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Planning Effective Delivery of Education in Future Federal Nepal

# A RESOURCE MATERIAL ON EDUCATION AND FEDERALISM IN NEPAL

Education for Peace



Unite for Education in Nepal

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**For more information:**

UNESCO Office in Kathmandu

Sanepa – 2, Lalitpur, P.O. Box: 14391

Kathmandu, Nepal

E-mail: [kathmandu@unesco.org](mailto:kathmandu@unesco.org)

Tel: +977-1-5554396/769

Fax: +977-1-5554450

<http://www.unesco.org/kathmandu>

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Planning Effective Delivery of Education in Future Federal Nepal

# **A Resource Material on Education and Federalism in Nepal 2014**

**Submitted by:**

Aasaman Nepal  
Dhobighat, Lalitpur  
Nepal

**Submitted to:**

UNESCO Office in Kathmandu  
Sanepa -2, Lalitpur  
Nepal

# Acronyms

AGSR	Average Government School Recurrent
AGSRG	Average Government School Recurrent Grant
ANNFSU	All Nepal National Free Student Union
ATEOS	Assistant Thana Education Officers
B. Ed.	Bachelors in Education
BANBEIS	Bangladesh Bureau of Educational Information and Statistics
BISE	Boards of Intermediate and Secondary Education
CA	Constituent Assembly
CDC	Curriculum Development Centre
CLC	Community Learning Center
CPE	Compulsory Primary Education
CPN – UML	Communist Party of Nepal – United Marxist Leninist
DDC	District Development Committee
DEO	District Education Office
DNFE	Directorate of Non – Formal Education
DOE	Department of Education
DPI	Directorate of Public Instruction
DSHE	Directorate of Secondary and Higher Education
EBA	Enrollment Benchmark Adjustment
ECD	Early Childhood Development
ECED	Early Childhood Education and Development
EFA	Education for All
EFSG	Education and Federalism Support Group
EI	Education International
EMIS	Educational Management Information system
EPC	Education Policy Committee
FG	Federal Government
GCE	General Certificate of Education
GDP	Gross Domestic Product

GOI	Government of India
GoN	Government of Nepal
HSEB	Higher Secondary Education Board
HSSC	Higher Secondary School Certificate
HT	Head Teacher
IBCC	Inter Board Committee of Chairmen
INFEP	Integrated Non-Formal Education Program
INGO	International Non-Government Organization
JICA	Japan International Co-operative Agency
KP	Khyber Pakhtunkhwa
LC	Learning Center
LG	Local Government
LiEP	Language in Education Policy
M. Ed.	Master's in Education
MDG	Millennium Development Goal
MEIG	Multilingual Education Implementation Guidelines
MLE	Multilingual Education
MOE	Ministry of Education
NAEM	National Academy for Education Management
NAEM	National Academy of Education Management
NCED	National Center for Educational Development
NCTB	National Curriculum and Textbook Board
NEP	National Education Policy
NER	Net Enrolment Rate
NFE	Non-Formal Education
NGO	Non-Governmental Organization
NPA	National Plan of Action
NSS	National Sample Survey
NSU	Nepal Student Union
NSW	New South Wales
PCF	Per Capita Fund
PCL	Proficiency Certificate Level
PE	Primary Education
PG	Provincial Government

PMED	Primary and Mass Education Division
PRSP	Poverty Reduction Strategy Paper
PTA	Parents Teachers' Association
RED	Regional Education Directorate
RP	Resource Person
SES	Socio-Economic Status
SIP	School Improvement Plan
SMC	School Management Committee
SRC	State Restructuring Committee
SS	School Supervisor
SSC	Secondary School Certificate
SSRP	School Sector Reform Program
STR	Student Teacher Ratio
TEVT	Technical Education and Vocational Training
TOR	Terms of Reference
TPC	Teacher Preparation Course
TSC	Teachers' Service Commission
TYIP	Three Years Interim Plan
UCC	User Cost of Capital
UCPN	United Communist Party of Nepal
UGC	University Grant Commission
UK	United Kingdom
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNPFN	United Nations Peace Fund Nepal
UPE	Universal Primary Education
US	United States
VAT	Value Added Tax
VDC	Village Development Committee
WB	World Bank



Government of Nepal  
Ministry of Education  
**Nepal National Commission for UNESCO**



Keshar Mahal, Kathmandu, Nepal  
Tel : +977-1-4418782/4428107, Fax : +977-1-4445921  
Email : [unesco@nncu.wlink.com.np](mailto:unesco@nncu.wlink.com.np)  
Website : [www.nncu.org.np](http://www.nncu.org.np)

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**MESSAGE**

It is our great pleasure that the UNESCO Office in Kathmandu and the Nepal National Commission for UNESCO in collaboration with Aasaman Nepal has brought come up with a resource material on 'Education in a Future Federal Nepal' funded under the UN Peace Fund Nepal (UNPFN) Project. The UNESCO Office in Kathmandu jointly with the Ministry of Education has initiated several dialogues and debates on Education and Federalism as well as capacity building programs and workshops for government officials, I/NGOs, CSOs, SMC members, teachers and educationists. Such initiatives are really important as Nepal is in constitution making process.

This publication 'A Resource Material on Education and Federalism in Nepal' is a compilation of selected research papers through discussions held at various levels. I believe that this publication will serve as a resource material for initiating further dialogues and debates and will contribute to the comprehensive and enhanced understanding on Education and Federalism in Nepal as Nepal embarks in a new phase of its history as a democratic, Republic federal Nepal.

Lastly, I would congratulate Aasaman Nepal, UNESCO Office in Kathmandu, Education and Federalism Support Group (EFSG) and Nepal National Commission for UNESCO for their efforts for publishing this resource material and bringing this into the access of concerned agencies, stakeholders and general public.

Biswa Prakash Pandit  
Secretary  
Ministry of Education  
&  
Secretary General  
Nepal National Commission for UNESCO

## Foreword

The UNESCO Office in Kathmandu has been continuously supporting the Nepalese government in education strategy and policy development since 1998. While the country restructures towards a federalism system, a successful transitioning towards a new governmental system requires constructive dialogue among different stakeholders.

UNESCO focuses on education and federalism and has implemented, in close partnership with the Ministry of Education, under the UN Peace Fund Nepal the project 'Planning Effective Delivery of Education in a Future Federal State'. The utmost aim is to contribute to Nepal's peace process and the development of the new constitution by focusing on the effective delivery of inclusive quality education in the future federal structure.

In connection with this objective, the Education Unit of UNESCO has developed a series of research based thematic papers in collaboration with national academics. This publication is a compilation of these papers which provide a useful resource for agencies and stakeholders. It concentrates on various key issues at the policy implementation, and what needs to be done to enhance and upgrade the educational status-quo. Important and challenging issues are highlighted to ensure equal access to quality education. Summing up critical analysis of previous initiatives, this publication determines the required capacities and resources for careful planning the education system under the federalism.

I would like to thank Aasaman Nepal for their efforts for realizing this publication. And my sincere thanks go also to the Nepal National Commission for UNESCO, the Ministry of Education, as well as the Education and Federalism Support Group members for their active engagement in assisting the Government of Nepal and other involved stake holders by conducting a large number of capacity building workshops and coming up with constructive and sustainable recommendations.



Christian Manhart  
Head of Office and UNESCO Representative to Nepal



# Executive Summary

In Nepal, the drafting of the first constitution of the Federal Republic of Nepal by the Constituent Assembly is underway and it is expected to be completed by the end of 2014. During the writing process of the constitution, the question of state restructuring has remained the most contested issue, which also includes the modality of federalism. The benefits of Federalism are that it can provide a governmental form safeguarding against the threats of centralized exploitation, historically embedded exclusions and discriminations against marginalized sections of the population. It is also expected that the federal model of government maintains the decentralized opportunistic behavior while bringing decision making closer to the people. In this light, any discussions about reforms in the education sector cannot ignore the fact that Nepal is soon going to become a federal country. Over last decade, there have been several studies carried out with regard to the different models and governance systems in the expected federal system in the country, including the division of powers among the different layers of governance structure, between national and local. Such discussions often include, among others, the issues like, decentralized local governance; policies for regional development; coordination of fiscal policies; resource distributions, national security; etc. Although education is the central pillar of newly formed states, it has not been discussed with due care in Nepal. Therefore, UNESCO Office in Kathmandu has initiated to develop a monograph series which focuses on different areas of education. This publication is one of the outcomes of the initiative compiling such monographs by education experts.

This volume contains six papers commissioned by UNESCO Office in Kathmandu to ignite and orient the discussions on education in the context of federalism. A similarity of the here published papers is their approach to reflect on the experiences of other federal countries, as well as, to offer some practical recommendations. However, it has to be pointed out that these are working-papers and thus these should be treated rather as discussion-papers to advance the discourses in a broader range and to further refine the concepts and approach. In other words, this publication can also be utilized as a resource toolkit.

The first paper **Federalism and Education in Nepal Mapping of Ongoing Initiatives** analyzes the existing education provisions in Nepal as regard to the degree of decentralization of education planning and provision. The paper further maps and critically analyses initiatives in the education sector covering all actors, including government, civil society, academia, international development partners, and so on. The paper points out that transitional planning misses in the current debate about ? education in federalism as well as in the work on federalism, primarily the way that the existing administrative structures and personnel will be distributed in the post-federal set up. Furthermore, financial issues are ignored in the Federalism debate, including equitable distribution of central and state resources for equitable development of education across the states and local governments. Further work in these areas will be highly useful.

The second paper in this volume **The Role of the Federal Government in Education—A Comparative Study** presents cases from some of the federal countries, such as Bangladesh, Pakistan, India, South Africa, Australia, Canada, the U.S.A, and discusses ways to plan effective delivery of education in a future federal state. This paper flags out one of the most important but challenging issues in the process of education restructuring, that is, the multilingual, multicultural and multiethnic background of students. This will demand much more planning and new adjustments to the existing education system. The paper assumes that there will be three levels of government and, though they will have separate power relations, the role and responsibilities of federal or central government and state governments will be more or less same. Nevertheless, in the case of state policies and planning state government will be more powerful than the federal/central government. Based on these assumptions, the paper offers a framework for the roles and responsibilities of different levels of stakeholders in the future federal states.

The third paper **Teacher Management and Development in Federal System of Government in Nepal** offers some evidence-based information on teacher management and development for public school system. This paper argues that the new constitution should incorporate a separate section or articles for the education, explicitly maintaining that every child shall have the right to get free education up to secondary level from professionally qualified and trained teachers. Further, it suggests that the local bodies should have authority to recruit and appoint teachers from among the qualified and trained candidates certified by Teacher Service Commission. The paper recommends that the central government should provide the overall educational policy guidelines as well as determination of minimum norms of standard for teacher management and development.

The fourth paper **Free and Compulsory Education in Federal Nepal** concerns the successful implementation of free and compulsory education, which may demand a strong political commitment, consensus and active participation from and among all education stakeholders. The paper argues that while the central government develops a broad policy frame, the states or provinces should consider socio-economic and cultural factors for its effective implementation at the local level.

The fifth paper **Financing Education in Nepal under the Federal System** talks about the financing education. Underlining the need for restructuring the educational institutions following the restructuring of the state, the paper forewarns the issues and challenges of financing education. It suggests to reform the public sector financing.

The sixth paper **Education in a Federal Context in Nepal** proposes two sets of principals, first a general one which basically deals with the effective decentralization policy, for which federalism is one model; second, a particular one that relating to the real issues of ensuring quality education accessed by all in the new education system in the federal structure. The paper discusses the different layers of governing structures and their possible roles and responsibilities, concerning the management of teachers, the financing of education, the planning responsibilities, in particular; and emphasizes

the need for capacity building in all levels. The paper gives an early warning that if the capacity building at all levels is not well-thought-out, the whole education administration of federal Nepal risks an early failure. Capacity building is, as the paper argues, much more than the training.

This evidence-based publication is developed to be used in different workshops to broaden the discussion, deepening the understanding and generating more insights with regard to the education system in Nepal.

At the same time, the papers provide some recommendations for the experts and policy-makers in the education field. We hope that this publication serves as a handy reference tool for discussions in the educational sector in relation to federalism.

Aasaman Nepal

Dhobighat, Lalitpur

September, 2014

# Acknowledgements

UNESCO Office in Kathmandu is implementing a project, “Planning Effective Delivery of Education in Future Federal Nepal” under the UN Peace Fund Nepal. The project aims to contribute to Nepal’s peace and development process by fostering a constructive dialogue and planning leading to progress the constitution making. The main focus of this project is to focus on the effective delivery of educational services and their inclusive natures in the future federal structure. The project provides technical assistance for analysis and planning needed by the new federal government bodies involved, to guarantee quality basic education services based on human rights, social inclusion and non-discrimination.

To initiate the dialogue on Education and Federalism in Nepal, UNESCO has carried out a research series on different areas of education. Based on that, thematic papers were developed for further discussion with different stakeholders. This publication is the compilation of such research-based thematic papers.

Various persons have contributed to make this publication possible. In this regard, we would like to express our sincere gratitude to members of Education and Federalism Support Group – Dr. Shreeram Lamichhane, Dr. Pramod Bhatta, Dr. Yogendra Yadava, Dr. Mahesh Nath Parajuli, Dr. Tanka Sharma, Dr. Arbinda Lal Bhomi, Dr. Bhuban Bajrachaya, Dr. Rajendra Suwal, Dr. Sushan Acharya, Dr. Lava Deo Awasthi, Dr. Bidhya Nath Koirala, Dr. Shiva Raj Lohani, Dr. Tirtha Raj Parajuli, Mr. Teertha Dhakal, Mr. Ram Balak Singh, and Mr. Sudarshan Sigdel

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## **Aasaman Nepal**

Dhobighat, Lalitpur

Phone: 00977- 01-5552127

Email: [aasaman@wlink.com.np](mailto:aasaman@wlink.com.np); [aasaman@gmail.com](mailto:aasaman@gmail.com)

Website: [www.aasamannepal.org.np](http://www.aasamannepal.org.np)

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# 1

## **Federalism and Education in Nepal: Mapping of On-going activities**

Dr. Pramod Bhatta

## **1.1 Background**

After the second people's movement in 2007, Nepal has been declared a federal republic but the details of the federal structure, including the delineation of component states and the roles, responsibilities and authorities to be granted to them are yet to be carved. There is also little apparent preparation to devise effective service delivery mechanisms in the context of federalism in case of sectors such as education, the responsibility for whose delivery has traditionally rested with the central state. Concomitantly, there is also scarce consolidated knowledge/information on the initiatives/activities that have been conducted thus far by various organizations and individuals in preparing for federalism.

In the recently concluded second elections to the historic Constituent Assembly, all political parties have reaffirmed their commitment to the timely promulgation of a new constitution with federalism and state restructuring at the core of their commitment. However, despite the political rhetoric of strong commitment to ensuring education rights, there has always been weak political engagement with the details of education system, including the issue of how state restructuring along federal lines will ensure a more equitable, efficient and effective delivery of education provision. In such a context, this study has aimed to map out what has been initiated thus far in the education sector with respect to preparing for federalism.

## **1.2. Initiatives related to Federalism and Education in Nepal**

At the outset, it should be pointed out that a number of initiatives have been taken by various agencies and actors to further the dialogue and debate on the provision of education in a federal set up, especially after the historic elections to the first Constituent Assembly (CA) in 2008. These initiatives can be broadly categorized as follows: Initiatives at the political front; initiatives at the academic front; and initiatives of non-state organizations (including international development partner organizations). The rest of this chapter focuses on describing these initiatives.

### **A. Initiatives at the Political Front**

Perhaps the most significant dialogue related to federalism and education has been through the major political parties, and through their representation in the CA process. Some work on the issue has also been done through political parties' sister organizations, primarily the student organizations such as the All Nepal national Free Student Union (ANNFSU, affiliated to the CPN-UML) which had conducted a three-day national dialogue on the future education policy in the Federal set up, and the Nepal Student Union (NSU, affiliated to the Nepali Congress) which had also done a similar exercise. It has been difficult to track the exact outcomes of such proceedings because no published documents were produced in the course.

### **Political party manifestos for CA elections**

Perhaps the most important work related to education in the federal set up can be seen in the CA election manifestos of the political parties for the CA elections in 2008. The main

agendas of the major political parties related to the provision of education are summarized in Table 1 below. As can be seen, all the major political parties have envisaged a three-tier federal governance structure and have envisaged specific education-related roles and responsibilities for central, state and local governments, with education seen as a collaborative responsibility and right of all three tiers. However, more explicit provisions related to federalism are in the context of higher education only, and the major political parties have not mentioned specifically about how school education will be managed in the federal context, other than stating that education up to secondary (or higher secondary) level will be provided free and be ensured as a fundamental right.

**Table 1: Provision of education in the election manifestos of major political parties, CA election 2008**

From the above table, it can be seen that all political parties are committed to the ensuring education as a fundamental right. However, it should be noted that this provision has already been enshrined in the Interim Constitution 2007. Political parties are also committed to equitable distribution of education institutions (particularly higher education institutions), provision of technical and vocational education, and bridging the gap between public and

Political party	Major agendas in 2008	Major agendas in 2013
UCPN (Maoist)	<p>A three tier governance structure consisting of Central, Provincial and Local governments; role of central government—central universities; role of state and local government—education.</p> <p>At least one university will be established in each state and the work areas of federal and state universities will be clearly delineated</p> <p>Establishment of technical universities and promotion of research</p>	<p>At least one university will be established in each state and the work areas of federal and state universities will be clearly delineated</p> <p>Universities will be promoted as sites for research-based education</p>
Nepali Congress	<p>A two-tier governance structure consisting of Central and Provincial governments with autonomous local government (not clear whether two-tier or three-tier); role of central government—not clear; role of state and local government—public education.</p> <p>Establishment of poly-technic universities in the mid and far west regions.</p>	<p>Establishment of at least one university in each state and provision of open university</p> <p>Promulgation of an umbrella act in higher education to facilitate establishment of private and community universities</p> <p>Process of affiliation will be managed better to ensure quality of higher education</p>
CPM-UML	<p>A three tier governance structure consisting of Central, Provincial and Local governments; role of central government—central universities; role of state and local government—public education.</p> <p>Establishment of poly-technic universities</p> <p>Establishment of universities in the far west and other educationally backward areas</p>	No explicit provision
Madhesi Janaadhikar Forum Nepal		Promotion of at least one university in each state or province

Sanghiya Samajbadi Party Nepal		<p>Formation of a high level national education committee to formulate and develop education system for the federal context</p> <p>Establish at least one higher secondary school or college in each village depending on the context</p> <p>Establish multi-disciplinary university in each federal state</p>
Tarai Madhesh Loktantrik party		<p>Federal government to formulate national education policy</p> <p>Primary education to be managed by local government, secondary education by district and state governments and higher education by state and federal governments</p>

private education institutions. In sum, it can be seen that while the election manifestos of all political parties have made some mention of education, this is mostly with respect to equity issues rather than federalism per se. Interestingly, the work of the past CA process is not reflected in the new election manifestos for the second CA.

## **Work done through the CA Process, 2008–2012**

Other than the election manifestos, the most significant work related to education was carried out through the past CA that was dissolved in 2012 without promulgating the new constitution. For the purpose of drafting the new constitution for federal Nepal, the CA had formed 11 subject committees. Of these 11 subject committees, five had included explicit provisions related to education. The work of these committees is provided in Annex 1. In general, there are a lot of provisions related to ensuring education as a fundamental right and ensuring equity (including provision of affirmative action policies for various marginalized groups).

With respect to the delineation of roles and responsibilities, however, there is relatively little discussion. What the CA process mentions, in general is that education will be a collaborative responsibility between the federal, state and local government, with the federal government responsible for standards-setting and monitoring of higher education, national education agenda, curriculum and universities. Likewise, the envisaged responsibilities for state governments include universities, technical education, curriculum and textbooks, and examinations. And those of the local government include secondary education and non-formal education.

## **B. Initiatives at the Academic Front**

To explore and examine the work of the academia, a review of the major journals and books published from Nepal and elsewhere related to federalism and education in Nepal

was conducted to search for articles related to the topic. Likewise, search was also made for related papers presented at various national and international seminars and conferences. These include published works by people variously involved in the public education system either as practitioners, researchers, teachers and policy advocates.

In general, we can say that very little has been written about the topic in any systematic detail. Whatever is available points to the fact that there is a broad consensus on the delineation of roles and responsibilities between the various tiers of governments in the federal set up. Nonetheless, some of the work goes into detailed discussion on the roles, responsibilities and authorities for each tier of government, and some further details on curriculum, standards setting and monitoring and evaluation. Some of the key issues raised on the academic front include, inter alia, the following:

- Need for clarity on the management of schools that are currently in operation under various forms, viz. government, community, private, religious, etc
- Need for clarity in terminal assessment system in the provinces – whether the current system should be adopted for uniformity or whether each province should be allowed to develop its own systems and how they can be compared across future states
- How to manage and deploy the existing cadre of teachers and education ministry personnel in the aftermath of federal restructuring, including the place of MOE line agencies and administrative units, and the roles and responsibilities to be granted to them
- Regulation and management of private schools, including the issue of ensuring of free education in private schools
- Structure of education – should there be a uniform school structure (as envisaged by the School Sector Reform program) or should provinces be allowed to develop and implement their own structures, and if so how to make them comparable across states.

Some other works point to the need for a federal ministry of education that is responsible for ensuring education for across all states. It has been pointed out that this is particularly important because of the inequalities that will be evident in the future states both in terms of distribution of education institutions, human resources and inequalities in terms of access to resources. In such a context, experts have pointed out that the federal or central government needs to assume a primary role for ensuring universal education of a high quality, and should also assume prime responsibility for standard-setting, curriculum, determination of national education agenda, regulation and monitoring and assessment systems.

### **C. Initiatives through the Government**

In 2065 v.s., the government set up a high level administrative restructuring commission led by the secretary of Ministry for federal Affairs and Local development. The commission submitted its final report to the cabinet in 2067 v.s. The commission also encouraged individual ministries to initiate their own exercise for transition to federalism. However, no written documents from the MOE are available to understand the work that was done in

the MOE. Nonetheless, the Commission report does envisage education as a collaborative responsibility of the federal, state and local governments, largely in line with the ideas put forth in the political and academic arenas.

## **D. Initiatives from Non-State Organizations**

There is an overlap between the work of non-state institutions and academia with respect to the existing work on federalism and education, mainly because the academia was highly involved in the knowledge production, and ensuing debates and discussions on the topic. Various non-state actors have initiated dialogue on federalism and education restructuring after the CA elections in 2008. For instance, Martin Chautari, a research institution based in Kathmandu started a series of dialogues on federalism and education on topics such as management of private education institutions in federalism and the role of non-state organizations in supporting the education in the federal context. A more comprehensive set of work done by Martin Chautari involved an analysis of the proceedings of the past CA process in relation to education. This led to the organization of a national seminar on the issue in April 2010, which was attended by many CA members, leaders of major political parties, student organizations, other CSOs and the academia. Likewise, Forum of Federations also organized a one-day seminar on curriculum in the federal context in 2009. Various other organizations such as Education Network-Nepal also organized a workshop on the topic. For example, Education Network organized national seminar titled “New Constitution, Restructuring of the State and Education” on 8 July 2006. The proceedings of the seminar were later published in a special issue of the journal “Janamukhi Shiksha”.

However, more comprehensive work related to education and federalism and how education can be restructured in a federal Nepal was initiated by UNESCO Kathmandu office in 2009. As a part of this initiative, UNESCO facilitated the establishment of a ‘Federalism and Education Support Group’ in early 2009 from among Nepal’s leading scholars in the education sector. This group sent an open letter to the Chairperson of the CA on 15 September 2009, informing him of its existence as well as its willingness to wholeheartedly support constitutional drafting on education-related matters should the CA feel the need for such support. Thereafter, the group members looked at the following six themes in school education system that would have to be considered in a federal context:

1. Free and Compulsory Education
2. Private Schooling
3. Language Issues
4. Student Pathways
5. Teacher Management
6. Financing Education

Subsequently, the members produced a number of thematic papers that highlighted the key issues that should be attended to in each theme. These papers were developed through a highly consultative process that involved interactions with stakeholders from various

parts of the country. The papers not only contained an analysis of the existing situation in each theme, but also reviewed the practices in other federal contexts, and ultimately drew important implications for federal Nepal. The full papers were then shared with the CA members, political party leaders, government officials and donor agency representatives first through a smaller workshop organized at the Centre for Constitutional Dialogue on 24 August 2009, and later through a National Symposium on Federalism and Education on 18 November 2009. Summary versions of these papers were subsequently published in the weekly newspaper Aajako Shiksha on 13 December 2009.

After focusing on school education, the group shifted its attention to the strategic issues in higher/tertiary education in the federal context, and in February 2011 developed four discussion papers on the following themes:

1. Curriculum for Federal Nepal
2. Higher Education Governance
3. Financing of Higher Education
4. Open and Distance Higher Education in Nepal

These thematic papers were developed in a manner similar to that employed for the production of the earlier papers on school education, and were expected to be similarly shared at various national forums, although that did not happen. Nonetheless, the group members expected that these papers laid the foundation and served as a useful reference point for an enhanced understanding of the key issues in school and higher education systems that need to be considered and addressed as Nepal moves from a unitary to federal structure.

### **1.3. Conclusions and Recommendations**

Overall, there are relatively little differences among the various interest groups identified above regarding the roles and responsibilities to be given to various levels of governments: most have envisaged a two-tier structure consisting of federal, state and local governments (with local governments being a part of the state governments), and education has been envisaged as a joint responsibility between the federal government, states and local governments. In particular, the work thus far on the topic has broadly delineated the following roles for the federal government: policy making, standards setting, and monitoring and evaluation, and management of higher education institutions. Likewise, the possible roles and responsibilities for state governments include: management of state-owned higher education institutions and secondary education. Finally, the roles for local governments include: management of primary and basic education institutions, and non-formal education programs.

At the same time however, one can discern considerable confusion regarding the issues of inclusion/affirmative action and federalism. For example, a significant body of work conducted thus far especially on the political front has dealt with ensuring education as a fundamental right (which in fact is already guaranteed by the Interim Constitution 2007), affirmative action and positive discrimination policies for the hitherto marginalized various



social groups (Dalits, Janajatis, Madhesis, Disabled, Martyrs and those injured in various political movements, poor, etc) such that if all the categories to be included in such affirmative action policies were to be listed together, all Nepali youths would in some way be eligible for such reservation policies especially in higher education. Here also, it should be pointed out that while one of the major motives for federalism and state restructuring in Nepal is to address social inclusion, evidence/practice from our own context suggests that inclusion can occur irrespective of federalism. For example, schools and universities, and the Public Service Commission have already devised their own structures of inclusion through various scholarships and affirmative action policies largely under the existing legal mandates.

What is significantly missing in the existing debate and work on federalism is the issue of transitional planning, which primarily includes issues such as how will the existing administrative structures and personnel be distributed in the post-federal set up. Also missing in the debate is financing part, including equitable distribution of central and state resources for equitable development of education across the states and local governments. Further work in these areas will be highly useful.

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*Annex 1: Suggestions provided by Various CA Committees related to Education, 2008-2012*

	<b>Fundamental Rights</b>	<b>Directive Principles</b>	<b>Special Rights</b>	<b>Distribution of Roles and Responsibilities in Federalism</b>
<b>Interim Constitution 2007</b>	<p>Every citizen has right to basic education in mother tongue as provisioned by the state in law</p> <p>Every citizen has right to free education up to secondary level as provisioned by the state in law</p>			
<b>Minority and Marginalized Groups Rights Protection Committee</b>	<p>Every citizen has right to free education up to higher education level</p> <p>No educational institution will be barred from receiving state support based on establishment or operation from any specific religious, cultural or linguistic group.</p> <p>No person will be barred from enrolling in or obtaining higher education from public education institutions based on obtaining education from education institutions established or operated by any specific religious, cultural or linguistic group.</p> <p>No person will be barred from enrolling or obtaining education from any education institution that is operated or supported by the state based on caste, ethnicity, religion, regionalism, religion, language, race, gender or culture.</p>			
<b>State Restructuring and Distribution of State Authority Committee</b>	<p>Adivasi, Adivasi Janajati, Madhesi will have right to self determination in ...., education, .... At the local level.</p> <p>There will be provision of free education with scholarship up to higher education for Dalit students. In technical higher education, a special provision will be made according to law for dalits.</p>			<p>Central Government: Central University, Central Library</p> <p>State Government: University, Higher Education, Library and Museum</p> <p>Local Government: Primary and Secondary education</p>

	Fundamental Rights	Directive Principles	Special Rights	Distribution of Roles and Responsibilities in Federalism
<b>Fundamental Rights and Directive Principles Committee</b>	<p>Every citizen will have right to access basic education.</p> <p>Primary education will be free and compulsory. Each citizen will have right to obtain free education up to secondary level.</p> <p>Citizens from poor categories will have right to free education up to higher education level as provisioned in law.</p> <p>All Nepali communities residing within Nepal will have right to establish and operate education institutions providing education in mother tongue.</p> <p>Every child will have right to education, ...., personality development from family and state.</p> <p>Every child will have right to education in mother tongue.</p>	<p>To expand opportunity and quality of education, ... to uplift living standard of the people.</p> <p>To ensure that no citizen is illiterate and make provision for easy and equitable access of all citizens to quality education.</p> <p>To make education scientific, technical, vocational, practical for producing able and competent human resources dedicated to national interest.</p> <p>To increase state investment in education and properly monitor private investment in education to discourage commercialization.</p> <p>To gradually make higher education free by making it easily accessible and quality.</p>	<p>Dalit community will have right to special opportunities in education, ... based on positive discrimination.</p> <p>For the protection, upliftment, empowerment and development of the poor, people with disabilities and endangered community citizens, they will have right to obtain special opportunities and incentives in education, ....</p> <p>Every youth will have, for empowerment and development, right to special opportunities in education, ...</p> <p>All families of martyrs, families of disappeared people, disabled and injured in all peoples movements, people's war and Madhes movement will have right to education, relief and pension.</p>	

	Fundamental Rights	Directive Principles	Special Rights	Distribution of Roles and Responsibilities in Federalism
<b>Cultural and Social Solidarity Determination Committee</b>	Every community will have right to basic education in mother tongue.			<p>Central Government: Primary role as a facilitator, supporter</p> <p>State Government: All authority related to right to education in mother tongue</p>
<b>Natural Resources, Economic Rights and Revenues Distribution Committee</b>				<p>Central Government: Standard-setting and regulation of higher (including technical higher) education and universities, National education agenda, curriculum, examination and Universities</p> <p>State Government: University, technical and vocational education, curriculum, textbooks, examination, special education</p> <p>Local Government: school education (up to higher secondary) and non-formal education</p>

# 2

## **The Role of Federal Government in Education: A comparative Study (Bangladesh, Pakistan, India, South Africa, Australia, Canada, The USA)**

- Deepak Aryal

## **2.1 The Role of the Federal Government in Education—A Comparative Study**

(Bangladesh, Pakistan, India, South Africa, Australia, Canada, the U. S. A)

**D**ecentralization is not a synonymous concept of federalism. The basic argument is that there is Decentralization in unitary systems whereas federal system are non-Centralized because in this case, the power is so diffused that it cannot be Centralized without breaking the structure and spirit of constitution, and thus, the federal system is like a matrix model, not a hierarchy model. In the federal system, different governments regulate the same territory in federations; however, each government has exclusive jurisdiction over certain matters. Elazar (1991), states that federalism combines common purposes and protection of certain rights and integrity of federal entities. So, federalism is a special combination between autonomy and interdependence between federal entities. Thus, the relationship between the constituent parts of a federation refers to a particular form of state that involves an extensive and ongoing relationship between the federal government, states and local governments. This presupposes the existence of continuous negotiation and bargaining in the formulation and implementation of public policies in federal systems. On the other hand, the concept of “Decentralization” is also vague and highly ambiguous however, it is more popular and widely used by the policy-makers and intellectuals<sup>1</sup>. Here, this report does not deal with the federal or Decentralization systems themselves, but deals only with the educational policies and planning that have been implemented in federal or decentralized systems. Most of the countries (India, Bangladesh, Pakistan, South Africa, and others) selected for the study<sup>2</sup> have their own typical practices and experiences of education system. However, most of the nations agree on the process of Decentralization of education system and have done at least some practices of it.

The characteristics or nature of the nation, state or federal system determine the educational system. If the demography of the states within a nation is associated with more common culture, language, geography location or historical background there will not be much difficulty to adopt the similar contents in the textbook as well as language, teaching and training materials, etc. But diverse cultural, linguistic or social groups within one nation, states or federal system demands more decentralized policies in the contents of textbooks, teaching materials, teachers, management, teaching language etc. So, Decentralization process can be used in federal states where each state may have their own education policies using different aspects of Decentralization.

Decentralization clearly does not come with the passing of laws or signing decrees. Like most types of reform, it is built rather than created. It happens slowly because the organisational culture must be transformed; new roles learned leadership styles altered, communication patterns reversed, planning procedures revised, and developing regional policies and programmes developed (Hanson, 1996b).

1 Govinda, R. (1997). *Decentralisation of Educational Management: Experiences from South Asia*. Paris: International Institute for International Planning. p 7

2 The report uses federal or central government as synonymous concept which is different than state or provincial government.

Sometimes debates over Decentralization are understood as a local government versus central government dichotomy. The Decentralization process does not mean that the central governments and their various ministries escape from their responsibilities. A central government's capacity to manage the Decentralization process is crucial for its own success. This role is particularly important for service delivery outcomes as it relates to setting national priorities, ensuring minimum or core standards, and guiding local governments in their new functions. For example, educational Decentralization and planning raise the question of how far decision-making should be decentralized for each level or type of education (primary, secondary, higher, but also pre-primary and literacy training) and how responsibilities should be allocated for the development of curricula and teaching methods, evaluation, textbook production and distribution, recruitment and remuneration of teachers, school building and maintenance, the establishment of links between parents and teachers, etc.

A UNICEF paper on Decentralization by Klugman (1997) warns that Decentralization may lead to greater interregional disparities whereby local governments faced by fiscal constraints find themselves competing for the resources from the centre. The relative inability of local governments in poorer regions to raise resources through local tax levies and licensing may further accentuate inequalities in attainment of social objectives.<sup>3</sup> These kinds of problem also appear in federal system. In Indian cases, some states are doing better in education however some states have poor performance. A national sample survey (NSS, 1983-2004) shows that there is a negative link between the level of educational attainment in school completion and inequality of opportunity. For instance in 2004, 76% of the population completed primary schooling in the least unequal state of Kerala while the figure for Uttar Pradesh, the most unequal state, was 44%.<sup>4</sup> In a federal state like India, provision of public goods is the responsibility of individual states where the importance of state-level policy choice or the positive aspects of a federal state are well documented in the literature, however it ignores the major aspects of entitlement to basic services among states like Uttar Pradesh and Kerala which are related to differences in the scope and quality of public services such as school facilities (Dreze and Sen 1995).<sup>5</sup>

## **2.2 CASE STUDY**

### **a. Bangladesh**

Most of the South Asian countries have directly or indirectly historical baggage of British education system and the education system of Bangladesh, Pakistan and India are not exceptions<sup>6</sup>. Since independence in 1971, the Bangladeshi education system has undergone many changes. Several governments have made education reform commissions from the beginning of the independence of Bangladesh. The Qudrat-e-Khuda education reform is

3 J. Klugman; 1997; "Decentralisation: A Survey from a Child Welfare Perspective"; UNICEF Innocenti Occasional Papers; #61

4 *Inequality of Educational Opportunity in India: Changes over Time and across States* M. Niaz Asadullah University of Reading, SKOPE, University of Oxford and IZA Gaston Yalonetzky OPHI, University of Oxford

5 Dreze, Jean and Amartya Sen (1995) *India: Economic Development and Social Opportunity*. Delhi: Oxford University Press.

6 *Global Education and Training Information Service (British Council) (2001). Bangladesh: Market notes. August 2001 by the British Council, Bangladesh*

one of them and most of the commissions' reports have been made in the light of this commission. But the recommendations of the commission report were not fully implemented due to regular political instability. "Since the 1970s, five Education Commissions were formed by the successive governments (in 1972, 1977, 1984, 1987 and 1997) but either the commissions failed to submit their reports or the reports were not implemented" (Mujeri 2003:22).<sup>7</sup> Haq (1998:82.) criticizes it as the South Asian phenomena that "the effectiveness of the school system in South Asia is hampered by political interference, corruption, over centralization, a lack of school autonomy, underdeveloped managerial capacity, and poor information systems".<sup>8</sup>

According to the study by World Bank, lack of institutionalization, policies and administrative arrangements that can keep the system from performing at an acceptable level e.g. the "shift" system, weak organizational capacity, Centralized management, and inadequate funding arrangements are some problems of primary education in Bangladesh.<sup>9</sup> Education International (EI) report mentions that the lack of funding is a part of a widespread financial problem however, it is also true that the funding problems are the result of lack of political will (Frederiksson 1999:64)<sup>10</sup>.

The Second Five Year Plan (1980-1985) of Bangladesh has implemented a Universal Primary Education (UPE) and non-formal education programme aiming to eradicate illiteracy from the country. The Primary education was made free and compulsory for all children between the ages of 6 and 10 in 1991 and Bangladesh currently has one of the largest primary education systems in the world.<sup>11</sup> The National Plan of Action (NPA-I & II) has taken initiative to achieve the goal of Education for All (EFA). The Third Five Year Plan (1995-90) made a policy to nationalize the schools<sup>12</sup>. The Fifth Five Year Plan (1997-2002), and the National Education Policy (NEP), 2000, made important recommended to restructure the higher education sector in Bangladesh (Hopper, 2002).

The education system in Bangladesh consists of three principal stages: primary, secondary, and higher/tertiary education. In parallel to mainstream formal education, students can also choose to study at Madrasas that offer Islamic religious education (World Bank, 1999).<sup>13</sup>

7 Mujeri K. Mutafa (2003). *Financing education: National priorities and Future Directions-A Right to Development Perspective*.

8 Haq Mahbub (1998). *Human Development in South Asia 1998: The Education challenges*, The University Press Limited, Red Crescent Building, 114 Motijheel Commercial Area, Dhaka, Bangladesh.

9 World Bank (2004). *Project Appraisal Document on a proposed Credit in the amount of SDR 104.2 million (US Dollar 150 million equivalent) to the People's Republic of Bangladesh for a Primary Education Development Project II Human Development Unit, South Asia Regional Office*.

10 Frederiksson Mr. Ulf (1999). *Education for all Assessment 2000: The teachers' perspective*, Education International, 5, Boulevard Emile Jacquemin, B-1210 Bruxelles, Belgium.

11 (Adapted from UNESCO (sourced from International Association of Universities (IAU), updated from IBE web site, 2000) *Transnational Report – Case Study: Bangladesh (October 2003)* page 4 of 36

12 *Annual Report on Primary Education in Bangladesh*, Primary and Mass Education Division, The Government of The People's Republic of Bangladesh.

13 *Public Madrasas are required to adopt national curricula to secure government funding. In the Madrasa system, primary education is provided by 'Ebtedayee' institutions (equivalent to five grades in primary schools) and secondary education by Dakhil institutions (equivalent to five grades of lower secondary and secondary schools) and higher secondary by Alim level institutions (two years of study) institutions. Recently, humanities, science and business education have been introduced at Dakhil and Alim stages. There is also a two-year Fazil (degree) level education and two-year Kamil (Masters) level education. The Madrasa Education Board oversees the system and conducts final examinations (Dakhil to Kamil). There is also a non-formal stream of Madrasa*



The most Madrasa education takes place in rural locations and rural learners account for 91% of Madrasah enrolment, compared with around 77% in mainstream education<sup>14</sup>. The lack of formal schooling opportunities in some rural areas and in city slums means that many students go to non-traditional education programmes focusing on basic education and literacy, mainly organised by NGOs.

The large class sizes, insufficient resources, and unequal access (geographic, gender, and financial) are some challenges of the secondary level of education. In addition, students are perceived to lack transferable skills due to an exam focused curricula and the fact that less than 10% of children complete all secondary levels.

Apart from these schools there are some new practices in private sector schooling. A range of English medium schools affiliated to international institute with new curriculum is also popular. These schools have grown significantly in response to market forces and demand, and the number of students has increased by 12% in 2000. The curricula offered in these schools are British, and students prepare for their GCE O and A Levels<sup>15</sup>.

The macro-level management structure of Bangladesh education sector consists of ministry of education, primary and mass education division, directorates of education, 64 district Education offices, and about 500 Thana (now called upazila) Education Offices. Apart from this there are staff level educational organizations, which help line organizations to function effectively in order to achieve the goals of education. These organizations include Boards of Intermediate and Secondary Education (BISE), National Curriculum and Text Book Board (NCTB), Bangladesh Bureau of Educational Information and Statistics (BANBEIS) and National Academy for Education Management (NAEM) etc. The Ministry of Education is the apex body for educational administration, management and planning except for primary and adult education. It is responsible for educational planning with the Directorates of Education and the education section of the Planning Commission. The MOE takes the initiative to formulate the national education policy. Functions of MOE include recruitment, selection, promotion, transfer, dismissal and disciplinary actions regarding teachers of the government-run high schools and colleges; selection of teachers for training abroad; preparation and distribution of job descriptions for the educational managers at the directorates down to the district education officers.

The Primary and Mass Education Division (PMED) established in 1992 under direct administrative control of the Prime Minister is the apex administrative structure which determines policy and implements development programmes of the primary and general adult education (called mass education or non-formal education) sub-sectors.

Directorates of Education have key roles in the administration and management. The three directorates are the bodies where the main responsibilities for implementing policies and managing each sub-sector of education lie. These bodies, staffed with senior professionals are also supposed to play the lead role in initiating and formulating policy changes, although formal administrative and political approval of policies is the MOE and PMED

*education (e.g. hafizia, qiratia, quauumi, nizamia) under the kharizia system, which survive on private donations made for religious purposes. World Bank (1999a). Bangladesh Education Sector Review (Final Draft). Education Sector, South Asia Region, The World Bank.*

14 Japan Bank for International Cooperation (2002), Bangladesh Education Sector Overview.

15 Global Education and Training Information Service (British Council, 2001). Bangladesh: Market notes.

responsibility. In practice, however, there has been an erosion of the authority of the professional personnel and expansion of control of the Ministry civil service cadres over time even in operational matters, much beyond the realms of policy and overall planning. A carry-over from the past of practices and organizational structures appropriate for a much smaller education system, the bureaucratic culture of a unitary state, and the desire for political control over educational decisions have strengthened this trend.

The entire education system excluding universities and most of the professional institutions used to be managed by the Directorate of Public Instruction (DPI). An independent Directorate of Primary Education was established in 1981 to strengthen the administrative set-up of Primary education. The Directorate is headed by a Director General with functional sections headed by Directors at the headquarters. In different tiers of administrative units, such as, Division, District and Thana, the directorate has field officers such as Deputy Director, District Primary Education Officer, and Thana Education Officer (now renamed Upazila Education Officer) respectively. Each Thana has a number of Assistant Thana (Upazila) Education officers (ATEOS), each supervising 15-20 schools. The responsibility of construction, repair and supply of furniture has been given to the Facility Department in the Directorate of Primary Education and Local Government Engineering Bureau under the Ministry of Local Government and Rural Development.

The Directorate of Secondary and Higher Education is responsible for the implementation of government policies and development programmes in secondary education. It, however, has limited capacity in sub-sector planning and academic management. The DSHE has 208 administrative and supervisory staff, 40 at the HQ, 40 at the Zonal level and 128 at the district level. It is involved largely in project level planning. It is overburdened with the payment of salary subvention to over 250,000 teachers and employees of the non-government secondary schools and higher secondary institutions. The DSHE has also specific responsibility for the enforcement of academic standards of secondary and higher education. It is also involved with the recruitment of teachers and nonteaching employees of the government schools, although decision-making lies with MOE.

In line with the government's commitment to Education for All, an Integrated Non-Formal Education Program (INFEP) was initiated in 1991 to address the needs of the illiterate population outside the formal system.

In 1996, INFEP was replaced by the Directorate of Non-Formal Education (DNFE). It has a total of 33 officials and a supporting staff of 55 at its headquarters. At the district level, it has 64 district coordinators and a supporting staff of 128.

The Directorate of Technical Education is responsible for planning, development, coordination and supervision of technical and vocational education under the Ministry of Education.

The National Curriculum and Textbook Board is responsible for developing curricula and publishing textbooks. Its main functions are to: (a) review curricula and introduce changes, (b) evaluate curricula and textbooks, (c) prepare textbook manuscripts; (d) approve textbooks and (e) publish and ensure distribution of textbooks.

Six geographically based Boards of Intermediate and Secondary Education (BISE) as well as a separate Madrasah Education Board exists. BISEs are mainly responsible for two functions (1) accreditation of non-government secondary education institutions; and (2) administration of the SSC and HSC examinations. BISEs are autonomous, self-regulating and financed completely from fee income.

The National Academy of Education Management (NAEM) is the principal institution for training educational administrators and managers. NAEM has two divisions (a) Management and Administration, (b) Extension Training. Its capacity is about 1,600 trainees per year. Almost half the trainees receive foundation training for civil service positions, and the remainders, mostly heads of institutions, receive management training. Evaluation studies on NAEM show that the training imparted by it has little impact on management changes on the ground. NAEM plans to re-design its training programmes to achieve better results. (WB 2000, Education Sector Review, vol. III)

Educational administration, in general, is characterized by excessive centralization of power and authority in the capital. Administrative reform and restructuring in 1980s and 1990s have the effect of further centralization through the creation of the Primary and Mass Education Division, establishment of a separate Directorate of Non-Formal Education, and setting up of a unified National Curriculum and Textbook Board, because of the way the functions and roles of these bodies have been defined and because of the prevalent bureaucratic culture. The local government units such as districts, thanas and unions essentially have the task of implementing instructions and directives from above and carrying out routine supervision. The educational management philosophy and structure are driven by a preoccupation with exercising control and authority from the top.

Although, the Government of Bangladesh is committed to meeting the goals of education for all by 2015, the role of ethnic languages has not been recognized in Bangladesh education. Focusing on the importance of the mother tongue in primary education, policy makers emphasized on the majority speakers' language, which refers only to Bangla. As a result, indigenous students do not always involve themselves in classroom activities, and this can severely jeopardize their life opportunities.

However, there is some positive response on multilingual ideas in India and Pakistan. In India, for the scheduled tribes who are marginalized in education; the Government of India began different programmes such as Janshala Programme, the 5th Five Year Plan (1974-1979), the 10th Five Year Plan (2002-2007), Multilingual Education (MLE) programmes, and Sarva Siksha Aviyan after the independence of India. Becoming conscious about the significance of mother tongues, the Indian constitution recognised several tribal languages as mediums of instruction in education. In addition, the Constitution of India adopted several rules such as Articles 29(1), 30, 347 and 350 as safeguards to protect linguistic minorities in the country so that they have the right to use their languages in administration and education. Learning of tribal children are considered significant in India "not only because of the Constitutional obligation but also as a crucial input for total development of tribal communities". For secondary education, the Central Advisory Board of Education in India promoted the "three-language formula" in 1961, and the main aim of this formula is to implement three languages such as national language (Hindi), English, and regional language.

In late 2010 the Khyber Pakhtunkhwa (KP) provincial cabinet committee, Pakistan, approved a multilingual solution to the teaching in schools across the province. It was agreed that Pashto, Hindko, Seraiki, Khwar and Kohistani would become compulsory subjects in both public and private sector schools in areas where those particular linguistic groups were in the majority. Pashto would be introduced as a compulsory subject in seventeen districts from Class 1 to Class 10, with Hindko, Seraiki, Khwar and Kohistani introduced in the remaining seven districts of KPK. The new legislation would see these languages introduced from Class 6 for the 2012 - 2013 academic year, then Pashto and mother tongue would be included as compulsory subjects in Class 7 from 2012 - 2013 and so on reaching Class 10 from 2015 - 2016 (Khyber Pakhtunkhwa Government 2010). Given that Peshawar city is home to predominantly Hindko speakers, while its suburbs and outlying villages are Pashto-speaking, the committee has recommended that the city be divided into two zones, urban and rural, when implementing the multilingual scheme.

This attempt by a provincial government to embed mother tongue instruction in schooling across one of the most linguistically diverse parts of the country appears to be in line with the 2009 Education Policy given that Maths and Science subjects will be taught in English. Both the Education Department and the Textbook Board in Peshawar have been directed by the committee's chairman to focus on the speedy preparation of curricula and content (Khyber Pakhtunkhwa Government, 2010). In August 2011, the KPK government took further steps with its multilingual education (MLE) initiative by approving the formation of the Khyber Pakhtunkhwa Regional Languages Authority; which will work to promote all of the languages of the province. What is yet to be seen is the extent to which these policies have been implemented and materials prepared in each language. Moreover, recent policy directives have yet to mention how the government plans to address the issue of providing opportunities for teacher education for language teachers. However, in 2011, the Chief Minister of KPK commented that the provincial government 'attached equal importance to all languages of Khyber Pakhtunkhwa and is taking practical measures for their promotion'.

## **b. Pakistan**

### **Issues of role, responsibilities and management of schools**

The Federal/Central Ministry of Education has the overall responsibility for the development and coordination of national policies, plans and programmes in education including curriculum development, while implementation of the policies is the responsibility of the local administration in Pakistan. Each province has its own department of education. Educational institutions located in the federal capital territory are administered directly by the Ministry of Education (MoE). The Constitution of 1973 expresses the goals of the state education policy as being to promote the educational and economic interests of backward classes and areas, to remove illiteracy and provide free and compulsory education for a minimum period, to make technical and professional education generally available and higher education equally accessible to all on the basis of merit.

The Primary and secondary education is provided by public and private schools as well as by Islamic madrasahs in Pakistan. It has passed a law on compulsory education. Some

provinces also have laws regarding this. Implementation of the law is dependent on support from all the provinces, which has not been secured so far. School education is organized by the MoE. The Curriculum Wing within the ministry formulates the national framework curriculum through a wide stakeholder consultation. The Inter Board Committee of Chairmen (IBCC) controls the boards of intermediate and secondary education. The boards, one federal and the remainder provincial, affiliate schools, implement, regulate and monitor schemes of studies and curricula, and hold Secondary School Certificate (SSC) and Higher Secondary School Certificate (HSSC) exams<sup>16</sup>.

In 1972 the Pakistan government nationalized all private educational institutions however due to the financial constraints for the public education, private educational institutions were again permitted to operate from 1979. The government even encouraged private enterprises to open educational institutions in rural areas. Non-Governmental Organizations (NGOs) could contractually take over government schools for a prescribed time period. Permission to set up educational institutions is granted either by the MoE or the respective Provincial Education Department. Registered private schools have to follow a government-prescribed curriculum.

## **Islamic Education**

The madrasah system or deeni madaris - religious education institutions focusing on religious law, teachings of the Prophet Muhammad, classical logic, literature and the Koran - operate in parallel with the formal education system<sup>17</sup>. In April 2002, the Minister of Religious Affairs estimated the number of Madrasah-run schools to be about 10,000, with 1.7million students. This number however is contested; different sources name figures from 600,000 to 2 million students. The madrasahs are controlled by their own organizations or boards. The boards define the curriculum, and collect registration and examination fees.

## **Issues of language and curricula**

When we talk about the declaration of Education for All<sup>18</sup>, signed by more than 150 nations we must remember a question asked by Brock-Utne, 'Education for all – in whose language?' He argues that, 'The concept "education for all" becomes a completely empty concept if the linguistic environment of the basic learners is not taken into account' (2000:141)<sup>19</sup>.

Pakistan is a multilingual and multicultural society where each of the four provinces has one or more dominant languages and a number of minority languages. The emblematic status of English, due to its historical association with the elite and proto-elite (Haque 1983<sup>20</sup>, Rahman 1998<sup>21</sup>, 2002<sup>22</sup>), has helped in making it a prestigious language. English is the language of power in comparison with Urdu, the national language, and other regional

16 <http://www.ibcc.edu.pk/default.asp>. [accessed November 15, 2013]

17 At independence in 1947 there were about 245 madrasahs in Pakistan. The number of madrasahs has increased since the rule of General Zia ul-Haq (1977-1988).

18 For an overview of the Education for All movement and links to the text of the Education for All Declaration (Jomtien, Thailand, 1990) and subsequent documents see the UNESCO Education for All website at [www.unesco.org/education/efa/ed\\_for\\_all/](http://www.unesco.org/education/efa/ed_for_all/) [accessed November 15, 2013]

19 Brock-Utne, B. 2000. *Whose Education for All? The Recolonisation of the African Mind*. London: Falmer Press.

20 Haque, R. 1983. *The position and status of English in Pakistan*. *World Language English* 2(1)

21 Rahman, T. 1998. *Language and Politics in Pakistan*. Karachi: Oxford University Press.

22 Rahman, T. 2002. *Language, Ideology and Power*. Karachi: Oxford University Press.

languages of Pakistan (Rassool and Mansoor 2009)<sup>23</sup>.

According to the constitution of Pakistan, Urdu is the national language of the country and 'arrangements shall be made for its being used for official and other purposes within fifteen years' from 1973 when the constitution was made (Article 251 of the Constitution of the Islamic Republic of Pakistan). Urdu is the most widely understood language and the major medium of interaction in the urban areas of the country. There are two distinct systems of education identified mainly in terms of medium of instruction, i.e. English and Urdu. The English medium schools are privately owned and cater to the upper class as well as some sections of the middle class. In contrast, the Urdu medium schools are mainly public sector schools catering to the lower income groups and they offer free education in addition to other incentives such as free textbooks (at least at the primary level).

Pinnock points out that if the medium of instruction in schools is the national language (or, indeed, a foreign language) and if only a small minority of the population use that language at home then in effect the majority of children are being denied access to education in the language with which they are most at ease. Pinnock estimates that 91.62% of the population of Pakistan speaks mother tongues which are not used in education (Pinnock 2009:50)<sup>24</sup>.

This gap between the languages of home and school contributes to poor participation rates in education. Zubair Torwali, head of the Centre for Education and Development in Bahrain, in the Swat valley, provides an example:

"The literacy rate in the town of Bahrain in Swat Kohistan is 12% for males and a mere 1.5% for the female population. Among the many factors behind this sorry state of education is the fact that an alien language is used by teachers. Local residents speak Torwali, a language different from Pashtu. For the past decade or so, all teachers at the primary level in the area have been Pashtu speakers, whose language the children could not understand. This has pushed away a lot of students from the school and the result is the low literacy rate." (Torwali 2010)<sup>25</sup>

The home and school language gap may also mean that even if children are in school they are not learning much that is of value. A failure to educate school - age children leads eventually to the creation of a body of uneducated, unemployed and frustrated young people. Pinnock identifies 44 countries in this position, among which is Pakistan.

The data reveal reluctance on the part of some stakeholders to accept that the use of languages other than the mother tongue as the medium of instruction is likely to have serious negative consequences. Yet there is ample evidence of the damage that can be caused if children are taught in a language which they do not understand and if their home language is marginalised. After a lifetime of research in this field, Skutnabb - Kangas comes to the impassioned conclusion that:

23 Rassool, N. and Mansoor, S. 2009. *Contemporary issues in language, education and development in Pakistan*. In N. Rasool (ed.), *Global Issues in Language, Education and Development: Perspectives from Post-colonial Countries*, 218-244. New Delhi: Orient Longman.

24 Pinnock, H. 2009. *Language and Education: The Missing Link*. Reading: CfBT Education Trust and Save the Children. Available online at [http://www.cfbt.com/evidenceforeducation/pdf/Language&Education\\_FINAL.pdf](http://www.cfbt.com/evidenceforeducation/pdf/Language&Education_FINAL.pdf) [accessed November 15, 2013]

25 Torwali, Z. 2010. *Drawbacks of teaching Pashtu in Swat schools*. *The Express Tribune* 20 December 2010.



*“Subtractive dominant - language medium education for IM [indigenous and minority] children can have harmful consequences socially, psychologically, economically and politically. It can cause very serious mental harm: social dislocation, psychological, cognitive, linguistic and educational harm, as well as economic, social and political marginalisation. “(Skutnabb - Kangas 2009:340)*

In the specific context of Pakistan, recent research (UNESCO, 2010)<sup>26</sup> has shown that, on average, more than 54% of young people who have Balochi as their first language and nearly 55% of Seraiki speakers have spent less than four years in school.

The first question seeks to initiate a debate on linguistic rights in developing countries and indicates the need for empowerment in determining the choice of language for development. Linguistic rights, or more specific to this discussion, the right to the choice of language for education is meaningless and turns into a symbolic act if there is lack of coherence between the language policy and its implementation plan, as is illustrated by Taylor (2002) through his review of language-in-education programmes in Estonia and Africa. The second question, therefore, aims to remind us – language planners, policy makers, linguists and practitioners – of our responsibility to take up the challenge of drafting viable language policies and workable implementation plans for language-in-education programmes that aim to promote individual, societal and national development.<sup>27</sup>

In India, 75 different languages are used in the country’s education system, with some states offering as many as 25 languages whilst others make just three languages available. In the 32 states for which data are available, Hindi and English are offered in all 32; the next most frequently offered languages are Urdu and Sanskrit (both available in 21 states). Punjabi is taught in ten states, Arabic in eight, Farsi in five, while Gujarati, Kashmiri, Pahari and Sindhi are all available in one state each. Altogether 320 language choices are on offer, an average of ten choices per state; no two states offer exactly the same combination of languages.

Every year UNESCO publishes a Global Monitoring Report which calculates the likelihood of each country in the world being able to achieve the six Education for All goals by 2015. Drawing on research by Ayres (2003), Rahman (1997) and Winthrop & Graff (2010), the 2011 Global Monitoring Report draws attention to the risks involved in using as medium of instruction a language to which many pupils have little affiliation. UNESCO uses the case of Pakistan to illustrate this discussion:

*“In multi-ethnic societies, the imposition of a dominant language through the school system has been a frequent source of grievance linked to wider issues of social and cultural inequality. In Pakistan, the post - independence government adopted Urdu as the national language and the language of instruction in schools. This became a source of alienation in a country that was home to six major linguistic groups and fifty - eight smaller ones. The failure to recognise Bengali, spoken by the vast*

26 UNESCO (United Nations Educational, Scientific and Cultural Organisation). 2003. *Education in a multi-lingual world. Education Sector Position Paper*. Paris: UNESCO. [November 15, 2013]

27 Taylor, S.G. 2002. *Multilingual societies and planned linguistic change: New language-in-education programmes in Estonia and South Africa. Comparative Education Review* 46(3), 313-338.

*majority of the population in East Pakistan, was 'one of the first sources of conflict within the new country, leading to student riots' (Winthrop & Graff 2010:30). The riots gave birth to the Bengali Language Movement, a precursor to the movement that fought for the secession of East Pakistan and the creation of a new country, Bangladesh. In Pakistan, the continued use of Urdu as the language of instruction in government schools, even though it is spoken at home by less than 8% of the population, has contributed to political tensions<sup>28</sup> (UNESCO 2011:169 - 170).*

The risk of alienation identified here can be minimised by granting recognition to local languages and, in particular, by employing them in the education system while at the same time continuing to teach and use a national language (in Pakistan's case, Urdu) in ways which do not marginalise or stigmatise the local languages.

Pinnock (2009) has also demonstrated that, far from contributing to national security, a policy of marginalising minority languages gives rise to resentment and contributes to national fragility. She considers Pakistan to be one of a small group of countries where the likelihood of fragility is increased because of the failure to employ local languages in education

UNESCO's position paper titled 'Education in a multilingual world' (2003) urges a change in attitudes towards multilingualism as it is a reality in many nations of the world.

*Education in many countries of the world takes place in multilingual contexts. [In these countries] multilingualism is more a way of life than a problem to be solved. The challenge is for education systems to adapt to these complex realities and provide a quality education which takes into consideration learners' needs, while balancing these at the same time with social, cultural and political demand<sup>29</sup>s.*

Primary education comprises Grades I-V. The language of instruction is either Urdu or the regional language.<sup>30</sup>

Higher secondary education sometimes referred to as the "intermediate stage", lasts from grades XI to XII. It often takes place at university colleges or similar<sup>31</sup>.

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<sup>28</sup> UNESCO, 2011. *Global Monitoring Report*.

<sup>29</sup> UNESCO, 2003. *Education in a Multilingual World*. p 12.

<sup>30</sup> *The curriculum includes reading, writing, arithmetic, general science, social studies, Islamic education, and physical education. Middle level education lasts from Grades VI-VIII. The curriculum includes the compulsory subjects of Urdu, English, mathematics, sciences, social studies, and Islamic studies. Non-Muslims are exempt from Islamiyat-Islamic Studies. Instead they are taught Moral Education. Secondary Education lasts from Grades IX through X. Students can specialise in science, humanities, or technical streams. Compulsory subjects for all are English, Urdu, Islamiyat, Pakistan studies and mathematics.*

<sup>31</sup> Nordic Recognition Information Centres, 2006. *The System of Education in Pakistan* [http://www.nokut.no/Documents/NOKUT/Artikkelbibliotek/Kunnskapsbasen/Konferanser/SU%20konferanser/Seminarer/Fagseminar\\_06/The%20System%20of%20Education%20in%20Pakistan.pdf](http://www.nokut.no/Documents/NOKUT/Artikkelbibliotek/Kunnskapsbasen/Konferanser/SU%20konferanser/Seminarer/Fagseminar_06/The%20System%20of%20Education%20in%20Pakistan.pdf) [Accessed 16 November, 2013]



### **c. India**

Till 1833, education was a purely 'Central' subject and the entire authority and responsibility in education was under the command of Government of India. In 1870, Lord Mayo introduced a system of administrative Decentralization under which the Provincial Governments were made responsible for all Expenditure on certain services—inclusive of education—and were given, for that purpose, a fixed grant-in-aid and certain sources of revenue. Education thus became a 'provincial subject' for purposes of day-to-day administration. But it has to be remembered that the Central Government still retained large powers of control over it. For instance, both the Central and Provincial Legislatures had concurrent powers to legislate on all educational matters.

The Indian Education Commission, 1882 and the Government Resolutions on Educational Policy issued in 1904 and 1913 covers various issues and aspect of education. The view taken in this period was that education is a subject of *national* importance and that the Government of India must hold itself responsible for the formulation of overall educational policy; and this view was particularly strengthened in the period between 1900 and 1921 because educational developments were intimately connected with the growth of nation; consciousness and the struggle for Independence. The main function of a federal/central government in education—to decide national policies in education—was thus clearly understood and accepted during this period.

The creation of the post of Director-General of education, a separate Education Department in the Government of India in 1910 and the establishment of a Central Bureau of Education in 1915 made it possible to develop some other federal functions in education. The coordinating function of the Federal Government was also recognized during this period. Another function of a Federal Government to be recognized during this period was grant of financial assistance for educational development in the provinces.

These arrangements made the Provincial revenue fairly inelastic and they were unable to keep pace with the rapidly growing commitments of an expanding educational system. The Government of India (GoI), therefore, started the practice of giving grants-in-aid to Provincial Governments for educational development over and above the agreed contract arrangements. Thus another important function of the federal government, viz., financial assistance, also came to be accepted during this period.

Between 1870 and 1921, the responsibility of the day-to-day administration of education was under the control of the provincial governments and the GoI had a responsibility to function as a federal government with five distinct functions, which came to be recognized, viz., the functions of (1) policy-making, (2) clearing house of information, (3) research and publications, (4) coordination and (5) financial assistance. However, the Government of India Act, 1919 changed the scenario and the government of India became powerless in the education field.

The Hartog Committee describes that the government of India not only lost the interest on education in 1921<sup>32</sup> but also tried to reduce the expenditures in 1923 (1) losing the independent existence of Education Department of the Government of India, amalgamating it with other departments and dissolving the Central Advisory Board of Education and closing down the Central Bureau of Education.

It is also interesting to know that, for some time after 1921, there was an outburst of strong provincial feelings and the divorce of the GoI from education was even welcomed in some quarters. But it did not take the provincial governments long to realize that this was a mistake and that something had to be done to create a national agency and machinery for the development of education. It was, therefore, possible to revise the earlier decision and the Government of India revived the Central Advisory Board of Education in 1935; the Central Bureau of Education was also revived, on a recommendation made by the Central Advisory Board of Education, in 1937; and finally the old Education Department was also revived as a Ministry of Education in 1946. The decisions of 1921 were, therefore, very largely undone by 1947.

So, India had different experiences and the policies that not only delegated the authority to provincial government in a particular time but also brought back it to the central government. Between 1935 and 1947, therefore, the role of the GoI in education was again broadened and the several functions which had fallen into disuse between 1923 to 1935 were again resumed.

Soon after the Independence, the problem of the role of the GoI in education came up for discussion again when the Constitution was being framed. The thinking of the framers of the Constitution on this subject seems to have been influenced by two main considerations: (1) The general model adopted in the U.S.A.; and (2) The recommendations of the Hartog Committee.

As in the U.S.A., a fundamental decision was taken to treat education as a 'state subject' and also to vest the residuary powers in education in the State Governments by making a specific enumeration of powers reserved to the Government of India. Entry 11 of List II of the Seventh Schedule to the Constitution, therefore, lays down that "education including

32 The Hartog Committee strongly criticised this unhappy position and said: "We are of opinion that the divorce of the Government of India from education has been unfortunate; and, holding as we do, that education is essentially a national service, we are of opinion that steps should be taken to consider anew the relation of the Central Government with this subject. We have suggested that the Government of India should serve as a centre of educational experience of the different provinces. But we regard the duties of the Central Government as going beyond that. We cannot accept the view that it should be entirely relieved of all responsibility for the attainment of universal primary education. It may be that some of the provinces, in spite of all efforts, will be unable to provide the funds necessary for that purpose, and the Government of India should, therefore, be constitutionally enabled to make good such financial deficiencies in the interests of India as a whole. The quantitative increase of the education subsequently reduced the quality of the education provided in the Indian schools, colleges and universities. There was a continuous dissatisfaction about the entire system and the procedure of education. The Indian Statutory Commission appointed a Commission to survey into the whole system. After a prolonged review the Hartog Committee submitted its report. The Hartog Committee emphasised primarily on the national importance of the primary education. Instead of expansion of the education the commission recommended for the consolidation and the improvements of the education procedure. For secondary education the commission reported that the system was dominated by the Matriculation examination. As a result many undeserving students considered it the path to the University education. As a result the education system was hampered. The commission therefore recommended for the selective system of admission. Criticising the policy of University education it recommended improvement of the university work so that it could provide proper instructions to the students.

universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I and Entry 25 of List III” should be a state subject. Similarly, the Constitution also makes it an obligatory responsibility of the GoI to promote the educational interest of the weaker sections of the people and makes the following provision:

“(article 46) The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

These exceptions are so large that they circumscribe the State authority for education very materially and make education look more like a ‘joint’ responsibility than like a State preserve. But this is not all. It has to be remembered that the Constitution was out to create a ‘strong’ Centre. It has, therefore, rested most of the important resources in the Government of India and the result is that no State has adequate resources of its own to develop education—the costliest of welfare services. Consequently the Centre, which controls the purse-strings, necessarily has the most dominating voice in the overall determination of policies, priorities and programmes. From this point of view, therefore, education begins to look, not only as a joint responsibility, but almost like a ‘partnership’ in which the Government of India plays the role of the ‘Big Brother’. This implied constitutional role of the Government of India in education, therefore, is directly opposed to the explicit role as stated in Entry 11 of List II; and it is this basic contradiction inherent in the Constitutional provisions that leads to most of the controversies on the subject. (Jain: )

The situation is further complicated by another consideration. The role of a federal government in education is determined, not so much by the provisions of the Constitution as by conventions and practices evolved through historical developments. Perhaps the finest example of this is the Constitution of the U. S. A. itself.

The tradition of local control in education is extremely strong in the U. S. A. and both in history and in law; education is specifically a State subject. The country has consequently developed a highly deCentralized system of educational administration and it is worthy of note that the federal constitution does not even contain a reference to ‘schools’ or ‘education’. All these factors should tend to make the role of the U. S. federal government in education extremely weak. But the facts are that federal aid to education is older than the federal constitution; and the present functions and responsibilities of the U. S. federal government in education are far heavier and more important than in several other countries where even the Constitution makes the federal government responsible for education in some way or the other. Today the U. S. Federal Government conducts a U. S. Office of Education which serves as a clearing house of ideas and information. It is also directly responsible for a number of educational programmes such as education for national defense, cooperation with other nations in a world-wide educational endeavor, in education in union territories and the education of the children of federal employees residing in government reservations, in dependencies and at foreign stations.<sup>33</sup>

It has also assumed certain responsibilities for the education of backward groups like the Red Indians or Blacks. But above all, it has made large funds available for educational

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33 De Young : *Introduction to American Public Education*, pp. 32-33.

development without any idea of imposing federal control in education. As stated above, this tradition of federal financial assistance' without 'federal control' is very old and goes back to 1785 while the Constitution itself was ratified in 1788.<sup>34</sup> Hardly any other proof is needed to show that it is the historical background, and not the explicit provisions of the constitution, that ordinarily determine the actual role of a federal government in education.<sup>35</sup>

#### **d. South Africa**

The National Education Policy Act (Act 27 of 1996) empowers the Minister of Education to determine a national policy for language in education. Subsequently the Language-in-Education Policy was adopted in 1997. According to the Language-in-Education Policy the main aims of the Ministry of Education's policy for language in education are "to support the teaching and learning of all other languages required by learners or used by communities in South Africa, including languages used for religious purposes, languages which are important for international trade and communication, and South African Sign Language, as well as Alternative and Augmentative Communication".

#### ***The Language-in-Education Policy also makes the following statements:***

- The parent exercises the language choice (the document uses the wording 'language rights') on behalf of the minor learner.
- Learners (i.e. their parents) must choose their language of teaching upon admission to a school.
- Where a certain language is not available, learners may request the provincial education department to make provision for instruction in the chosen language.
- Governing bodies of schools must stipulate how the school will promote multilingualism through using more than one language of learning and teaching, and/or by offering additional languages as fully-fledged subjects, and/or applying special immersion or language maintenance programmes, or through other means approved by the head of the provincial education department.
- The objective of the South African Schools Act (Act 84 of 1996) is to provide a strong foundation for the protection and advancement of the country's diverse cultures and languages. Section 6 of this act empowers school governing bodies to determine the language policy of schools within guidelines set nationally and on provincial level.
- According to the Department of Education's language policy school pupils have a right to be taught in a language of their choice and they should inform the school which language they wish to be taught in when applying for admission. Schools should take these preferences into account and work towards multilingualism.

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34 \*\* *We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

35 \*\*\* *In the Australian Constitution also, Education is left to the States, there being no express power of the Commonwealth in this respect, in the Constitution. The Commonwealth has, however, assumed control over education under its powers of grant-in-aid, and under its powers over Defence, Trade and Commerce—Nicholas, Australian Constitution, p. 49.*

Only official languages may be used for instruction. From Grade 3 onwards, all pupils will have to study the language they are taught in, and at least one other approved language. Furthermore language may not be used as a barrier to admission. Governing bodies must stipulate how their schools will promote multilingualism. Failing a language will result in failing a grade.

Most of the people are willing to maintain their primary languages in family, community and religious contexts but they do not believe that these languages have the capacity to develop into languages of power. In terms of Bourdieu's paradigm, their consciousness reflects the reality of the linguistic market and they have become victims of a monolingual habitus, in spite of the fact that most African people are proficient in two or more languages. Paradoxically, in South Africa, English, the dominant and well-nigh universal target language, is not usually one of these! Because the race question was the salient issue for black people under the successive white supremacist regimes throughout the 20th century, there was no equivalent to the cultural political movement that characterized the struggles of the (enfranchised) Afrikaner community. Black political organizations, whether organized on a racial or non-racial basis, fought in the first and last instance for the eradication of racial oppression and racial inequality. Consequently, ethnic, cultural and linguistic questions had a very low priority on their respective agendas.

After an extremely problematic start during the first seven years of the new Republic of South Africa, language education policy appears to be on the road towards finding a definite direction. Although the gap between the constitutional and legislative position on the one hand, and the actual practices in the classrooms and lecture halls of the country on the other hand, remains very wide and often appears to be widening, the fact that these instruments exist is of the greatest significance. They represent democratic space for the legal and peaceful promotion of multilingualism and for mother tongue based bilingual education in South Africa (see Appendices). Moreover, recent developments indicate that on the part of the state, there is a definite albeit problematic commitment to the constitutional provisions on language and language education.

If apartheid language policy had intentionally promoted and entrenched old and new social divisions, the language policy of the new South Africa is clearly geared to the strategy of reconciliation and nation building, which was the defining feature of former President Mandela's government. Both the constitution of the country and the language policy in education take it as their point of departure that the 11 official languages shall have equality of status and "parity of esteem". All the languages used in the country are deemed to be assets rather than problems. However, there is no doubt that in practice; the state bureaucracy as well as most of the political leadership is trapped in the language-is-a-problem paradigm. The public service is rapidly sliding in the direction of unilingualism in spite of the constitutional provision for the use of a minimum of two languages at both national and provincial levels. In summary, the issues can be stated simply. Language policy in education has to promote inter-group communication and understanding. The best way of doing so is via mother tongue-based bilingual education and the promotion of individual multilingualism (or plurilingualism) rather than by means of reliance on a lingua franca only. This is the rationale for the official language education policy of "additive

bilingualism”(i.e., the addition of another language and maintenance of the first/mother language). This is now being re-baptised “mother tongue-based bilingual education” as it is argued that this formulation is more easily comprehensible to non-specialists. It also has the advantage that in a context of continuing suspicion about the value of mother tongue education, it suggests very clearly that the objective of the system goes beyond the use of the mother tongue as a language of learning in that it points to the learning of additional languages and to their use as languages of teaching.

Whether or not the attainment of “a non-racial, non-sexist, united democratic South Africa” is feasible in the medium to long term may depend on whether or not it will be possible to deflect on to the language domain the latent explosions and implosions generated by the friction of racial prejudice and racial inequality and perpetuated because of the resurgence of the discourse of racial identities associated with any affirmative action programme.

### **e. Australia**

Australia is an example of the weakest role that a federal government can ever play in education. The states of Australia were founded and grew as independent colonies and it was only as late as in 1901 that the federal government was created. By this time, every State had developed its own educational system and such a strong local sentiment and tradition for education had been created that the people did not think it necessary to invest the federal government with any authority in education. There was even a feeling that federal control and intervention in education would do great harm; and this explains why the Australian constitution makes no reference to education and why the federal government took no steps for educational development for several years after its formation.

### **f. Canada**

The role of the Canadian Federal Government in education is similar to that in Australia with two major differences: (1) the problem of linguistic and religious minorities is acute in Canada and needs special safeguards, and (2) it is more influenced by the developments in the U.S.A. The present Dominion of Canada arose out of a fusion of British and French colonies. The French-speaking people are a minority in the dominion as a whole but a majority in certain parts such as Quebec and the position of the English-speaking people is just the opposite of this. Special safeguards for the interests of minorities had, therefore, to be provided in the federal constitution—the British North America Act of 1867—which lays down that the educational rights enjoyed by the religious minorities prior to their entry into the dominion shall not be abrogated and, in cases of dispute, provides appeals to the Governor-General-in-Council and to the Privy Council in London. Safeguarding the educational rights of minorities is thus an essential federal responsibility in Canada.

The federal government in Canada is also constitutionally responsible for the education in the territories, for the education of Red Indians and Eskimos, and for training for national defence. As in Australia, scientific and other research has become a federal responsibility and the “National Research Council, in conjunction with the national research laboratories in Ottawa, maintains laboratories, offers scholarships to research students, and pays grants-



in-aid for investigations conducted at the University level by Provincial Departments of Education”.<sup>36</sup>

As in the U.S.A., Canada also has made large land and money grants for education and assists programmes of vocational and technical education in schools. There is, however, no Federal Ministry or Department of Education, not even an Office of Education as in the U.S.A. or Australia. There is a Dominion Bureau of Statistics which publishes, as one of its multifarious duties, an Annual Survey of Education in Canada. There is also a Canadian Education Association which collects and publishes research studies and generally functions as a clearing house for information and ideas. Recently, the federal government has given financial assistance for increasing staff salaries in universities and it also bears the expenditure on school broadcasts. All things considered, therefore, the general opinion is “that the part played in education by the Dominion Government in Canada is important, but neither extensive nor expending”<sup>37</sup>

## **g. The U.S.A.**

US education which will ultimately result in a substantial increase in the federal participation in educational development. One of the most important modern trends of thinking in the USA is that education is also a national responsibility and that, whatever justification there may have been for leaving it exclusively to the States in 1788 when the Constitution was framed, the entire position has to be examined afresh in the light of present day requirements. In fact, it is readily pointed out that the position of exclusive State responsibility for education adopted in 1788 has already become obsolete and that the federal government has, during the last hundred and seventy years, developed a number of very significant and large-scale educational functions to meet the demands of changing times. The most pointed example of this is the recent federal effort to scout for talent in scientific studies and to improve science education when it was realized that the USSR was probably outstripping the USA in the development of science; and all that is now urged is that the federal role in education will have to be expanded still further if the USA has to hold her own in the modern world.

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<sup>36</sup> Cramer, JF & Brown, S. B. 1965. *Contemporary Education*. Harcourt, Brace & World. p.145.

<sup>37</sup> \* *ibid.*, p. 146.

Assuming that the federal government shall expand its educational activities, the direction in which this expansion should take place is the next important issue to be discussed in this field. One important area suggested is federal grants for ‘general education’—which corresponds to the free and compulsory education visualized in Article 45 of the Indian Constitution—with a view to ‘equalizing educational opportunities’. In no country of the world has so much research and study been carried out on this problem as in the USA.<sup>38</sup>

These ideas which have now come to stay at the community level are being naturally extended to the State level and studies made so far have shown that the States themselves exhibit wide variation in ‘educational loads’, in ‘abilities’, in ‘efforts’ to support education and in ‘achievements’. Consequently, a demand is now being put forward to the effect that ‘equalization of educational opportunity’ must be accepted as a federal responsibility. The federal government, it is said, must lay down a minimum foundation programme for all states and must give equalization grants where necessary on principles similar to those mentioned above. It is also evident that the support for this concept of federal aid to education is rapidly gaining ground and that it is only a matter of time when federal grants for equalization of educational opportunities would be generally available.

The main argument against this wholesome and urgent reform is the fear that federal aid to education will necessarily be followed by federal control. There are several thinkers who would rather refuse federal aid than have federal control. But an equally strong argument is now being put forward that federal aid can and should be given without federal control.

De Young writes, quoting fiscal experts, “no sound programme of local or state taxation can be devised and established which will support in every community a school system that meets minimum acceptable standards. Time can never efface the inequalities in natural resources that exist between states. Therefore, unless the federal government participates in

38 *The work really started with a study of educational facilities provided by the local communities on whom, not very long ago, the entire responsibility for general education was made to rest. It was discovered that the ‘educational load’ of communities, as shown by the number of children to be educated, varied largely from place to place—rural and agricultural districts generally had more children per 1000 of population than urban and industrialised districts. Secondly, the ‘ability’ of the communities to support education, as measured by their taxable capacity also showed large variations and very often, a community with a poor ‘ability’ to support education was required to carry larger ‘educational load’. Thirdly, the ‘effort’ of the community for education, as measured by the percentage of its taxable capacity raised and devoted to education, also showed large variations; and finally, the educational ‘achievements’ of the different communities showed extreme variations—some communities providing a very high standard of education to all the children, while others could neither enroll all children nor maintain adequate standards in schools. What is worse, it was found that several communities made the greatest ‘effort’ to provide education and yet, either because of poor ‘capacity’ or heavy ‘educational loads’ or both, they could only show a poor standard of ‘achievement’. Such disparities are increased rather than decreased by the system of ‘matching grants’ which give more to the rich than to the poor. To remove all these shortcomings and to provide equality of educational opportunity for all children, which is a fundamental need of democracy, the State Governments have given up the idea of grants in aid on the basis of matching funds alone and have supplemented it by a new system of grant in aid on the basis of equalisation. The process is complicated but it works out somewhat on the following lines: In the first instance, the State prescribes what is called a ‘foundation programme’ that is to say, a minimum programme below which no community can be allowed to fall. The programme includes targets for enrolments, teachers’ salaries, school buildings, provision of health services (inclusive of school meals) and other contingent expenditures so that it is both a qualitative and a quantitative programme. The second step in the process is to work out the total cost of this programme for each community; and the third step is to determine the ‘reasonable’ effort which the local community is expected to make. The difference between the total cost of the foundation programme and the reasonable effort expected of the community.*



the financial support of the schools and the related services the less able areas, several million children in the United States and the outlying territories and possessions will continue to be denied the educational opportunities that should be regarded as their birthright. Most recommendations and recent proposals for federal aid stipulate positively that such grants shall not entail federal control over education. They also specify that the money shall be apportioned to the states, except that for cooperative educational research, which shall be administered by the United States Office of Education. This challenge has not yet been adequately met. Federal aid to public education is one of the moral ‘musts’ of America.”

It is true that the GoI has been taking decisions in all fields of education in the post-independence period and these decisions are mostly being accepted by State Governments. This result, however, is accidental and is due to two extraneous circumstances— (1) the political fact that the same party is in power at the Centre and the States and (2) the financial fact that most of these decisions have been sugar-coated with liberal financial assistance. But it would be wrong to assume that this political situation will always continue and it would be equally difficult to justify the use of financial pressures for inducing States to accept policies to which they would not otherwise have agreed to. The present constitutional position, therefore, presents an impasse. On the one hand, education must be treated as a whole and it is neither possible nor desirable to break it up into two compartments— university education and other sectors. On the other hand, government has only a limited authority for making policy decisions in the sector of university education while it is not at all empowered to take any policy decisions in other fields; and even if it were to take any such decision, it does not have the legal authority to enforce it against the state governments.

In Nepali federal structure we have to wonder what will happen, if for instance, if the federal and state government are lead by the different political ideologies. Say, will the proposed Madhesh Pradesh accept the education policies, curricula made by the federal government, or will other state accept the language policies of the federal government? What will be the solution? Who will decide what will be taught, what will be the language and what content will be there in the textbooks? Even, which “nationalism”, “culture”, “history” etc. will be the part of the course book? Further, how can the nation manage and forge the national unity through textbooks or education sector? For example, which historical movement will be highlighted in the textbooks, Janandolan 2007, Janandolan 2046, Janandolan 2063-064, Janayuddha, Madhesh Movement or other movements? So, if the federal government fails to guide it properly on this issue or the state government does not accept the central proposal, there will be different historical discourses taught in different states. So, federalism is not a just an issue of Decentralization the power and authority but it also the issue of transformation or Decentralization of ideology which may be just opposite the current national ideology or discourse of nationalism, national identity and historical, cultural or social assumptions and beliefs.

The federal government must give financial assistance is universally admitted; and the task is of special significance in India where the most elastic and productive sources of revenue are vested in the Centre. The main controversies, therefore, relate to two issues— the objectives of assistance and the form and conditions of grants-in-aid.

With regard to the first of these issues, it is generally suggested that there should be three types of grants. The first is a transfer of additional revenues in order to enable the State

Governments to plan their programmes in all welfare services with greater confidence and self-reliance; the second is the institution of a general grant for educational purposes but not earmarked for any specific programme; and the third is a specific purpose grant which is intended for a programme organized and implemented with the approval of the Centre. It is obvious that if the autonomy and independence of the States is to be respected in the educational field, greater reliance will have to be placed on the first two of these grants.

Another point of extreme importance is that of special financial assistance to backward states or what is called 'an equalization grant' in American parlance. It is a basic responsibility of the federal government to maintain a uniform standard of social services in general and to equalize educational opportunities in particular. In this respect, our States show immense differences. They differ in the level of development reached at present due mainly to historical accidents; their 'educational loads' *i.e.* the number of children still outside the school also vary greatly; and even the social and economic conditions show equally wide variations so that the States are far from comparable in terms of 'ability' to support education and the difficulty of the task to be performed. The advanced States have a bigger and a more difficult task to perform with more limited resources. Today, the conditions are so diverse that the expenditure on Primary education in the single city of Bombay is greater than that in the entire State of Orissa. It is for the Government of India to adopt an equalization grant and level up such differences to the extent possible.

It should also be stated that it is not the object of the equalization programme to bring all developments to a dead level of uniformity. This need not and cannot be done. What is suggested is a three-fold programme: (1) the federal government should prescribe, from time to time, minimum or foundation programmes below which no area should be allowed to fall; (2) the freedom of individual States to go ahead should be retained; and (3) the gap between the advanced and the backward States should be continually narrowed down.

It is obvious that this principle of grant-in-aid is diametrically opposed to that of matching grants which gives more to him that hath. Under this concept, some States may get no grant, others may get a medium one and still others may get a large one. Its operation can probably be best described in the following passage from De Young, The Tenth Amendment to the Constitution of the United States made education the primary responsibility of the individual states. Hence the support of public education became mainly a matter of state concern. Today every state makes some contribution from its revenues for the support of public schools.<sup>39</sup>

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39 *Strayer and Haig in 1923 were the first to give a clear-cut picture of the equalisation principle. Their analysis interpreted this principle as the complete equalisation of the burden of a satisfactory minimum educational programme below which no locality could be allowed to go, but above which any locality would be allowed to rise by means of local support. In contradistinction to the payment-for-effort or matching principle, the operation of the equalisation plan tends to shift to more able communities some of the undue burden carried by the less wealthy localities (see Fig. below). Most states today have a state-local "partnership foundation programme" in which the commonwealth bestows more on these schools which have less in fiscal resources.*

*How state equalisation works in three types of districts. In the poor district, local effort to support schools produces only a small fraction of the cost of a state-guaranteed minimum or foundation programme. In the district of average wealth, the same effort produces about half the needed fiscal support. The wealthy district receives no state equalisation aid because the local wealth back of each child is great enough to more than finance the minimum programme. The district serves as a lighthouse to indicate better practices.*

*In brief, the equalisation principle means that governmental agencies collect educational funds where the money*

## 2.3 The Nepali Context

In Nepal, the political ideology of Panchayat was linked with school and educational system as an institution which was essential for a modern ‘developed’ nation. The school thus acted as an arena of ‘development’ process where state could win the support and confidence of the people. Education was taken as an idea of modernity, prestige, and social status and it was accepted as a basic requirement for ‘development’.

The implementation of a new education system as the basic requirements for ‘development’ played a crucial role in the ideological regime of Panchayat. The new ideas of modernity and development, and the use of schools as instruments of social change became the key sources of legitimacy for the Panchayati political system, which sought to advance a new vision of “nepaliness”. Let me remind, most of today’s Nepali textbooks were written in this period.

With this historical and cultural baggage, there appears substantial challenge for the new federalism to make new policies on education or change textbooks. How can new federalism change the textbooks or make new policies in education. What will be the history content of textbooks? Who will make the policy and what will be the language of communication and language of textbooks in schools? It will depend on the structure of federalism. Will the nation be federalised on the basis of geography, language, culture, or some other basis? Who will manage, who will finance? What about the schools run by religious institutions like the Gumbas and the Madrasass?

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*is and spend the money where the pupils are. Every man's property and income must be taxed to educate every man's child. Even though a man chooses to send his own children to a parochial or private school he is not exempt from contributing his support to the education of all children. The golden rule in educational finance is : "Thou shalt educate thy neighbor's children as thine own."*

*At first this idea of equalisation was applied to small areas, as the county and state. Now the old slogan "the wealth of the state must educate the children of the state" is being supplemented with the clause "and the wealth of the United States must be used to equalise the education of all the children in the nation". Furthermore, the phrase "all the children in the nation" implies that more adequate educational opportunities and greater financial support be provided for exceptional or a typical children, since their learning opportunities, as in the case of the blind, are below par, and the costs of their instruction are above average. American public education will not be genuinely democratic until there is nation-wide application of the principle that opportunity and burden shall be equalised for all learners."\**

69. The second issue refers to the conditions of grant-in-aid. Here strict adherence to certain general principles is necessary. To begin with, the tendency to use grants-in-aid as indirect pressure levers for policy decisions should be discouraged as far as possible. Secondly, the quantum of specific purpose grants should be restricted to the very minimum and confined to basic programmes of national significance only or schemes in the nature of experimental or pilot projects. Thirdly, the procedure for sanctioning these grants will have to be simplified to the utmost. And lastly, a suitable machinery will have to be devised to obtain, from the State Governments, a report on the utilisation of grants and the results obtained thereof. This can probably be effectively done by appointing high level advisers who should pay visits to States and submit reports after a special study on the spot.
70. Another useful suggestion to be made in this context is that the specific purpose grants should be included in the Centrally-sponsored sector. In a Centrally-sponsored scheme, ‘planning’ should be a joint responsibility in which the fundamental principles are laid down by the Centre, but a large initiative and freedom is left to State Governments to make the Plan suit its local needs and conditions; ‘implementation’ would be through the State Government; and ‘finance’ would come from the Centre on a hundred per cent basis and outside the State Plan and ceiling. This will ensure that the programme is most effectively implemented and also that such implementation does not interfere with any other schemes.

Improving the quality of education is often offered as a goal of Decentralization, and it reflects the notion that local people can solve local educational problems better than the state (Winkler, 1993, p. 66). But in the Nepali context there is a huge debate on federalism whether it is going to be geographical, linguistic, culture, ethnic or others. What will be the national language and what will be the medium of communication at national and local levels. Which department (central, state or local) will make the policies, curricula, and take the responsibility of financing the education?

For example, if Madhesh Pradesh as demanded by most of the Madhesh-centric parties will be one state, what will be the language of educational materials, what will be the curricula, which language will be the medium of teaching, what will be the content of education materials such as nationality, geography, culture, language. Will there be existing texts of Prithivi Narayan Shah or Bhanubhakta Acharya? What will be the priority of content when it talks about the Nepali political movements and martyrs. Madhesh martyrs, madhesh movement or Janandolan 2006? If the federal state will be just opposite as most of the Madhesi parties wants, what will be the language policies. For instance, will the Nepali language become a bone of contention between seekers of 'Tharuwan' and 'Akhanda Sudurpaschim'. Similarly, for the majority of schools in Kaski and Lamjung districts, Gurung can be a better medium of teaching than Nepali. A lot will hinge on what will be the common language, what will be the medium, what will be the teacher trainings manual, what will be the curriculum, what will be the historical, social, political and cultural content of the text books and who will make the policies and who will decide that what will be taught in the school. So, conflict in political, ethnic, linguistic, or identity area will affect the educational policies of Nepal. What will be the solution or how can handle and manage such type of challenges.

Hanson suggests at least four centers of power that can significantly facilitate an educational Decentralization programme if they collaborate within the context of a shared vision: political parties, national and regional government institutions, teachers' unions, and local citizens. The single most important force in determining the fate of a Decentralization initiative is whether or not the main political parties have a shared vision about the course and content of the reform and agree to collaborate. For example, the Venezuelan reform (1968) was ruined as successive political parties, all of which professed belief in Decentralization, made massive personnel and policy changes solely to capture attention and credit for the programme (Hanson, 1976).

In Argentina (1993), a new law of education was passed which supported Decentralization (federalisation). However the process of the Decentralization remains uncertain for long time because of weak collaboration and initiation of political parties (Hanson, 1996b). Spain got it right in 1978 when both major political parties collaborated in crafting the Decentralization reform of government and supported it as being in the best interest of the nation. "Country before party" was the watchword at that decisive moment (Tussel & Soto, 1996).

A second necessary component is to have the collaboration of the major institutions of government, such as: the ministries of education and finance, the office of national planning, and the national, regional, and municipal legislatures. Any one of these institutions can do significant damage to a Decentralization strategy if it chooses to pursue its own model and refuses to compromise.

A third critical center of power that can significantly advance or retard the Decentralization process may be the national teachers' unions, school associations (like the Private and Boarding Schools Organization, National Private and Boarding Schools Association), Guardians' Association Nepal among others. If the teachers' union membership does not feel threatened by a fragmentation of their bargaining units or it improves their working conditions and benefits, the the teachers can be a formidable ally (or foe) in the change process.

Finally, Decentralization in education can only work if community members are prepared to put in the time and energy necessary to make the reform work if the local communities distrust, do not take seriously, do not participate in, or do not want to assume the added responsibility, then the opportunity for successful change through Decentralization is seriously limited. In sum, the greater the accepted vision of Decentralization within and between the distinct centers of power, the greater the chance of success.

## **2.4 Conclusion and Recommendations**

One of the most important but challenging issue in the process of education restructure will be the multilingual, multicultural and multiethnic background of students. Teaching materials, curricula and the necessity of teacher's language skills will be determined by the nature of state and the language policies of the nation. There is no clear-cut concept of new federal structure but any type of federal system will demand a different educational structure than now. Since, Nepal has already adopted multilingual and decentralized education system to an extent the anticipated changes may not be a totally new and shocking experience. However, it will demand much more planning and new adjustments to the existing education system.

The Interim Constitution of Nepal (2007) has acknowledged the importance of multilingual education by granting the right to receive basic education in mother tongue. Part 3, Article 17 of this constitution mentions: (a) "Each community shall have the right to get basic education in their mother tongue as provided for in the law," (b) "Each community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civility and heritage." In Nepal, the local bodies have been authorized to run primary schools in mother tongues by the Local Self-governance Act, 1998. Similarly, the provisions in Education Act (amended in 2002) and Education Regulations, 2002 have been made for running primary schools in mother tongues. The Curriculum of Primary Education, 2007, has also authorized the concerned stakeholders to impart primary education in respective mother tongues. National Curriculum Framework, 2007, has stated that the first phase of basic education (1-3) can be imparted in mother tongue. The Three Year Interim Plan, 2007, also focused on the institutionalization of education in mother tongue and expansion of such programme in par with the demand and promotion of multilingual education. Implementation Guidelines 2005 for District Curriculum Coordination Committee and Regional Curriculum Coordination Committee have also made provisions for developing curricula and teaching materials at the local level.

The commitment made by Nepal at the World Education Forum 2000 in Dakar to ensure the right to every child particularly girls and children from ethnic minorities for the complete free and compulsory primary education of good quality by 2015 and making the schools inclusive learning centers of excellence will take more time to achieve. The introduction of mother-tongue literacy classes in different parts of the country were not continued for



a number of reasons and one of them was the interest of the learners to learn the second language other than their first language (Khadka, 2006). However, there are some positive signs in this regard and Nepal has endorsed Multilingual Education Implementation Guidelines, 2010. The MEIG, focusing on “bottom-up” approach, has acknowledged the prominent role of the language communities, school management committees, local bodies, non-governmental organizations in establishing child right to receive quality basic education in mother tongue. Curriculum Development Centre (CDC) has produced textbooks for mother tongue as subject for different grades in a number of languages.

Various studies (Benson, 2002; Dutcher, 2003) have identified that overall educational attainment of children can be enhanced if they are taught in their mother tongue in early grades. In contrary to this, teaching in a dominant language, which is different from children’s mother tongue, in early grades invites serious challenges in education e.g. high drop-out rates, low educational attainment and lack of classroom interaction (UNESCO, 2003).

India is one of the most diverse countries in terms of language, culture and ethnicity with 427 languages (Ethnologue, 2005). The constitution of India supports the use of learner’s mother tongue in education. However, the number of languages used as a medium of instruction has declined from 81 in 1970 to 33 in 2005. India, Pakistan, South Africa, Canada and many other countries have accepted the multilingual or minority policies in education system. Language has always been a contentious issue in South Africa. In 1997, the Language in Education Policy (LiEP) was started, making a place for African languages in the schools. English and Afrikaans remain the primary media of learning. The African languages are offered from first through fourth grade in predominantly black schools, after which English takes over as the instructional medium. The private schools and the attraction on English medium or national languages have played a crucial role to devalue the importance of mother language in childhood education. Bangladesh is an example where the tribal people rapidly shift away from their heritage languages to Bangla as a consequence of competition from the majority language and from the lack of language maintenance support from the authorities. The privatisation of schools may be the crucial part of discussion while we talk about the new education system. Apart from this, the role of central (Federal) government and state government in education system is one of the most crucial parts of education policy making. On the one hand we talk about Decentralization or federalism where most of the responsibility and authority will be handed over to state or local level and on the other hand, we must consider the national programme that needs national efforts and must do together. For example, women education, child education, disable education cannot be ignored by the nation or central government. The major argument is that the education is not a subject of ignorance and there must be some role and responsibility with central government and state government that can control, manage, implement or change the policies. If, some states have poor performance in education attainment then the central government cannot ignore it without taking any responsibility. So, state governments are free to make policies and implement the plans for good purpose or for betterment of education.

In an article on “Education in a federal system: A case-study of Belgium” (2006), Caroline Varin sees some problems within different educational systems across ethnic lines which can increase social and economic inequality. In a federal country such as Belgium with pre-existing ethnic tensions, this inequality can lead to political instability. So, it is very important to increase communication and cooperation among states in order to harmonize the country.

Apart from social, linguistic or cultural dilemma within federal education system there is no clear-cut policies on financial support for the state. No sound programme of local or state taxation can be devised and established which will support in every community or a school system that meets minimum acceptable standards. In many countries, if the central/federal government does not support the schools and the related services in the less able areas, several million children will continue to be denied educational opportunities. So, education system not only demands the autonomy and Decentralization for the betterment but also waits for the central help if it is in helpless situation.

Nepali education system seems different than either from other South Asian countries like Pakistan, India or Bangladesh where the education system and the Decentralization process has a long history or from the developed countries like Australia, Canada or US where states have more responsibilities on education planning and policies. These countries had already an educational setup in every state so the states became powerful in the education sector. However, educators realise that the active participation of federal/central government is also needed in national education project such as women's education, child education, free education etc. Apart from this, central government must help or support those states which do not have good record in educational attainment. The new South African constitution identified schooling as a provincial competency so that the governance and administration of schooling is now the responsibility of the nine provinces. However, Nepal is going to be part of a unique set of experiences. On the one hand it has a long legacy of old British education system whereas on the other it has adopted the Decentralization of education policies with weak performance. The policies on Decentralization and improvement of education system has been planned well enough in terms of multilingual class, textbooks, free education, child-centric education, Decentralization of authority to local level. However, it still enacts with a hierarchical decision-making process holding the Centralized power and decentralizing the departments, offices, agencies. The different experiences from various nations show that we can use existing educational departments and infrastructure for the future federal setup. The role and responsibility may be different and there must be some adjustment in number, places and authority etc. However, the basic infrastructure for the existing decentralized education system of Nepal more or less can play separate role in a different situation. In the second table, I have tried to relocate the role and responsibilities of different departments, administrative units and offices that can make policies and plans and implement it in different political or administrative situations.

Till date, there has been no clear idea on the future of federalism with regard to its structure and how many levels of government will be formed under this process. However, the report assumes that there will be three levels of government and they will have separate power relations. The role and responsibilities of federal or central government and state governments will be more or less same but in the case of state policies and planning state government will be more powerful than the federal/central government. However, in the national scenario or in the case of some debatable issues such as culture, language, curricula, history central government can suggest and make balances among different states. Apart from this, the implementation of the national education project will be handled by the central government. It can also direct and help the state government for better performance in education system and to ensure the education rights of marginalized communities, girls and disabled children.

**Table no. 1: Role and responsibilities of different levels of government in the future federal states**

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
Education Institutions	<ul style="list-style-type: none"> <li>• All levels of education system if necessary in the territory state (controlled by the central/federal government)</li> <li>• Schools, Colleges, Universities</li> <li>• Religious schools (Gumba, Gurukul, Madharsha and others)</li> <li>• Major technical/vocational education centres</li> <li>• Major research centres/institutes (Science and technology, social science, defense, national security, foreign policies and international relations and others)</li> <li>• Schools/Institutes for disabled children/ students</li> <li>• Major training centers</li> <li>• Central Library</li> <li>• Research Libraries</li> </ul>	<ul style="list-style-type: none"> <li>• All levels of education system</li> <li>• School, College, Universities</li> <li>• Religious schools (Gumba, Gurukul, Madharsha and others)</li> <li>• Schools/Institutes for disabled children/students</li> <li>• Technical/Vocational education Centres</li> <li>• Research centres/institutes</li> <li>• Training centers</li> <li>• State library</li> <li>• Research libraries</li> </ul>	<ul style="list-style-type: none"> <li>• Schools ( also run primary schools in mother tongues)</li> <li>• Colleges</li> <li>• Religious or marginalised community-based schools</li> <li>• Small technical/vocational institutions</li> <li>• Local libraries</li> </ul>	
Curricula, Textbooks and Teaching materials	<ul style="list-style-type: none"> <li>• Specifies content of the core curriculum on nationalism, national history, culture and society.</li> <li>• Formulation of guidelines to solve the debate on different social, culture or historical backgrounds of the different states or territories in the curriculum content.</li> <li>• Formulation of a guideline to overcome the biased/stereotyped contents or wrong representations based on caste/religious/</li> </ul>	<ul style="list-style-type: none"> <li>• Specifies the language policies in education system and in curricula</li> <li>• Provide options with different sets of curricula</li> <li>• Decide if other curricula (foreign, central or other state curricula) will be allowed and under what circumstances.</li> <li>• Approval process for the above, if any</li> </ul>	<ul style="list-style-type: none"> <li>• Can add local requirements to core curricula suggested by the state</li> <li>• Can suggest the state to add local contents and contexts while making curricula</li> <li>• Can use local language</li> <li>• Can add local examples</li> <li>• Select the curricula from</li> </ul>	



Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
	<p>state/community etc.</p> <ul style="list-style-type: none"> <li>• Can develop curricula and produce the textbooks for particular group/s or for particular national programme/s (e.g. the national literacy programme, women's education, child education, adult education, education for disabled children, for marginal and/or religious groups).</li> <li>• Can formulate the curricula for the territory education system (controlled by the central/ federal government)</li> <li>• Accept/reject foreign or state curricula (it may be optional but it can at least check and control over biasness, misrepresentations, foreign matters or other contentious issues)</li> <li>• Specifies text requirements to match core curricula; provides an approved list of texts only for the territory (even state can select from it).</li> <li>• Production and distribution.</li> <li>• Research on curricula, textbooks, teaching materials and new technologies which can be used to improve the education system.</li> <li>• Diffusion of education materials, books, education technology</li> <li>• Promotion, campaign for education for all, women, indigenous/marginalised groups</li> </ul>	<ul style="list-style-type: none"> <li>• Similar rules for public/private school curricula</li> <li>• Make provisions for or allow a particular subject that can be made by local district or local level. (For instance, local community/schools in Kathmandu can teach one subject on Newar culture, handicraft, pottery, agriculture etc.)</li> <li>• Specifies text requirements to match core curricula; provides an approved list of texts</li> <li>• Production and distribution -make curricula and produce textbooks for state education (pre-primary, secondary, vocational schools, informal or adult school, university etc.)</li> <li>• Decide on compulsory education: some levels or all</li> <li>• Decide on free education: some levels or all</li> <li>• Decide on ownership of schools: Ownership- Private, community or state run schools, colleges and universities</li> </ul>	<p>approved list provided by the state</p> <ul style="list-style-type: none"> <li>• If there is any provision that allows local governments for the production of any one or two optional subjects then local governments can make new curricula at local levels which may be suitable only for the particular area.</li> </ul>	<ul style="list-style-type: none"> <li>• Use of local knowledge, participation of local resources/ students participation/ culturally and socially adopted/ multilingual; will help students learn better</li> <li>• Challenges: funds/ coordination/ role and responsibility/ decision making power</li> </ul>

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
Teachers Training	<ul style="list-style-type: none"> <li>• Can provide the national/international experts</li> <li>• Can produce various training materials and distribute to state/local level</li> <li>• Can make policies or make proper guidelines, give training to territory school.</li> <li>• Organise seminar/conference</li> <li>• National and international training, seminars, workshops, conferences on education;</li> </ul> <p>coordination with national and international institutions; bi-lateral and multi-lateral educational agreements; Regular and periodic monitoring and evaluation of education programmes implemented by governmental and non-governmental organisations</p>	<ul style="list-style-type: none"> <li>• May determine in-service training needs</li> <li>• Can provide the national/ international experts</li> <li>• Can produce various training materials and distribute to local level</li> <li>• Organise seminary/conference on curricula, education quality, role of teachers and others.</li> <li>• National and international training, seminars, workshops, conferences on education;</li> </ul> <p>coordination with national and international institutions; bi-lateral and multi-lateral educational agreements; regular and periodic monitoring and evaluation of education programmes implemented by governmental and non-governmental organisations</p>	<ul style="list-style-type: none"> <li>• Can give opportunities to fresh graduates to teach voluntarily at local schools</li> </ul> <p>Schools can identify promising volunteers who may become teachers in the future.</p>	Human resources/ language/ finalcial/ use/ implementation/ standard/ management/
Teacher recruitment and payment	<ul style="list-style-type: none"> <li>• Control over teacher recruitment, dismissals, salary, in territory or central</li> <li>• Employment contract arrangements</li> <li>• Appoint school heads. (central territory)</li> <li>• Employment contract arrangements</li> <li>• Teacher registration/qualification requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Control over teacher recruitment, dismissals, salary, in the state run schools</li> <li>• Appoint school heads.</li> <li>• Employment contract arrangements</li> <li>• Teacher registration/ qualification requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Local school management committees can be elected that recruit local teacher for local language and local curricula.</li> </ul>	

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
	<ul style="list-style-type: none"> <li>Can appoint/select other volunteers and groom them for particular programmes, for e.g. marginalised group, religious group, vocational schools, informal or adult education school, free education for all campaigns, education for disable children etc.</li> </ul>			
Examination system Assessment/ Qualifications	<ul style="list-style-type: none"> <li>Common exams</li> <li>State/private run school exams</li> <li>Differences between state/private run school exams</li> <li>Other assessment</li> <li>Qualification systems</li> <li>Foreign/another state qualifications and recognition issues</li> <li>Same qualifications for public/ private</li> <li>Quality assurance/review</li> </ul>	<ul style="list-style-type: none"> <li>Design test instruments; ensures tests take place and disseminates results.</li> <li>Common exams system</li> <li>State/private run school and exams</li> <li>Differences between state/ private exams</li> <li>Qualifications system</li> <li>Foreign or another state qualifications and recognition issues</li> <li>Same qualifications for public/ private</li> <li>Quality assurance/review</li> <li>Particular grade exams may be taken state wise ( 5, 10 or 12, college level, university levels)</li> </ul>	Apart from particular grades like (5, 10, 12) other examinations and results are controlled by the local education administration.	Common examination system may treat all students equal and give an opportunity to qualify in the future. However, different examination boards may give different messages Still people/ education institutions/ or employer can compare students qualification on the base of state

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
	<ul style="list-style-type: none"> <li>• May supervise school performance and provides assistance to remedy problems in territory education system.</li> <li>• May direct and supervise the technical, women, adult, religious, marginalised communities' education etc.</li> <li>• May compare the education system and educational attainment in different state</li> <li>• May suggest the state for the improvement of education after supervising the overall education performance of the state</li> </ul> <p>How institutions are accountable to students, shareholders, parents, government</p> <p>Reporting requirements (educational, financial, infrastructure)</p>	<ul style="list-style-type: none"> <li>• May supervise school performance and provides assistance to remedy problems.</li> <li>• May supervise and give direction for the betterment of the technical, women, adult, religious, marginalised communities' education at local level etc.</li> <li>• May compare the education system and educational attainment at local level.</li> <li>• May suggest the local institution for the improvement of education after supervising the overall education performance in local level.</li> <li>• How institutions are accountable to students, shareholders, parents, government</li> <li>• Reporting requirements (educational, financial, infrastructure, other facilities and necessary)</li> <li>• How states are accountable to particular groups' girls, adults, ethnic groups, religious groups etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Local school/ teachers presence/ infrastructure/and other activities can be supervised by particular officer appointed by the state or district level.</li> <li>• Local community can also supervise the school and give the report to district or state level education administration.</li> <li>• How institutions are accountable to students, shareholders, parents, government</li> <li>• Reporting requirements (educational, financial, infrastructure, other facilities)</li> </ul>	

Table no. 2: Existing education system that can be managed differently in new federal system without devaluating the existing mechanism

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
School construction and maintenance	<ul style="list-style-type: none"> <li>• May set minimum standards and monitor compliance</li> <li>• Religious, marginalised, adult, children schools and infrastructure</li> <li>• Territory education system</li> <li>• Technical or vocational institute</li> <li>• Training centre</li> <li>• Research Centre</li> <li>• Library</li> <li>• Can provide the resources for the development of school</li> <li>• may help for infrastructure development</li> </ul>	<ul style="list-style-type: none"> <li>• May set minimum standards and monitor compliance</li> <li>• Of all types of school, technical or vocational institution, training centre, research centre, library etc.</li> <li>• Can provide the resources for the development of school</li> <li>• may help for infrastructure development</li> <li>• may solve disputes between local people vs. school management etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Report to state/ district level</li> <li>• May build a partnership with state government or other institutes for the improvement of school, library, child-centric infrastructure and facilities</li> <li>• May work together with local community, NGOs or INGOs.</li> </ul>	
Financial and budgeting	<ul style="list-style-type: none"> <li>• May generate own revenue and use the fund</li> <li>• Disburse shared revenues (between central and state government</li> <li>• Disburse grants from the centre to state or local level.</li> <li>• Disburse grants from centre to particular education areas such as disabled education, women education, adult education.</li> <li>• Donor supported funds</li> <li>• Establishes minimum levels of expenditure.</li> <li>• May provide central transfers (installments or block) to help finance schools.</li> </ul>	<ul style="list-style-type: none"> <li>• Own revenue/user charges</li> <li>• Share revenues for the education (between central/ state and local government</li> <li>• Cross-sectoral block grants from central/state government</li> <li>• Sectoral grants from central/ state government</li> <li>• State level prizes for students</li> <li>• State level funds for schools for better performance</li> <li>• Donor supported funds</li> <li>• Scholarships, grants</li> <li>• State government also</li> </ul>	<ul style="list-style-type: none"> <li>• local level plans and use of budgets</li> <li>• Maintains proper accounts.</li> <li>• Can run local funds and scholarship</li> <li>• Use of local resources such as land, building, school hall for the general income that may be spend for volunteers, local curricula development or</li> </ul>	

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
	<ul style="list-style-type: none"> <li>Monitoring of variations in expenditure and outcome in education sector.</li> <li>Administer scholarships, grants</li> <li>May establish 'best school prize' fund and provide it to best school selected from the states</li> <li>All responsibilities of territory schools, vocational and technical schools, university, college,</li> <li>Budget for religious, marginalised, women, adult education system or programme</li> <li>Budgeting for particular national education programme (education for all, education for women, literacy programme etc)</li> <li>Funding for particular text books, trainings and other facilities which may not be the priority of any particular state but could be of national importance it e.g. indigenous languages, text books, endangered language preservation etc.</li> <li>Can provide the education support fund for those states which have poor educational attainment level. (education is not only the responsibility of a particular state but it is equally a responsibility of the nation so every state must equal in education field)</li> </ul>	<p>provides special support for particular local areas or districts with poor educational attainment level.</p> <ul style="list-style-type: none"> <li>subsidies               <ul style="list-style-type: none"> <li>operating subsidies</li> <li>subsidies for teacher salaries</li> <li>free or subsidised land and buildings</li> <li>free teacher training, curriculum materials, etc</li> </ul> </li> <li>Student Finance               <ul style="list-style-type: none"> <li>Allowances paid to students</li> <li>Student loan schemes</li> <li>Scholarship programmes</li> <li>Research grant</li> <li>Internship facilities</li> <li>Assistance research/faculty staff</li> <li>Project/research-based grants facilities</li> </ul> </li> </ul>	<p>scholarships and prizes</p> <ul style="list-style-type: none"> <li>Donor supported funds (may need certain guidelines)</li> </ul>	

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
	<ul style="list-style-type: none"> <li>• May provide subsidies:               <ul style="list-style-type: none"> <li>- operating subsidies</li> <li>- subsidies for teacher salaries</li> <li>- free or subsidised land and buildings</li> <li>- free teacher training, curriculum materials, etc</li> </ul> </li> <li>• Student Finance               <ul style="list-style-type: none"> <li>Allowances paid to students</li> <li>Student loan schemes</li> <li>Scholarship programmes</li> <li>Research Grant</li> <li>Intern facilities</li> <li>Research assistance/faculty staff</li> <li>Project/research-based grants facilities</li> </ul> </li> </ul>			
Other functions of federal/ central government suggested by Jain in Indian case	<ul style="list-style-type: none"> <li>• Educational and cultural relations with other countries</li> <li>• The clearing house function of collecting and broadcasting ideas and information;</li> <li>• The coordinating function of harmonising the educational activities of the centre and the states</li> <li>• Education in the Union Territories;</li> <li>• Propagation, development and enrichment of different language, culture</li> <li>• Preservation and promotion of national culture inclusive of patronage to national art (drama, literary, handicraft etc)</li> <li>• Patronage to the study of ancient cultures</li> </ul>			

Possible Assignments/ Functions in a federal system	Under Central /Federal Government	Under State/provincial Government	Under District/ Local government	Remarks
	<ul style="list-style-type: none"> <li>• Promotion and coordination of educational research</li> <li>• Special responsibility for the cultural interests of the minorities</li> <li>• Responsibility for the weaker sections of the people i.e. the marginalised, indigenous and ethnic communities</li> <li>• Responsibility for strengthening national unity through suitable programmes and particularly through those of emotional integration</li> <li>• Grant of scholarships</li> <li>• Advanced professional and vocational training; Maintenance of Central Institutions or agencies for education</li> <li>• Provision of free and compulsory education</li> </ul>			



Policy making level Ministry of Education (Central or federal)	Policy making level Ministry of Education (State)	Districts/ Local Level	Remarks
<p>The ministry is responsible for formulating education policies and plans and managing and implementing them across the country through the institutions under it.</p> <p>Main Functions:</p> <ul style="list-style-type: none"> <li>• Educational policies, plans, formulation of programmes, implementations, follow-up and evaluations;</li> <li>• Early Childhood Development Centre/Pre-Primary, School Level Education, Higher Education, Distance Education, Adult Education, Non-Formal Education, Special Needs Education; Population Education and Nutrition Programmes; Technical and Vocational as well as Moral and Physical Education;</li> <li>• Policy formation and implementation of teacher training and educational human resource development;</li> <li>• Educational Institutions (including Gurukul, Gumba, Madrasa);</li> </ul> <p>Agencies under MoE (Central) Various central, regional, districts, local and autonomous agencies are functioning to achieve</p>	<p>The ministry is responsible for formulating education policies and plans and managing and implementing them across the country through the institutions under it.</p> <p>Main Functions:</p> <ul style="list-style-type: none"> <li>• Educational policies, plans, formulation of programmes, implementations, follow-up and evaluations;</li> <li>• ECDC/Pre-Primary, School Level Education, Higher Education, Distance Education, Adult Education, Non-Formal Education, Special Needs Education; Population Education and Nutrition Programmes; Technical and Vocational as well as Moral and Physical Education;</li> <li>• Policy formation and implementation of teacher training and educational human resource development;</li> <li>• Educational Institutions (including Gurukul, Gumba, Madarsa);</li> </ul>	<p>Programme-formulation level (under state government)</p> <p>District Education Directorates (DEDs) District Education Offices DEOs</p> <p>Objectives Implement the programmes within the district as directed by state MoE; Coordinate educational programmes and activities within the districts and coverage local area; Monitor and inspect the educational programmes within the district/local.</p> <p>Functions</p>	<p>District Education Offices or local education office may be setup. It will depend on federalism structure; however, some role and responsibilities can be transferred from state to district or district to local level.</p> <p>One system may be (central or federal government, state government, districts governments and local governments (four tiers) Another may be Federal, state and local level (3 tiers) The basic functions of federal and state</p>

Policy making level Ministry of Education (Central or federal)	Policy making level Ministry of Education (State)	Districts/ Local Level	Remarks
<p>their objectives and goals under MoE. These technical agencies are intended for access, quality, equity and human resource development</p> <p>Central level</p> <p>Department of education (DoE)</p> <p>National Centre for Education Development (NCED)</p> <p>Curriculum Development Centre (CDC)</p> <p>Office of the Controller of Examination (OCE)</p> <p>Non-formal Education Centre (NEFC)</p> <p>School Teachers' Record Office (STRO)</p> <p>Education Review Office (ERO)</p> <p>Commissions</p> <p>University Grant Commission (UGC)</p> <p>Teacher Service Commission (TSC)</p> <p>Nepal National Commission for Education, Science and Cultural Organisation (NATCOM)</p> <p>Existing Universities (Under Central Government or State Government)</p> <p>Councils/Boards</p> <p>Council for Technical Education and Vocational Training (CTEVT)</p> <p>Higher Secondary Education Board (HSEB)</p>	<p>Agencies under MoE, state</p> <p>Various central, regional, districts, local and autonomous agencies are functioning to achieve their objectives and goals under MoE. These technical agencies are intended for access, quality, equity and human resource development</p> <p>Central level</p> <p>Department of Education (DoE)</p> <p>National Centre for Education Development (NCED)</p> <p>Curriculum Development Centre (CDC)</p> <p>Office of the Controller of Examinations (OCE)</p> <p>Non-formal Education Centre (NEFC)</p> <p>School Teachers' Record Office (STRO)</p> <p>Education Review Office (ERO)</p> <p>Commissions</p> <p>University Grant Commission (UGC)</p> <p>Teacher Service Commission (TSC)</p> <p>Nepal National Commission for Education, Science and Cultural Organisation (NATCOM)</p> <p>Existing Universities (Under Central</p>	<ul style="list-style-type: none"> <li>• Correct, change and update the name, caste and date of birth of students who passed common or state exam (5, 10, 12 class) and provide temporary certificates;</li> <li>• Conduct and assist state examination; monitor and supervise higher secondary schools;</li> <li>• Carry out on the spot supervision and follow-up activities for both formal and non-formal education programmes;</li> <li>• Coordinate and inspect GOs' and I/NGOs' educational projects at local level;</li> <li>• Prepare and</li> </ul>	<p>governments are same however in some cases central government may be more powerful but within a state territory state government may be more powerful.</p>

Policy making level Ministry of Education (Central or federal)	Policy making level Ministry of Education (State)	Districts/ Local Level	Remarks
<p>Libraries (under central or state control)</p> <p>Janak Education Material Centre Limited (JEMCL) (Central Control or state control or can be used for some time or before installation of such type of press and infrastructure in every state; or, can produce/and publish all materials in private press) Exam question papers, certificates and other security printing</p> <p>Scholarship Section</p> <p>Formulate policies, rules and regulations on scholarship and implement accordingly; Formulate questions, conduct exams and select candidates; Select and recommend candidates for foreign scholarships available to the ministry and maintain an updated record of this; Prepare an updated record of persons going abroad (and returning) for study or training; Demand and collect foreign scholarship as per the requirement of the ministry; Recommend for foreign exchange facilities and provide No Objection Letter to the students going</p>	<p>Government or State Government) Councils/boards Council for Technical Education and Vocational Training (CTEVT) Higher Secondary Education Board (HSEB)</p> <p>Libraries (Under Central or state Control)</p> <p>Janak Education Material Centre Limited (JEMCL) (Central Control or state control or can be used for some time or before installation of such type of press and infrastructure in every state? Or can produce/and publish all materials in private press) Exam question papers and other security printing?</p> <p>Functions</p> <ul style="list-style-type: none"> <li>• Coordinate educational planning and programme activities within the district; collect and analyse statistical information on school education</li> </ul>	<p>implement different educational development programmes in district/local level in accordance with the state government's educational policy and planning</p> <ul style="list-style-type: none"> <li>• provide professional inputs to teachers, head teachers and students;</li> <li>• Monitor and evaluate educational progress in the school.</li> <li>• Appoint and transfer teachers and maintain their records;</li> <li>• Prepare annual and periodic statistical reports on schools, teachers, etc.</li> <li>• Establish new schools and</li> </ul>	

Policy making level Ministry of Education (Central or federal)	Policy making level Ministry of Education (State)	Districts/ Local Level	Remarks
<p>abroad for study in self-finance and keep their subject-wise record; Accomplish defined and instructed tasks mentioned in the Citizen's Charter.</p> <p>Planning section Prepare annual and periodic plans in line with the national education development policies. The Division is entrusted with the responsibility for policy development and analysis. It also co-ordinates foreign aid for implementing programmes and projects in education. The Division is the entry point for donor agencies in the education sector. The main functions of the sections under this Division are as follows: 1. Policy Analysis and Programme Section 2. Foreign Aid Co-ordination Section 3. Library Coordination Section</p> <p>1. Policy Analysis and Programme Section Study, compare and analyse education policies and programmes for implementation; Analyse short-term and long-term education plans implemented under Ministry of Education and its agencies; Conduct policy level study and research of</p>	<ul style="list-style-type: none"> <li>• Provide approval of Lower Secondary and Secondary schools;</li> <li>• Approve the up-gradation of classes in Lower Secondary and Higher Secondary schools;</li> <li>• Assist in the monitoring and supervision of schools;</li> <li>• Provide support for conducting exams;</li> <li>• Organise trainings, workshops and seminars for principals, teachers,</li> <li>• Measure educational qualities of schools;</li> <li>• Collect feedbacks for the improvement of curriculum;</li> <li>• Conduct district/local educational exhibitions; Performance-based monitoring; Conduct orientation programme for the formulation of annual programme to DEOs;</li> <li>• Handover of management of Lower Secondary and Secondary Schools;</li> <li>• Record institutional schools as public and private trust;</li> <li>• Coordinate, supervise/inspect and evaluate the performance of DEO;</li> </ul>	<p>strengthen existing schools;</p> <ul style="list-style-type: none"> <li>• Organise short-term teacher trainings, workshops and seminars;</li> <li>• Organise extra-curricular activities;</li> <li>• Conduct district level and state-level common examinations;</li> <li>• Prepare and conduct the programmes for access and quality education;</li> <li>• Conduct capacity building programmes for stakeholders;</li> </ul>	

Policy making level Ministry of Education (Central or federal)	Policy making level Ministry of Education (State)	Districts/ Local Level	Remarks
<p>education policies and programmes; Carry out study and analyse on relation of educational plans, programmes and strategies with existing Educational Acts and Regulations and recommend it; Analyse national level exam results and provide feedbacks;</p> <p>Provide suggestions of educational research and its findings for policy making level; Prepare short- and long-term plan for education development; Prepare annual education development programmes; Coordinate district level development programmes; Prepare budget structure for proposed plans and programmes; Collect proposals of annual plans and programmes from offices under the Ministry, finalise and send them to the National Planning Commission to include in the National Plan; Accomplish defined and instructed tasks mentioned in the Citizen Charter.</p>			

# 3

## **Teacher Management and Development in Federal System of Government in Nepal**

- Dr. Arbinda Lal Bhomi

- Dr. Rajendra Suwal

## **Executive Summary**

**T**he Constitution for Federal Democratic Republic of Nepal, which is being drafted, needs to address education for the people, among other things. Inherently, it is also expected that system and structure of education will be designed in consonance with the federal system of government in the country. Considering these realities, this concept paper has been prepared to provide the constitutional committee and concerned government agencies with evidence-based information on teacher management and development for public school system. It includes teacher recruitment, appointment and promotion; teacher preparation; teacher professional development; monitoring of teacher performance; and amenities to the teachers. The concept paper came up with a wide spectrum of recommendations on teacher management and development which were derived from the review of national and international documents, and perspectives of stakeholders. The synthesis of the recommendations of the paper is presented below.

The new constitution should incorporate a separate chapter or section or articles for education. This section, among others, should incorporate the concern of the teachers, and their management and development. One of the major statements which is appropriate to be incorporated under the relevant section in the constitution could be: Every child shall have right to get free education up to secondary level from professionally qualified, trained and up-to-date teachers.

For Federal Nepal, two options in relation to teacher recruitment, appointment and promotion are recommended. First, if schools expect that the teachers' recruitment, appointment and promotion should go under the jurisdiction of State Teacher Service Commission, they should be supplied teachers accordingly. Second, the capable communities or local bodies (municipalities or VDCs) interested to take the management responsibility of schools should be given the opportunity to recruit and appoint teachers from among the candidates having the required qualification and training and who are certified by the Teacher Service Commission of any state or the Teacher Council. While doing so, a selection committee comprising the head teacher, education experts and SMC chairperson should follow a rigorous screening process with objective and transparent criteria developed at the central or state level.

The provision for an internal career path for teachers to move from Basic to Secondary level has been suggested, if they possess the required qualification, training and competency. The need for performance based promotion system has been stressed, which requires regular performance appraisal of teachers, based on more objective and transparent criteria.

The responsibility of teacher preparation in different states should be given to the universities. For ensuring quality in teacher preparation programme, substantial time needs to be given for practical activities during training. Importantly, the system of granting accreditation to teacher preparation programmes and institutions involved in teacher preparation should be initiated.

Whatever the ways of developing teachers' professional competency, it must be site-based, leading to improving classroom performance. It implies that teacher professional development will be localized to meet the needs of the teachers and schools. In order to improve the quality of training, National Centre for Educational Development at the centre will have to develop innovative training packages including the programmes for trainer development.

For the purpose of managerial monitoring, a team comprising the head teacher, SMC chairperson and experts from the government should be formed at the local level. This monitoring team should be empowered to take necessary action against those who do not work according to the norms and standards. However, technical teams formed at the state level should be made responsible for technical monitoring.

Amenities to be provided to the teachers should be comparable to those given to government employees for attracting and retaining professionally qualified, competent and dedicated teachers. Minimum norms and standards for amenities should be developed by the central government. State governments should be made responsible for providing these facilities. Additional facilities can be given by the states based on the revenue they generate.

Finally, the paper recommends that central government should provide overall educational policy guidelines as well as determination of minimum norms and standards for teacher management and development. The state government should play a crucial role by providing schools and local governments with the required financial and technical support for teacher management and development, while the responsibility of school management should be given to local level.



### **3.1. Background**

**T**he Interim Constitution of Nepal 2063 (2007) has declared Nepal as a Federal Democratic Republic. All the stakeholders in general and members of constituent assembly in particular are engaged in one way or another in the drafting of constitution. In federal system of government the power to govern is distributed among the central government, provincial/state governments and local governments. Each level of government will have its own administrative mechanism in which education will be one of the sectors. Considering the importance of education in the social, political and economic development of the country, the new constitution should address educational matters so that this sector will get due importance.

The critical aspects of education (e.g. the right of every child to free education) should be incorporated in the constitution, whereas some aspects should be enacted into statute law, and some should be included in Education Act and Education Regulations. In addition, policies should be formulated by the legislature (e.g., compulsory taxation for the support of schools). Within education sector, all the stakeholders expect good schools for which we must have good teachers, and to have good teachers we must ensure the minimum amenities to attract and retain competent young people in the profession. These amenities include minimum salary scale, provident fund or gratuity, professional development, professional career paths and medical allowances. All these matters require a better teacher management and development system.

The Government of Nepal (GoN), at present, through its School Sector Reform Plan (SSRP) 2009-2015, aims at achieving significant improvements in 15 key indicators out of which 2 are directly related to teachers (e.g. Teachers with required qualification and training, and Teachers with required certification); and other 2 (e.g. learning achievement of the students, and pass rate in School Leaving Certificate/SLC and Higher Secondary Education Board/HSEB) are related to performance of teachers.

Again, as indicated in SSRP, the learning achievement (i.e. average score of students in core subjects) in grade 5 and 8 in 2008/09 is 53 percent and 46 percent respectively. The SSRP has targeted to reach the learning achievement of grade 5 students at 80 percent and that of grade 8 at 60 percent by 2015/16. Likewise, the SSRP has made a target to increase the pass rate (i.e. percentage of students who pass in SLC examination) from 62 percent in 2008/09 to 75 percent in 2015/16 and that in HSE national examination from 25 percent in 2008/09 to 50 percent in 2015/16.

In order to achieve these targets, teacher management and development system needs to be strengthened by the government, for which the Constitution of Federal Nepal should give due attention to this sector. With a view to help Constituent Assembly members give adequate attention to teacher management and development while drafting the constitution, this concept paper has been prepared. Similarly, this paper also serves as a point of reference for the concerned government agencies to formulate policies and programmes pertaining to teacher management and development in the federal system of government of Nepal. In this context, this thematic concept paper tries to cover six major areas of teacher management and development: (i) Recruitment and appointment of teachers, (ii) Promotion of teachers/

professional career paths for teachers, (iii) Teacher preparation/pre-service teacher training, (iv) Teacher professional development, (v) Performance monitoring, and (vi) Amenities to the teachers.

While preparing this concept paper, the following procedure was adopted:

- Review of the existing situation of teacher management and development in Nepal based on the government documents
- Study of the SSR documents
- Review of the documents related to teacher management and development in selected countries
- Identification of the issues on teacher management and development based on the study of documents
- Organization of 4 consultative meetings with reference groups/stakeholders in Kathmandu and 2 in Rupandehi (See Annex - A for the date, venue and the types of the participants.) for getting their opinions on the various issues
- Deriving the suggestions from the review of documents and stakeholders' views

## **3.2. Teacher Management and Development: The Present Practices and Identification of Issues/Questions to be Addressed**

### **3. 2.1 Recruitment and Appointment of Teachers in Community Schools and Community Managed Schools**

Schools in Nepal, at present, can be divided in two groups: Community Schools (Government-funded) and Institutional Schools (Private). This paper deals only with the teacher management and development in community schools, which can again be classified into three categories: (i) Community schools with approved government teacher positions, (ii) Community managed schools with approved government teacher positions but the management responsibility has been transferred to respective communities, and (iii) Community schools without approved government teacher positions. The procedures involved in the appointment of teachers in these schools are presented below.

#### ***a) Present Practice***

Community schools and community managed schools have both categories of teachers: permanent and temporary. Before the establishment of Teacher Service Commission (TSC) in 2000, District Education Office (DEO) used to appoint teachers in permanent positions on the basis of the recommendation of District Teacher Selection Committee. After the establishment of this Commission, DEO has been appointing the teachers in permanent positions based on the recommendation of the TSC.

For the appointment of temporary teachers, District Education Office in each district used to grant the approved teacher positions to community schools. Schools could also appoint teachers temporarily in the vacant posts of approved government teacher position when the teachers resign or retire. Temporary teachers were generally appointed in the approved government teacher positions on the recommendation of school level selection committee.

However, over the last few years, government has adopted the policy of providing Rahat (relief) quota of teachers to appoint temporary teachers rather than providing the approved teacher positions to schools. In addition, schools can also appoint temporary teachers on their own source. Similarly, temporary teachers were found to have been appointed under per-capita funding programme too. All these appointments could be made on the recommendation of school level selection committee.

In the community schools that do not have the approved government teacher positions, teachers are generally appointed under school's own source, in rahat (relief) teacher quotas and with the support of INGOs/donors.

In case of Community Higher Secondary Schools, there are two ways of appointing teachers: (i) on part time or full time basis under school's own source; and (b) on full time basis under the support provided by the Higher Secondary Education Board.

#### ***b) Policy Directions in School Sector Reform Plan 2009-2015***

School Sector Reform Plan (SSRP) has envisaged the structure of school education to be of 12 years with 1-8 grades of basic level and 9-12 grades of secondary level. SSRP aims at

making the following policy directions in relation to teacher management of school system.

- Decentralized system of teacher recruitment and appointment process
- Key role of SMCs in teacher recruitment and management in Community Managed Schools
- Key role of SMC in teacher management in community schools
- Priority to the recruitment of females, dalits and other disadvantaged groups while filling teacher positions.
- Recruitment of teachers from among the license holders in a transparent and competitive manner, using the guidelines provided by the central level.
- Strengthening the current practice of teacher licensing through the TSC

As per the SSRP, a candidate should possess at least 12 years of school education with one year of teacher preparation course to be a teacher at the Basic Level. Similarly, Master's Degree with one year's teacher preparation course is required to be a teacher at Secondary Level.

***c) Issues Pertaining to Teacher Recruitment and Appointment in Federal Government***

Education for All (EFA) 2004-2009 and SSRP 2009-2015 have tried to bring about a paradigm shift in the management of teachers in the school system. Both programmes intend that schools will manage their teachers themselves without relying on the central control. Moreover, the teacher management system is expected to give priority to females, dalits and the candidates from disadvantaged groups in teacher recruitment. At the same time, the TSC is in existence and is functioning for recruitment and selection of teachers. Teachers' Union and several Teachers' Associations prefer the recruitment and selection of teachers through TSC. In this context, it is necessary to seek answers/opinions to the following questions/issues regarding the recruitment and appointment of teachers in the federal system of government in Nepal.

- *Which agency should be the employer of school teachers? Central government, or State/Provincial government, or Local government, or Schools themselves?*
- *How should teacher recruitment and appointment system be simplified in the federal system?*
- *What will be the role of Teacher Service Commission at the central and state level?*
- *What should be done to implement the provision of appointment of permanent teachers by School Management Committee in Community Managed Schools as stated in Education Act and Education Regulations?*

**d) Perspectives of Reference Groups**

Four different views in relation to teacher recruitment and appointment emerged from the consultative meetings. These are presented below:

***Option 1: Establishment of National Teacher Service Commission***

There should be a provision of National Teacher Service Commission at the central level which should have similar mandate as that of Public Service Commission in its structure and functions. Under this commission, free and fair selection of teachers need to be ensured based on specific criteria developed scientifically.

The state government should employ the candidates recommended by the National Teacher Service Commission. Thus, the state government should be the employer of teachers. The supporters of this view also argue that teachers should be appointed on permanent basis only. For this, there should be a pool of certified teachers i.e. who have passed the examination of TSC.

***Option 2: Establishment of State Teacher Service Commission***

The supporters of this view have argued that if everything is to be done at the central level, there will be no use of state government, and the essence of federalism in Nepal will have little meaning. Hence, every state should be made responsible for teacher recruitment; and the teachers should be appointed by the state itself. For this purpose, each state will have a State Teacher Service Commission which should be autonomous, independent and free from any sort of political interference.

With a view to bring uniformity in the recruitment of teachers in all states, national standards ought to be established at the central level. Following this option, there will be a pool of certified candidates who are recommended by the State Teacher Service Commission. The stakeholders insisted on the systematic and rigorous selection of candidates. These teachers will be sent to the concerned schools based on the priority and needs of the schools. The schools will appoint the certified teachers recommended by the Teacher Service Commission. In this way, there is an indication of school autonomy in teacher appointment. If teachers' recruitment and appointment are done in this way, it will be easier and feasible for transfer of teacher from one school to another within the state.

***Option 3: Recruitment and Appointment of Teachers at Community Managed Schools***

Experience showed that the teachers appointed by the governmental agency become accountable to the agency which appoints them, not to the schools. Moreover, getting the required subject teachers may not be ensured for schools in this way. Considering the accountability of teachers to the school, stakeholders have pointed out that teachers need to be appointed by the school itself based on the recommendation of a fair selection committee.

However, transparency and fairness should be ensured while appointing teachers. Among other things, one of the criteria for selection must be the test of classroom teaching; and the teaching performance of the candidates must be accepted by the selection committee and

students. It has also been recommended that preference should be given to the candidates who are from the same state. This type of responsibility of recruitment and appointment of teachers should be given to those community schools which are capable as well as ready to take the responsibility. This way of appointment of teachers will foster the feeling of ownership among selected teachers towards the school. The state government, however, should provide the financial resources to the schools for ensuring teachers' job security; and the schools themselves will be the employers of teachers.

#### ***Option 4: Recruitment and Appointment of Teachers by Local Bodies***

If Municipalities or Village Development Committees are ready to take the responsibility of school management, they should be given the responsibility to recruit and appoint teachers. In such cases, the overall management responsibility of teachers' recruitment and appointment needs to be given to the local bodies. For example, Khowpa College in Bhaktapur has been fully managed by Bhaktapur Municipality which runs higher secondary grades along with the under-graduate and graduate programmes of Tribhuvan University. The stakeholders have stressed that even in the system of teachers' recruitment handled by the local bodies, teacher's job security must be ensured by rules and regulations.

In the four options mentioned above, all agreed that the candidates must have teaching license to become teachers. In the context of the present practice of licensing from Teacher Service Commission, a new proposal has been suggested by the stakeholders. They suggested that licensing/certification of teachers should be the responsibility of Teacher Council like Medical Council (for medical doctors) or Bar Association (for lawyers). This council will be established as a professional body of teachers.

### **3.2.2 Promotion Ladder/Professional Career Paths for Teachers in Community Schools and Community Managed Schools**

#### ***a) Present Practice***

Education Act and Education Regulations have made a provision of separate teachers for primary, lower secondary and secondary levels. Teachers are eligible for promotion at each of these levels, once they become permanent. For promotion purpose, three classes have been created at each level. In the beginning, teachers for each level are appointed in the third class and later they are promoted to second class and then to first class on the basis of pre-determined criteria. To date, Teacher Service Commission has been performing the task of teacher promotion. Performance appraisal of teachers done by the head teacher and reviewed by the District Education Officer is one of the criteria for teacher promotion. Similarly, there is also a provision of separate teachers for higher secondary level. At this level, provision for promotion has not yet been made.

#### ***b) Provision of Professional Career Paths for Teachers in the SSRP***

Two separate paths have been developed for teacher's career: one for basic level and the other for secondary level. At each level, four classes have been proposed: beginner, experienced, master and expert. In order to promote the teachers, indicators such as time on task, seniority, qualification, training and students' achievement will be used. Moreover, teacher with additional academic qualifications will gain eligibility for fast-track career progression at the basic and secondary levels.

### ***c) Issues Related to Teacher Promotion***

In the proposed promotion ladder, the teachers at each level are appointed as ‘beginners’, and then they are promoted to ‘experienced’, ‘master’ and ‘expert’ positions. The main gap appears as to whether the teachers of basic level with required qualification, training and experience can get promotion to secondary level. Furthermore, ensuring fairness, bringing promptness, and developing objective and transparent criteria are the main issues that need to be addressed in the present context. Hence, following could be the pertinent issues related to teacher promotion in the federal system of government in Nepal that need to be addressed.

- How should teacher promotion be made objective, transparent, and prompt?
- Which agency should manage it?

### ***d) Perspectives of the Reference Groups***

Several propositions were put forward by the stakeholders on the professional career paths of teachers. As they suggested, there should be a provision for an internal career path for teachers to move from primary to lower secondary level and from lower secondary to secondary level if they possess the required qualification and training. Two types of promotion system should be formulated: (i) internal competition among working teachers based on the criteria determined by the Teacher Service Commission at the state level, and (ii) open competition among working teachers.

Most stakeholders stressed the need for performance based promotion system which requires regular performance appraisal of teachers. The appraisal form should include such objective criteria as: pass percentage and achievement level of students in the subject taught by the teacher, regularity, punctuality, and contribution to the school development activities so that teachers can calculate their score themselves. In order to make the performance appraisal more objective, fair and transparent, a better record keeping system is essential, which should be free from the subjective judgment of head teacher, SMC, school supervisor or resource person.

Since permanent teachers will be eligible for promotion, the agency responsible for permanent recruitment and appointment should also be made responsible for teacher promotion.

Whichever agency (the TSC at state level, or local government or SMC) is made responsible for teacher promotion, the performance appraisal form sent by the school must be considered the main criterion for promotion. However, transparency, confidentiality and fairness need to be ensured.

However, some stakeholders expressed different view. As they suggested, once trained and qualified teachers are appointed, they should be promoted automatically based on their experience, qualification, achievement of the students and competency which will be measured based on teacher competency standards. Teachers who meet these requirements should be recommended for promotion. To measure teacher competency, a committee comprising head teacher, representative of SMC and DEO needs to be formed and the committee should do this work. Teachers’ meeting should also endorse their decision.



### **3.2.3 Teacher Preparation**

#### ***a) Present Practice***

Teacher training has been made mandatory to become a teacher. At present, Proficiency Certificate Level (PCL), B.Ed. and M.Ed. degrees offered by universities, Higher Secondary Level Education Certificate in education; and primary level pre-service teacher training of ten months under NCED are considered as teacher preparation programmes. The ten-month pre-service teacher training programme of NCED has been discontinued from this year. Similarly, PCL in education under Tribhuvan University will be phased out by next year.

#### ***b) Provision of Teacher Preparation in SSRP***

The SSRP states that one-year Teacher Preparation Course on top of the minimum academic qualification will be required at both levels (Basic and Secondary Level) for those candidates who have academic qualification other than Higher Secondary Education Certificate with Education, Proficiency Certificate in Education, B.Ed., and M.Ed. In connection with this provision, Faculty of Education, Tribhuvan University has developed a Teacher Preparation Course (TPC) with one-year duration for those candidates who have the qualification of higher secondary education certificate and proficiency certificate level in the specialization areas other than education. This course is considered equivalent to the first year of three-year B.Ed. programme. However, this sort of Teacher Preparation Course for secondary level is yet to be developed.

#### ***c) Issues Related to Teacher Preparation***

Teacher preparation programmes/pre-service teacher training programmes have been in operation since the establishment of College of Education in 1956, a degree granting college under Ministry of Education. Later, with the implementation of National Education System Plan 1971-1976, College of Education was renamed as Institute of Education and was placed under Tribhuvan University. For a long time, Institute of Education, which was again renamed as Faculty of Education, has been preparing teachers for primary and secondary schools. Selected constituent and affiliated campuses of Tribhuvan University, which are conducting the programmes of Faculty of Education, will conduct the one-year Teacher Preparation Course for basic level, for which preparatory work has been completed. In this context of Federal Nepal, the following issues need to be addressed:

- How should the Teacher Preparation Course be expanded in different states?
- What will be the role of other universities in the preparation of teachers in federal system of government in Nepal?
- What will be the role of National Centre for Educational Development in preparing teachers for schools?

#### ***d) Perspectives of the Reference Groups***

Since teacher training is made mandatory to enter the teaching profession, pre-service teacher training is essential. To date, universities have been preparing teachers for school



education through their Proficiency Certificate in Education, B.Ed. and M.Ed. programmes for a long time. In addition to these programmes, pre-service teacher training or teacher preparation programmes are required for those candidates who have Higher Secondary Education Certificate, Bachelor's or Master's Degree in the subjects other than education. The stakeholders' view in relation to teacher preparation was almost the same. In their opinion, the responsibility of pre-service teacher training or teacher preparation programme should be given to the universities. In the teacher preparation courses offered by the universities, at least 6 months' practical activities must be incorporated.

Special programmes should be launched for the preparation of Mathematics and Science teachers in sufficient number, as per the need. State should provide special facilities for such preparation programmes.

It was also emphasized that pre-service teacher training or teacher preparation courses should not be meant only as requirement but there is a need to establish strong linkage between training and quality of teaching. Furthermore, though core teacher preparation course might be the same in all universities, it will be necessary to design and conduct specific teacher preparation courses as per the requirement of the respective states.

### **3.2.4 Teacher Professional Development**

Worldwide, professional development of teachers is increasingly seen as a career-long process, with continuous feedback loops between theory, practice, and research. Teacher professional development includes such activities as life-long training, networks of learning teachers, action research, community relations, evaluation and accountability.

#### ***a) Present Practice***

The major responsibility for teacher development lies with National Centre for Educational Development (NCED) at present. NCED had been conducting a ten-month primary level in-service teacher training in three phases through its Educational Training Centres and selected constituent campuses of Tribhuvan University. The first phase of training was centre-based and of 2.5 months' duration. The second phase of training was conducted through distance mode in the duration of 5 months, whereas the third phase was both centre-based and school-based, with the duration of 2.5 months. The ten-month in-service training for secondary school teachers conducted by NCED also follows the same pattern of the ten-month primary teacher training.

As a result of the ten-month teacher training of both levels, the number of teachers with training certificates has been drastically increased. As reported by the Project Performance Report of Teacher Education Project, after the implementation of Backlog Clearance Campaign, only 2 percent out of the total 81310 teachers working under approved positions are left out to enroll in training for various reasons. In this context, it was felt that there was no need for continuing these teacher trainings and hence, these training programmes have been stopped.

#### ***b) Teacher Professional Development in SSRP***

The SSRP has also made substantial provision for teacher professional development. Head

teachers, supervisors, master teachers, and resource persons will provide professional support to the teachers. The provisions include the following:

- Job induction training to novice teachers.
- One month in-service training at least once in every five years for teachers
- Provision for accrediting short term trainings to cumulative training certification, linked with teacher career development.
- Resource centre based demand driven and refresher teacher training to teachers of all levels.
- Additional support for professional development through technical supervision, on-line courses, self-learning materials.
- Monitoring training programme and post-training performance of teachers by NCED.

### ***c) Issues Related to Teacher Development***

National Centre for Educational Development is the apex body created by the government for in-service training of teachers along with other training programmes. Several issues regarding teacher professional development activities may arise in the federal system of government in Nepal. These issues/questions are presented below.

- Which agency (or agencies) should do the following activities at central, state and local levels in the federal system of government in Nepal?
  - Teacher competency standards
  - In-service teacher training
  - Monitoring of teacher training
  - Teacher professional development
  - Accreditation of teacher training institutions
  - Accrediting the training of teachers
- What should be the role of NCED in the federal system of government in Nepal in relation to the aforementioned aspects of teacher training and teacher professional development?
- What should be the structure of NCED and its constituent Educational Training Centres in the federal system of government in Nepal?

### ***d) Perspective of the Reference Groups***

Reference groups identified the need for school-based, cluster-based/resource centre based and combined model (centre-based and school-based) in-service teacher trainings as the means of teacher professional development. These groups recommended that need-based or demand-based trainings be designed and conducted at the local level for which expert teams should be formed at the local level; and the financial support should be provided by the respective states. The financial support should be directly released to the schools so

that they can procure training as per their need. While designing training, provision should be made to ensure the quality of training and teacher competency standards. It was also suggested to establish teacher training centres at the local level.

The second means identified by the reference groups for teacher professional development was regular teacher support at the school level. Specifically, teacher professional development should be classroom-based, supportive and flexible as per teachers' problems and needs. Similarly, teacher exchange programme between schools is the third way of professional development suggested by the reference groups, which should be initiated by the schools themselves and facilitated by the local government. As a fourth means of teacher professional development, on-line teacher training programme needs to be launched wherever possible and radio stations/FM stations should be developed to work as educational stations.

For the professional development of teachers, National Centre for Educational Development as the apex body for teacher professional development with its branches in each state should be made responsible for designing innovative teacher training models. Besides, NCED will also do such works as preparing national curriculum framework for in-service teacher training, coordination among the training providers, facilitation in developing training policies, designing teacher competency standards and training standards for quality assurance.

### **3.2.5 Performance Monitoring and Evaluation of Teachers**

#### ***a) Present Practice***

In the existing Education Act and Education Regulations, the use of the term monitoring of teachers has got little emphasis, whereas heavy importance is given to the terms inspection and supervision and evaluation of teachers. For example, as stated in Education Regulations 2002, the school supervisors evaluate the competency/ performance of teachers and keep the record. Similarly, the head teachers also evaluate the performance of teachers by using the performance appraisal form included in Education Regulations, 2002. The performance of teachers will also be evaluated by the reviewer i.e. the District Education Officer. The scores thus obtained by the teachers will be used for their promotion. As stated in the Teacher Service Commission Regulations, 2000, performance evaluation of teachers carries 40 percent of the total marks in their promotion. In case of the teachers appointed from the school's own sources, their performance evaluation form filled up by the head teacher will be submitted to the School Management Committee for necessary action.

#### ***b) Provision of Performance Monitoring of Teachers in SSRP***

Though the term monitoring of teachers' performance was not used so much in Education Act and Education Regulations, the School Sector Reform Core Document has considered monitoring and evaluation as its integral part. Its main purpose is to link the strategy for service management (i.e. teacher management) and service delivery (i.e. instructional process) with results by tracking achievements against SSR targets and objectives. In terms of service delivery, the SSR has made a provision for carrying out compliance monitoring, progress monitoring and impact evaluation. As stated in SSR Core Document, compliance monitoring is concerned with identifying whether teachers have the qualification required for grades and subjects taught by them. Similarly, progress monitoring is carried out through technical supervision, and impact evaluation is undertaken based on learning and

equity results. The SSR further states that the School Management Committee will be the apex body at the school level for monitoring and evaluation. The SMC monitors progress against the School Improvement Plan and the head teacher monitors progress on students' learning against school level targets.

### ***c) Issues Pertaining to Performance Monitoring of Teachers***

Monitoring and evaluation of teachers' performance has been one of the areas which comes under severe criticism. The major criticism is that the performance of teachers is not monitored and evaluated impartially as there are no objective and transparent criteria. In this connection, the following questions/issues should be addressed to make the monitoring of teachers' performance more scientific in the federal government system of Nepal.

- How should monitoring and evaluation of the performance of the teachers be carried out in Nepal when there will be the central government, provincial/state governments and local governments?
- What will be the role of head teacher, SMC, school supervisors and resource persons in monitoring teachers' performance?
- How should the monitoring officials be made capable and empowered?
- Which agencies should work for establishing the competency standards of teachers for monitoring purpose?

### ***d) Perspectives of the Reference Groups***

For monitoring purpose, teacher competency standards should be developed at the central level and circulated in all the states. Two types of monitoring should be implemented: technical and managerial. Technical monitoring should be the responsibility of the state and local level; while managerial monitoring of teachers' performance should be carried out at the school level for which a monitoring committee comprising the head teacher, SMC chair/member, PTA chair/member, and concerned RP/SS should be formed at the school level. Specifically, SMC and PTA chairpersons/members should be trained and empowered for teacher's monitoring. The team should be given authority to take necessary actions against those whose performance is not found up to the mark.

## **3. 2. 6 Amenities to the Teachers**

The government and all the parents expect good schools for which there is a need of good teachers and to have good teachers there must be a guarantee of minimum amenities to attract and retain competent people in this profession. Not only the teachers expect benefits in terms of monetary gains, but they also expect their profession to be attractive and prestigious.

### ***a) Present Practice***

Amenities to the teachers include salary, provident fund, pension, gratuity, medical allowances, and various types of leaves as stated in the Education Regulations 2002. At present, these amenities are almost at par with those of government employees. But

regarding the study leave, despite the provision of granting this facility to the teachers, they have not got it so readily due to the lack of fund.

### ***b) Issues in Relation to Providing Amenities to the Teachers***

Considering the present provision for a package of amenities to the teachers, the following questions/issues need to be addressed.

- In federal system of government, how should amenities to the teachers be provided?
- Which level of government will be responsible for providing these amenities?
- Should there be uniformity in amenities given to the teachers in all states? Or it may differ?

### ***c) Perspectives of the Reference Groups***

Amenities to the teachers must be made attractive for attracting competent candidates towards this profession. At least, facilities to be given to the teachers should be equivalent to those given to the government employees. It is suggested that minimum norms and standards for facilities given to the teachers should be determined by the central government and the state government can add some more facilities based on its resource generation capacity for which the states should have right to raise taxes of different types. Teachers, on the other hand, should demonstrate their commitment to quality teaching, and they should be accountable to the schools. While providing facilities to the teachers, one door policy should be adopted.

## **3.3 Perspectives of Reference Groups on Other Aspects**

**A**part from the perspectives of reference groups mentioned in Section 2, they have provided the following suggestions which need to be addressed by the new constitution being drafted for Federal Democratic Republic of Nepal.

- Each child shall have the right to get education from the professionally qualified, well trained and up-to-date teachers.
- Teaching will be made a prestigious profession.
- Right to education should be further elaborated in the constitution. For example, in the new context, every state should give first priority to education.
- Right blend of vertical and horizontal coordination between central, state and local level agencies should be properly established for recruitment, appointment, promotion and amenities to the teachers.
- Inter-state competition can be made in relation to enhancement of quality of education and provision of amenities to the teachers.
- In federal system of government, the candidates from any caste or race should be treated equally based on their competency and qualification.

### **3.4 Teacher Management and Development in Selected Countries**

**T**his section deals with constitutional provisions pertaining to teachers and existing practices of teacher management and development in some selected countries.

#### **3.4.1 Constitutional Provisions for Teachers**

The study of related literature revealed that only 24 of the world's 193 countries have federal political system. In addition, Nepal along with other two countries is making the transition to a federal system. Hence, with a view to derive certain implications for developing teacher management in Nepal, the constitutions and the system of teacher management and development of some selected federal countries (India and Brazil) were studied. Moreover, the Constitution of the Republic of the Philippines, though it is not a federal country, was also studied. The overview of the study of related literature is summarized below.

The constitutions of the countries which were studied have mentioned the citizens' right to education; but only two of them (Brazil and The Philippines) have specifically mentioned about teachers. The Constitution of the Federative Republic of Brazil 1988 has a separate chapter on Education, Culture and Sports and a separate section on Education with several articles. Regarding the teacher, Article V of the constitution states the appreciation of the value of teaching professionals; and guaranteeing, in accordance with the law, career plans for public school teachers, with a professional minimum salary. It has also delineated that teachers' recruitment will be done exclusively by means of public entrance examinations consisting of tests and presentation of academic and/or professional credentials.

In the same way, the Constitution of Republic of the Philippines 1987 has a special article for education, science and technology, arts, culture and sports, with separate sections for education. The sections dealing in favour of teachers in the constitution are as follows:

- The State shall enhance the right of teachers to professional advancement.
- The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment.

#### **3.4.2 Existing Practices of Teacher Management and Development in Selected Countries**

The existing practices of teacher management and development in Uttar Pradesh, India and Brazil were studied and their important features are briefly presented below.

##### ***a) Critical Issues and Need for Policy Options Pertaining to Teacher anagement in India***

In the federal structure of India, school education is essentially governed by individual State Governments. Elementary school teachers in most of the states are the employees

of state government. However, in some states of Western India, for instance, teachers in the public schools of Mumbai and Vadodara are employees of the respective Municipal Corporations and are not treated as State Government employees.

As in Nepal, there is a provision of appointing teachers in permanent tenure in the public schools of Uttar Pradesh, India. However, engagement of teachers on contract basis as opposed to employment on permanent tenures, particularly in government schools, is also found in recent practices. The teachers appointed on contract or temporary basis are termed as 'para-teachers'. Since the issues of para-teachers in India are somehow similar to those of temporary teachers appointed under rahat (relief) quota, school's own source, or vacant government approved positions in Nepal, an attempt has been made here to shed light on it.

A study conducted by Govinda and Josephine, 2004, found that employment of para- teachers in India has become a highly controversial issue. Supporters of this kind of appointment have argued that teachers should be appointed to the schools not to the system; and hence, they should be the employees of local bodies, not of the state government. However, the critics highlight the detrimental impact it can have on the education system in the long run. The issue is definitely quite complex involving multiple elements and varying stakeholder perspectives. The study has recommended that the matter be addressed carefully and explore the various policy options in tackling the issues.

### ***b) Teacher Management and Development in Brazil***

Brazil has a rich experience in the preparation, management and development of school teachers. Some of them are similar to those of Nepal, and there are several good practices which Nepal can borrow.

**Teacher preparation:** Brazil has set out a clear vision for the reform of teacher preparation. The most crucial action is related to assuring the quality standards in teacher preparation. For this, reform in the process for accrediting teacher education courses, programmes and institutions has already been legislated.

**System Support to Schools:** In Brazil, there has been the increasing realization that school improvement requires continuous support to provide just-in-time technical assistance and on-site, need-based trainings in order to stimulate teacher teams, promote the establishment of professional networks, and to conduct or commission applied classroom research.



## **3.5 Conclusion and Suggestions**

**B**ased on the current practices of teacher management and development, provision of teacher management and development in SSRP, perspectives of reference groups on the teacher management and development, and teacher management and development in selected countries, the following conclusion is derived and suggestions are presented.

### **3.5.1 Conclusion**

Teachers are the key human resource in any nation's education system and hence, teacher management and development becomes a critical component which any government cannot ignore if it wants to ensure delivery of quality education to the children at large. In line with the government's commitment to Millennium Development Goals and Education for All, the government is taking many initiatives to bring about changes in this much needed quality education service area. It is, therefore, high time that adequate attention is given to how teacher management and development could be addressed in the new constitution of Federal Nepal which is in the process of drafting.

Review of government documents as well as discussions with the reference groups/stakeholders indicates that it is really difficult to come to the firm conclusion regarding the provision of various components of teacher management at central, provincial/state and local government level. However, most seems to agree that central government should provide overall educational policy guidelines as well as determination of minimum norms and standards for teacher management and development. The state government should play a crucial role by providing schools and local governments with adequate financial and technical support for teacher management and development while the responsibility of school management will be given to local level.

### **3.5.2 Suggestions**

#### ***a) Provisions for Teachers in the Constitution***

Considering the importance of education in national development, the central government as well as state governments ought to give the highest priority to education sector. The inclusion of a separate chapter or section or articles in the constitution will be justified in this connection. This section, among others, should incorporate the concerns of the main agents of education including teachers, and their management and development. The major statements which need to be incorporated under the relevant section in the constitution should be:

- Every child shall have right to get free education up to secondary level from professionally qualified, trained and up-to-date teachers.
- Amenities to be provided to the teachers will be comparable to those given to other professions.
- Teachers will be recruited based on their competency and qualification irrespective of any caste or race or ethnicity or geographic location. However, inclusiveness needs to be given due attention.



### ***b) Teacher Recruitment, Appointment and Promotion***

For Federal Nepal, two options should be opened for teacher recruitment, appointment and promotion. First, if schools expect that the teachers' recruitment, appointment and promotion should go under the jurisdiction of State Teacher Service Commission, they will be supplied teachers accordingly. Second, the capable communities or local bodies (municipalities or VDCs) interested to take the management responsibility of schools should be given the opportunity to recruit and appoint teachers from among the candidates having the required qualification and training and who are certified by the Teacher Service Commission of any state or the Teacher Council. While doing so, a selection committee comprising the head teacher, education experts and SMC chairperson should follow a rigorous screening process with objective and transparent criteria developed at the central or state level.

### ***c) Teacher Preparation***

As the universities are preparing teachers for school education at present, the responsibility of teacher preparation in different states should be given to the universities. However, the question regarding how good quality teachers should be prepared is more important than which agency should be involved in teacher preparation. For ensuring quality in teacher preparation programme, substantial time needs to be given for practical activities during training. In addition, time has come to give accreditation to the institutions which will be involved in teacher preparation courses for producing quality teachers.

### ***d) Teacher Professional Development***

The SSR core document states that the government will take the responsibility for teacher development activities. Whatever the ways of developing teachers' professional competency, it must be site-based leading to improving classroom performance. It implies that teacher professional development will be localized to meet the needs of the teachers and schools. In order to improve the training practice, National Centre for Educational Development at the centre will have to develop innovative training packages including the programmes for trainer development.

### ***e) Monitoring of Teachers' Performance***

For the purpose of managerial monitoring, a team comprising the head teacher, SMC chairperson and expert representative from the government should be formed at the local level. This monitoring team should be empowered to take necessary action against those who do not meet the standards and who do not work as per the plan. Besides, technical teams formed at the state level should be made responsible for technical monitoring.

### ***f) Amenities to the Teachers***

Amenities to be provided to the teachers should be attractive and comparable to the facilities given to government employees for attracting and retaining professionally qualified, competent and dedicated teachers. Minimum norms and standards for amenities should be developed by the central government. State governments should be made responsible for providing these facilities. Additional facilities can be given by the states based on the revenue they generate.

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# 4

## **Free and Compulsory Education in Federal Nepal**

- Dr. Mahesh Nath Parajuli  
- Dr. Sushan Acharya

## **Abstract**

As Nepal is preparing its new federal constitution, this paper aims to generate discussion focusing on the theme of free and compulsory education with the purpose of supporting constitution drafting process. This paper itself is the outcome of discussion and interactions made with different people at different locations and through different modes.

Nepal is one of the countries which have given high priority and commitment to the goals of education for all. During its 60 years' long history of modern education and schooling, the country has emphasized free and compulsory education. Following such policy, currently public schooling is "free" in Nepal up to grade eight for all and up to grade ten for children from selected social groups and in selected areas. Experience in compulsory education is however not that positive. Despite efforts, the country has not been able to implement compulsory education and every such effort has turned into a failure mainly because of lack of political commitment, weak management capacity of the system, poor financial provisions, etc.

Considering international and national practices and experiences, this paper suggests that free and compulsory education should be developed as a shared responsibility between different layers of governance – centre, region and local. Successful implementation of free and compulsory education demands strong political commitment, consensus and active participation from and among all education stakeholders. The central government should be responsible for developing broad policy frame as well as for ensuring the resource for free and compulsory education. Staying within the broad national policy frame, developing plans and policies along with funding source and mechanism should be the responsibility of regional level and translating such plans and policies into the actual practice should be the responsibility of the local levels.

Given the present national economic situation, the present practice of free schooling up to grade eight should be continued that should include no fee at all in school along with free textbooks, notebooks and day tiffin. This provision should be expanded up to grade twelve for selected socioeconomic group and areas. Likewise, vocational education should be made free up to grade 10 or 12. Education should also be made free for all 5 to 14 years age group children through NFE and open learning systems. With this, the emphasis should be on broadening the whole meaning of education and learning beyond the confines of formal schools.

The country should adopt the policy of compulsory primary education (CPE) but its implementation should go in a phased manner beginning with few selected municipal and village areas where learning opportunities are already available or could be made available within the specified time period. CPE should be for the State; it should take persuasive and not the punitive measures with targeted motivating and awareness programs for those parents who have not been able to send their children to learning centres due to different reasons. In case some children do not attend learning centres, what socioeconomic and cultural reasons might be there should be identified – a responsibility of the local government – and should be addressed accordingly. Hence, scheme for financial support to selected poor families should be there.

## **4.1 Introduction**

**E**ducation empowers individual human being as well as human societies to maximize the available opportunities for a better life quality for all. Due to this reason education has been one prime concern both at the international and the national level. It has thus been regarded as one of the fundamental human rights more than 60 years ago with the declaration of the Universal Declaration of Human Rights by the United National General Assembly on 10 December 1948. Article 26 of the Declaration has noted, “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.”

Following this, some other international declarations and goals, in one or the other way, have promoted the idea of education as human rights and that it should be free and compulsory at the elementary or primary or basic level. Many countries around the world have recognized the importance of education and have made constitutional and/or legal provisions for these purposes. The argument for making primary or basic education free and compulsory is that when we regard education as one of the necessary condition of human and societal development and see it as one of the human rights, the State should take the responsibility of making such provision.

## **4.2 Free and Compulsory Education in Nepal**

In accordance with international trends, Nepal has been giving high priority to education. Though the first modern school in Nepal was established about 150 years ago, Nepal began a planned and systematic effort to spread the education to the general populace only about 60 years ago. Several forces worked together to expand education in Nepal. People contributed to education as a gateway to employment and social status, government invested in education as a part of its efforts towards national development and modernization of the country, and donors made important financial and technical support in the expansion of education in the country. Apart from these three key actors, the processes of modernization also made important contribution in the expansion of education in Nepal.

Through constitutional and legal provisions as well as through other policy documents education has been regarded as one of the human rights and that provisions are made to make it free, at least at primary and secondary level. The country has been investing large amount of money in implementing different programs and projects so that primary or basic education could be made free and compulsory for all.

We are now preparing a new constitution for our country. We all have great hope with this constitution in the sense that this will provide a guiding framework for social, political and economic development of the country. We also expect that this constitution will be able enough to provide framework to safeguard the rights of all people in the country, particularly those who have been deprived so far. It is now our responsibility to see that our constitution will have necessary provisions for this purpose.

Following such concern, this paper now focuses on how best the aspects related to free and compulsory education could be mentioned in the new constitution in the context of federalism. The rationale for focusing on the theme free and compulsory education is that

given the importance to education as one of the fundamental human rights, all people in the country, irrespective of their socio-economic status, cultural context, caste, sex, language, religion, location, and any form of disability should have access to primary or basic education. If we aim to provide equal opportunities for all for primary or basic education it should be free and compulsory and that the State governing bodies should take the whole responsibility of free and compulsory education in the country. Only then, everyone could have equality in opportunities.

Discussion in this paper is enriched by ideas expressed by parents; teachers (community and private schools); SMC members; representatives of teacher unions, parent teacher associations, DDC/VDC/municipalities; education experts; and by education officials in districts and in central offices. They had expressed their ideas in two interaction sessions organized in order to facilitate this paper. These interactions were organized in Dhulikhel (11 October 2009) and in Department of Education (25 October 2009). Some education professionals also had expressed their ideas through an emailed questionnaire sent to them for this same purpose. A total of 75 people participated in these interactions. Next Section now will look into how the idea of free and compulsory education was developed in Nepal.

### **4.3 Trends and Current Practice in Free and Compulsory Education in Nepal**

Based on the analysis of policy documents that include mainly the legal provisions, plan documents, and project and program documents, this Section presents the development of idea of free and compulsory education in Nepal. The idea of free and compulsory education is not a new idea in Nepal and was practiced even before 1951. The first Education Ordinance of 1939 (BS 1996 Saalko Shikchhya Istihaar) had the provision of full or partial fee waiving for selected few poor children so that they could study. The Constitutional Act of 1949 (BS 2004), the first ever constitution of the country, included the right to compulsory education in its chapter two, article 4 of the fundamental rights (Sharma, 2005, p. 85). Unfortunately, this constitution was never actually implemented largely due to political reasons.

The first education development plan (1956-61) prepared and implemented in 1956 had the provision of Universal primary education by 1985. This shows that Nepal had initiated the idea of education for all well before 1990 when the Jomtein declaration for Education for All was made. The Education Act of 1962 (BS 2019) had made the provision for implementing free and compulsory education in the selected districts in the country. As per the Act, government could announce to implement free education in a few or all primary schools within a given area making all parents and guardians of the designated area compulsory to send their children to primary schools. This program was implemented in some selected VDCs/municipalities in some selected districts. The financing arrangement of this scheme was such that those selected local bodies had to raise 75 per cent of the total budget and the rest 25 per cent would come from the government. Those VDCs/municipalities were given the authority of raising local tax for the implementation of free and compulsory education scheme. However, the program could not sustain long and collapsed within few years due to poor planning, weak management and supervision, and lack of strong political will.

Next landmark effort of making education free was made in 1975 with the announcement of free primary education. At that time only grades 1-3 were primary level. With such

announcement schools were not allowed to raise tuition fee. However, suffered by an all time financial crisis schools continue to raise fee in one or the other name and thus the main purpose of free education was thus little achieved. Despite these problems, this initiation could be explained as the first ever national effort for making education free. This limited initiation was later expanded gradually to cover free textbooks as well. With the up-gradation of primary level again to grade five in 1980, grades one to five became free with free textbooks. Further expanding the coverage, up to grade eight was made free along with free textbooks in the year 2008. For deprived groups (Dalit, marginalized and endangered groups) and area (Karnali) up to grade 12 is free with free textbooks.

These efforts were backed-up by constitutional and legal provisions. Constitutionally, it was the Constitution of 1990 that noted for the first time that the free primary education is the right of the every child. Following the same line, the Interim Constitution of Nepal in its Article 17 has noted, “Every citizen shall have the right to free education from the State up to secondary level as provided for in the law.” Legally, in 2001, the seventh amendment of the Education Act, 1971 noted for the first time that the primary education will be free.

The present understanding of free education thus includes no tuition and no examinations fees (but schools are allowed to raise some amount in some other name) and free textbooks. If we add other scheme like incentives that include cash-incentive, day-tiffin, cooking oil and floor, etc. the scope of free education could further be expanded. All Dalit students and half of all girl students in primary level are getting free-ships. Likewise, all disable students are also entitled to get free education up to the secondary level. The free primary education is free only in community schools and not in private schools. Those children who get enrolled in private schools do not get this State facility or support.

The provision of compulsory education has different story. As already noted above the first effort of making primary education free and compulsory was made with the Education Act of 1962 (BS 1919). Since then all development plans, excepting the Fifth and the Sixth Plans, have mentioned compulsory primary education in one or the other way but without any concrete program and budgetary support. As such those programs could never have any meaningful outcome in educational processes in the country.

The Third Plan (1965-70) had noted providing support to schools with free and compulsory education scheme. The Fourth Plan (1970-75) had also noted the scheme of free and compulsory primary education in selected areas of Jhapa and Chitawan. After remaining silence for two plan periods, the Seventh Plan (1985-90) again mentioned about implementing compulsory primary education on pilot basis and on the basis of efforts of municipality. The Eighth Plan (1992-97) had a different tone with its policy of conducting a feasibility study for the introduction of compulsory primary education and providing authority to local bodies for introducing compulsory education. The Ninth Plan (1997-2002) promised to expand the compulsory primary education scheme and the Tenth Plan (2002-2007) promised to convert the free education gradually into the compulsory education. Going further, the Three Year Interim Plan (2007-10) promised to expand the free and compulsory education up to the basic level.

The above discussion shows compulsory education has always been there in Nepal since long but without any success. It can rather be said that it has been a failed project in Nepal.



Despite constantly repeated policy and program provisions, it could not be implemented in any meaningful way. Nevertheless, the scheme appeared in almost all development plans. One might wonder why the Nepali planners have felt the urge and pressure every time they prepared the plan to have something on it. Neither the scheme was implemented with full commitment nor were the weaknesses and shortcomings analyzed. One other shortcoming was that the whole idea of compulsory education was to be contextualized as per the need of the Nepal and this was also missing in our effort.

The above deliberations show that the attempts made by Nepal to implement free education included fees-free and free textbook free up to grade eight. For Karnali region and for students belonging to disadvantaged groups the scheme is available up to grade 10. Free education in Nepalese context is basically fees free and free textbooks. In this respect it appears that like other countries Nepal also considers its socio-economic condition while devising schemes for free education. Government aided schools however can not operate with the government grants alone. They therefore charge money to the students under different headings. In this situation although the government proclaims it free families are paying for their children education. Regarding the status of compulsory education, the history shows that due to lack of political commitment, financial provisions and strong governance and management system Nepal has not been able to materialize its repeated commitment in papers. If this situation continued the free and compulsory education that Nepal has been aspiring to achieve will meet the same fate that Bangladesh (see next section) does. Having said this next section will briefly look into how some countries from Asia and Africa promulgate free and compulsory education in their respective countries.

#### **4.4 Free and Compulsory Education in Some Selected Countries**

The free and compulsory education has been espoused by many countries but in different forms. They have devised different legal and implementation frameworks as per their respective needs and conditions. An attempt has been made below to briefly present frameworks and provisions available with regard to free and compulsory education in some South Asian and African countries.

In South Asian Sri Lanka is the only country that made a huge leap in achieving universal education therefore any discussion on free and compulsory education can not overlook Sri Lankan case. Sri Lanka's commitment to educational development and universal school education has a long history. There the provision of compulsory education for 5-14 age groups was first laid out in 1939 through an education ordinance. In 1978 provisions made through the 1939 education ordinance was consolidated in the new Constitution of Sri Lanka. The new Constitution of 1978 further assured right to universal and equal access to education at all levels of education for all. In 1998 a new regulation related to compulsory education for 5 to 14 age groups was also reinforced.

India has also been giving high priority to universal elementary education since its independence in 1947. However, unlike Sri Lanka India included education for children between the age of 6 and 14 as a fundamental right in its constitution only in 2002. Constitutional amendment on 2002 advocated for the provision of free and compulsory education to all children of 6-14 age groups, i.e. completion of elementary education (grades 1-8). The Constitutional amendment 2002 was supported by the Education Act 2009 on the right of children to free and compulsory education. As per the Act, the responsibility of

funding the implementation of the Act shall be shared between central government and the State governments. The local governments are required to establish schools in areas where there are no schools within the three years of the commencement of the Act. The central government shall have the responsibility of

- developing a framework of national curriculum,
- enforcing standards for teacher training, and
- providing technical support and resources to the states for promoting innovations, researches, planning, and capacity building.

The Act has also made provision of free pre-school education for children above three years. The Act bars any school to test or screen child or parents and mandates birth registration certificate for the purpose of enrolment. However, no child should be denied entry into the school just because s/he could not produce the birth certificate. These are landmark provisions made by the Indian Education Act 2009.

In Bangladesh free and compulsory education has been included under the Fundamental Principles of State Policy in the constitution of Bangladesh (1972). In this case the States are required to espouse effective measures to institute a universal system of free and compulsory education. The primary education act of 1990 of Bangladesh made the primary education compulsory for 6 to 10 age groups, i.e. grades 1 to 5. The government may declare the primary education compulsory in selected areas for certain time period. In area where primary education is made compulsory families are not allowed to engage their children to any occupation that prevent children from attending school. A provision has been made to charge fine of 200 Taka to parents if their child is not enrolled in school without any acceptable reason. However, in Bangladesh “Primary education is compulsory by law, but this is rarely enforced. Therefore, parents are free to decide whether or not to send their children to school. The compulsory education law obligates the government to provide a functioning countrywide education system; to make education free and provide social assistance to parents who cannot otherwise afford indirect costs (transport, meal, etc.) of fulfilling their legal obligation to send children to school.” (Rahman & Islam, 2009, p. 414)

Ethiopia, an African country has no constitutional provision for free and compulsory education. Neither does the Constitution of Ethiopia 1994 have made education a right. Nevertheless Ethiopia has granted a right to all children to be free from exploitation and work which might be detrimental to her/his education. States in this federal system are required to allocate resources to education. The National Policies, Principles and Objectives (Article 85) of the Constitution 1994 pronounces that policies shall aim to provide all Ethiopians an access to education to the extent the nation’s resources allows. The responsibility of the federal government in Ethiopia is to establish and implement national standards and basic policy criteria for education. The provincial governments shall take the responsibility of developing and implementing educational plans and policies.

In South Africa the constitution guarantees the right to basic and adult education (Chapter 2: Bill of Rights, Article 29). The constitution also assures that children shall not be required to work or provide services that will jeopardize their education. (Chapter 2: Bill of Rights, Article 28). In South African school education consists of 13 years including one year of Pre School or grade ‘0’ (Receptive year). Grade ‘0’ to 9 is known as general education and training. Adult Basic Education and Training fall under ‘General education and training’.

According to the South African Schools Act 1996 education is compulsory from age 7 to 15, i.e. grade 1 to the completion of grade 9. The Constitution of South Africa does not explicitly mention about free education. But it states that independent educational institutions shall not be excluded from the government subsidies. The aim is to reach poorest of the poor. Therefore two specific programs have been launched targeting this group. One is fee-free schools. Under this program institutions receive the entire required fund from the state so the students are not charged school fees. Around 40 per cent of the schools located in high poverty areas are covered by this program. Another is the school nutrition program which targets primary school students and covers some rural and urban areas with high incidence of poverty.

Some examples from Asia and Africa presented above indicate that countries have accepted school education as a human right. Additionally, they have also made necessary arrangements for free and compulsory primary and elementary education or basic education. However, countries like Bangladesh, Ethiopia and South Africa show that nation's socio-economic and development situations should be considered while devising policies and/or schemes for free and compulsory education.

#### **4.5 Free and Compulsory Education in Nepal: Pertinent Concerns**

Above discussion of free and compulsory education in national and international contexts has raised some pertinent concerns. These concerns can broadly be identified as concept versus practicality and are presented below.

##### ***Concept versus practicality***

Up to which level is education free? And what does free education constitute at different levels? These questions need to be sorted out in the context of country's macro social and economic situation. At the provincial level what do they mean in a socially aware and economically ahead province as opposed to socially and economically deprived provinces? How can one guarantee that constitutional provision of free and compulsory education shall not meet the fate of Bangladesh? What are the basic requirements that the central and provincial government should ensure to implement the provision of free and compulsory education. Unless the free and compulsory education is analyzed in the light of existing and required practical instruments, and focus is given to ensuring such instruments the concept shall not be materialized. Examples of such key questions related to the instruments are listed below.

##### ***School and community level***

- Shall students/parents be free from any kind of fees?
- What should be in place in terms of physical facilities or infrastructure?
- How shall teacher quality and accountability be guaranteed? Shall it be school management's responsibility?
- How will the school management be strengthened?
- How shall parent's accountability be guaranteed? Shall they be punished if their children were not sent to school? What kind of legal framework will be devised and who shall implement it? Is it plausible for education sector to take this responsibility?

- Who will be punished if parents did not send their children to school due to the absence of conducive environment?
- Who shall monitor the implementation of the concept?
- Who shall monitor quality in terms of classroom teaching and student performance?
- Can CLC take responsibility of alternative and open school?
- Can CLC fall under the jurisdiction of the local government?
- Can local government ensure compulsory education? (implication utilization of formal and non formal streams, assurance of fund for non formal as well)
- What shall be the frame for school and CLC to work together?

### ***Provincial level***

- Can provinces decide what constitutes free education? Which levels and how much? (implication- if only from grade 1 and not ECED under-age children with fake birth certificate will enrol in grade one)
- How shall the free and compulsory education and quality teaching learning be guaranteed?
- Can provinces adopt the notion of equity rather than equality in implementing free education?
- Who shall take the responsibility of managing and funding NFE?
- Shall the responsibility of teacher management including their quality and accountability be on provincial government?
- Who shall fund school education? What proportion will be funded by provincial government? Should all the provinces irrespective of their socio-economic situation spend the same proportion?
- What kind of tax system will be employed to guarantee free and compulsory education scheme at provincial level?
- Shall direct taxation or indirect taxation be levied? (implication- income earned from informal sector (farm labor, domestic labor, etc. is hard to monitor unless a strong national accounting system and tax compliance system is in place. Tax levied in selected consumer goods and services (e.g. entertainment tickets) may be

### ***Central level***

- Should free and compulsory education be defined in terms of grade only or age as well?
- Should the central level ensure establishment including infrastructure and teachers of all the schools and leave operational responsibility to province and schools community?
- Should quality standard be determined nationally? (implication- children can move

from one province to another without problem, national level testing at primary, upper primary, secondary and higher secondary levels I every 3 years)

- How shall central level support provinces and schools to ensure nationally defined quality standards? (financial, teacher quality measures)
- How shall be NFE funded?
- What kind of revenue collection and distribution system shall be adopted to ensure adequate funding for school education?
- Whose responsibility shall be the capacity development of provincial and school/ community level school education personnel and/or stakeholders?

## 4.6 Free and Compulsory Education in Nepal: Available Options

Keeping in view some exemplary concerns identified above some options and implications are drawn below in the table.

Free education			Compulsory education			
Options	Requirements	Implications	Options	Requirements	Implications	
Free up to grade 8: No fees, free textbooks, free stationeries, provision of day-meal	Central govt. develops a national policy frame	Financial liability of the State increases	Compulsory primary education (CPE) for all 5-9 age children	In constitution: Include CPE in the Directive Principles of the State	Managerial/ regulatory responsibility of all levels of the State increases	
Free up to grade 12 for selected groups/ areas  (poor, meritorious students)	Provinces develop the plan for implementing free education	Managerial/ regulatory responsibility of the decentralized govts. increases		Legislate both by central and provincial govts to implement CPE	Political parties show commitment and accountability	
	Learning centres/schools/ local bodies implement their programs as per the plan developed by the provincial body	Political parties show commitment and accountability		Provincial govts. develop plan to implement CPE in a phase-wise area/group specific manner	NGOs/civil societies take the responsibilities	
	Scheme for financial support to selected poor families	NGOs/civil societies take the responsibilities		Local govts plan and implement CPE in their areas	Parents will have no excuse for not sending children to school/learning centres	
				Central govt. provides minimum facilities to all schools/ LCs, including qualified teachers		
				Scheme for financial support to selected poor families		

Free education			Compulsory education		
Options	Requirements	Implications	Options	Requirements	Implications
Free up to grade 10 or 12 for vocational stream	Establish vocational LCs  (at the beginning by centre, then gradually by the province)	Financial and managerial/ regulatory liability of the State increases  Parents/ students will have options for career development	CPE is for the State,  State provides all facilities to LCs, also fund for teachers	State commits 5-6% of GDP and 20-25% of national budget to education  CPE Fund both at national and provincial levels to support lower levels on CPE and also to support those who claim not being able to join school/LC	Financial responsibility of the State increases
Free for 5 to 14 years age group through NFE and open learning systems	Establish community learning centres with necessary facilities  Develop a system of linkage between formal schools and non formal and open learning system/ process  Promote open learning system/ process	Requirement for human resources increases  System of linkage between formal and non-formal/ open learning contributes to compulsory education; increases responsibility for coordination and collaboration	No penalizing provisions for parents for not sending children to school	Conduct targeted awareness program,  specifically for those who are not educating their children  Promote Free and Compulsory Education Watch Groups at all levels	Enhanced partnership with all education stakeholders at all levels
	Determine a grade-wise national quality standard  Central government provides all required facilities to all schools/ LCs as per the developed standard  Conduct national achievement tests in every three years	Quality standard will be maintained across the country  Children will not face problems while moving from one province to another  Intensive partnering is required with non government sector	Direct and indirect education taxes are raised  Authority for whether or not to tax, if yes, how much, etc. be provided to local body	Explore possibilities for direct and indirect education taxes  Institute and strengthen financial and social audit for financial accountability and transparency	Effects on price and consumption (in case of taxation)  Managerial/ regulatory responsibilities, accountability and transparency have to be ensured at all levels of educational governance  Increased parental interest on education, hence, great support to increase quality and relevance

Free education			Compulsory education		
Options	Requirements	Implications	Options	Requirements	Implications
National volunteer service, learning volunteers	Province will decide about the management of national volunteer service	A teaching force will be available			

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# 5

## **Financing Education in Nepal under the Federal System**

- Dr. Shiva Raj Lohani

*Prepared by Education Financing Reference Group under Education and Federalism  
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## **Abstract**

**T**he Education Financing Reference Group formed to support the Education and Federalism Support Group pursued the education and federalism initiative by facilitating informed discussions about how education will be financed and managed in a federal state.

The Government of Nepal (GoN) is committed to achieve the goals of EFA by 2015 and it has focused on the universal participation of its children, youths and adults in the education sector, especially in basic education. Although the Interim Constitution of Nepal 2007 does not make any direct reference to education financing, it includes basic education as a fundamental right of all citizens and also emphasizes that every citizen shall have the right to free education from the State up to secondary level. The School Sector Reform Plan expands basic education to Grades 1 to 8. The Plan also defines some requirements for education funding, including:

- The need for 85% of total education expenditure to be applied to comprehensive school education (0 -12).
- The suggestion that 4% of GDP and 20% of national expenditures be allocated to education.
- The need for 76% of total education expenditure be applied to basic education.
- The need of 37% of the cost of the SSRP to be met by donors.

This paper examines how expenditures are allocated according to teacher numbers and operating costs (rather than per student as a unit cost). Current expenditure levels on education are 17% of total government budget and about 3.8% of GDP. 27% of total education budget and 35% of the total primary education budget is provided from external sources. Government funding through grants to schools is not delivered in a timely fashion. Net enrolment rate is increasing but systems are not becoming as efficient to retain them and ensure their universal completion. Funding to schools does not respond to schools' needs as expressed in their plans. Funding by local bodies is inconsistent across the country. There is inadequate monitoring of how schools expend funds. Schools are inflating student numbers to acquire funding for students above the prescribed student teacher ratios. Although the community-managed schools have achieved some success, funding models do not provide grants of funds directly to the community.

The paper also highlights some of international experiences reflecting the need of countries to address issues of vertical imbalance of resources and responsibilities (i.e. imbalance between tiers of government) and horizontal imbalance (i.e. imbalance between the provincial governments). Countries deal with these issues through a range of flexible strategies – adjustments to mechanisms, adjustments to amounts and shifting responsibilities among the tiers of government.

The paper suggests that the federal constitution needs to make clear and specific statements

relating to the funding of education. The funding of school and vocational education should be the responsibility of the provincial governments, and the funding of higher education needs to be the responsibility of the federal government. For school construction, the central government should develop standards and the provincial government should provide funds to achieve those standards. Teachers should be recruited by local authorities but paid by provincial governments. Funding needs to be disbursed directly to school bank accounts. The federal government should fund textbooks, provide assistance to poor families, programs targeting increased participation and research and development. Formula funding should be based on student enrolments supplemented by incentives (e.g. for increased retention rates). With regard to revenue, provincial governments should determine education taxes. Regulation of private schools should be the responsibility of provincial governments. Donor coordination should be the responsibility of the federal government but should respond to the needs of provinces as expressed in project plans. There is a need to distribute the funds directly to school account. The general idea for the distribution of funds might be suggested as follows: the larger unit of government distributes funds to the smaller unit in accordance with the needs of students in the smaller unit and with regard to the fiscal capacity of the smaller unit of government.

## **5.1 Introduction**

1. Nepal is moving from unitary system to federal structure of government through drafting of a new constitution by elected constituent assembly. Major political parties have already agreed on federalism and have also shown their commitment in constituent assembly manifestos. In this context, the service delivery approaches and modalities including education service delivery are expected to be reshaped corresponding to functional structure of federalism.
2. Education and Federalism Support Group (EFSG) was formed with facilitation of UNESCO Kathmandu to pursue the education and federalism initiative to support and facilitated discussion about how education will be managed in a federal state. The composition, objectives and TOR are given in Annex – I.
3. Under EFSG, reference groups (see Annex – II for education financing reference group) have been formed to encourage widespread discussion of issues related to education and federalism, and to disseminate information to personal and professional networks about the strategy developed by the EFSG. Currently, five reference groups in the areas of education financing, free and compulsory primary education, alternate pathways, teacher management, and language are working. The plan is to prepare draft monograph in the concerned areas and share and distribute to wider ranger of stakeholders from CA members to teachers and parents.

## **5.2 Overview of Education Financing**

4. Education financing has been considered as the key critical aspect of education management in a federal system. The financing role of federal government (FG), Provincial government (PG), and local government (LG) needs to be clearly so that the following funding principles are ensured.
  - Each level of government and institutions should know what the funding will be in the following years to allow proper planning and effective utilization.
  - To ensure effective utilization and accountability, it is necessary to determine how the income and expenditure is publicized among the stakeholders and audited by assigned authority.
  - incentive mechanism should be in place in addition to minimum funding for day to day operation to encourage the stakeholders to perform better.
  - Educaiton financing policies should indicate the role of each level of government for funding different levels of education
  - The distribution of the benefits of education by education levels determines the financial responsiblity of each level of government; this however is guided by overall taxation and expenditure framework of the federal government.
  - Each level of government uses funding formulae for education financing to meet the needs of the education institutions
5. The objectives of this monograph are to:
  - Facilitate the inclusion of education financing arrangements in constitution and other legal documents in view of the funding principles mentioned above so that the existing financing issues under unitary system are properly addressed.
  - Assess current situation and identify key issues to be addressed in a new federal system
  - Draw lessons learned from other countries and assess their feasibility in Nepal's context
  - Identify measures to be taken in a new system
6. This monograph includes the following sub-topics:
  - (i) Allocation to education
  - (ii) roles of each level of government,
  - (iii) formulae funding,

- (iv) Teacher management,
  - (v) Private education
  - (vi) Donor Harmonization
  - (vii) School Sector Reform Program
  - (viii) Local government
  - (ix) Community based management
  - (x) Education for disadvantaged groups
7. This monograph was developed by education financing reference group after review of literature, intense team discussion, wider consultation at central level, field level consultation in Makwanpur, consultation with representatives from Seti and Karnali region, and discussion in education support group.

## 5.3 Current Situation and Issues

8. The Government of Nepal has shown its strong commitment towards expanding and improving school education by accepting and acknowledging Dakar Framework of Action on Education for All (EFA) in 2000. The recent progress review of the Millennium Development Goals for Nepal by UNDP indicates a weak performance for most of the goals including universal primary education. Education for All Program (2004-2009) has just been completed and School Sector Reform Program (SSRP) is under way. State has already recognized school education as one of its prime responsibility through number of plans, policies and legal documents.
9. **There is no specific education financing related statement in the Interim Constitution, 2007 but it has declared free education up to secondary level as a fundamental right.** the Interim Constitution of Nepal, 2007 stipulates that “every citizen shall have the right to receive free education from the state up to secondary level as provided for in the law” (article 17.2). However, the constitutional provisions are expected to be brought into implementation by introducing legal provisions (education act and regulation). School Sector Reform Plan and Budget Speech (2009) aims to make secondary education gradually free. The free education covers teacher’s salary, operating cost, scholarships etc.
10. **Education Act Seventh Amendment and Regulation (2001) has not categorically mentioned financial requirement of education sector.** However, it has mentioned about teacher support, scholarship and free education for primary level. Moreover, it has also provisioned for free secondary education to disadvantaged students from such population groups which fall below poverty line (article 50.1& 55.1). Education Regulation has set the provision for determining the fee structure for secondary levels within the given framework keeping in view the costs of schooling by School Management Committee.
11. **EFA (2004-2009):** In 2004, Government indicated to EFA program donors its commitment to gradually raise the share of education in government budget to 17.5%. The Education for All Program 2004-2009 has adopted a sub-sector approach gradually moving towards a sector-wide approach in education financing.
12. **School Sector Reform Plan (2009-2015) introduced grade 1-8 as basic education.** The proposed School Sector Reform (SSR) Plan has articulated the need of 20% of government expenditure for education. In line with the new provision of basic education extending from pre-primary education to grade 8 (previously it was from pre-primary to grade 5), the plan has calculated the need of 85% of total education expenditure to the comprehensive school education (i.e. pre-primary to grade 12). Building upon successful experiences of EFA (2004-09), the SSR Plan 2009-2015 has adopted a more comprehensive approach for the financing of comprehensive education from pre-primary to higher education.
13. This is the first education document that has attempted to make a detailed analysis of education financing in terms of the Gross Domestic Product and the over all national expenditures based on the high growth rate scenario with growth trajectory indicated

by 2008-09 budget estimates targeting for two digits growth after two years. Briefly, it has suggested allocating 4% of the Gross Domestic Product and 20 per cent of the national expenditures to the total education, and 76 per cent of the total education expenditures to basic education financing for meeting the requirements of ensuring basic education to all children, youth and adults. In this respect, it is suggested that up to 85 per cent share of allocations might be essential for the SSR during the period of the plan implementation. The remaining 15 per cent of education expenditures are suggested for technical and vocation education, higher education, administration and supervision support, etc. It is estimated that 49 per cent will be required for development programs and the rest for recurrent activities. Nearly 37 per cent of the total School Sector Reform expenditures are expected to be met by the development partners.

14. Mid Term Expenditure Framework (2002) recommended to adopt a fiscal framework with the following principles: 80% budget to district, 30% budget for non-salary component, overhead cost not exceeding 10% at the central level, 15% at district level and 50% of the program cost going to Village Development Committee, District Development Committee, municipality for earmarked activities (Early Childhood Development, non-formal etc.).
15. **Tenth Plan/PRSP (2002-2007) and Three Year Interim Plan (2007 -2010):** Both Tenth Plan Document and TYIP have emphasized on (i) providing grants to VDCs/ municipalities to run ECD and pre-primary education, (ii) providing free quality education for primary level to all children, (iii) the need to adopt cost sharing approach for secondary level, (iv) adopt cost recovery principle in higher education and (v) replace the present grants- in -aid system based on teachers with a block grants system.
16. According to MDG Needs Assessment Report (UNDP, 2005), Nepal needed to spend a total of Rs. 22, 128 million (US\$ 316 million) in 2005<sup>1</sup> and Rs. 41,038 million (US\$ 586 million) for the year 2015 to attain the MDG in education, if the same trend continued. In 2005, the financing gap in education was calculated as 9424 million rupees and the same trend is likely to result in financing gap of 15623 million rupees for the year 2015. The financial gap towards MDG for education is comparatively lower than other goals.
17. **The education policies are not clear about financing provisions.** The proportion of investment to education of Gross Domestic Product is not defined and per student unit cost is not available. The financing base is teacher instead of students. Government provides teacher salary and operating costs to schools instead of providing unit tuition cost for each student. However, Government developed School Accreditation and Grants Operation Manual in 2006 which was amended in 2008.
18. **Government of Nepal allocated around 17 per cent of total government budget and three percent of total Gross Domestic Product to education sector.** The share of budget to education has increased from 13 per cent to 17 per cent in eight years. The subsector distribution is dominated by primary education (more than 60% of total education budget). The allocation to education of the total national budget for 2007/08 is only 16.80 per cent.

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<sup>1</sup> Nepal allocated Rs. 12704 million (US\$181.5 million) on primary education where as the total requirement was for primary education subsector was Rs. 22,128 million (US\$316 million).

