATION

Schedule 8 of the Constitution mentions that ‘basic and secondary education’ shall remain the sole jurisdiction of the local government. However, Schedule 9 includes ‘education’ as a concurrent jurisdiction between the federal, provincial and local government. *The Unbundling Report on Powers of the Federal, Province and Local Levels Pursuant to Schedules 5–9 of The Constitution of Nepal as approved by the Council of Ministers of Government of Nepal* provided some clarity on ‘basic and secondary education’ listed in Schedule 8 as the sole jurisdiction of local governments, but did not mention its jurisdiction in relation to the concurrent rights listed under Schedule 9. Instead, the report gave provincial governments the rights to determine the criteria for managing and regulating teachers and conducting the grade 10 exams at the secondary level. Further, the LGA does not give the rights to appoint teachers to the local governments. This reflects the federal government’s attempt at limiting school education-related rights given to local governments.

As a new federal Education Act had not yet been implemented, the federal government gave continuation to the *Education Act 1971* after revising a few provisions within it.<sup>11</sup> Although these amendments transferred many of the rights of erstwhile DEOs to local governments, the federal government retained rights pertaining to teachers’ appointment, transfer and

approving new positions. The Education Development and Coordination Unit (EDCU) was formed at the district level where these rights were transferred. The federal government issued a statement on 13 November 2019 to issue its Education Policy and made it public on 11 December 2019. This policy further restricted the exclusive rights of local governments regarding school education. Under this policy, the federal government had given local governments education-related rights up to the basic level, but retained rights regarding the management of secondary education. ‘Rest of the rights’ had been given to the provincial government.<sup>12</sup>

Article 31 of the Constitution mentions the right of every citizen to receive free and compulsory education up to basic level and free education up to secondary level.<sup>13</sup> Even before the formation of the federal structure, free education up to secondary level had been enshrined as a fundamental right. Now, with the transfer of school education to the local government, it has come under the local government’s purview to manage free and compulsory education. Accordingly, it appears necessary for local governments to determine their priorities in order to create and implement the requisite policies, laws and programs. Some local governments had realized their duty of providing free and compulsory

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<sup>11</sup> Amendments were made to *Education Act 1971* to adapt it to the federal structure: *Act to Amend Some Nepal Acts, 2019*, *Education Act 1971* (8th Amendment, 2016), *Education Act 1971* (9th Amendment, 2017), *Act to Amend, Consolidate, Integrate and Annul Some Nepal Laws, 2017*.

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<sup>12</sup> *Samvidhan Viparit Shiksha Neeti* (Education Policy Contradicting Constitution). Available at <https://ekantipur.com/news/2019/12/21/157689292956762745.html>; accessed January 15, 2019.

<sup>13</sup> *The Constitution of Nepal*, Article 31.

education (see Section 4). However, confusion and a lack of clarity persists because ‘education’ also falls under the concurrent jurisdiction of all three levels of government. Even in the midst of such confusion,

local governments were found to have increased their participation in school education to a significant degree.

## SCHOOL EDUCATION AS A PRIORITY OF LOCAL GOVERNMENTS

Members of local executive and officials had primary role in determining annual plans and priorities of local governments. Since local governments are required to formulate plans through citizen participation, the demands and needs of local residents were also a basis for determining priorities. While roads and physical infrastructure were found to have gained a higher priority, education and other sectors were found to have received a lower priority in the plans and policies of nearly every local government.<sup>14</sup> Local government's education section officials, teachers and principals mentioned that the priorities of elected representatives were focused on physical infrastructure development. "Elected representatives are reluctant to invest in software [social development]," an official at the education section of a municipality in Tanahun said. Similarly, a principal in Kailali said sarcastically, "It is as if local governments will become redundant on the day when all road construction is completed. I have not seen anything else made a priority."

Elected representatives, however, claimed to have kept education as a priority. The education budgets and plans in a few local units indicated that they had included education as a priority, but this was not the case in most local units.<sup>15</sup> Some local representatives accepted that

they had failed to prioritize education and said that it was not possible to address all priorities since local government budgets were small in size. They claimed that the budget had to be prepared according to the demands of local people, and that education could not be made the main priority because local residents demanded road-construction above everything else. In addition to this, local level representatives felt that confusion in the education sector was persistent because federal Education Act had not been implemented and also because the federal government had not transferred all of its rights related to school education. Although this was the general situation across most local units, a few local governments were found to have made education a priority through special budgets, plans and programs.

### LOCAL GOVERNMENT BUDGETS AND PROGRAMS IN EDUCATION

Although elected representatives played the main role in formulating local government budgets, plans and programs for the education sector, some programs identified by local governments' education committees and officials of education sections had also been included. Some portion of the local governments' budgets had also been allocated towards programs demanded by principals. However, stakeholders engaged in the education sector – especially teachers – complained about the lack of adequate discussions when preparing policies, plans and programs on education. "We had expected the local government would include us, the teachers, in discussions on policies regarding education, but that has not happened. We

<sup>14</sup> Democracy Resource Center Nepal (DRCN). 2019. *Budget Allocation and Implementation by Local Governments in the Federal Structure*. Periodic Report 6. Lalitpur: DRCN.

<sup>15</sup> A report published by Martin Chautari reaches a similar conclusion. Martin Chautari, 2019. *Sanghiya Vyavasthama Sthaniya Sarkar ra Vidyalaya Shiksha*. Research Brief 28. Kathmandu: Martin Chautari.

were never informed,” a representative of a teachers’ association in Rukum East said. In most local units, principals and even SMC chairs complained that even though education committee comprising stakeholders from the education sector had been formed, elected representatives tended to fill such committees with *aaphno maanchhe* – people in their orbit of influence. This indicates a failure to ensure representation of all stakeholders while drafting plans. It was also found that local government budgets were allocated without fixed plans and criteria, but based on the demands of schools and in the interest of elected representatives.

Although some local governments were found to have allocated budgets towards bringing ‘fundamental’ changes in education, most local governments’ budgets tended to include many small and fragmented plans.<sup>16</sup> The deputy mayor of Shuklagandaki Municipality in Tanahun mentioned that 25 percent of the budget from internal sources of the Municipality, distinct from the conditional grants, had been allocated towards education. A ward chair in the same municipality mentioned that 30 percent of the budget received by the ward had been allocated towards education. Aathbiskot Municipality in Rukum West, with the slogan ‘The basis for human capacity: Educational infrastructure’, had allocated 33 percent of its budget, including conditional grants, towards various educational programs. Buddhabhumi Municipality in Kapilvastu had also allocated 27 percent of its 2019-20 fiscal year budget towards education.<sup>17</sup> However, in most local governments, the volume of the budget allocated towards education, excluding conditional grants, was very small.

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<sup>16</sup> It was not possible to provide a comparative description of budgets since complete data for budgets allocated by the local governments studied for this report was not available.

<sup>17</sup> These figures have been calculated from the documents received by DRCN from the municipality. This also includes the conditional grants given by the federal government.

Examples of plans and programs from Aathbiskot Municipality in Rukum West and Buddhabhumi Municipality in Kapilvastu were significant. In the 2019-20 fiscal year, Aathbiskot Municipality had allocated more than NPR 40 million for the construction of necessary physical infrastructure, purchase of machinery tools, construction of well-serviced toilets, establishment of a library, and to manage computer education and laboratories. Similarly, other programs in the same municipality included various campaigns: to merge schools in the municipality, raise the awareness of parents, improve the overall environment in schools, punish or reward schools and teachers according to work performance evaluations, regular interactions between schools, parents and the municipality. The municipality had also adopted the policy of providing students seeking higher education with scholarships, subsidized educational loans, and grants at low interest rates.

Buddhabhumi Municipality of Kapilvastu, in its *Municipal Education Plan 2019*, aims to create a fundamental change in education over next five years by increasing the municipality’s literacy rate to 99 percent and increasing the learning outcomes rate to 70 percent. According to the mayor, written agreements were signed with principals as part of an effort to hold teachers and principals responsible for the improvement in the quality of education. The mayor said that the principal had then gone on to sign work performance agreements with their teachers. An education section resource person, speaking about other efforts made by the municipality in the education sector, said, “When elected representatives arrived, examinations for grades five through eight of each school were shifted to another schools, away from home centers. It was also arranged for the papers to be examined by teachers in other schools. This showed that exam results were very poor. During a discussion between the SMC, elected representatives and principals, principals accepted that the quality of education was poor, and expressed a commitment to improve it. The municipality is providing assistance accordingly. A work performance



review will be carried out again at the end of the school term based upon examination results and other indicators.” Along with this program, the municipality had also allocated budgets from its own resources towards sectors like informal education, primary education, open and alternative education, continued learning and special education programs, curriculum and educational materials and secondary education. It was a new experience at the local level for such plans and programs in the education sector to be brought by a municipality with limited resources.

Local governments that had introduced small budgets and programs to effect improvements in education had paid greater attention towards improving the physical infrastructure of schools and to the remuneration and additional benefits for teachers. Additionally, some budgets had been allocated for scholarships, sports, preparations for conducting technical education programs, teachers training and quality improvement, curriculum development for education in local languages, among others. Many such programs had been introduced by elected representatives to address immediate needs in school education while some programs had been introduced for educational reform as they understood it. Some plans and programs and accompanying debates are discussed below.

## **PROVISIONING FINANCIAL RESOURCES FOR PHYSICAL INFRASTRUCTURE OF SCHOOLS**

The conditional grant provided by the federal government to the local government is the main financial resource for school education. This grant included salaries for school teachers, scholarships provided to students from marginalized communities, and to girl students, and the cost of the mid-day meals. Local governments had also allocated some funds towards the physical infrastructure of the schools from their own resources. Under the erstwhile unitary system, the DEO used to allocate budgets towards the physical infrastructure of

schools. This required petitioning district authorities, leading to budgets being allocated only to schools with influence. Due to the transfer of responsibilities to local governments, principals and SMC members had experienced that their needs and demands had been addressed because they had elected representatives in the local government. “We enjoy more proximity now in terms of finances,” a principal at a school in Budhiganga Municipality of Morang said. Principals expressed that local governments had been addressing the needs related to the physical infrastructure of their schools. Many local governments had also been organizing a meeting of principals of community schools every month, where the principals would present their demands. Apart from the local government, some schools had also received financial assistance from their respective ward level budgets. Due to these exercises, the investment in physical infrastructure at community schools had increased. Under their school physical infrastructure improvement programs, local governments had allocated budgets for the construction and repair of school buildings, furniture, drinking water, toilets, fans, electronic attendance machines, computer and science laboratories, libraries, and school buses.

However, stakeholders like officials, teachers, principals and experts working in the education sector said that the investment in education by local governments was mostly limited to infrastructure. “Local governments are currently investing mostly on things like school buildings and furniture, where they can spend their budgets. Elected representatives seem uninterested in work that can lead to an improvement in the quality of education, or in cooperating and coordinating with other stakeholders,” an expert at the Centre for Educational Policies and Practices opined. The Chief of education section at a municipality in Tanahun said, “Elected representatives are focused on CCTV cameras, electronic attendance machines and other technology.” In rare circumstances, issues other than school infrastructure had been prioritized. For example, of the nearly NPR 10 million budget allocated by Shivalaya Rural Municipality of Jajarkot towards

education, about NPR 2.7 million had been set aside for school infrastructure like building repair, computers and furniture making while about NPR 6.7 million had been allocated towards a school education learning grant and childhood development education grant. However, physical infrastructure was prioritized in most budgets allocated by local governments toward education.

## TEACHERS APPOINTMENT AND ADDITIONAL BENEFITS

Some local governments showed a special interest in teachers' appointment. Elected representatives mentioned that local governments had had to appoint teachers to manage schools which had been operating with fewer teachers than the approved number of positions and schools that had been operating without receiving any teacher positions from the federal government.<sup>18</sup> Some schools were operating without any approved positions. Two secondary schools, three lower-secondary schools and three primary schools in Janaki Rural Municipality of Kailali had been operating without any approved positions for teachers. Such a problem had arisen because for a long time many schools had been established without any set plan, and under the influence of a local political leader, some influential groups, or personal relations, and the central government had not approved positions for teachers to such schools. This created an imbalance in the student

to teacher ratio.<sup>19</sup> Since the responsibility of addressing this problem also fell upon local governments, in many cases, local governments had attempted to address this problem by either appointing teachers or by merging schools.

Local governments were found to have appointed teachers through their own efforts. Local governments in Kailali, Rukum East, Rukum West, and Jajarkot had appointed new teachers. An official at the education section of a municipality in Rukum West mentioned that they had arranged for 170 'volunteer teachers.' Chhedagad Municipality of Jajarkot had allocated budgets worth NPR 12 million in order to appoint enough 'volunteer teachers' to meet the shortage of specific subject teachers in its schools. Both local governments in Rukum East had hired 'grants' teachers and arranged for their minimum salaries. Some local governments had made arrangements for additional benefits for working teachers and 'support staff' at childhood development centers. An elected representative in Rukum East said that teachers working on low salaries were quick to leave their positions when offered better jobs, which affected studies at schools, therefore the local governments had to provide additional monetary benefits.

Some local governments had extended the tenure of teachers appointed through the Per Child Fund (PCF) provisioned by the federal government in schools operating with insufficient teachers in order to make the number of teachers proportionate to the number of students. Now that the federal government did not provide the salaries for those teachers, schools were facing difficulties in continuing to employ them. A

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<sup>18</sup> Such problems were prevalent in community schools across the country. A study had shown that there is a deficit of 73,938 teachers in comparison to approved positions by the federal government. According to the report of the Teachers Quota Redistribution Work Force formed by the government, there were too many teachers at the primary level while lower-secondary and secondary levels did not have adequate teachers. The basic level (from grade one to grade five) appeared to have 3,383 beyond the stipulated quota. Available at <https://www.edukhabar.com/news/12560>; accessed January 15, 2020.

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<sup>19</sup> Neupane, P., Pokharel, T., Dhungana, H, Poudyal, T., Ghimire, IP., Gupta, A & Poudel A. 2018. *Political Economy Analysis of Education Governance at Local Level in Nepal*. Kathmandu: Nepal Administrative Staff College and The Asia Foundation. Available at <https://asiafoundation.org/wp-content/uploads/2019/06/2019-Political-Economy-Analysis-Education.pdf>; accessed January 15, 2020.



principal said, “The Rural Municipality is providing the salary for them since the federal government stopped doing so. Upon our insistence, after a very tough process, the Rural Municipality, through its executive and assembly, managed to pass NPR 4 million in the budget last year and NPR 3 million this year. But it has been decided that local governments may not pay the salaries of teachers. Hence the funds were given to SMCs under ‘School Reform Program’ which would then be channeled by SMCs as PCF teachers’ salaries.”

Some local governments mentioned that they had to bear the responsibility for teachers’ salaries in order to provide school education free of charge. Elected representatives in Banphikot Rural Municipality of Rukum West said that they had strictly prohibited the community schools from collecting fees from parents. “It has been decided that schools do not have to pay salaries for teachers through their own source. Basic salary for all teachers will be provided through the municipality,” the chairperson of the Municipality informed. Even though local governments had shown a special interest in teachers’ appointment the federal government had issued various circulars to bar local governments from appointing teachers (see Section 8).

## LOCAL GOVERNMENTS’ INTEREST IN MERGING SCHOOLS

Local governments expressed a special interest in merging schools, citing the imbalance in the student-teacher ratio, the lack of necessary teachers or teachers in positions approved by the federal government and lack of teachers for specific subjects. Over recent years, the ratio between the number of teachers and number of students in community schools had gone out of balance. This is due to a number of reasons: increasing attraction among parents towards private schools which led to an exodus of students away from community schools; establishing of schools without any set plan under the influence of local political leaders or some other influential group or personal relation; and the

central government not availing teachers and approved positions for teachers to such schools.<sup>20</sup> Some local governments had already merged many community schools while other local governments were in the process of merging them. Among local governments which had merged their schools, Tikapur Municipality in Kailali stated in its annual policies and priorities that it would, ‘relocate, merge and readjust quotas on the basis of school demarcation in order to improve the ratio between the number of teachers and the number of students.’ Aathbiskot Municipality of Rukum West had decreased the number of community schools from 63 to 54 through mergers.

The merging of schools created more difficulties for students in the mountains and in remote areas of the Tarai than for students in easily accessible urban local units. Examples were found where students had been forced to give up their school education because of such difficulties and many students had been forced into leaving community schools to join private schools.<sup>21</sup> The vice-chairperson of Paterwa Sugauli Rural Municipality in Parsa admitted that although they had made plans to merge schools in their local units, it could potentially be unfair to students from some schools because of the increased distances and obstacles like rivers on the way to the new schools. Some local governments, keeping similar issues in mind, said that they planned to provide school buses to mitigate the problems. In some local units, there were even

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<sup>20</sup> Neupane, P., Pokharel, T., Dhungana, H., Poudyal, T., Ghimire, I.P., Gupta, A & Poudel A. 2018. *Political Economy Analysis of Education Governance at Local Level in Nepal*. Kathmandu: Nepal Administrative Staff College and The Asia Foundation. Available at <https://asiafoundation.org/wp-content/uploads/2019/06/2019-Political-Economy-Analysis-Education.pdf>; accessed January 15, 2020.

<sup>21</sup> Malla, Krishna. 2019. Janapratidinidhiko Swarthama School Samayojan: Samudayik Ghatdai, Niji Badhdai (School mergers to serve the interest of elected representatives: Community schools decreasing while private schools increase). *Shiksha*, Asar 2075 v.s.

accusations that elected representatives were trying to merge community schools because the representatives had made investments in private schools. In many cases SMCs, principals, teachers and parents had expressed extreme dissatisfaction against municipal decisions to merge schools and even moved the courts against such decisions (see Case Study 2).

## **ESTABLISHMENT OF MODEL SCHOOLS**

Many local governments had plans to establish 'model schools'. Some local governments had already started

the process of establishing model schools either by improving the standards of existing community schools through investment of municipal resources or by creating new model schools (see Case Study 1). Attempts at establishing model schools began by selecting schools from among those with a relatively large student body and better physical infrastructure. Representatives of municipalities like Tikapur Municipality in Kailali and Bardibas Municipality in Mahottari claimed that they planned to establish 'One ward, one model school'. This appeared to be an imitation of the concept for 'model schools' as introduced by the federal government

### **Case Study 1: Municipality established its own model school**

Aathbiskot Municipality in Rukum East had established and started operating a model school. The school named Sahid Smriti Namuna Madhyamik Vidyalaya was started with municipal funds. The school, which operated classes for grades six to nine in the initial year, had started teaching grade 10 since the 2019-20 calendar year. The School Principal said, "This is perhaps the first ever school to start with the permission of the local government. The municipality has rented all necessary physical infrastructure for the school so far. Everything in the school was purchased by the municipality. Although this is a government school, the language of instruction here is English. I have been transferred here on assignment to oversee the school."

When the municipality made the plan to establish a school, a procedure was put in place to operate the school. The school management process was also different from that at other schools. A six-member SMC was created with a four-year working term. There was a provision for a chairperson to be nominated by the Municipal education committee. Apart from the principal, a managing director had also been appointed. DRCN was told that the decision to establish the school was taken when other schools showed hesitation to come under the purview of local governments. "The SMCs at other community schools were not eager to follow instructions of the municipality. When this school was started, and when it started showing comparatively better results, other schools also became more willing to be obedient," the chairperson of the SMC claimed.

Questions had been raised regarding the need for this school. "The school should not have been established, but it is done now," said the chairperson of the ward in which the school is located. "More than establishing schools, the issue is that of investment and results. My emphasis is on taking a functioning school and transforming it into a model school, rather than establishing a new model school. I had raised objections saying that it would invite controversy, on the one hand, to merge existing schools while, on the other hand, to go about establishing new schools. I was ignored. The work began. It was also a matter of happiness for me that it was happening in my own ward. Therefore, I am searching for land to house the permanent infrastructure for the school. My concern is still about the future of the school. Even our tenures end after five years. This school faces serious challenges stemming from the uncertainty of what will happen when, after next elections, there is a change in leadership."

under its School Sector Development Plan (SSDP).<sup>22</sup> It appears that such efforts will lead to the establishment of a few well-facilitated community schools in each local unit. However, in the long run, this seems more concerned with concentrating resources in a few schools instead of improving the overall standards of all the community schools.

Stakeholders complained that local governments were allocating funds only for a select few schools, that biases along political party lines influenced the process of allocating school budgets, and that a few smaller schools had been left out of the local government's priorities. Principals and SMC members complained that even though some funds had been allocated from the side of the wards, the smaller schools had failed to find a place among the priorities of the local governments. According to the principal of one such school in Bhanu Municipality of Tanahun, "The Municipality has directed the ward to not provide funds, while the Municipality itself shows no sign of allocating funds from its budget. The Municipality is allocating funds only for the bigger schools with a larger number of students." The principal made accusations that the allocation of budgets for schools had been made on the basis of personal and political influence.

### **EMPHASIS ON TECHNICAL EDUCATION**

Elected representatives emphasized the need to prioritize technical and vocational education. They mentioned that technical education was especially important to connect education to employment. Accordingly, many local governments had initiated various projects. Tikapur Municipality of Kailali had mentioned in its policies and programs for the 2019-20 fiscal year that it would, 'emphasize operation of technical and vocational education in community schools from grade nine, and

initiate from this year onward in at least one secondary school a technical stream from grade nine to grade 12, or a three-year diploma course along with 18 months courses in two schools.' A representative in Bardibas Municipality of Mahottari informed that it would emphasize technical education in the education plan being formulated. A school in Sisne Rural Municipality of Rukum East also had initiated pisciculture even though it lacked the requisite physical infrastructure. Overall, elected representatives seemed to have an interest in promoting technical education.

### **COMMUNITY SCHOOLS ATTEMPT TO REPLICATE PRIVATE SCHOOL PRACTICES**

Many local governments emphasized on making English the medium for school education and introducing school uniforms and neckties, imitating private schools in an attempt to stem the exodus of students from community schools into private schools. Although such attempts at most community schools had been initiated before local governments were formed, the trend seemed to have gained additional momentum after representatives were elected. Schools with large student numbers and adequate resources were using both Nepali and English as languages of instruction. School principals said that schools were compelled to teach in English as the medium of instruction in order to retain students. "Parents think that education at private schools is better because the medium of instruction there is English. Consequently, community schools have been compelled to move towards teaching in English. If we do not do that, community schools will become empty," a principal in Budhiganga Rural Municipality of Morang said. Since most elected representatives shared the perception of parents, they had attempted to improve education at community schools by imitating the system they observed at private schools.

One school in Shuklagandaki Municipality of Tanahun had not completely moved towards English language instruction even though it had a good student strength

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<sup>22</sup> Government of Nepal. n.d. Ministry of Education, School Sector Development Plan, Eligibility and Selection Criteria for Model Schools-2073. [https://www.moe.gov.np/assets/uploads/files/SSDP\\_Model\\_School\\_Eligibility\\_and\\_selection\\_Criteri\\_\\_English.pdf](https://www.moe.gov.np/assets/uploads/files/SSDP_Model_School_Eligibility_and_selection_Criteri__English.pdf); accessed January 15, 2020.

and financial resources. Only a couple of subjects were being taught in English. “I do not believe that education improves only if the language of instruction is English. We teach only a couple of subjects in English. The teachers for those subjects were also capable of teaching in English, and therefore they agreed to teach in English,” the principal said. There were multiple examples of local governments emphasizing the implementation of English as the language of instruction even though they lacked qualified teachers to teach in English. Because of this, the students might not have a strong command either of Nepali or of English. Thus, it appears that when local governments mimic practices from private schools at their community schools, it results in hollow imitation more than improving the overall quality of education in the local units.

## LOCAL CURRICULA

Elected representatives were also interested in developing and implementing local curricula. Sisne Rural Municipality of Rukum East and a few other local governments had already created and implemented local curricula while some other local governments were planning to create their own curricula. Sisne Rural Municipality had started teaching Moral Science at grade six and planned to introduce a local curriculum to grade seven in the coming year.

Elected representatives believed that teaching in the mother language was more important issue in developing a local curriculum. Elected representatives emphasized the need for education in mother languages especially in local units with a majority of Janajatis, Madheshis and other marginalized communities. “Many students from the Tarai districts who obtain good marks in technical subjects like Mathematics and Science do not get good marks in Compulsory Nepali. This leads to them failing grades and becoming disillusioned with education, which has an impact on their overall schooling, which in turn has a far-reaching effect on the individual and on their society,” a researcher at

the Nepal Madhesh Foundation said. According to the chairperson of Yashodhara Rural Municipality in Kapilvastu, the education and annual examination results of many students from Madheshi communities had been affected because of language-related problems. “The language of instruction is Nepali. It is difficult for our children to study. In Nepali, the word *buwa* means a father, but the same word means an aunt in our area. Problems like this make studying difficult for children. It would be better if we could educate them in their mother language,” he said.

The principal of a school expressed that the process of introducing mother language curricula was full of challenges. He argued that there would not be enough resources to manage mother language curricula in a school since there would be students from many different language groups studying at one school. “On the one hand, mother language curricula is necessary for students from those communities which have been subjected to political exclusion. But, on the other hand, which mother language would we choose for a school like ours? It would be very difficult to create and implement curricula in different languages since students from Tharu, Madheshi and Muslim community all study with us,” a principal at a school in Budhiganga Rural Municipality of Morang said.

Overall, local governments were operating in a situation of confusion because of the absence of a federal Education Act. Processes related to creating laws related to education, determining sectoral priorities, implementing plans and budgets and managing resources had failed to gather pace. A few local governments were found to have created plans for educational reform. However, most local governments had not created solid programs by identifying policies and priorities. Yet, elected representatives at local governments did feel that the responsibility of reforming the school education had fallen upon them.

## LAW MAKING ON EDUCATION

Local governments had drafted the necessary laws for the implementation of their policies and priorities, programs, and plans related to school education in their local units. Of the 16 local units studied for this report, seven had issued their Education Act and Regulation while the remaining nine had not. Generally, the creation of Act precedes secondary laws. However, three local governments had passed their procedures without enacting requisite Act and Regulation. One municipality had made a Regulation without passing an Act.

Such irregular practices were said to have occurred because representatives of local governments lacked adequate knowledge on law making. A chief administrative officer (CAO) of a municipality in Bagmati Province said that elected representatives and officials lacked adequate knowledge on law making and legal processes. He said, “Those who had knowledge about the law making issued the Education Act first, and only then did they passed Regulation and Procedure.” He also claimed that this was a result of errors contained in the model law circulated by the federal government. “The federal government sent the ‘Education Regulations 2017 (model)’ as a model law, but it did not send an ‘Education Act’. Consequently, a few local governments issued the Regulation without drafting an Act first, while some others drafted Education Procedure according to their Administrative Procedure,” he added. The CAO of another municipality in Bagmati Province said that since there was a provision under which urgent Procedure could be passed under Administrative Procedures Act to regulate the most essential issues under its jurisdiction, the same had been done for education.

In the absence of a federal Education Act, a measure of confusion was observed among elected representatives regarding Acts and Regulations pertaining to education that are required to be created by local governments. Tikapur Municipality of Kailali and Bhanu Municipality of Tanahun had not issued their Education Act and Regulation and local representatives there said that they would be issued only after a federal Education Act came into effect. The mayor of Bhanu Municipality said that even though the municipality’s law pertaining to education had not been created, programs related to education had been implemented on the basis of decisions taken by the education committee. Local governments which had passed law mentioned that they had implemented their laws by preemptively creating legal provisions to revise the laws if they conflict with eventual federal and provincial education laws. “Local governments have not created laws related to education because the federal laws are not in place. We have tried to draft laws that will not conflict with eventual federal laws, but since provisions exist for such conflicting laws to become automatically null and void, our current laws are being implemented,” the chairperson of Banphikot Rural Municipality in Rukum West said.

Many local governments that had created laws related to education had been hesitant in implementing them. Chhedagad Municipality of Jajarkot and Shuklagandaki Municipality of Tanahun had drafted their Education Acts, but the chief administrative officers of both the municipalities said that they had not gone into full implementation. “We have to appease everybody to ensure that nobody moves the courts against our municipality’s Education Act. If anybody files a



complaint, the courts will issue an interim order saying the existing federal Education Act must be followed and that the local government's Education Act must not be implemented," the CAO of Shuklagandaki Municipality said.

Legal suits had been filed with the courts against laws created by local governments (See Case Study 2). Aathbiskot Municipality of Rukum West had created laws and criteria related to education and carried out activities like merging schools and lowering grade levels taught at particular schools. However, the three schools that had been merged together moved the courts against the Municipality's action. Local governments have been dissuaded from creating and implementing laws out of a fear that they might face such suits and court cases.

Local governments that had not passed new laws were found to have continued working without any change to the erstwhile structure. However, in many situations local governments were found to have made decisions related to transferring teachers and merging schools. Elected representatives claimed that in such cases, decisions were made with the agreement of stakeholders in order to avoid conflicts and to ensure no legal suits were filed against the municipality. Janaki Rural Municipality of Kailali had merged two schools without drafting the necessary law. "It should have been done by enacting Act through the rural municipal assembly. But, the realities on the ground forced us to take decisions. We decided by conducting a parents' meeting," the chairperson of the Rural Municipality said. Bhanu Municipality of Tanahun had transferred teachers without the necessary laws in place. The mayor of the Municipality said that recommendations for the transfers had been made in mutual agreement with the relevant school. Additionally, he also informed that everything else related to education in the municipality was done according the decisions of the education committee comprising relevant stakeholders.

## **Case Study 2: Court cases filed at the Supreme Court against local government decisions**

DRCN had received details regarding court cases filed at the Supreme Court challenging decisions on school education taken by local governments. Of the 18 cases studied by DRCN, six cases challenged education regulations passed by local governments were in conflict with the *Education Act 1971* and the Constitution; six cases were related to teacher transfers made by local governments; three cases related to school management committees; and three cases were related to a local Education Act, an education procedure passed by a local government, and school operation permit. Most cases argued that education related decisions or legislations made by local governments conflicted with the Constitution or the *Education Act 1971*, or that local governments made decisions or legislations even before the provincial government had done so. These cases were awaiting decisions from the Supreme Court. Previous study reports by DRCN had encountered similar cases at other courts, too.

Elected representatives claimed that parents, teachers, intellectuals, SMC members, principals and other stakeholders were involved in law making, and Acts and Regulations were passed. However, teachers, principals, SMC members and other stakeholders said that they had not been adequately consulted and that law had been passed in a rushed manner. "Adequate discussions were not held during Act formulation. They called us for a discussion just for show, and on the same day gave us the draft of the Act and asked us to give our suggestions. How can we read a whole new Act in a day and make recommendations?" a representative of a teachers' association in Tanahun asked. A principal in Morang, who was also a member of the committee formed to design the education policy for Province 1, accused local governments of engaging in 'self-oriented' laws in the absence of a federal Education Act. He said,

“Belbari Municipality [in Morang] drafted education laws and dismissed all SMCs. It also created a provision under which the mayor would nominate the SMC. Hatuwagadhi Rural Municipality [in Bhojpur] created a provision for the chairperson to appoint teachers. When education related laws were created for Dharan Sub-metropolitan City, it stipulated that teachers from outside Dharan could not be appointed.”

