

Nepal Law Society/Civic Initiative Center

Province No. 5, Butwal

Rupandehi

THM Report

23 October 2019, Kapilvastu

1. Background

The Government of Nepal has started primary work related to Higher Education Policy. In this context, a positive result will be yielded by conducting a discussion program in coordination with Implementation, Monitoring and Evaluation Committee for the Directive Principles and Responsibilities of the State. Therefore, in coordination with Legislative Parliament Secretariat, Nepal Law Society, National Democratic Institute organized a one-day "Town Hall Meeting" on "Constitution, Law and Policy related to Higher Education." Nepal Law Society through its Civic Initiative Center (CIC) Butwal in collaboration with the Parliamentary Committee organized the meeting on 23 October 2019 at Hotel Gautambuddha Taulihawa, Kapilvastu of Province No. 5.

The meeting was attended by the members of Federal Parliament, members of the Province Assembly, elected representatives of Village Council and Municipality, School Management Committee, teachers, representatives of political parties, leaders of the civil society, intellectuals and representatives of various organizations and institutions.

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:

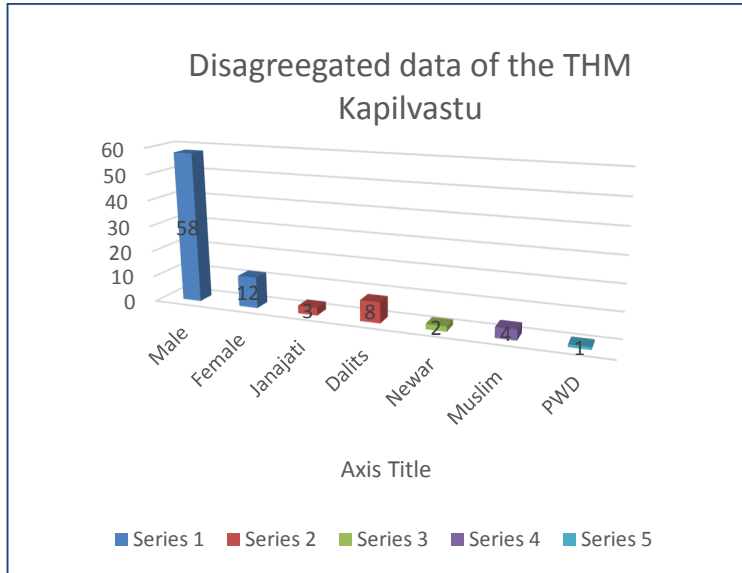
- ✓ To facilitate public participation on policy and law making through the citizens' engagement assisting the progressive implementation of state directive policies for making effective functioning of the relevant Committee, pursuant to Article 54 of the Constitution;
- ✓ To collect suggestions from 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.

3. Participation in the THM

Total Number of Participants: 70

S.N.		Brahmin, Chhetri, Thakuri, Sanyasi		Indigenous		Dalit		Newar	Muslim	PWD	Others
		Hill	Terai/Madhes	Hill / Himalayan	Terai/Madhes	Hill / Himalayan	Terai/Madhes				
1.	Fem.	7	3	0	1	1	0	0	0	0	0
2.	Male	27	15	1	1	4	3	2	4	1	0

The table shows diverse participants in the meeting as follows in a Bar Diagram:



4. Program Details

The program was conducted in a semi-formal way as Sajan Ram Bhandary, General Secretary of Nepal Law Society Chaired the program and Hon. Man Bahadur BK on behalf of the Federal Parliamentary Committee shared his remarks as special guest in the program. Objectives were highlighted by the CIC and the program directed towards paper presentation and discussion.

A. Paper Presentation by Hon. Pushpa Bhusal

Hon. Pushpa Bhusal presented her paper on "Higher Education Policy." In her paper, she covered constitutional provisions on education related issues, existing legislations, relevant treaties to which Nepal is a party, Supreme Court decisions, education policies etc. She also shared that,



people have huge expectations with the GoN on drastic reform. She presented her 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 etc.

B. Group Discussion

After her presentation, all participants were divided into four different groups among the participants. Four different chapters were given to the groups for the discussion. Group discussion went an hour and came up with their feedbacks as follows:

Group - I

- There is necessary for the allocation of powers and constitutional provisions in the formation of laws and policies among three tiers of the government. Official language,

physical infrastructure, feedbacks from concerned stakeholders etc should be taken as the basis for the formation of new policies and laws.

- Distribute power on higher education in a manner, which recognizes the mutual existence and creates assistance by coordinating the relationship between the federation, province and the local level.
- 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 local level should be given the power to play a coordinating role among three tiers of the government.
- 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.



Group - II

- As per the international standard, it seems necessary that more than 20 percent of the total budget should be allocated in education for the development expenses of education, operation expenses of educational institutions, research, technical and practical education etc.
- The local level should be given the full responsibility for regulating the education from class 1 to 12.
- There is necessity of coordination between federation and province at the level of the university.
- At least two-affiliated campus should be arranged at every district based on population, gender and caste diversity, etc.
- Concept of private university, accreditation system, quality assurance and equilance should be maintained professionally.
- The budget of Government of Nepal is deficient and that there is excitable foreign inverstment in education as "donation not suppression."
- The private sector should be allowed investment in the education sector in a disciplined and transparent manner. The feeling of "universal brotherhood" is to be embraced.
- Private investment could not be fully discouraged because of the spirit of the Constitution and under the status of a member to WTO.
- U.G.C. should be given the responsibility for education quality inspection.
- License should be issued based on national requirement. Basis for priority should be pescribed as per the geography, and the level of development.
- The students of community schools should be given priority while giving scholarship and other facility of national level.

Group - III

- The provision that in the universities, prime minister and the education minister are to be the Chancellor and Deputy Chacellor should be amended. Such a high level political mechanism is not effective due to their time constraint;
- University should be operated by making an autonomous Act.
- By giving importance to capable persons, appointment should be given to the best rather than the the nepotism and favouritism.
- Persosn working in the university should not be taken for other political appointment.

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.
 - ✓ Structure that is operated as sub-ordinate to the provincial government and in coordination with the local government should be made.
 - ✓ Some community colleges operating within the province should be adjusted into the provincial university.
 - ✓ A separate university should be arranged for managing the higher education of the Muslim community.
- It is necessary to establish a Council for formulating, implementing and evaluating the technical higher education policy.
- Making compulsory education would be contrary to the provisions of the constitution.

C. Feedbacks/questions from floor

- How have the citizens with disability been managed while formulating the education policy? Have disability friendly infrastructure been prepared.
- Among the Asian Universities, what is the category of Nepalese university? The same should be measured. A policy of rewarding the university, which has performed well, should be adopted by the state. University should be encouraged every year for providing qualitative education.
- The Town Hall Meetings attended by the Honorable members of the parliament who would present the suggestions as obtained from the same in their assembly. The Nepal Law Society is doing the work, which needs to be done by the state.
- Dwelling upon the present problem, education is rather too expensive, productivity is less and only the work of collecting certificate is happening.
- In education, we have very much lagged behind other countries. Now, when making the education policy, the policy should be framed appropriate to the country and should be made achievement oriented.
- The Federation should decide as soon as possible the education policy, and we have felt inconvenient while working in the field.
- Education is the backbone of the country. While formulating the education policy, the same should be done in a coordinated manner between the federation, state and the local level.
- In the present context, this program is highly relevant. We are hopeful that the conclusion as obtained through the intellectual circle would be circulated at the appropriate place. Investment is being made on education through the State Government. Along with the state, work is being done in this sector also through the ministerial level.

D. Hon. Man Bahadur B.K. (Member Federal Parliament)

As a special guest, Hon. BK shared his views by saying that, I am grateful towards the Nepal Law Society. The program is highly commendable. I would like to add a few things upon how the education policy should be made. Equal opportunity should be provided to all. The standard of

education should be measured for making an equitable society. Equitable society and Prosperous nation should be kept at the first priority. The present education system has generated classes in the society. There are students who attend the private schools and community schools, and students who are different on economic and social standard. Still more, a section of population cannot attend the school. Our educational infrastructure is wrong. It should be reformed as per the spirit of the Constitution. Even though the private educational institutions have accommodated a lot of students but still education should not be created class in the society. Science and technology should be focused upon and technology oriented education should be imparted in days to come.

E. Sajjan Ram Bhandari (Secretary General Nepal Law Society)

As a chair of the meeting, he shared his closing remarks as the matter that law is to be made by making the policy or the policy is to be made by making the law is challenging. What sort of education policy is appropriate in the country, the same should be taken into consideration. We should move forward by taking the example of developed nations. Israel could be taken as an example. There is brain drain happening in the country. We should bring about an education policy, which could cause them to return. In the education policy, there should be coordination including between the National Education Commission, the National Planning Commission and the Education Board. In the present grading system, where the pass mark is 30 percent, the same should be increased. Finally he concluded the session by appreciating the participants for the active participation and constructive feedbacks.

5. Key Achievements

- ✓ Concerned stakeholders became aware on the higher education policy in Kapilvastu;
- ✓ Legislative parliament initiated and took ownership of the program and collected feedbacks from THM;
- ✓ A wider consultation on higher education policy conducted successfully and ownership from the stakeholders side increased remarkably;

6. Lesson Learned

- ✓ Constant touch with the parliamentary committees/the MPs and the public through the CICs helped the project to identify crucial policies and legislations that are of high public interest as well as of national importance.
- ✓ The presence of the MPs in the THMs persuaded the participants to eagerly participate in the program. There was also an increased trust that their feedbacks would be incorporated through amendments.
- ✓ The program has to be made flexible to adjust to the nature of participants and the availability of the program venue.

7. Key Challenges

- ✓ Ensuring participation of mayors/deputy mayors or chairperson/deputy chairperson of local governments has been challenging;
- ✓ Ensuring women participants to 40 % and proportional representation from each of the communities has been challenging due to unavailability of proportional representatives political representatives and officials;

Annex I: Few Glimses of the Program



Annex II: List of Participants

S.N.	Name
1	Chakra Badhur Chetri
2	Bhola Prasad Bishokarma
3	Bhakti Ram Panthi
4	Nur Mohomad
5	Aamit Kumar shreewastab
6	Jay Prakesh Pandey
7	Thaneshor Ghimire
8	Choplal Belbase
9	Tikaram Khanal
10	Bishanu Badahur Rayamajhi
11	Dharma badahur Shreewastab
12	Ajya Chaudari
13	Tej Prasad Acharya
14	Dinesh Chandra Tripathi
15	Baburam Khanal
16	Kanak man Shrestha
17	Ishor Prasd Gupta
18	Aafak Aahadmad kha
19	Chet Naryan Paudel
20	Ram Hetu chaudari
21	Bhala gotame Sunar
22	Wopiram Chorpaya
23	Rahul Kumar Gupta
24	Gajadhar Pandey
25	Rajnis Kumar Pandey
26	Binaya Pandey
27	Khag Prasad Chapagai
28	Chad Badahur Khadka
29	Ramesh Ghimire
30	Hotraj Khanal
31	Prabin Kumar shreewastab
32	Gunakhar Gaire
33	Man Badahur Blshakarma
34	Manoj Kumar Saini
35	Yognaryan Pandit
36	Rina Nepal B.k.
37	Hari Raj Sharma

S.N.	Name
38	Mithai Lal Harijan
39	Krishna Paudel
40	Sona Khatik
41	Sushma Yadav
42	Sunal Kumar Pandey
43	Rnndwoti sharma
44	Pream Pandey
45	Bhesraj Khas
46	Ram NEwas Yadav
47	Sushila Paudel
48	Kasiram Yadav
49	Kiran Mam Bajracharya
50	Narad Kohar
51	Manoj Shreewastab
52	Manoj Paudel
53	Netra raj Adhikari
54	Devraj Bhattarai
55	Bajranji Prasad Kurmi
56	Surya Chudali
57	Hari Adhikari
58	Kanyawoti Updhaya
59	Pradip Khadka
60	Padam Badahur Acharya
61	Shambhu Kumar Sharma
62	Bijaya Kumar Teli
63	Strudhan Khatiwoda
64	Laxmi Gupta Shaha
65	Sajanram Bhandari
66	Pushpa Busal
67	Bindu Acharya
68	Hema Neupane
69	Sirjana Nepal
70	Jivannath Marasani

Reporter

Supriya Ranabhat

Nepal law Society