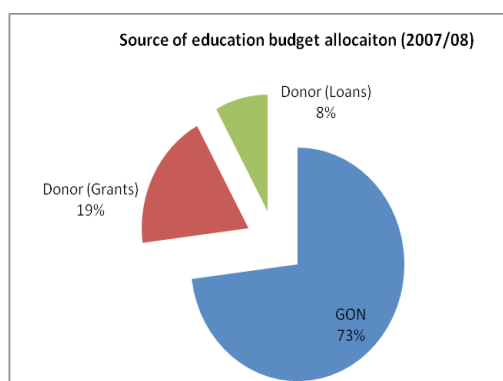
**Table – 1: Allocation of Budget in Education (FY 2000 - 2008)%**

	0/01	03/04	04/05	05/06*	06/07**	07/08
Education share of GDP	2.8	3.1	3.5	3.6	3.7	3.6
Education share of the national budget <sup>1</sup>	13.9	15.8	16.2	16.7	16.0	16.8
PE share of the total ed budget	57.8	58.8	63.4	62.0	60.8	62
Primary education share of GDP	1.6	1.8	2.3	2.3	2.2	2.5
Secondary ed share of ed budget	21	22	25	23.5	24.1	24

*Note: PE = Primary Education, SE = Secondary Education, GDP = Gross Domestic Product*

*Source: Economic Survey and Red Book 2007/08, \*Revised. \*\* Allocations*

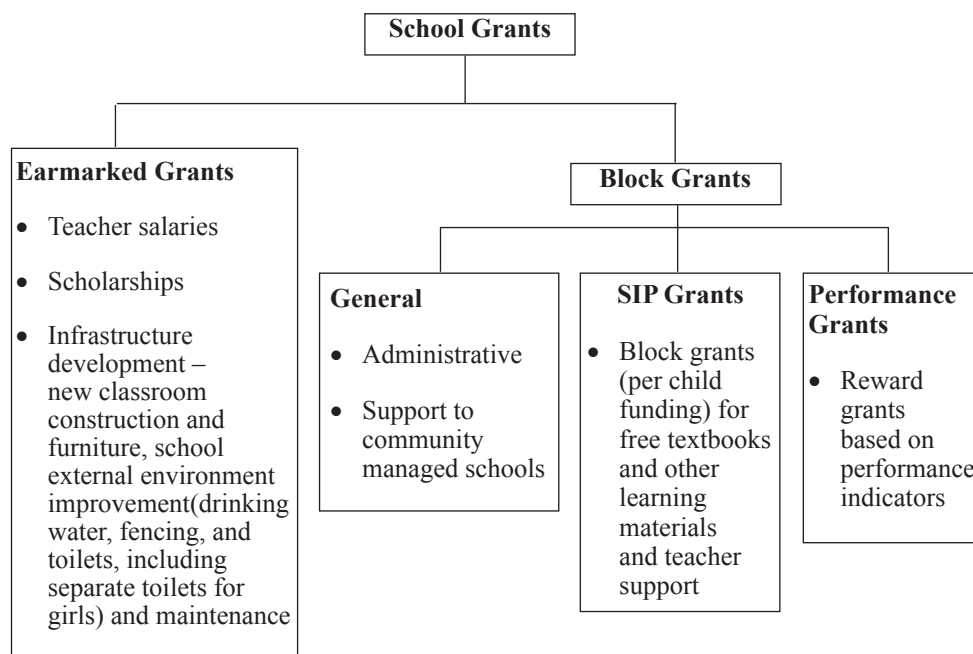
19. For the Fiscal Year 2007/08, the government expected to get around 27% of the total education budget financed through donor source. Similarly, **Government allocated 35% of the total primary education budget from external assistance.** For the allocations in 2007/08, the loan component covered 28% of the total external assistance amount. Education for All Program (2004-09) is the major donor funded program in the education sector.



20. Nepal presents a **good example of donor harmonization** for supporting the education sector. The development partners supporting the education sector have formed a consortium with pool and non-pool donors. There are 11 external donor partners involved in pool and two other donors (JICA and UNICEF) are involved in parallel funding.
21. **The School Grants Operation Manual guides the allocation as well as distribution of general and targeted fund flows.** The manual divides the school grants into two types: (i) earmarked grants, and (ii) block grants (see chart – 1) and also envisage performance based allocation system through accreditation of schools based on various performance indicators.



**Chart – 1: Types of School Grants**



22. **The non-salary grants occupy small share in school grants.** Out of the total grants that a school receives in an academic year, around 80 per cent goes to teacher salary and construction support. There is limited budget available for arranging necessary teaching learning materials, capacity development of teachers, library development, computer education etc.
23. **The allocated funds reach to school very late.** Currently, there are 33 steps for a fund to reach school from Ministry of Finance. In case of primary education budget, the involvement of District Development Committee has made the process further cumbersome. The teachers get payment once in four months while education cadres get payment at the end of the month.
24. **Though enrollment is increasing, the internal efficiency is still not up to the mark.** Though Department of Education (Flash Report, 2008) reported that Net Enrollment Rate for primary level reached to 92 per cent<sup>2</sup> in 2008, the improvements in terms of internal efficiency indicators (survival rate, repetition rate, promotion rate, transition rate) are not up to the mark.
25. **Finance is main constraint for access and internal efficiency.** Various studies show that, Children from poor households are not enrolling into schools and are not regular to school and have higher chances to drop out, even if they enroll.
26. **Government support varies by the types of schools.** The formula for the distribution of the resources by types of schools is given shown in Table – 2

<sup>2</sup> A sample based national survey (NLSS 2003/04) found NER to be around 72%.

Table 2: Government support to schools<sup>3</sup>

Support	Community Managed School	Community School (aided)	Un-aided community school	Religious schools
Teacher Salary	<ul style="list-style-type: none"> <li>100% salary of approved post (including pension for permanent teachers)</li> <li>Fixed salary support under <i>Rahat</i> quota</li> <li>PCF support</li> </ul>	<ul style="list-style-type: none"> <li>100% salary of approved post (including pension for permanent teachers)</li> <li>Fixed salary support under <i>rahat</i> quota</li> <li>PCF support</li> </ul>	<ul style="list-style-type: none"> <li>Fixed salary support under <i>Rahat</i> quota</li> <li>PCF support</li> </ul>	No support
SIP Grant	Rs. 275 for Terai and Valley, Rs. 300 for Hill and Rs. 325 for Mountain	Rs. 275 for Terai and Valley, Rs. 300 for Hill and Rs. 325 for Mountain		No support
Scholarship	Rs. 350 per student for 50% of the girls and dalits for primary level	Rs. 350 per student for 50% of the girls and dalits for primary level		No support
Management Support	Fixed amount provided	Fixed amount provided		Rs. 50000 per year
Textbook	Provided based on the number of students	Fixed amount provided	Provided based on partial funding approach	No support
Construction support	Provided based on partial funding approach	Provided based on partial funding approach		
Performance Grant	Provided based on partial funding approach	Provided based on performance		
Incentive support	One time support of Rs.100000/- per level after taking management responsibility			

27. **Funding arrangements are not based on bottom up planning.** Though schools prepare revolving school improvement plan every year and District Education Offices also develop District Education Plan for the period of five year, the funding to districts and schools are not as per the need assessment and plans. Schools are receiving the grants that are guided by specific norms/standards whereas other grants (construction, additional teacher quota) are being distributed on ad-hoc basis.

28. **The fund allocation by local bodies (District Development Committee and Village Development Committee) to education is not mandatory and arrangements are not clear.** Though Local Self Governance Act 1999 has made provisions of around

<sup>3</sup> Government provides no support to Institutional Schools.

20% investment to social sector. The share of education out of total budget is not specified, varies by wide margin across country, and are also not accounted or reported. Moreover, the social sector expense of local bodies is also below specified percentage in many districts.

29. **There are limited positive incentives to schools and teachers.** Government grants are distributed to schools in a blanket approach. The payment for teachers of all subjects is same though the demand for teachers differs by subjects.
30. **The proper utilization of funds at school level is another issue.** The funds distributed to schools for different titles are not being utilized for the same purpose and by following the prescribed methods. For example: the lumpsum amount available as operating cost to schools is being utilized for giving salary to non-teaching staff (school peon).
31. **Efforts have been made to make fund allocation student centered and statistics based.** The rahat teacher quotas are distributed to schools through DEO based on student teacher ratio<sup>3</sup>. Schools fill in flash forms containing basic information about the school.
32. **Per Capita Funding** introduced to fulfill teacher deficit is in turn **causing reporting of inflated school statistics.** Under Per Capita Funding initiative, Government provides additional amount to schools (i.e. per student Rs. 2041 for Mountain, Rs. 1814 for Hills, and Rs. 1633 for Terai and Kathmandu) if the STR in the school exceeds minimum Student Teacher Ratio prescribed by Education Regulation. The amount is provided based on number of student exceeding STR. Though Per Capita Funding was strong initiative of government to introduce and pilot student based funding modality, it is faltered by wrong reporting of school statistics by schools and weak monitoring mechanism in place.
33. **Government has initiated programs to enhance community participation in school.** ESTPAP recommended to transfer management of government aided schools to community gradually without reducing government support. School Management Committee (SMC) of respective school needs to sign agreement with District Education Officer for management transfer. After signing agreement, Government provides Rs. 100000/- as incentive grant and has given priority to such schools in providing rahat teacher quota, building construction and per capita funding. These schools receive similar funding from government as other community schools.
34. However, they are provided with autonomy in teacher recruitment, reward/ punishment, collection of resources and determination of expenditure domains. Currently, there are more than 8000 community managed schools<sup>4</sup>. The program started with the provision set forth in Education Act Seventh Amendment followed by the operation guidelines in 2005. Such schools have been successful in mobilizing additional community level resources and improving access to as well as quality of education.

3 Student Teacher Ratio is defined by Education Regulation. Additional teacher quota can be made available to schools with student teacher ratio more than 40 for Mountain, 45 for Hill and 50 for Terai.

4 Based on the information provided by Department of Education (Primary Education Section) to the study team during their visit to DOE.

35. Though unique model of community participation has been created and school level planning mechanisms are introduced and made mandatory, **financing is not inline with with community based approach**. The schools do not receive the grants directly in their account and the funds available at schools do not correspond with the plans they prepare and submit to DEO.
36. **Social Audit has been introduced and made mandatory** recently to establish two way communications between schools and parents. By formulating education regulation, government made social audits of school mandatory along with financial audit. However, all schools do not carry out social audit by following anticipated procedure. School Report Cards are also being prepared and distributed to parents in few schools.

## 5.4 Experiences from other countries

### 5.4.1 Experience of India

37. The Indian model of education and federalism can be interesting for Nepal since both countries possess similar sort of socio-economic circumstances. In India, education financing occurs in the context of a federal political system. Since 1991, the government of India has put into place a series of economic reforms with implications for several aspects of central and state public finances. The coverage, and perhaps, the quality, of education varies widely across states, reflecting differences in both past and current resources and in the priority given to the sector.
38. **India's 1949 Constitution assigned responsibility of school education to Provincial Government while Central government has few constitutional roles in higher education and TEVT.** The Constitution divided the power between central and state government. It gave the central government direct responsibility only for the central universities and similar institutions and for standards in higher education (including professional, vocational, and technical education) and a shared (concurrent) responsibility with the states for vocational and technical training. All other responsibilities were assigned to Provincial Government. However, the role of central government increased in practice because of comprehensive economic planning and five year plans.
39. The amendment of Constitution in 1976 made much of the financial responsibility for education concurrent and legalized a situation that was already in practice. Despite the amendment, **25 state government and 7 union territories provide almost 90 per cent of all education finance, invariably their largest expenditure item.** On average, however, more than **40 per cent of state government expenditures are based on resources transferred by the central government** through a mix of nondiscretionary and discretionary funding.
40. **Central Government plays role in guiding policy and encouraging national initiatives.** The central government's direct involvement in education is limited to a small set of institutions such as regional colleges of education and centers for advanced university studies and to activities such as promoting Sanskrit and Hindi in non-Hindi-speaking states and educating the handicapped. Central Government also directly allocates funds for University Grant Commission for central universities and some planned activities in state universities and colleges.
41. **Local Governments are expected take over the management,** though not necessarily the financing, **of primary and secondary schools.** However, clear frameworks on roles of local government on school education have not been laid out (World Bank, 1997).
42. **The educational development is uneven across India's states.** The per capita allocation across all states between 1989-90 and 1994-1995 was Rs. 11.8, but for the five most educationally backward states it was Rs. 10.9. Per unit cost of elementary education was Rs. 645 in Haryana while it was 912 in Kerala during 1991-1992. The expenditure made by Provincial Government on education is dominated by teacher's salary and student incentives.

43. **Provincial Governments, households** (community and parents) **and the Central Government are the main providers of financing, in the order** of distributing resources to schools. The ability of Provincial Government to education depends on willingness and ability to raise revenues, revenues transferred to them from central and sectoral priority. In case of primary education, **96% of total funding to primary schools comes from Provincial Government.**
44. The existing issues of education financing in India are: (i) relatively low government expenditure on education, (ii) small but strategic central government financing, (iii) large but tightly constrained state government financing, (iv) diversity in education expenditure across states, and (iv) unbalanced composition of expenditures in primary education. The strong and weak aspects of Indian Education Federalism<sup>5</sup> is summarized in the table below:

**Table – 4: Strong and Weak Aspects of Education and Federalism in India**

Strong aspects	Weak aspects
<ul style="list-style-type: none"> <li>• Central government takes 2% VAT for mid day meal</li> <li>• Common course for all state</li> <li>• provincial responsibility of education</li> <li>• Central government funds provided through provincial government</li> <li>• Central government plays roles in national initiatives, special efforts in regions with need</li> <li>• Higher education and technical education financed by central government</li> <li>• 40% of educational expenditure by Provincial Government derived from central government</li> </ul>	<ul style="list-style-type: none"> <li>• Low government expenditure (resulted due to horizontal imbalance)</li> <li>• Higher inequality in educational expenditure by provincial government (unequal quality of education)</li> <li>• Per unit cost calculation not available</li> <li>• Unclear provisions regarding involvement of local government in education</li> <li>• Investment focused on teacher salary and student incentives</li> <li>• Private education system determined by Provincial Government</li> </ul>

#### **5.4.2 Experience of Australia**

45. The Australian Constitution of 1901 established a federal system of government. Under this system, powers are distributed between a national government (the Commonwealth) and the six States (three Territories – the Australian Capital Territory, the Northern Territory, and Norfolk Island have self-government arrangements). **The Constitution defines the boundaries of law-making powers between the Commonwealth and the States/Territories.** Politically there are eight state governments. The political and financial relationship between the States and the Federal Government is an ongoing concern.

<sup>5</sup> Derived based on the discussions among reference group members.

46. The federal leadership over national education policy, as did the “Common and Agreed National Goals for Schooling in Australia”. With federation in 1901, the Australian states retained the obligation to fund education. The Australian education system is based on following principles,
- **Right of access to education** – Education must be available for, accessible to and inclusive of all children.
  - **The right to quality education** – Education needs to be child-centered, relevant and embrace a broad curriculum, and be appropriately resourced and monitored.
  - **The right to respect within the learning environment** – Education must be provided in a way that is consistent with human rights, equal respect for culture, religion and language and free from all forms of violence.
47. **With federation in 1901, the Australian states retained the obligation to fund education.** A federal framework gave reason for them to seek standardized approaches across the country. After 1891, Committees like the Fink Commission in Victoria (through the Education Act of 1901, and the subsequent Teacher’s Act) and the NSW Royal Commission on Education (through the Free Education Act 1906), guided the reform of technical education, eliminated pupil teachers, abolished fees in state schools, promoted the building of state high schools, provided for teacher education institutions and registration, extended the compulsory base of education, and the centralization of education under permanent heads.
48. **Though education was a state issue, the Commonwealth became more vitally involved in state.** Dawkins *unified national scheme* regularized relationships between the states and the commonwealth with regard to federal leadership over national education policy, as did the “Common and Agreed National Goals for Schooling in Australia” (the Hobart Declaration), which emerged out of the 1989 conference of Education Ministers. Universities received greatly increased per capita funding for student places. Australian government spends a significant amount of money on school education and the spending is comparable to US and UK in terms of per student spending. The Australian funding of schools derives in part from Commonwealth and in part from state governments.
49. **Most school funding comes from state government (77.5%) while the remainder comes from Commonwealth (22.5%).** In 2004-2005, state provided 91.3 percent of the total funding available to government schools while the Commonwealth provided 73% of the total funding available to non-government schools. The norm is that State provides most of their funding to government schools (up to 93%) while the commonwealth provides most of their funding to non-government schools (around 70%)<sup>6</sup>. Commonwealth is the main funder for non-government schools based on per capita amounts. This include recurrent grant 85.2% targeted program 6.8 percent and capital program 8%.

6 Source: Australia’s school funding system, December 2007 by Andrew Dowling, Policy analysis and program Evaluation Unit.



50. Two funding models are in use: (i) average Government School Recurrent Grant (AGSRG) introduced in 1993, and (ii) socio-Economic Status (SES) funding formula introduced in 2001. AGSRC establishes per student amount to be spent for all students while SES formula distribute to non-government schools. The AGSR amount for 2005 was as following:

Primary school AGSRC	\$6,783
Secondary school AGSRC	\$ 8,994

51. States indicates how much is spent per student on average in government schools and Commonwealth then adjust this amount to derive AGSRC. The aggregate will come as national cost of educating a child. In 2003-4 this cost was \$9,015 per student in primary schools and \$11,552 per student in secondary school.
52. Besides this there is model of funding called as Socio-economic status(SES Model) which applies appropriation of AGSRC to non-government school for each student they enroll depending on the school's SES status. **The amount depends entirely on the schools SES score which is based on combined average SES of communities in which each student's home is situated.** Non-government schools also receive additional income from state government grants, interest free government loans in some cases, private fee and donations. It is said that non-government schools are funded on average of educating a child at government schools costs to non-government school fund.
53. **Both government and non-government schools are receiving funding based on average student.** The commonwealth fund provided to government schools at a flat rate of AGSRC (8.9 percent for govt primary schools and 10 percent for government secondary schools). New South Wales, Queensland, wester Australia and Tsamaniya use the AGSRC for payment to non-government schools to create pool of funding.
54. Broadly there are two main process of distributing state funds to government schools eg Decentralized and centralized methods. In the decentralized funding great proportion of funds are provided directly to individual government schools like Victoria provided 100% while SA 80% only. For this, School Principals are autonomous for staffing and other expenses. In the centralized system the fund can not disaggregated into its components based on school autonomy. Teachers salaries and disability funds are categories very clearly (NSA, WA and QLD).
55. **Provisions were made to target poor and disadvantaged communities.** Official multiculturalism was promulgated and the rights of minorities, especially girls, Aborigines, rural children, migrant children and the physically and mentally handicapped were protected and advanced. Funding for childcare was made available to empower working mothers—a system that existed in moderated form until the early 1990s. At secondary level, the radical experience of South Australia was extended to the federal scene by Peter Karmel through the Australian Schools Commission. The system of government grants to schools was means tested, meaning that more resources flowed to the poorer Catholic schools than to the private grammar schools.



More importantly, the beneficiaries of a student generation of free university education remained beholden to the vision of democratic education, a cohort that still fills many of education's senior positions, and resents the swing to a market economy that is transforming social activism into market awareness.

56. As the century ended, Australians awaited the federal government's final word on whether the recommendation of devolved educational funding, such as a voucher system would be put into place. Elements of devolved budgeting are in place, such as the Howard Liberal Government of Enrollment Benchmark Adjustment (EBA) which facilitates the establishment of non-government schools, and penalizes those public systems which lose market share. The use of the EBA has also provided a way of estimating the scale of movement towards the private system in Australia: in 2000, DETYA estimated that, "the gradual movement of students to the nongovernment school sector has saved the states some \$3 billion since 1983" (DETYA, 2000c). The NSW government estimated in 2000 that its public system would be losing some \$50 million per year by 2003 to EBA due to the shift towards private schools (NSWDET 2000). In the same year, most states were closing surplus public schools in older suburban areas due to declining numbers of school-aged children and the growth of the private sector. Some tensions, particularly as relates to hiring policies and such issues as corporal punishment, have arisen over the fact that receipt of federal funding requires private schools to comply.
57. **The financial reporting is obscure which has created maximum flexibility in the budget spending at school level.** User Cost of Capital (UCC) is a concept to use state reporting and getting the state funding based on accrual accounting. But UCC concept is not in use in commonwealth funding. UCC constitute 13.6 percent of total recurrent expenditure in government schools.
58. To make the understandings clear, a table consisting of strong and weak aspects of Australian Education Federalism is presented in table below:

**Table – 5: Strong and Weak Aspects of Education and Federalism in Australia**

Strong aspects	Weak aspects
<ul style="list-style-type: none"> <li>• Availability of per unit cost calculation (per student cost estimation available)</li> <li>• Student based fund disbursement to schools</li> <li>• Specific provision for disadvantaged population</li> <li>• More expenditure by provincial government</li> <li>• Less financing role of central government</li> </ul>	<ul style="list-style-type: none"> <li>• Higher involvement of Federal Government though Provincial Government are made responsible for education financing</li> </ul>

#### **5.4.3 Experience of other countries**

59. Under fiscal arrangements for education financing, countries **face two kinds of imbalance between resources and responsibilities** – vertical imbalance (between the central government and all state governments combined) and horizontal imbalance

- (among state governments). Countries have responded in different ways to both of the imbalance – constantly adjusting the redistributive mechanisms, increasing non statutory grants, shifting administrative responsibilities to higher levels of government, or using some combination of these strategies.
60. Most of the federal countries assign the constitutional roles of financing education to provincial or local governments. None of the industrial countries with a well established federal system of government assigns constitutional responsibility for education to the federal government (World Bank, 1997). Direct FG grants are limited to around 8-9% which mostly includes grants for poor and disadvantaged students, researches and higher education, in few countries. In Brazil, FG accounts for 30 per cent of education expenditure and is involved in higher education and secondary technical education. To solve horizontal vertical imbalances, Australia bases the amounts of grants on recommendations of independent commissions, and Canada on formulas, while Germany determines grants through a broad system of responsibility-sharing. In developing federal countries like Nigeria and Brazil, FG provides specific purpose grants to specific states to equalize performance in education. Such programs have been both popular and unpopular.
  61. In USA, the responsibility of primary education is given to local government while PG is made responsible for all levels of education. FG sets norms and standards based on per unit cost derived through extensive researches.
  62. Brazil has successful experience in implementing pro-poor stipend program with involvement of local government. A program called *Bolsa Escola* provides grants to poor families based on condition linked with primary education of their children.

## 5.5 Conclusion and Recommendations

### 5.5.1 Conclusion

63. Currently, Nepal has number of problems associated with education financing policies and provisions, allocations, distributions, utilization and transparency. Other federal countries (India, Australia, Brazil, Nigeria, USA) are struggling to solve vertical and horizontal imbalance in financing education. However, there are some examples of successful practices too. It is right time for Nepal to design the education financing mechanism in federal structure so that it solves the existing problems sustainably.

### 5.5.2 Recommendations

64. **The new constitution need to have education financing related statements.** The constitution shall mention the financial responsibility of central, provincial and local government in education sector along with illustration of allocation in percentage of Gross Domestic Product. Moreover, Constitution also needs to be clear about the free and compulsory education provisions. Along with constitution, Education Acts and Regulations need to be clearly describe the financing responsibility of FG, PG, and LG.
65. **Provincial Government needs to be made responsible for financing School Education and Technical Education whereas FG needs to finance higher education.** Central government needs to develop the policy, carry out researches, fix the norms and standards, monitor performance of all states, implement specific projects in province with great need of external support, and have understanding with external donor partners. The detailed distribution of roles is presented below:

#### *a) Basic Education*

66. Provincial government needs to be made principally responsible for financing the basic education since provincial and local government are expected to benefit from the people receiving basic education. Central government needs to fix necessary minimum norms and standards to be followed by PG. The minimum norms and standards will fix per student unit cost, scholarship amounts and criteria for selecting the beneficiaries, criterias to select schools for construction support, minimum operating cost, minimum teacher salary, minimum salary for non-teaching staff, education technology requirements. Provincial Government will develop additional guidelines on performance based incentives to schools and teachers, additional scholarships, construction support, maintenance support etc.
67. For construction support, provincial government provides the financial resources to school following the standards fixed by central government. Local government and community will be responsible for school maintenance. Similarly, educational technologies will also be financed by provincial government. Local government needs to finance the teaching learning materials.
68. Basic school teachers will be recruited by SMC and paid by Provincial Government as per the teacher quota approved. Central government fixes the minimum salary

level and criteria for promotion. Provincial Government develops separate guideline for additional and performance based payment to teachers. Similarly, provincial government provides money for teacher training whereas central government provides technical and financial support to training centers. The teacher management needs to be given to provincial government with gradual transfer teachers to province.

69. The schools will be provided with the money directly to their account operated with combined signatures of SMC chair and HT. Central, Provincial and Local Government directly deposit the amount on school account based on the fixed norms and standards.
70. In basic education, central government will (i) finance textbook publication and distribution, (ii) identify the poor and provide stipends, (ii) implement specific and targeted project in the districts or regions with lower educational outcomes for certain period of times, (iii) research and development. The authority to decide on private education needs to be given to provincial government.

#### ***b) Secondary Education***

71. The management of secondary education is proposed to be similar to that of basic education. Secondary education can be developed as concurrent responsibility of PG and FG.

#### ***c) Higher Education***

72. The overall responsibility of financing higher education needs to be of central government as it takes major benefit of higher education products. Provincial and Local Government can contribute in construction, maintenance and monitoring. FG needs to develop higher education policy with separate act.

#### ***d) Technical and vocational education***

73. The principle responsibility of designing the policy and financing technical and vocational education will be on provincial government. Federal Government will support in infrastructure development, technical backstopping and policy development (link to the employment opportunities).
74. **There is a need to design spontaneous and clear provision related to education financing in federalism.** A comprehensive education financing framework is necessary. The proposed framework of resource for the education sector at different tiers of Government in the context of macro economic framework is given below:

Tiers of Government	% GDP	% total budget	% of domestically generated resource
Federal			
Provincial/Regional			
Local (District)			
Parents/Communities			

75. **The funding formulae need to be based on number of students along with positive incentives.** Federal Government needs to be involved in identifying the unit costs and developing the funding manuals applicable to all provinces. There will be a need of high level technical costing study across the provinces to fix minimum unit cost to provide school education (basic and secondary education) to each child in each province. The funding formulae need to be as per School and Community Based Approach (School Improvement Plan, Social Audit).
76. **Federal Government needs to implement specific projects in the regions with lower education outcomes (because of lower level of funding by PG).** Under federal structure, there are higher chances of horizontal imbalance in terms of education financing across provinces. In this context, FG needs to identify the region with lowest education outcomes, find the reasons behind the outcomes to be low, and design as well as implemented direct projects to improve the outcomes. In this way, FG can contribute in ensuring achievement of access and equity related national targets.
77. **Provincial Government needs to be made responsible for providing teacher salary.** The teacher quota needs to be gradually transferred to PG from FG. One of the mechanisms suggested is to make all currently recruited teachers as FG teachers and newly recruited (temporary, rahat) as PG. Teachers need to be encouraged to join PG through various attractive policies.
78. For primary level, there is a need to **distribute grants to families based on poverty targeting by FG.** FG needs to develop independent procedure for selecting the poor households and providing the necessary grants to such families based on applicable conditions. The applicable conditions can be enrollment to schools, higher level of attendance, high learning achievements etc. Poor can be selected through scientific procedures like Proxy Means Testing. There is also a need of matching grants to disadvantaged schools and students through FG.
79. **Provincial Government will determine education taxation** related provisions based on their resource need. Provincial Government will have authority to determine ways to resource collection for educational development.
80. **Provincial Government will determine and implemented policies and provisions related to Private education.** State Government will have prerogatives to decide about overall provisions related to private education which includes decision related to allow or not allow opening and operation of private schools, taxation to private schools, monitoring and minimum standards of private schools, grants to private schools etc.
81. For acquiring donor support, **PG will identify the project** and plans activities whereas FG will approve and have formal agreement with donors. Provincial Government agrees and designs the projects in coordination with donors based on their needs. **Donor harmonization will be the responsibility of Federal Government.**

# 6

## **Education in a Federal Context in Nepal**

- Anton De Grauwe  
- Francoise Calliods

## **6.1 Context and principles**

### **6.1.1 Context**

**A**ny governance reform needs to take into account the context within which it is designed and implemented. We will not describe here in detail the characteristics of Nepal. We will however recall some of the main characteristics of the Nepalese context, which have an impact on the choices made concerning the federal model.

First, the main reason for the introduction of federalism is to allow participation by previously excluded groups and communities in decision-making. Already, in its Preamble, the Interim Constitution makes reference to this background: “Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender”. Article 138 (1a) makes this more explicit: “Recognizing the desire of the indigenous peoples and of the people of backward and other area including Madhesi people towards autonomous provinces Nepal shall be a federal democratic republican state. Provinces shall be autonomous and vested with full authority.”

Second, Nepal is a country of great diversity and of significant disparities. The federal structure may be more relevant than a centralized state to respect that diversity. The Interim Constitution’s Article 17 claims under “Rights related to education and culture” that “(1) Every community shall have the right to get basic education in its own mother tongue, as provided in law” and “(3) Every community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civilization and heritage.”

Third, evidently governance structures are already in place. They are somewhat different in local government organization than in the educational administration. But both have a fairly long history and both have some important responsibilities. In the education administration, there are several levels under the central ministry: the Regional Education Directorates, the District Education Offices, the Resource Centers, and the schools. The local government structure consists of two levels under the central state: the district development committee (DDC) and underneath the village development committee (VDC), and in urban areas, the municipalities. The DDCs, VDCs, and municipalities receive grants from the central level, according to a formula, and manage these with some autonomy. Both at district and village level, there is a District or Village Education Committee, which approves the education plans prepared by the DEO on one hand, and the Resource Center and the schools on the other. In both these governance systems, the levels with greater responsibilities are the district and local ones, while the regional level (which may be closest in number to the provinces to be created under a federal system) is either non-existent or plays a limited role.

Fourth, Nepal has many years ago opted for a policy of decentralization. This has mainly taken the shape of strengthening the local government and community structures. This is true for education and for other sectors. The School Sector Reform Plan 2009 – 2015

states “in the context of Nepal, the Government’s decentralization policy is gaining momentum and local governments are expected to play an increasing role in the planning and implementation of public services” (p.4). When commenting on basic and secondary education, the point is made that “participation and ownership by the community in school development, including resource mobilization and management support for quality education, have demonstrated positive results across the nation” (p.11).

Fifth, at present, there remains much discussion and significant disagreement on the shape of the future federal state. The debate so far has focused mainly on the make-up and the number of the provinces. Should the main criterion be one of “identity” or one of “capacity”? But it is important to mention, in the context of this study, that so far there has been little discussion on the local government level. It is often mentioned that they will be the result of a regrouping/reconstitution of the existing VDC’s and municipalities, but their number and the basis for this reconstitution have not been discussed in depth.

A sixth and final point is that there has been little reflection on the implications of the federal system within the sectoral ministries. The first Constituent Assembly and its many committees have produced many documents and much thinking on the many options in the design and implementation of a federal system. However, the Ministry of Education has not so far undertaken any examination on the implications of the federal system for the structure of its administration and for its own role (with the exception of the project within which this work is undertaken). From our own interviews with staff in the Ministry, it became clear that their present focus is on making the existing system functioning properly and effectively. Their expectation is that it will take quite a few years before the federal system is implemented. Moreover, as civil servants, it is not their role to speculate on the future shape of the Nepalese State, as this is very much a political question. The risk however is that the Ministry will not be ready for transformation, when the time comes.

## **6.1.2 Principles**

We propose here two sets of principles. A first set is general: these are common principles for any effective decentralization policy (of which federalism is one model). A second set is more specific to this document. We have taken these into account when selecting the different options for teacher management, financial management, and planning, within a federal Nepal. In theory, many more options are available, but it is of little use to present all of them. We have selected only a few, and, in order to do so, we used also some principles.

### **General principles for effective decentralization**

Complementarity between the different actors is crucial to the success of decentralization. Federalism tends to create new actors or to invest existing actors with new authorities. It is essential that the different decision-makers in education, at whatever level they are placed, work together and that their actions are complimentary and not conflicting.

Balance between central regulation and local autonomy. This core principle is easy to define, but many conflicts around decentralization center on this tension. Any education system, be it the most decentralized, needs some central regulation; otherwise it is no longer



a “system”. But the essence of decentralization is that local level actors have autonomy. The balance between these two forces may be different for each country and may differ from theme to theme, as our discussions will show.

Balance between professional-technical expertise and political legitimacy. Federalism implies that provincial, and probably local, governments will be elected. These governments will therefore have political legitimacy to make education policy, but they need to take into account the technical expertise that education public servants have and can put at their disposal.

Balance between the mandate and the resources and capacities of an actor. An actor, such as a School Management Committee (SMC) or a Local Government or a Provincial government, should not be assigned functions for which they have neither the resources nor the capacities. However, if the policy set is to give new functions to an actor, then efforts have to be made to ensure that this actor will have the necessary resources and capacities.

Balance between professionalism, autonomy, and accountability. This final principle implies that, when an actor has genuine professional skills and the other characteristics that come with professionalism (specialized training; service orientation; social status), that actor can be given significant autonomy but will also be held accountable for the way in which the autonomy has been used.

## **Principles underlying the choice of options**

As mentioned above, Nepal is a country of diversity and of disparities. A central principle is that the federal system should respect this diversity, without deepening the disparities. The first part of this principle may imply that the provinces will be constructed in such a way as to recognize the different linguistic and ethnic identities in Nepal. The second part means that disparities need to be addressed, for instance through equalization mechanisms to be developed and implemented by the central level.

Several existing governance structures, within local governments and within the educational administration, function more or less effectively and have a long history. It is important, when constructing a new federal system, to build upon the existing structures. If we do not take into account their existence, two risks exist. On the one hand, the risk is to weaken the entire system, by creating entirely new structures, which may not be very effective at the beginning. On the other hand, if an additional level is simply added to the existing ones, there may be conflicts between the new and the existing structures, and there may be too many levels, creating a heavy bureaucracy.

In the same vein as the previous principle, successful strategies need to be retained and integrated into the new federal system. For instance, if it has been demonstrated that schools grants are a reasonably effective school financing mechanism, especially at secondary level, it makes sense to keep this strategy.

The instauration of federalism in Nepal should at the same time be seen as an opportunity to transform the education system, where such transformation is needed, and to address

deep-seated problems, which have been impervious to previous attempts to resolving. The instauration of federalism is indeed a major change which may open space for reforms which previously were difficult to imagine or implement.

## **General rules about distribution of responsibilities**

The first Nepal Constituent Assembly failed to reach an agreement on the precise design of the federal structure, and the second Constituent Assembly has only just started working. Nonetheless, while no full agreement has been reached, there is a common understanding on a number of general rules about the distribution of responsibilities.

The main point of agreement is that there will be three tiers of government: central or federal; provincial; and local. Two committees of the first Constituent Assembly have made somewhat more detailed proposals with regard to the responsibilities of these three levels<sup>1</sup>.

The *State Re-structuring Committee* (SRC) included under the various levels the following responsibilities concerning education or related areas (to the three tiers is added a list for “autonomous areas”):

### ***Federation List***

- Management of central civil service
- Central University, central library

### ***Provincial List***

- Management of provincial civil service
- University, higher education, library, museum
- Protection and use of language, culture and religion.

### ***Common List (for the Federation and Provinces)***

- Economic and social planning, family planning and population

### ***Local Areas List***

- Primary and secondary education

### ***Autonomous Areas List***

- Primary, secondary education, library and museum

The *Committee on Natural Resources, Economic Rights and Revenue Allocation* (ERC) has made the following proposal on education.

<sup>1</sup> The information on these two committees is based on the paper “Proposed Allocation of Competencies between Levels of Government in Nepal” prepared by Dr. Jayampathy Wickramaratne, for the UNDP

### ***Federation***

- Universities; higher education; regulation and standardization of quality of universities; national agenda of education; course of study; examinations.

### ***Province***

- Universities; technical and vocational education; course of study/textbooks/examinations; special education (for visually challenged, deaf and other type of physically challenged people).

### ***Local***

- Education up to 10+2; informal education.

While these proposals leave much space for interpretation, the following may be a good summary: The federal level will be in charge of overall policy, and of the federal universities. The provincial level will be responsible for the provincial universities, teacher training, and technical and vocational education. The local level may be in charge of basic education (1 to 8).

This leaves open the question of who would be responsible for secondary education. There is a complication because the new structure of the education system, with 8 years of basic education, 2 years of secondary and 2 years of upper secondary does not correspond to the structure of many schools. Many present schools offer grade 1 to 5, or 6 to 10. Assigning basic education to one level and secondary education to another would be difficult to manage as the same school and the same teachers would be responsible to two different government levels. The capacity of the local government to manage 8 years of basic education, let alone secondary, is another quandary, to which we will return.

Other important debates remain unsolved. The first one concerns the number and the make-up of the provinces, and of the local governments. As mentioned earlier each local government may be a conglomerate of existing VDC's, but this is not confirmed, while the unfinished discussion about the provinces is at the heart of the failure of the previous Constituent Assembly to arrive at an agreement.

The second unresolved question concerns the way in which the provinces and the local governments will be financed, as we will discuss later. Undoubtedly, the provinces will have their own resources from taxes they can collect, while the federal level will continue to collect several taxes, with some funds probably distributed to the provincial level. But the balance at provincial level between their own resources and those received from the federal level, is not yet clear, though it has a significant impact on the autonomy of the provinces. The future situation of the local governments is equally unclear.

## **6.2 Planning and management of education: options for evolution under a Federal system**

**T**he governance of the education system in Nepal is fairly centralized in as much as the policy and the long term plan are defined at the central level, the teachers in government aided schools are recruited according to the norms and criteria of the Teachers' Service Commission (TSC) and permanent teachers are paid by the Ministry. But there have been significant efforts at deconcentrating and decentralizing certain management tasks : in education schools -the school management committees , the municipalities and Village Education Committees ( VDCs), and the District Education Committees all prepare a plan which are integrated respectively in the plan of the Village Development Committees and that of the District development Committees ; the Teachers' Service Commission recruits the teachers which are then appointed by the DEOs; Districts organize the 8<sup>th</sup> grade examination and, the community schools and their school management committees recruit temporary teachers on government funds or on their own funds .

It is important to lay down what the powers of the central government and the Federal units could be in the future management of education and to openly discuss what the advantages and disadvantages of different modes of division of power could be. There are several options possible and in order to be as clear and transparent as possible we have selected three key activities in education management: teacher management; financing of education and planning of education. We shall afterwards recall what could be the key functions which may remain at the level of the central government whatever the option taken.

### **6.2.1 Teacher management in government funded schools**

Presently, as mentioned above, the Teachers' Service Commission (TSC) prepares a list of people to be recruited as permanent teachers for basic education in the different districts and these are appointed by the District Education Officers and assigned to schools with approved posts. Once appointed the teachers are paid by the schools with earmarked funds coming from the central government.

Community schools are also allowed to appoint temporary teachers on vacant posts using government funds (until the permanent teachers arrive). These are selected at schools level by a school selection committee, approved by the SMC and later by the DEO. Schools can also recruit temporary teachers if they do not have enough approved posts -i.e. their P/T ratio is above the norm- using the relief per capita funding initiative. They can also recruit on their own funds. Finally recently established community managed schools will eventually have more freedom in the management of their teachers, including the appointment of permanent teachers funded by the central government. All temporary teachers should have a teaching license but as schools employees they are accountable to the school and its management committee.

It appears from the above that the role of a professional body such as the TSC is well appreciated by the stakeholders; and that the districts but also the schools have a certain

capacity to recruit and to organize the payment of their teachers. The Nepal School Sector Reform Plan (SSRP) 2009-2015 states that schools should manage their own teachers in future.

Hence in a new federal system four options are possible regarding the selection of possible candidates, the appointment and the employment /payment of basic education teachers<sup>2</sup>. What is important is that teachers should have a minimum of security of employment ; that their recruitment should be transparent and based on a number of clearly established criteria, similar from one federal unit to another, and that they could be kept accountable in case of improper behavior, unsatisfactory teaching and unjustified absenteeism<sup>3</sup>.

The four options presented below are largely inspired by those retained in the concept paper entitled “Teacher Management and Development in Federal System of Government of Nepal”<sup>4</sup> written after several consulting meetings of different stakeholders.

One option could be that the selection of teachers, i.e. the licensing and the testing of teachers continue to be done by the National Teachers’ Service Commission (more or less as now) but that teachers are appointed and employed by the provincial governments. This option has not been retained as being too centralized; leading to unnecessary delays in the selection process and not giving enough leeway to the federal units to influence the recruitment process. Federalism would have little meaning if each provincial government cannot establish its own Teacher Service Commission so as to have its own recruitment criteria. Another extreme option would have been to decentralize the whole teacher management process at the level of the local governments. There is a great deal of uncertainty on what the number of local governments will be in the future Constitution and not much discussion has taken place yet on this issue. It does not appear however feasible to envisage the creation of several hundred Teachers’ Service Commissions, nor to develop the capacity of several hundred Local Government offices in the appointment, payment and overall management of teachers<sup>5</sup>.

The four options retained fit between these extremes. In the first three options the licensing, testing and pre-selection of teachers would be carried out by a Provincial Teacher Service Commission, while in the fourth option it would be carried out by a National Teacher Council (a purely professional body as, say, the Bar for lawyers). These professional bodies would establish the minimum standard of qualification (licensing) and the code of conduct. The Provincial Teachers’ Service Commissions would in addition test the candidates and provide a roster of possible teachers candidates from which the provincial governments (option 1) the local governments (options 2), or the schools (Options 3) would appoint teachers. It is likely that these professional bodies will make recommendations as to whom should be recruited (as the Teachers’ Service Commission does now) but the appointing body could add additional criteria (such as language spoken, place of residence, gender or even higher educational qualification) and not necessarily follow the ranking of the Provincial Teacher

2 Grade 1 to 10 teachers. For the reasons mentioned earlier, it is not proposed to separate grade 9-10 schools from basic education schools.

3 The lack of accountability may be the reason – together with the use of English as medium of instruction-- why in some regions the proportion of pupils and students enrolled in private school is so high.

4 Prepared by DtArbindaLalBhomi and DrRajendraSuwal for the UNESCO Office in Kathmandu ( Nov 2009).

5 There are presently 3913 Village Development Committees and 58 municipalities . Even if these are regrouped, the number of local governments would remain very high.

Service Commission: the teachers will be made accountable to the appointing body. In the case where schools would appoint teachers (options 3 and 4), a school selection committee<sup>6</sup> would test the teacher candidates.

In options 1, 2 and 3 the teachers would be employed and financed by the Provincial Governments with funds those would receive from the provinces and the Federal Government. In option 4 basic education and secondary school teachers would be employed and financed by the Local Governments with funds that they would receive from the provinces and the Federal Government<sup>7</sup>, while upper secondary school teachers- grade 11-12- would be employed and financed by the Provincial Governments (again with funds that they would receive from the provinces and Federal Government).

In option 1 school teachers would be selected by a Provincial Teachers' Service Commission who would license them, interview them and establish a list of possible candidates to be appointed by the provincial government. Teachers would be appointed, employed and financed by the elected provincial governments. The teachers would be accountable to the provincial authorities. Schools would still recruit some temporary teachers.

Option 2 is very similar to option 1 but the teachers would be appointed by the Local Governments. These could add a few additional criteria concerning language(s) spoken, gender or the place of origin. Teachers would then be accountable to them. They would be employed and financed by provincial governments and this should give them a certain level of job security.

Option 3 recognizes that schools and school management committee should have more to say on the appointment and recruitment of teachers. It is at that level that disadvantaged and minority groups are most likely to express interest in the management of the educational system, wanting to influence the school plan and have something to say on the quality of the education delivered. Hence the Provincial Teacher Service Commission would establish a roster of possible candidates. A school selection committee would conduct additional interviews/ tests and select the candidate to be appointed by the school management committee. The provincial governments would be the employer and funder, again providing some security of employment to the teachers. It is hoped that teachers will be more accountable to the community.

Option 4 also recognizes that schools and school management committee should have more to say on the appointment of teachers. It proposes that a professional body 'Teacher council' does the licensing of teachers instead of a Provincial Teacher Service Commission. The appointment of teachers proper would be done by the School Management Committee upon the advice of a school selection committee as in option 3. The employer and funding organization in this option would be the local governments using their own funds or funds coming from the provinces and/or the federal government. This proposal is in line with the Constitution and with School Sector Reform Plan which both refers to the Local

6 As they do now: two of the three members of these present committees are professionals from the DEO :a supervisor, and a resource person.

7 The way the third tier of government i.e. the local governments would be financed is not yet decided (local taxation but which? Block grants from federal government or from provinces?) .

Governments (LGs) as the level in charge of basic education management. Although it is not clearly defined how many LGs there will be, there will be many more than provincial governments. This will require a lot of capacity building to enable LGs to prepare plans and budgets and to collect funds, as well as to manage the payments of teachers and grants to the different schools. On the other hand it is at that level that local concern for the relevance of basic education and secondary education can best be insured. Teachers union may not however consider such an option very favorably.

Two additional notes : **First** it is not proposed to separate the management of secondary education (grade 9-10 ) from that of basic education as lower secondary and secondary education are often provided in the same schools and teachers are often teaching at both levels. Putting them under different administrations would add to the complexity of the management process. **Second**, teacher unions and associations are pressing to regularize all temporary teachers and to change their status to that of permanent teachers. This proposal has not been retained as it was considered that federalism should not mean more centralization than at present and schools and their management committee should keep a minimum of autonomy and flexibility whatever the options chosen. It is very likely that the number of temporary teachers would be very much reduced in options 3 and 4 where schools are the appointing bodies (temporary teachers could be reduced to those replacing absent or sick teachers for several months).

Option	Preliminary selection / Licensing by	Employed and financed by	Appointed by Accountable to	Temporary teachers
1	Provincial Teacher Service Commission	Provincial Government	Provincial Government	Yes as presently
2	Provincial Teacher Service Commission	Provincial Government	Local Government	Yes as presently
3	Provincial Teacher Service Commission	Provincial Government	School : SMC on recommendation of School Selection Committee	Few
4	Teacher Council	LGA	School : SMC on recommendation of School Selection Committee	Few

Teachers' salaries are the largest expense in the education budget at whatever level. These options will have direct consequences on the options regarding the financial management of education.

## 6.2.2 Financial management of education

Issues concerning financial management in a federal Nepal are numerous. These include:

- Who should pay for the education cost: finance teacher salaries, buy textbooks, fund scholarships, maintain schools, pay for infrastructures and operating costs ?



- With which resources? Different local taxations? Subsidies from the federal government? External aid?
- Local resources are likely to be very different from one province to another. Is the federal government going to equalize the level of resources between different provinces/LGs? and how?
- Which incentives is the federal government going to develop to encourage the performance of various provinces/LGS and yet reduce disparity between resource rich and resource poor provinces /LGs?
- What will be the margin of maneuver of provinces /LGs in the allocation of resources to different sectors? Will rules and regulations be considered, or not, to ensure that education remains a priority sector?
- On what basis are the Provinces or LGs going to transfer funds to schools to pay teacher salaries: through earmarked funds, though per capita grants or through different block grants?
- How are the one year and medium term education budget of provinces/LGs going to be prepared? How can it be ensured that it will be a bottom up approach and not a top down approach?
- Which resources will remain at the federal level to finance different types of educational expenditures?

Many of these questions should be settled in the Constitution, and implemented by the Ministry of Finance. We will only discuss some of them below:

***a) Who should finance the education cost?***

According to the various options discussed above concerning teacher management, in options 1 to 3 the **provincial governments** would be the level responsible for financing teacher salaries in early childhood education, basic education and secondary education up to grade 10. Most probably they would also be responsible for financing all other educational expenditures: textbooks, scholarships, and the development of infrastructures (totally or partially), and all operational costs including maintenance costs.

***They will need an administration capable of***

- collecting and analyzing the data and requests from the different schools ;
- preparing 5 year plans, 3 year operational plans (to link to the Medium Term expenditures Framework) and one year operational plans ( linked to the budget)
- preparing the budgets ( short term and medium term)
- developing some mechanisms to decide on which basis they are going to give grants to the schools ; decide on new infrastructures .



In option 4 **the local governments** would be responsible to finance early childhood education, basic education and secondary education up to grade 10: financing teacher salaries, fund scholarships, finance totally or partially the development of infrastructures, and finance the grants to schools covering operational costs including maintenance costs.

***Likewise they should set up an administration capable of***

- collecting and analyzing the data and requests from the different schools ;
- preparing five year plans, 3 year plans and one year plans
- preparing the budgets ( short term and medium term)
- developing some mechanisms to decide on which basis they are going to give grants to the schools ; decide on new infrastructures .

In addition in all options (1 to 4) the **provincial governments** would be in charge of financing public upper secondary schools, technical and vocational education, teacher training and provincial universities, should they decide to build some which are not approved nor funded by the University Grants Commission.

***b) With which resources? Local taxation? Subsidies from the federal government? External aid?***

The answer to these questions will be found in the new Constitution and details will be worked out by the Ministry of Finance.

Evidently the Federal Ministry of finance will continue to collect taxes (excise taxes, import and export duties, and, probably at the beginning, income taxes, business taxes ...). The provinces and LGs will themselves raise taxes: these will be defined by the new Constitution, including the freedom with which they can fix the taxation rates. The Federal Government will complement what each of the provinces and LG is able to collect as taxes with some funds so that they are able to pay for the expenses under their responsibility, in particular teacher salaries as well as all the necessary non salary recurrent expenditures and development expenditures.

It is likely that external aid will be managed by the Federal Ministry of Education who will negotiate with donors, funding agencies and international NGOS what kind of development projects they could finance, and where. The Federal Ministry of Education will also be the one responsible for negotiating, implementing and monitoring a sector wide approach in education, should it and aid agencies want to continue this approach.

How is the Federal Government going to equalize resources available to different provinces/ LGs? This again is a matter to be worked out by the Ministry of Finance. The solution is likely to combine block grants using a formula funding mechanism similar to the one used by the Ministry of local government to finance the municipalities and VDCs ( taking into account total population, area, poverty level,HDI, cost of living ...), with incentives linked to performance (as measured by a performance index) and some per capita grants .

***c) Are the funds transferred by the Federal Government to the different provinces /LGs going to be earmarked for education or will the provinces /LGs have the possibility to decide how much they want to give to different sectors, privileging another sector ( e.g. health, transport) over education , or vice versa?***

On one hand federalism means giving provincial and local governments the possibility to define their own priorities in view of the situation encountered in their territories; on the other hand the Federal Government policy has to be implemented as well as the country's international commitments. This may be solved either:

- By fixing a proportion of the province /LG budget or of their resources that should be assigned to education;
- Or by transferring funds for education on the basis of an average education costs per pupil (average recurrent costs and average development cost). Such average cost could be modified to take into account indicators of remoteness and cost of living<sup>8</sup>.

***d) Are the funds transferred by the Federal units responsible for financing education to the schools going to be earmarked for different types of expenditures? What kind of grants will be used to transfer funds to the schools?***

***There are various options in this regard:***

- In option 1 described above -which suggests that the appointment be made by the provincial governments- and in option 2 – according to which teacher salaries would be financed by the provinces but the teachers would be appointed by the local government - funds for teacher salaries would be earmarked and transferred by the province directly to the schools accounts; likewise funds would be earmarked for scholarships to the school account (special grant) ; another Block Grant could be earmarked for school improvement (water, toilets, maintenance ) and new infrastructure . The rest of the funds covering operational costs: books, textbooks , lunch meal and other operating expenses could be covered by a general block grant based on a formula taking into account the number of pupils, the remoteness of the school , the pupil teacher ( P/T) ratio and school achievements ( retention rate , examination results.. ) . A special relief grant could be transferred to schools and used to hire additional temporary teachers if P/T is above the norm, as it is done now.
- In options 3 and 4 where the selection and appointment of teachers would be made by the school there would be several block grants transferred to the school account by the financing Federal Unit : the Provincial Government in option 3, or the local government in option 4 :

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<sup>8</sup> Special allowances may be needed to encourage teachers to go and teach in remote rural areas.

- Block grant earmarked for teacher salaries taking into account the number of pupils and an average pupil/teacher ratio in the Federal Unit
- Block grant earmarked for scholarships based on the number of Dalits and on the number of girls in the schools
- Block Grant earmarked for school improvement ( water, toilets, maintenance ) and new infrastructure
- Block grant for operational expenses including textbooks based on a formula taking into account the number of pupils, the remoteness of the school, and school achievements.

In all cases it is assumed that the schools will have a bank account and will receive funds including for teacher salaries in their bank accounts.

### **Some difficult questions remain to be solved**

- In options 1, 2 and 3 it is not entirely clear what the role of the LGs will be : will some funds be transferred to them instead of going straight to the schools accounts ( for example the operational grant ) or will all funds be transferred to the schools account. Will LGs have a role to play on the decision to create new schools or to expand existing ones?
- In options 4 where the schools would be financed and presumably managed by the local governments, will the educational funds go straight from the Federal Ministry of Education to the Local Governments? On the basis of some capita grant taking into account indicators of the size of the population, remoteness as well as indicators of schools coverage and achievements (enrolment ratio, retention ratio)? Or will it go through the provincial governments? Will the local Governments have the staff necessary to handle the payment of teachers and the payment of block grant applying a formula funding? It depends on how many local governments there will be and how big they will be.
- Raising the capacity of the Federal units to manage schools and to prepare the budgets. This will be a huge task, easier to be carried out in options 1 to 3 than in option 4.
- Block grant to schools based on a formula taking into account the number of pupils, the remoteness of the school and the school achievements should serve as an incentive and encourage schools to retain students and to increase achievements. In the other hand it may disadvantage schools enrolling a high proportion of minority pupils. Some research is required on what would be an appropriate formula funding.

### **6.2.3 Policy-making and strategic planning**

In this section, we decided to discuss three broad questions, which are at the heart of the debate on who is in charge of policy-making and long-term plan preparation in federal Nepal.

**Question 1 concerns policy definition:** who defines the broad education policy priorities and objectives? The consensus is that this responsibility belongs to the federal level. But this leaves a number of options. We can distinguish between three options:

1. National policy is defined by the Ministry of Education, which may have a department or unit specifically in charge of policy-formulation and related tasks (research, analysis, evaluation)
2. An Education Policy Committee has the overall responsibility to provide policy directions and guidelines to the Ministry. The setting up of this Committee is proposed in the School Sector Reform Core Document and Plan: “the EPC will be headed by the Minister of Education and Sports, and will draw on representatives from the key Ministries and institutions involved in policy-planning, management, resourcing and service delivery of school education” (p.47).
3. The third option is close to the second one. A similar Committee will be set up but it will be constituted of representatives from the central Ministry and from each of the provincial ministries, in addition to possible other stakeholders.

**Question 2 looks at responsibilities for strategic education plan preparation.** In theory, education plan preparation in Nepal is according to a bottom-up, ascending, process. It starts from the School Improvement Plan, which will feed into the village and then the district plan. However, this process encounters at least two challenges. Firstly, the plans are more conceived as budget release documents than as strategic plans. Secondly, the actors at local level are very much guided by instructions from above. The plan preparation process therefore is more top-down than bottom-up, more descending than ascending.

When discussing strategic plan preparation under a federal structure, one issue is clear, while two need further examination. What is clear is that each province will have its own set of development plans, including a strategic education plan (which may or may not be part of a broader socio-economic development plan). The two other issues concern (i) the relationship between the federal and the provincial plans, and (ii) the relationship between the provincial plans and the local plans.

***Concerning the relationship between the federal and the provincial plans, we can distinguish four scenarios:***

1. The federal ministry does not prepare a plan, but only a policy framework, while the provinces prepare their plans respecting the policy framework.
2. Both the federal and the provincial ministries prepare plans. The plans by the provincial ministries are prepared subsequent to the federal plan. Each provincial plan adapts the federal plan to the specific characteristics and priorities of that province.
3. Both the federal and the provincial ministries prepare plans but the provincial plans are prepared before the federal plan. In this scenario the federal plan is a conglomerate of the provincial plans, if necessary adapting these plans to the resources, available at central level.

4. Both the federal and the provincial ministries prepare plans and the federal plan guides the provincial plans. However, the level of autonomy of each province in interpreting the federal plan and in preparing their own provincial plan depends on the capacities of each province. Provinces with less capacity will be guided and supported more by the federal level than provinces with stronger capacity.

While in theory these scenarios appear distinct, in the reality of some federal countries scenarios 2 and 3 are both present: the federal and provincial levels prepare their plans somewhat in parallel and conflicts may occur.

Concerning the relationship between the provincial and the local plans, two questions come up again. The first one concerns the nature of this relationship: will it be top-down or bottom-up? The second one concerns the position of the local education plan. In theory, there are two options:

1. The school improvement plan feeds into or is guided by the local education plan which feeds into or is guided by the provincial education plan. In this case, the plans are prepared by education staff, whose responsibility lies towards education staff above them.
2. The local education plan feeds into the local development plan, which is approved by the local government; the provincial education plan feeds into the provincial development plan, which is approved by the provincial government. In this case, the education staff is accountable towards the political authorities at their level.

The second option, while it may fit better within the precepts of a federal structure, raises two questions. First, how to ensure the link between the local and provincial plans? Second, and maybe more preoccupying, will the present deconcentrated education structures (in particular the District Education offices and resource centers) continue to exist, if not under the central government, under the provincial government?

**Question 3 looks at the regulatory framework.** Part of the role of central government, including in a federal state, is to define the regulatory framework. This consists of a set of tools (such as a curriculum framework; a language policy; end-of secondary education exams) which are centrally defined or managed, and sets of norms (for instance on pupil-teacher ratios, on the minimum requirements to open a university, or on results to be obtained).

Two choices will have to be made. The first one concerns the margin of maneuver left to the provinces in the interpretation and adaptation of this framework. This is directly related to the level of precision of the framework. The second choice concerns the focus of the framework: will it be more concerned with inputs (e.g. pupil-teacher ratios; the share of budget to be spent on specific levels and categories; the number and type of textbooks to be used) or will it focus on outcomes and results (e.g. the NER to be attained in general and for specific groups; exam results; student achievement on achievement tests).

#### **6.2.4 Role of central government**

Whatever the options chosen concerning the management of teachers, the financing of education, the planning responsibilities and other domains not discussed in this paper a number of key functions are most likely to remain at the central level. These will be carried

out by the Federal Ministry of Education or by professional bodies such as the Higher Secondary Education Board or the University Grant Commission.

***a) Define the policy, prepare the central plan and negotiate with the Ministry of Finance and Donor agencies***

Policy analysis and central planning has been discussed above. The Federal Ministry will remain the institution in charge of defining the overall policy ( goals, objectives and specific targets) for the whole education system and will continue to negotiate with aid agencies the preparation, implementation and monitoring of a sector wide approach based on such a policy and on the Federal plan. The Federal Ministry of Education will also discuss with the Federal Ministry of Finance the yearly budget and the Medium Term Expenditure Framework.

The University Grant Commission will continue to fix the policy for higher education and will finance the approved government higher education institutions. It will also promote effective management and financial sustainability of academic Institutions through a set of incentives.

***b) Set standards of quality and norms.***

***The main questions there are:***

- a. What kind of standards and norms are to be established at central level, knowing that several norms are not implemented presently?
- b. How detailed these standards and norms should be. A balance has to be found between standards and norms which should ensure the quality of education everywhere – an objective fairly well shared among all stakeholders<sup>9</sup>, and the willingness not to restrict the autonomy of states/provinces.

***Amongst the norms that were considered necessary by many stakeholders are:***

- The curriculum .

The present curriculum framework for basic education defines a certain proportion of the curriculum which is to be designed locally: 20% of the common core plus an optional subject. This proportion may be increased and the language policy is likely to be revised by the provincial governments.

The examinations are set at district level for grade 8 and at central level for the SLC examination. The Grade 8 exam could be organized at provincial level, as could the examination at the end of secondary education (SLC). The organization of the SLC examination could however remain at federal level to ensure certain standard of quality, and to ensure what will be taught at that level.

At post SLC level, the Higher Education Board is granting approval for 10 + 2 schools;

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<sup>9</sup> *Even if norms are not implemented presently with a Unitary Government and if disparities between regions, districts and schools are far from negligible. These were amongst the reasons for the conflict.*

developing and revising curricula and textbook materials; conducting Grade 11 and Grade 12 examinations and publishing results. Several other functions of this Board such as recruiting technical, professional and administrative staff could be transferred in the future to provincial governments. But the Higher Education Board is likely to continue developing curricula, conducting the Grade 11 and 12 examinations, and granting the certificates.

- Ensure equality of basic salary scales for teachers
- Norms on minimum teachers qualification at different level and defining the level for licensing teachers
- Defining a minimum and maximum pupil teacher ratio, and an average one which would be the basis for a possible per capita grant.
- Possibly a norm on the minimum proportion of the Federal Unit budget which should be allocated to education?

***c) Monitor progress, equality and quality of education***

- Preparing and regularly updating the Educational Management Information system (EMIS).

This entails standardizing the process of data collection, their effective management and their timely publication. This would be done by the Federal Ministry of Education for school education. UGC is also endeavoring to ensure the quality of higher education data and is preparing and publishing an Education Management Information System(EMIS).

- Publishing examinations results particularly SBC and Grade 11 and 12 examination results
- Monitoring the learning achievements and publishing the results of the National Assessment of Student Achievement at grade 8 level conducted by the Education Review Office.

***d) Ensure equality of opportunities by***

- Equalizing resources available to provinces and local State governments through different financing mechanisms (as discussed above).
- Reducing disparities between different social groups .

The allocation of scholarships to Dalits and girls will become a responsibility of the appropriate lower Federal Units and the schools. It may however be necessary to develop a more focused system of allocation based on poverty status. The identification of the poorest members of the population, the preparation of the poverty map and the preparation and financing of a system of conditional grant transfer may become the responsibility of the federal level.



The UGC is likewise working on improving access for academically qualified under-privileged students- girls, Dalits and educationally disadvantaged janajatis-- to higher education through financial assistance and enhanced capacity of higher secondary schools.

## **6.2.5 Consequences for capacity development**

It is too early to start any capacity development efforts for the provincial and local governments. First, there is no agreement yet on what their exact functions will be. Second, and most importantly, it is not yet clear who will be the staff of these governments? Will they be newly appointed public servants? Will the RED, DEO and Resource Centre staff be redistributed?

This however does not mean that no action of capacity development whatsoever can take place. We have identified three areas where action or reflection is urgently needed.

**First**, national policy-makers and the technical staff within the Ministry of Education and Sports and its delegated services (such as the NCED, the CDC, or the TSC) need stronger knowledge and deeper insights into the debate on how the federal structure will impact upon the educational administration. It would be very useful to organize one or a series of discussions sessions with this staff on the various models of federalism, their strengths and weaknesses, the options for Nepal and what would be their implications. In the same spirit, it would be constructive to organize discussions meetings between members of the present Constituent Assembly, with specific interests in education, and the central education staff. The Constitution will not enter into detail on the distribution of responsibilities in the education sector; this will probably be, at least partly, the role of the new federal ministry, and the better prepared its staff, the easier and more constructive will be the transition.

**Second**, whatever the shape of the federal structure will be, there will be a significant need for strengthening the skills of provincial and local officials in educational planning, management and budgeting. Capacities in some of these areas certainly exist in some DEOs, but they will not be enough by far to handle the responsibilities that in principle could be decentralized under a federal structure. While training workshops cannot be organized now (for the reasons mentioned above), a longer term intervention is utterly relevant, namely the setting up of a national training center in educational planning, management and budgeting. Such a center could be in charge of training all the provincial and local government staff. This is a much better option than to organize a series of interspersed and regularly unrelated workshops, sometimes financed by agencies which want to bring their own agenda into the training. Work on such a center should start as soon as possible. One of the first questions is where it will be located. Different options exist: it could be integrated into an existing organization, for instance a University Center, or The Nepal Staff College or it could be newly created. The risk of the latter option is one of competition with existing actors. The success of the center will depend ultimately on the quality of its leadership and its staff.

**Third**, capacity development is much more than training. The Nepalese authorities have to make sure that provincial and local civil servant posts are occupied by staff with the correct profile and with motivation. This demands a series of interventions which can be reflected upon as of now: clear post descriptions for the various officials working at the



provincial and district levels; transparent and appropriate recruitment or nomination criteria and procedures (this could include, after some time, the completion of basic training offered by the above-mentioned center); the possibility to obtain in-service training at regular intervals; the availability of support tools and manuals; and the preparation of performance evaluation models which would help the individual to improve their performance. While not all of this may be feasible to achieve, the preparation of clear profiles and recruitment criteria are essential to ensure that staff in these posts will have at least some of the basic competencies. Without such staff, the whole education administration of federal Nepal risks an early failure.