A legal professional in Tanahun also claimed that local governments had created regulations according to their own preferences and that activities like teacher transfers and temporary appointments were happening according to political prejudices.

Local governments had passed education laws by considering ‘model law’ issued by the Ministry of Federal Affairs and General Administration (MoFAGA). Some local governments had also drafted law by following laws created by local governments in other districts. A cursory survey showed that some local governments had copied, *in toto*, the errors or mistakes included in the model law.

However, local governments had also changed many of the provisions contained in the model law. For instance, whereas the model law mentions that the SMC chair or members should not come from among the members of the rural municipal assembly, municipal regulations and procedures omitted this provision altogether. Similarly, the provision in the model law that addresses the issue of exchanging land owned by a school mentions that ‘land owned by a school may not be exchanged (for other plots of land)’, but the Education Procedure of Pipra Rural Municipality in Mahottari says that land may be exchanged ‘..in accordance with the decisions of the Rural Municipality.’<sup>23</sup> Similarly, the provision regarding the chairperson of the SMC of private schools has not been included in the model law. But, Banphikot Rural Municipality in Rukum West provides for the appointment of ‘the founder of the school or a person nominated by the Education Officer as recommended by the school from among the investors of the school.’ In Bardibas Municipality in Mahottari, the provision is for an ‘individual nominated by the Mayor from among the school managers as recommended by the school’ to be appointed. The nature of these changed provisions point mainly to education officers and elected representatives’ attempts at expanding their own roles in schools within their local unit (See Table 1).

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<sup>23</sup> This provision was unclear in the Pipra Rural Municipality Education Procedure 2017-18 received by DRCN.

**Table 1: Comparative study of the model law issued by the federal government and consequent legislations issued by local governments**

Provisions	Model Law	Education		
		Education Procedure of Pipra Rural Municipality, Mahottari	Education Procedure of Bardibas Municipality, Mahottari	Education Regulation of Banphikot Rural Municipality, Morang
Regarding establishment of a new school	Application to be made to the rural municipal or municipal executive committee at least four months prior to the beginning of the school term	Application to be made to the rural municipal executive at least four months prior to the beginning of the school term	Application to be made to the education section at least four months prior to the beginning of the school term along with the consent of any two community schools	Application to be made to the education section at least three months prior to the beginning of the school term
	In case of community schools, teacher appointments must be made according to the recommendations of the Teacher Service Commission and the number must be kept under the limit specified by the rural municipal executive or municipal executive	Provisions in accordance with the model law	No provision mentioned	Provisions in accordance with the model law
Regarding school mergers	If most grades have fewer than 10 percent of the total number of students at a school and if the distance between two or more schools is less than 30 minutes by foot	Provisions in accordance with the model law	If most grades have fewer than 15 students and if the distance between two or more schools is less than 30 minutes by foot	If most grades have much fewer students than stipulated and if the distance between two or more schools is less than 1 kilometer



Provisions	Model law	Education		
		Education Procedure of Pipra Rural Municipality, Mahottari	Education Procedure of Bardibas Municipality, Mahottari	Education Regulation of Banphikot Rural Municipality, Rukum West
Regarding the Chairperson of the SMC	To be chosen by school parents from among them	Provision in accordance with the model law	Four members nominated by school parents from among them, including at least one woman and one dalit member, and two individuals nominated by the Ward Committee from among local education-loving social worker and donors to the school	Four members nominated by school parents from among them, including at least two women; one person nominated by the Ward Committee from among the Ward Chair or Ward Committee Members; two individuals nominated from among school founders, education-lovers, intellectuals, persons assisting the school since at least ten years, or from among individuals nominated by the SMC, including at least one woman
		Private schools must provide scholarships to students from marginalized and impoverished communities and recommendations for scholarships must mandatorily include at least 5 percent girl children*	Private schools must provide scholarships to talented students from marginalized, dalit and impoverished communities and recommendations for scholarships must mandatorily include at least 50 percent girl children	Private schools must provide scholarships to 10 percent students from marginalized and impoverished communities and recommendations for scholarships must mandatorily include at least 50 percent girl children.

Provisions	Model law	Education Procedure of Pipra Rural Municipality, Mahottari	Education Procedure of Bardibas Municipality, Mahottari	Education Regulation of Banphikot Rural Municipality, Rukum West	Education Regulation (proposed draft) of Jahada Rural Municipality, Morang
Regarding Chairperson of SMC	Provision not included	Provision not included	A person nominated by the Mayor in accordance with recommendation made by the school from among school operators	To the post of the chairperson of the SMC of a private school, a person nominated by the Education Officer in accordance with recommendation made by the school from among the establishments or investors in the private school	A person appointed by the Education Officer from among the establishments of a school in accordance with recommendation made by the SMC
Regarding who may not be appointed a member or chair of the SMC	Members of the rural municipal or municipal assembly	No such provision	No such provision	No such provision	No such provision
Regarding exchange of land owned by the school	Land owned by the school may not be exchanged	Exchanges may be made in accordance with the decision of the municipal executive	Provision in accordance with the model law	Provision in accordance with the model law	Provision in accordance with the model law

\* The model law contained a typographical error ' ) ' instead of denoting a number.

\*\*This typographical error present in model law has been taken by some local governments to mean 50 percent, by some other to mean 5 percent, whereas some others have copied it as it is.

## EDUCATION SECTION AND EMPLOYEE MANAGEMENT

The education section was operating as the body that implements education related policies, regulations and programs of local governments.<sup>24</sup> The section had been delegated the responsibilities of the erstwhile DEO (See Section 1). Employees working in the federal education service had been integrated into the section with the view of managing employees. Of the local governments studied, after the integration, there were at the most three employees in any of the education sections. In five local units employees of a rank equivalent to a government under-secretary had been integrated as section heads, while three local units had employees equivalent to the rank of section officer (school inspectors in the previous system) integrated as section heads. In the remaining eight local units, no employees of the rank of section officer had been integrated. Such local units remained without a head in their education sections, most such local units were rural municipalities. In such local units, erstwhile resource persons, teachers or employees of the administrative division had been delegated the responsibilities. Although the approved positions by the federal government in a municipality is for an under-secretary, a section officer, and a technical assistant, and a section officer, and a technical assistant for a rural municipality, most local units were found to be operating without these positions being filled.

A detailed list of the functions and duties of the head of the education section is included in the procedures and education regulations of the respective local

governments. These details specify their managerial and monitoring roles. But, in many local units, the lack of an officer and other employees meant that the education sections were not functioning. “We have not been able to do anything beyond distributing teacher salaries,” an employee of the education section of Sisne Rural Municipality in Rukum East said. The teacher salary, which came out of the conditional grant received from the federal government, was being distributed by the education section. Apart from this, in some local units, education section employees had assisted in selecting plans and allocating budgets. But, overall, education sections had been unable to carry out functions like designing their local governments’ education policies and programs; recording and managing data on schools, teachers and students; and on school monitoring and teacher evaluations.

According to employees in the education sections, they did not have complete data even on schools, teachers or students. Local governments were not receiving such data in a systematic manner either because they lacked employees, or because available employees were being transferred frequently. The head of the education section of Chhedagad Municipality in Jajarkot complained regarding the lack of well-maintained data and information, “In the past, a resource person ran the operations and he remembered all the data by heart. Because of that, no data is now up-to-date.” Representatives of both Sisne and Bhume Rural Municipalities said that since their district, Rukum East, is a new district, they are forced to go to Khalanga, the headquarters of the erstwhile Rukum district, for any record they require. Thus, it appeared that no attention

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<sup>24</sup> Some local governments had named them the Education, Youth and Sports Division. In this report they have been called the education section.

was given to the transfer and management of data when the functions of the erstwhile DEO was transferred to education sections at the local levels.

Education sections had not even been able to carry out school monitoring. Elected representatives accepted that the monitoring they carried out in the absence of education section employees were not particularly effective. “What would I do by going on monitoring visits? There is only one employee in the education section. Even if monitoring is carried out, there is nobody to implement any recommendations,” the chairperson of Budhiganga Rural Municipality in Morang said. According to a representative of the Nepal Teachers Association of Kapilvastu, elected representatives would arrive in the pretext of monitoring visits and give verbal suggestions and no systematic record of such visits were kept. According to an under-secretary from an education section in a municipality in Kapilvastu, the practice of school monitoring formally ended when, at the local level, the local government education section were provided with only one approved positions for an education officer. Employees at education sections in other local units also said that they did not have adequate time to monitor education due to other work pressures.

At many local units, teachers complained that professional development for teachers had halted since the transfer of various education related rights to the local level. In particular, local governments had not created programs or allocated budgets for teacher trainings.<sup>25</sup> “Under the previous system, there were trainings for teachers. There have been no new trainings now,” a teacher working at a school in a Pipra Rural Municipality in Mahottari complained.

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<sup>25</sup> Neupane, P., Pokharel, T., Dhungana, H., Poudyal, T., Ghimire, IP., Gupta, A & Poudel A. 2018. *Political Economy Analysis of Education Governance at Local Level in Nepal*. Kathmandu: Nepal Administrative Staff College and The Asia Foundation. Available at <https://asiafoundation.org/wp-content/uploads/2019/06/2019-Political-Economy-Analysis-Education.pdf>; accessed January 15, 2020.

Many local governments also failed to carry out work performance evaluations of teachers in the year 2017-2018. In many schools, the SMCs had not been formed, and performance evaluations of teachers could not be carried out because of the absence of officials to oversee education sections.<sup>26</sup>

Education service employees of the ranks of under-secretary and officer in the older system, who had been integrated into education sections at various local governments, were not satisfied with the employee integration process. In particular, under-secretaries from the education service were dissatisfied that they now had to work under the CAOs who had been integrated from lower ranks in the government protocol. “The integration was discriminatory. Employees of a lower rank (the CAOs) have been given the right to evaluate our work performance,” an under-secretary who had been integrated into the education section of a local government said. He said that he was in dilemma if he should continue working or quit his job since he feels humiliated by the situation. Under-secretaries and officers who had been integrated into local governments said that the education service had been ‘insulted’ and ‘devastated’. Quite a few employees of the ranks of under-secretary and officer said that they were interested in - and still working towards - becoming instated into positions in federal government bodies.

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<sup>26</sup> A few new provisions had been made to evaluate teachers work performance. Available at <http://www.tsc.gov.np/doc/1577972944.PDF>; accessed January 22, 2020.

## SCHOOL MANAGEMENT AND POLITICS

The formation of SMCs and adapting provisions regarding SMCs in the local laws were a matter of important concern among local governments.<sup>27</sup> The LGA gives local governments the rights related to the formation and management of SMCs. On the basis of the Act, local governments had begun forming new SMCs in accordance with their own regulations and procedures.<sup>28</sup> Many local governments had even dismissed SMCs that still had terms remaining and formed new SMCs according to their own laws. Most such dismissed SMCs had moved the courts against their local governments (See Case Study 2).

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<sup>27</sup> The 7<sup>th</sup> amendment of the *Education Act 1971* had provided for the School Management Committee, created as a committee to oversee the operation, care and management of any school. It provided for four members to be a part of the committee, including at least two women, from among individuals nominated by the parents from themselves; one person between the ward chair or a member of the ward committee of the ward in which the school was situated or someone nominated by the ward; two members including one woman from among school establishers, local intellectuals, etc., and one member nominated by the school teachers from among themselves, along with the principal as the member secretary. The Act also provided for one person nominated from among these members to be appointed the SMC chair. Section 12(6) of the same Act defined the roles and responsibilities of the Committee.

<sup>28</sup> At schools in local units where the local education laws had not been created and at schools where the terms of the SMCs had not expired the old SMCs continued to operate.

Even though their approaches were controversial, it was clear that local governments were trying to expand their influence over SMCs. When the old SMC at a community school in Sisne Rural Municipality of Rukum East was dismissed to create a new SMC, accusations arose that the new SMC chairperson was being nominated according to political affiliations (See Case Study 3). Aathbiskot Municipality of Rukum West had established a new school in accordance with its own provisions, with its own resources and with an SMC formed with new provisions (See Case Study 1). In some local units elected representatives had created provisions for individuals nominated by them to be appointed as the SMC chairperson. Elected representatives not only created provisions for them to appoint members and chairpersons of SMCs, but in some cases – especially ward chairs – appointed themselves as the chairperson of the SMCs of schools in their wards. The *Education Procedure 2017* created by Pipra Rural Municipality in Mahottari provided for the relevant ward chair or an individual nominated by the ward committee to be appointed as the chairperson of the SMC. In two schools of Shuklagandaki Municipality in Tanahun, the chairperson of a ward in which the schools were situated had also become the chairpersons of the SMCs. “There were 12 candidates for the position of the SMC chairperson. But no agreement was reached. I became the chairperson to resolve the conflict. Everybody agreed to that,” a ward chair in Shuklagandaki Municipality said. Similarly, a ward chair – who was also a member of the education committee – and the CAO of Pipra Rural Municipality in Mahottari said that because of the large number of

candidates for the position of the chairperson of the SMC and because the Committee was full of political intrigue and conflicts, provisions had to be created to appoint the ward chair as the chairperson of the SMC.

In response to questions about why local government representatives were becoming chairperson or appointing chairperson of the SMCs, elected representatives replied that it had been done to solve disputes along political party lines, and because they had not received the

expected assistance from erstwhile SMCs when they attempted school reforms. However, education experts and other stakeholders posited that there were ulterior motives behind elected representatives attempting to increase their influence over SMCs. SMCs, which were established with the aim of transferring the management of schools to the community, have the right to mobilize the resources received for the operation of schools, appoint and promote teachers, and manage the

### **Case Study 3: Factional conflict in the formation of School Management Committee**

Rukmini Secondary School in Sisne Rural Municipality of Rukum East needed to form a new SMC. Parents and students were both attracted to the school which was known as a model school in the district. Although the SMC chairperson had already completed two terms, the parents wanted the chairperson to continue in the position. But the ex-SMC chairperson claimed that the Rural Municipality representatives had been uncooperative towards him because of his political affiliation and because they wanted to bring someone from their own political party. A teacher claimed that the Rural Municipality had a majority of Nepal Communist Party (NCP) members, while the ex-SMC chair, whom the parents preferred, belonged to Rashtriya Prajatantra Party (RPP). Therefore, he had been removed. He said that although a meeting of parents had been called to form a committee, the Rural Municipality had stopped the meeting. However, according to the CAO of the Rural Municipality, they had been forced to stop the meeting because the notice for the formation of the committee had been issued upon the completion of the term of the SMC without informing the Rural Municipality, as mandated by their laws.

A teacher accused the Rural Municipality of discriminating against the school while creating plans and allocating budgets because the SMC chairperson was from a different party. He said that the school had asked the Rural Municipality for budgets for infrastructures like buildings, toilets and a library, but that nothing had been received. He said that the school had to appeal to the Member of Parliament to allocate a budget for the school and that the construction of toilets had been possible only after that. He accused the local government of not paying enough attention to the school even while the federal and provincial governments provided comparatively more in assistance to the school.

According to the ex-SMC chair, elected representatives had wanted to recruit their 'own people' into the SMC because the school is well-appointed in terms of resources and is in good financial standing. "The school had nearly NPR 10 million in its accounts. About NPR 800,000 had been collected through various religious functions and *deusi bhailo* programs," he said. He added, "I was liked by all of the parents, so when they could not simply remove me from the post, they tried to remove me by creating the Education Act." It was his understanding that the Rural Municipality had him in its crosshairs when it created the provision of barring individuals who had already served two terms from serving further terms.

However, the Rural Municipality chairperson said, "Legislations are not created to target a specific school. We have created legislation suited to all schools." He claimed that there was no factional prejudice involved in the provisions pertaining to the SMC. He said that the new SMC for the school would be created in accordance with the new Act.



remuneration and benefits of such teachers. They said that elected representatives harbor the ambition of using these rights to acquire, use and distribute school resources. The main reason behind the extreme politicization of the process of SMC formation at

schools with adequate resources, or behind an inability to form SMCs, was a similar interest in acquiring, using and distributing the resources of the schools (See Case Study 3 and 4).

#### **Case Study 4: Conflict between local government and school regarding school property**

Shree Ataradh Primary School in Pipra Rural Municipality in Mahottari owned its own pond, and it had been earning funds by leasing out the pond. However, a teacher at the school said that the Rural Municipality had put the pond out to lease and deprived the school of any part in the earnings from it. “The Rural Municipality has leased the school’s pond. The school receives nothing from it. The ward committee has kept its office in a school building. The school does not have an adequate number of classrooms. I have complained about this to the ward chair, and I have complained to the Rural Municipality, but I have not been heard,” the teacher said. He complained about the fact that the Rural Municipality had not taken over another pond owned by a different school, “Another school in the Rural Municipality also owns a pond. But the Rural Municipality has not taken it over. How can they have two separate systems in the same rural municipality?”

However, another member of the education committee, who is also a ward chair, claimed that the Rural Municipality had taken all properties belonging to all schools under its management and that there was a uniform system across the Rural Municipality. He provided additional information, “The Rural Municipality has taken over the school’s properties with proper procedures in place. We have not been able to take over some ponds belonging to some schools because they had already been leased out. But the Rural Municipality has put the Shree Ataradh Primary School’s pond on lease because the old lease had expired.”

The ward chair from where the school is located said that Shree Ataradh Primary School attracts more attention because it has good financial resources due to which a lot of people want to be on its SMC, which has made its selection difficult. Although the Rural Municipality created the provision that the ward chair or a person nominated by them may be appointed to the SMC chair, the SMC for Shree Ataradh Primary School had not been formed. “This school has many sources of income. Therefore, people compete to be on its SMC. The SMCs for two other schools in the ward have been formed without any friction because they do not have much of an income. There are three Nepali Congress members in the ward committee. I am among the remaining two members, representing NCP. That is why the formation of the SMC has been so difficult. There are three ponds in the school’s name. However, at present, the Rural Municipality takes all the income from the ponds. The school has not received any benefits in exchange,” he complained.

An increase in the influence of elected representatives over SMCs will likely affect the autonomy of schools. “When elected representatives form SMCs to suit their own interests, the committees will be accountable to the elected representatives, but the committees are supposed to be accountable to the parents and to the students,” an expert at Centre for Educational Policies

and Practices posited. When provisions are created under which an elected representative is appointed the chairperson of the SMC, or when elected representatives nominate them, it raises the concern that schools will continue to be the battleground for competing factional influences, political prejudices and intrigues around teacher transfers.

The possibility persisted of new conflicts of interests arising when elected representatives engaged in fulfilling dual roles, and of negative effects arising when they give priority to schools where they are the SMC chairperson. Although the notion of elected

representatives contributing to school education reform was a welcome one, experts were of the opinion that SMCs should remain under representatives elected by the parents. Otherwise, there was the possibility of factional conflicts that exist within SMCs becoming even more expansive.



## RELATIONSHIP BETWEEN LOCAL GOVERNMENTS AND TEACHERS

Since school education comes under their purview, elected representatives in local governments were involved in teacher management, appointment and monitoring. Under the previous system, teachers were appointed through the Teacher Service Commission and teacher selection committees at each school which included as its member the chairperson of the SMC.<sup>29</sup> The DEO was responsible for management and regulation. The elected representatives were of the view that under the previous structure, teachers were in the habit of not showing up at the school and not fulfilling their duties, and that such behavior was affecting the quality of education in schools. Other stakeholders also said that such conclusions were correct to a certain extent. “Earlier, the teachers would register their attendance for the day and then go off to the District Education Office to indulge in politics,” an official at the EDCU in Mahottari claimed. Therefore, in many local units, the main step taken in the education sector by elected representatives was focused on ensuring regular presence of teachers in schools. To that end, they had increased the direct monitoring of the schools. Electronic attendance, provisions for deducting the salaries of teachers who arrived late or were absent, and ‘flash-visits’ on site of the schools were some of the monitoring tactics employed. These practices had forced teachers to be regularly present in their schools.

However, most teachers did not like being monitored by elected representatives. It appeared that elected representatives wanted to convey the message that all

schools and teachers come under the purview of the local government and that they must be accountable to the local government. However, the teachers felt that elected representatives who came from political backgrounds and often were ‘less educated’ than the teachers were attempting to create unnecessary pressure in the name of monitoring and evaluation. Conflicts and frictions like these appeared to have had a negative impact on school education at the local levels. A principal at a school in Tanahun said, “The coercive attitude of elected representatives is becoming dominant; the ward chair feels comfortable scolding teachers – all of this has been a stain on the dignity of the school and the teachers.”

Another principal at a school in Pipra Rural Municipality in Mahottari said that the ward chair had adopted an autocratic style during monitoring visits and created unnecessary pressures. “The ward chair has tried to assert control through an electronic attendance machine, while he and ward office secretary never arrive at their offices on time. I have heard that our salaries will be deducted if we are not present in the school on time. They say it is a decision made by the education committee, but we are not informed about it. Villagers also put unnecessary pressure on us. Somebody called and told the ward chair that the principal is not at the school when I had gone to the bank to open an account. Sure, you have to check on the employees, but there should be a process for it. It cannot be done in an ad hoc basis,” the principal complained. Although elected representatives attempted to monitor the teachers, the fact that such attempts lacked a transparent and well-

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<sup>29</sup> Government of Nepal. 2002. *Education Regulation, 2002*. Kathmandu: Nepal Law Commission.

managed process seemed to create unnecessary and unwelcome pressure upon teachers.

Along with monitoring, local governments had started the practice of evaluating schools, teachers and principals based on examination results – rewarding good results while punishing bad results. An employee of the education section at Aathbiskot Municipality of Rukum West said that weak teachers had been punished on the basis of the annual results of the grade 8 exams. As a preliminary step, teachers had been transferred to another school within the municipality, with the provision of returning them to the original school if the quality of their teaching improved over the next three months. If the level of teaching and learning still did not improve within that time, policies had been created to allow for the termination of the teacher’s contracts. Similarly, under a system to reward good work, the schools and students that stood first, second and third would be honored by the municipality.

A few local governments had created additional pressures upon teachers who had been teaching for a long time, saying that they had failed to give good results, and had created situations that forced such teachers to resign from their posts after continued failure to improve examination results. Since it was not possible to remove teachers who enjoyed permanent appointments, they were often transferred to schools where the teacher would experience a lack of facilities. It appeared that this was done with the hope that teachers would then quit their jobs and vacate positions for appointing new teachers. A ward chair of Shuklagandaki Municipality of Tahanun said, “Older teachers cannot teach in the English medium. But we cannot just remove them and appoint new teachers. Therefore, when we transfer them to faraway schools, they resign from their posts.” Since the regulation and monitoring process carried out by the local governments were not well managed and since teachers and principals were excluded from the process, it had not been able to create an environment of mutual trust between local governments and teachers.

Teachers and elected representatives both appeared to accuse each other of being directed by political prejudices. This had created feelings of mutual suspicion. The principal of a school in Pipra Rural Municipality in Mahottari had filed a suit with the courts, claiming that the ward chair had removed him out of political prejudice. “A bicycle distribution program had been organized under the *Beti Padhao Beti Bachao*—Educate Daughters, Save Daughters—program of the provincial government. There were discussions about the participation of the Chief Minister. The ward chair called a meeting to organize the program. At the meeting, he asked me to resign from my position, saying that the physical infrastructure and educational situation at the school was not good. I asked for 15 days so that I could present my justifications. But the meeting minutes were snatched away from me and he decided to remove me from the post of principal,” the Principal said. Claiming that he had been removed due to prejudice based on political affiliation, he said, “The ward chair belongs to [Sanghiya Samajbadi] Forum while I support Nepali Congress. That is why I was removed.” It appears difficult for local governments to work effectively in the absence of a cordial relationship developing between teachers and elected representatives.

Many local governments were found to be facing accusations of choosing favored individuals over appointing candidates through a proper process. Perhaps this was on the Education Minister’s mind when he said, “Do not appoint teachers out of your pocket – that is the job of the Education Commission.”<sup>30</sup> The intention of this statement is to assert that the teachers’ appointment is the sole prerogative of the Education Commission under the federal Ministry of Education. Accordingly, the Education Policy 2019 retains the

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<sup>30</sup> Dhungana, Shiva, 2019. Gojibata Jhikera Shikshak Niyukti Nagarnu: Shiksha Mantri Pokhrel (Do not appoint teachers from your pockets: Education Minister Pokharel). Available at <https://ujyaaloonline.com/story/21618>; accessed January 22, 2020

functions of secondary education management under the federal government. This further indicates the intention of the federal government to retain at least the right to appoint teachers at the secondary level. But the Municipal Association of Nepal (MuAN) and National Association of Rural Municipality in Nepal (NARMIN) were arguing that since teacher management was just another aspect of 'basic and secondary education', the sole jurisdiction of the local governments, rights such

as teachers appointment should remain with the local government. An expert at the Centre for Educational Policies and Practices, reflecting upon this debate, said, "It does not appear that teachers appointed by the federal government will be accountable to the SMCs and local governments." The gist of his observation also suggests that in order to ensure the accountability of teachers, the appointment and management of teachers should also remain under the purview of local governments.

## CONCLUSION AND RECOMMENDATIONS

### CONCLUSION

Local governments have steadily expanded their roles in school education over the past two years. In the process of utilizing the rights accorded to them, they have faced resistance from the federal government and SMCs, and in particular, from professional associations of teachers. There have been arguments that local governments should not be given authority over education since they lack the capacity to work in the sector. However, despite such resistance, local governments have attempted to claim ownership of school education. Not all rights pertaining to school education as provided by the Constitution have been transferred to local governments and the federal government has barred local governments from implementing some of these rights. These factors have denied local governments the opportunity to develop a complete sense of ownership over school education.

Over the last two years, local governments have initiated new efforts by designing plans and programs and creating laws with the intention of reforming school education. Overall, among the plans and programs created by local governments were efforts to provision financial resources for developing the physical infrastructure of schools; appointing teachers and managing additional benefits for teachers; merging schools; establishing and operating model schools and developing local curricula. However, most of these programs were focused on addressing immediate issues.

Some stakeholders made accusations that elected representatives included only a few selective schools in their priorities. This led representatives of other

political parties and principals of excluded schools to believe that some schools had received budgets only because of personal and party-based influence. In particular, dissatisfaction seemed to arise from the fact that local governments had failed to create policies for overall education reform, and because they had allocated unequal budgets to different schools based on inadequate studies and preparations. However, in comparison to the previous system, most of the principals felt that it was now easier to meet their financial necessities.

Education has failed to be included among the priorities of most local governments because it is difficult to immediately see the results of investing in school education. However, since it has an eventual impact, it is imperative for elected representatives to include education among their priorities and allocate budgets accordingly.

The experience of past two years indicates that local governments will face plenty of challenges in the immediate future regarding schools and teachers management. In terms of school management, the fact that local governments have made decision to appoint people nominated by ward chairs or local representatives to the position of SMC chairs indicates that elected representatives want to assert control over school management. Although the interest of local representatives in school management is positive, their control over SMCs is likely to result in a negative impact on the autonomy of schools. To dissuade politicization along party lines, it is imperative for local governments to ensure a sense of ownership over the SMC among

the parents and to establish the autonomy of schools. Similarly, in the context of teacher management, a relationship of mutual trust has not been established between teachers appointed to the schools by the federal government, and local governments. Elected representatives have increased their monitoring over teachers, blaming the negligence of teachers for the deterioration in the quality of education over past few years. These efforts have led to an increased presence of teachers at schools, but this has also made teachers weary of the local governments.

At a time when the country is transitioning into federalism, important debates around issues of teacher management and school management have begun since school education came under the jurisdiction of local governments. However, the federal government has claimed that the Constitution gives it shared jurisdiction over education and is actively attempting to constrict the sole jurisdiction of the local governments over school education. It is believed that the federal government is doing this through its policies and laws under pressure from representatives of teacher associations unwilling to be placed under the jurisdiction of local governments. The federal government appears eager to take advantage from the confusions existing in the Constitution in order to maintain its control over secondary school education management. Such steps by the federal government are in contravention to transformations in education envisioned by the Constitution. Such attempts seem aimed at continuing centralized control rather than at devolving school education onto the teachers and communities.

## **RECOMMENDATIONS**

### *FOR LOCAL GOVERNMENTS*

1. Determine educational priorities through discussions with stakeholders to identify immediate and long-term needs on the basis of fixed criteria and

create policies and programs accordingly. Increase investments in education accordingly.

2. It is necessary to pay attention to the quality of education alongside improving the physical infrastructure of schools. Teacher trainings, professional development, curriculum reform, management of subject teachers, and cooperation with stakeholders should also receive attention.
3. Education sections should pay special attention on collecting and managing data related to education and school monitoring. Adequate number of skilled employees should be managed for this at the education section.
4. Special attention should be paid to ensuring the role of parents in School Management Committees. Schools should be shielded from unnecessary political party interference.
5. Teacher appointments should be done through a transparent, competitive, and due process.
6. When schools are merged, it should be done through due process with adequate discussions among local citizens and stakeholders to address local needs, and to ensure that it does not negatively affect the students' access to school. Social justice, economic consideration, and geographic situations should be given special attention.
7. It is necessary to emphasize upon needs and standard of quality of all schools rather than developing a few schools into model schools. The insistence of elected representatives to teach with English as the medium of instruction without the necessary infrastructure and prior research should be reconsidered. According to local needs, initiatives should be taken to institute education in mother language.
8. Along with evaluating the work of teachers and encouraging them, attention should be paid to create a cordial environment between teachers and elected representatives.

9. Legislative procedures should be followed while drafting laws related to education. Secondary legislations should be created on the basis of Acts passed by the local assembly. Such legislations should be free of political and personal interests of elected representatives and should be created through adequate consultations with the concerned stakeholders.

#### *FOR THE FEDERAL GOVERNMENT*

1. Rights relating to teachers management and management of school education must be transferred completely to the local level.
2. Local governments should be provided with the assistance necessary for school education management and operation.

3. The federal Education Act must be issued immediately in accordance with the spirit of the Constitution.

#### *FOR CIVIL SOCIETY ORGANIZATIONS*

1. Interactions and cooperation should be done with local governments to aid them in making policies and programs.
2. Local governments' decisions and works related to school education should be carefully observed. Consulting the stakeholders, local governments should be provided with assistance required to implement plans and programs for necessary reforms.



Democracy Resource Center Nepal (DRCN) aims to ensure inclusive democracy and responsive governance through the successful implementation of federalism.

DRCN produces periodic reports based on field observation and studies on politics and governance. Most recent reports include *Formation and Functioning of Provincial Institutions*, *Budget Allocation and Implementation by Local Governments in the Federal Structure*, and *Functioning of, and Participation in, Provincial Assemblies*.





With the implementation of the federal system, rights related to school education have been transferred to local governments. They have initiated new practices in school education by exercising their new rights. Local governments have been investing in school infrastructure, managing teachers and employees, and carrying out school management. Yet, many local government decisions regarding School Management Committees, teacher transfers, and schools mergers have been controversial. The reform in the quality of school education will receive support if local governments can pay attention to the various aspects of educational quality and adopt effective monitoring tools while ensuring the autonomy of the schools.

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