The Impact of Political Developments and External Agencies on Education Policy of Nepal, 1991-2013
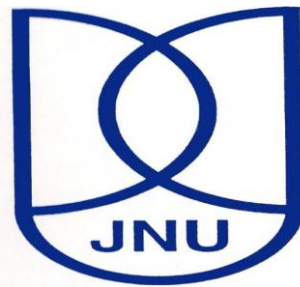
Thesis submitted to Jawaharlal Nehru University

for award of the degree of

DOCTOR OF PHILOSOPHY

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DECLARATION

I declare that the thesis entitled "**The Impact of Political Developments and External Agencies on Education Policy of Nepal, 1991-2013**" submitted by me for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other University.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

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ABBREVIATIONS

AAA	Accra Agenda for Action
AARDO	Afro-Asian Rural Development Organization
ADB	Asian Development Bank
AFU	Agriculture and Forestry University
AIDS	Acquired Immunodeficiency Syndrome
AIP	Annual Strategic Implementation Plans
APEID	Asia Pacific Education Innovation and development
APIN	Asia Pacific Information Network
APPEAL	Asia Pacific Programme of Education for All
ASEAN	Association of South East Asian Nations
ASIP	Annual Strategic Implementation Plan
ASP	Associated Schools Project
AU	African Union
AUSAID	Australian Aid
AWPB	Annual Work Plan and Budget
AYUSH	Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy
BBIN	Bhutan Bangladesh India Nepal
BIMSTEC	Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation
BN	Bachelors in Nursing
BPEP	Basic and Primary Education Programme
BPH	Bachelor in Public Health
BPKIHS	B.P. Koirala Institute of Health Sciences
CARICOM	Caribbean Community
CAS	Continuous Assessment
CBOs	Community Based Organizations
CBS	Central Bureau of Statistics
CDC	Curriculum Development Centre
CDNLA	Conference of Directors of National Libraries of Asia
CEHRD	Council for Educational Human Resource Development
CIA	Central Intelligence Agency

CLAs	Central Level Agencies
CLC	Community Learning Centre
CRC	Convention on the Rights of the Child
CRC	Camera Ready Copy
CSSP	Community School Support Programme
CTEVT	Council for Technical Education and Vocational Training
DACAW	Decentralized Action for Children and Women
DANIDA	Danish International Development Agency
DDC	Dewey Decimal Classification
DDCs	District Development Committees
DEC	Distance Education Centre
DEOL	Distance Education and Open Learning
DEOs	District Education Offices
DFID	Department for International Development
DKK	Danish Krone
DoE	Department of Education
DPA	Development Partnership Administration
EC	European Commission
ECCE	Early Childhood Care and Education
ECD	Early Childhood Development
ECDCs	Early Childhood Development Centres
ECED	Early Childhood Education and Development
EFA	Education for All
EMIS	Educational Management Information System
ERO	Education Review Office
ESD	Education for Sustainable Development
ETCs	Educational Training Centres
FEP	Food for Education Programme
FFE	Food for Education
FWU	Far Western University
GATE	Global Academy of Tourism and Hospitality Education
GDP	Gross Domestic Product
GENIA	Gender in Education Network in the Asia-Pacific

GER	Gross Enrolment Rate
GNI	Gross National Income
GNP	Gross National Product
GoI	Government of India
GoN	Government of Nepal
GOs	Governmental Organizations
GPI	Gender Parity Index
HDI	Human Development Index
HEP	Higher Education Project
HLWG	High Level Working Group
HRD	Human Resource Development
HSEB	Higher Secondary Education Board
IBRD	International Bank for Reconstruction and Development
ICDE	International Council for Open and Distance Education
ICT	Information and Communication Technology
IDA	International Development Association
IDA's PRSC	Poverty Reduction Support Credit
IEES	Improving Efficiency of Education Systems
IEG	Independent Evaluation Group
IGNOU	Indira Gandhi National Open University
ILI	Incentive Linked Indicators
IMF	International Monetary Fund
INGOs	International Non-Governmental Organizations
ITEC	Indian Technical and Economic Cooperation Programme
JEMC	Janak Educational Materials Centre
JFA	Joint Financing Arrangement
JICA	Japan International Cooperation Agency
KPI	Key Performance Indicators
KU	Kathmandu University
LBU	Lumbini Bauddha University
LSGA	Local Self Governance Act
MBBS	Bachelor of Medicine and Bachelor of Surgery

MCA	Master of Computer Applications
MDG	Millennium Development Goals
MESD	Monitoring, Evaluation and Supervision Division
MGT	Multi-grade teaching
MLE	Multilingual Education
MoE	Ministry of Education
MoES	Ministry of Education and Sports
MOST	Market Oriented Short-Term
MoUs	Memorandum of Understanding
MWU	Mid Western University
NAMS	National Academy of Medical Sciences
NAST	Nepal Academy of Science and Technology
NCED	National Centre for Educational Development
NCF	National Curriculum Framework
NCSM	National Council of Science Museums of India
NEC	National Education Commission
NEPC	Nepal Education Planning Commission
NER	Net Enrolment Rate
NESP	National Education System Plan
NFE	Non-Formal Education
NFEC	Non-Formal Education Council
NFE-MIS	Non-formal Education Management Information System
NGOs	Non-Governmental Organizations
NNL	Nepal National Library
NPC	National Planning Commission
NSU	Nepal Sanskrit University
NUFFIC	Netherlands Organisation for International Cooperation in Higher Education
OCE	Office of the Controller of the Examination
ODL	Open and Distance Learning
OPAC	Online Public Access Catalogue
PAHS	Patan Academy of Health Sciences
PEDP	Primary Education Development Project

PEP	Primary Education Project
PFP	Project Focal Point
PIP	Programme Implementation Plan
PMIS	Programme Management Information System
PoKU	Pokhara University
PPC	Pre-Primary Classes
PPTTCs	Private Primary Teacher Training Centres
PRSP	Poverty Reduction Strategy Paper
PU	Purbanchal University
QAAC	Quality Assurance and Accreditation Council
QIP	Quick Impact Programme
RCs	Resource Centres
REDs	Regional Education Directorates
RO	Review Office
RP	Resource Person
RTCs	Rural Training Centres
SAARC	South Asian Association for Regional Cooperation
SACODiL	SAARC Consortium on Open and Distance Learning
SAPs	Structural Adjustment Programmes
SAU	South Asian University
SCAAP	Special Commonwealth African Assistance Programme
SEDC	Secondary Education Development Centre
SEDP	Secondary Education Development Project
SEP	Skills for Employment Project
SERDP	Seti Education Project for Rural Development
SESP	Secondary Education Support Programme
SHEP	Second Higher Education Project
SIP	School Improvement Plan
SIPA	SAARC Integrated Programme of Action
SJSS	Silver Jubilee Scholarship Scheme
SLC	School Leaving Certificate
SMC	Siddhanath Multiple Campus

SSC	Siddhanath Science Campus
SSR	School Sector Reform
SSRP	School Sector Reform Program
STRO	School Teacher Record Office
TEP	Teacher Education Project
TEVT	Technical Education and Vocational Training
TITI	Training Institute for Technical Instruction
TMCC	Training Management Coordinate Committee
TMIS	Teacher Management Information System
TNA	Training Needs Assessment
TRSE	Technical Review of School Education
TS	Technical School
TSC	Teacher Service Commission
TSLC	Technical School Leaving Certificate
TU	Tribhuvan University
UGC	University Grant Commission
UNDP	United Nation's Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
USAID	United States Agency for International Development
VDCs	Village Development Committees
VTCD	Vocational Training and Community Development
WB	World Bank
WFP	World Food Programme
WTO	World Trade Organization
ZTTCC	Zonal Teacher Training Coordination Committee

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CHAPTER 1
INTRODUCTION

Nepal is one of the least developed countries (LDCs) in the world. The major challenge for the government is to develop the nation. The modern education in Nepal is of recent origin as compared to the other countries in the world. Education policy of a country is affected by various factors. Of the multitude of factors affecting education policy and development of a country, political variables are major determinant factor albeit relatively less understood and researched area. Thrust areas in education policy, measures to improve regional, ethnic and economic disparities in education are decisions to be taken by the establishment in power. Being a small nation with economic limitations, Nepal has become very much dependent on funds, grants and aids from external agencies to meet the demand for developmental programmes. These agencies also work closely with the government. The education policy of Nepal is designed on the basis of recommendations given by these external agencies since its inception. Moreover in Nepal, a politician's success is measured by how much foreign fund he can attract to develop the nation. Therefore, government policies are tailor-made to attract foreign funds. As with any policy, continuity in implementation is essential to have any meaningful development in education. