

## Nepal Law Society/Civic Initiative Centre

Diktel, Khotang, Province No. 1

22 October 2019,

### 1. Background

In order to raise public awareness as to the rights of the citizen in the recently promulgated Constitution of Nepal, the Civic Initiative Centre as established with the assistance of Secretariat of Legislative Parliament et.al. had for the successful implementation of the constitution, organized a Town Hall Meeting Program on “Higher Education Policy in the Context of the New Constitution” by presenting among the stakeholders for wider discussion through the Civic Initiative Centre, Province No. 1, on 2076/07/05 (22/10/2019). The members of Province assembly, Chief, Deputy Chief and Members of the Local Level, representatives of the political parties, Senior Advocates and Advocates, government employees, civil society and journalists had widely participated in the said program. In the said program, paper was presented by Arjun Kumar Khadka, Deputy Secretary of Secretariat of the Federal Parliament. The program was operated by Advocate Narayan Das Rai, head of Civic Initiative Centre and Supriya Ranabhat, Senior Programme officer of Nepal Law Society had, after shedding light upon the objective of the program, presented the welcome speech by introducing also the guests and paper presenters of the program. Also informing that the Nepal Law Society has been since the time of its establishment to up to now been assisting in the area of laws, of election and in the constitution making process, had stated that the program intends to impart information upon the Bills being presented through the direct presence of Honorable member of the Committee and also intends to collect your suggestions.

### 2. Objectives of the THM

The purpose of this program is to share information with the concerned authorities on the Higher Education Policy and respective laws as per the letter and spirit of the new Constitution of Nepal. Specific objectives of the THM on Higher Education Policy are as follows:

- ✓ To facilitate public participation on policy and law making through the citizens' engagement assisting the progressive implementation of state directive policies for making effective functioning of the relevant Committee, pursuant to Article 54 of the Constitution;
- ✓ To collect suggestions from stakeholders for formulating effective policies through the relevant committee of the Federal Parliament;
- ✓ To support the inclusion of major stakeholders in public issues and law making through the facilitation of dialogue among parliamentarians, experts, civil society and common citizens disseminating information about the provisions of the Constitution, rules and policies on higher education;
- ✓ To offer necessary advice to the Government of Nepal through the relevant committee of the Parliament whether the provisions of the Higher Education Policy and the laws are compatible with the constitution and the federal laws.

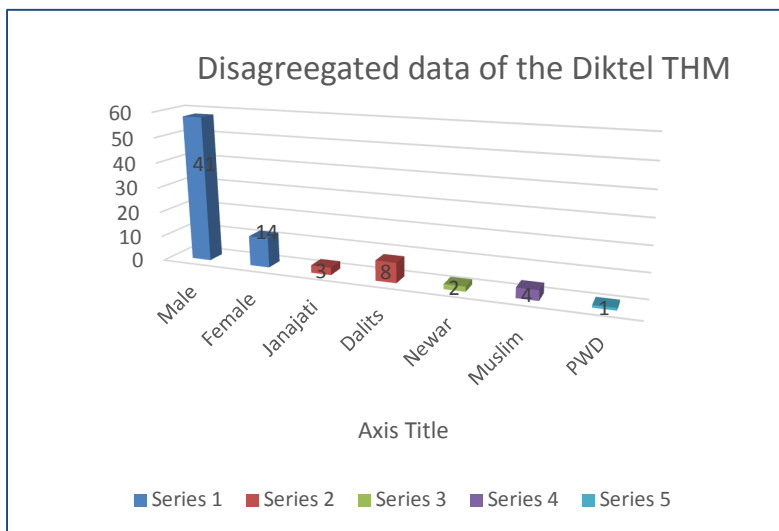
### 2. Detailed Description of the Program :

Date of Program :	2076/07/05 (22 <sup>nd</sup> October 2019, Tuesday)
Venue of Program :	Hotel Three Brothers
Subject of the Program :	<b>Higher Education Policy in the Context of the New Constitution</b>

### 3. Participants in the THM:

Total Number of Participants: 70

S.N.		Brahmin, Chhetri, Thakuri, Sanyasi		Indigenous		Dalit		Newar	Muslim	Persons with Disability
		Hill / Himalayan	Terai Madhesh	Hill / Himalayan	Terai Madhesh	Hill / Himalayan	Terai Madhesh			
1.	Female	14		2	1	8				
2.	Male	41		1		3				
3.	Third Gender									



### 4. Program Details

The program started on 9 o' clock and concluded on 1 o' clock. 70 people including 25 female and 45 males had participated in the program. Members of Province assembly, Chief, Deputy Chief and Members of the Local Level, representatives of the political parties, Senior Advocates and Advocates, government employees, civil society and journalists had participated in the program. Arjun Kumar Khadga, Deputy Secretary of Secretariat of Legislative Assembly, had presented paper in the program. After that, the discussion was carried out by dividing the participants into 4 groups. After the group discussion, the queries of the participants were answered by Arjun Kumar Khadga, Deputy Secretary of Secretariat of Legislative Assembly.

Guest Hon. Khem Prasad Lohani, Member Provincial Assembly Committee on the Implementation, Monitoring and Evaluation of the Directive Principles, Policy and Responsibilities of the State and Laxmi Pariyar, Member Provincial Assembly Committee on the Implementation, Monitoring and Evaluation of the Directive



Principles, Policy and Responsibilities of the State and Laxmi Pariyar, Member Provincial Assembly Committee on the Implementation, Monitoring and Evaluation of the Directive

Principles, Policy and Responsibilities of the State had forwarded their views and policy level matters upon the education policy. In the end, Hon. Laxmi Pariyar, – chairman of the program had concluded the program by extending thanks towards all the participants for making the program fruitful and successful. Overall, the program had concluded effectively and with the active participation of all the participants.

#### **A. Paper Presentation by Arjun Kumar Khadka, Deputy Secretary of Secretariat of the federal parliament**

Arjun Kumar Khadka presented his paper on "Higher Education Policy." In his paper, he covered constitutional provisions on education related issues, existing legislations, relevant treaties to which Nepal is a party, Supreme Court decisions, education policies etc. He also shared that, people have huge expectation with the GoN on drastic reform. He presented paper upon what should be the policy of the state on matters such as higher education, and how to manage the public schools, community schools and private schools along with how to manage matters in the Single and Concurrent list of powers. The paper included matters such as provision related to education in the Annexure of the Constitution, and the role of Federal units, higher education in the directive policy and principles of the state, higher education in the report of High Level Higher Education Commission, 2075, strategy of the National Planning Commission on higher education policies.



#### **B. Group Discussion:**

##### **Group I**

- ✓ Formulate policy and rules in a manner, which does not contradict the rules and laws made by the Federation, Province and the local level.
- ✓ The presently operating universities should be maintained, and new universities should be opened at the provincial level by taking suggestions from all the stakeholders.
- ✓ Proposed universities don not allow others to open branches and only seek to foster their own rights.
- ✓ All three levels should coordinate upon licensing, operation, budget and monitoring of higher education.
- ✓ Laws should be formulated and coordinate on the technical area. Laws should be formulated for operating the present universities as per the new constitution, new laws and structure.
- ✓ Policy should decide upon operating as per the international standard.

##### **Group II**

- ✓ Adequate budget has not been allocated in the Education sector. As the right to education has been kept under the fundamental rights, adequate budget should be allocated by slashing the budget of other sector or by searching for other sources. Allocation should be done without discrimination.
- ✓ Along with keeping monitoring responsibility of the province within the umbrella Act for the university, mapping should also be considered while giving license to new institutions.

- ✓ The basis for priority should be prescribed by studying the sectoral feasibility. While doing the same, the sector currently discarded (geography, discipline and faulty) should be given special importance.
- ✓ Quality of the educational institutions operated from the governmental sector should be increased as these institutions could not produce the requisite qualitative manpower for the market.
- ✓ Nationalization should not be resorted to for displacing private investment in the present condition.

### **Group III**

- ✓ By giving importance to capable persons, appointment should be given to the best rather than the nepotism and favouritism.
- ✓ Person working in the university should not be taken for other political appointment.
- ✓ There should be the provision for appointing on the basis of seniority for maintaining the academic independence and the autonomy of university and other academic institutions.
- ✓ Officials should not be appointed on the basis of political quota.
- ✓ Law should be amended for enrolling highly capable manpower.

### **Group - IV**

- ✓ It is necessary to shuffle the present structure. The following structure is necessary in the higher education as per the federal system of governance.
- ✓ The proposed Bill wherein the sons and daughters of persons serving the nation has to be educated in the community schools is positive. It is proper and in accordance with the spirit and philosophy of the constitution

**C.Hon. Khem Prasad Lohani**, Member Provincial Assembly Committee on the Implementation, Monitoring and Evaluation of the Directive Principles, Policy and Responsibilities of the State

- ✓ The individual and group suggestions as presented in the course of group discussion would be significantly important.
- ✓ In the context of the Education policy being framed presently, the Bill needs more amendment and needs to be made relevant to the time and the context.
- ✓ Technical education should be emphasized.
- ✓ Local resources should be effectively mobilized.
- ✓ Education should be considered as 'the guide.'
- ✓ There should be no political intervention in education.

**D.Hon. Laxmi Pariyar**, Member Provincial Assembly Committee on the Implementation, Monitoring and Evaluation of the Directive Principles, Policy and Responsibilities of the State

**An education expert had once said that the roots of education is very bitter but the fruits are very sweet.**

- ✓ In relation to how should the Education policy be formulated; the formulation has been done through the assistance of the experts. Today, the Law Society is assisting in the collection of suggestions upon this matter.
- ✓ We lag behind in matters of making laws. We are endeavoring to make laws based on your suggestions. We are discussion upon whether the education demanded by the nation could be imparted or not.
- ✓ Suggestion have been given by having important persons. We shall table before the government through the Committee.
- ✓ We should emphasize upon the practical education.

- ✓ More investment is needed in education.
- ✓ To imagine about qualitative education without investing in education is improper.
- ✓ By considering education as the main motto, we should succeed on sketching the future of the nation through education.
- ✓ The country will develop itself if the education is strong and the citizens, educated.

### **5. Synopsis of the Program**

As the government of Nepal has initiated the preliminary works upon the education policy, this program has been concluded in the course assisting Government of Nepal by making dialogue with the stakeholders of the district and provinces in coordination with Committee on the Implementation, Monitoring and Evaluation of the Directive Principles, Policy and Responsibilities of the State. The program had run for almost 5 hours. All participants had participated till the end of the program. Participants had presented the suggestions with enthusiasm. In totality, the program had concluded on time in a very friendly environment.

### **6. Challenges and Learnings:**

In the program there was the presence of Honorable of the province, and the activities within the province had also been presented, and there were various persons such as members of the province assembly, elected representatives of the village council and municipality, representatives of the political parties, legal practitioners, and intellectuals. Because of which various people had kept their views and thus there was the situation of obtaining much information at one attempt.

- ✓ Though the number of educational institution and number of students in colleges and Universities have been increased rapidly but the maintenance of the quality of the education is challenging.
- ✓ Lack of physical and educational facilities in Nepalese education institutions is another major challenge of higher education.
- ✓ The salary, financial rewards and benefits for the faculty and staff are very low according to the raising cost of living in Nepal.
- ✓ Likewise most of teachers have limited knowledge about subject matter they taught and many of them have no clear idea about the subject.
- ✓ Educational policies include the subject matter and methods of instruction, facilities and supports for the research work of faculty members and students, etc. so timely revision of such policies is very challenging work.
- ✓ Another challenge for higher education is lack of budgeting and financing for expanding infrastructure and improving the quality of higher education in Nepal.

### **7. Achievement**

- ✓ From the next program, by imparting prior notice to the concerned place,
- ✓ the program should also include the great personality particularly related with the topics.
- ✓ Because of the relevancy of the program such types of programs were supported but at the same time information upon what shall be the effects of the program was also demanded.

### **8. Conclusion:**

Higher education is one of the most important factors for the overall program of the country. Higher education develops human resource in a country that will take care of other remaining resources in the country. It is very important for the development of the nations. It has lately been realized that a nation can develop and prosper even without other resources if it has competent and educate manpower.

So any policy proves to be successful if it addressed the problems related to the concerned field. The policy discussed is in its threshold to prove itself a significant one. Superficially, the policy provisions for statutory and institutional arrangements are praiseworthy but their implementation is yet to come. ■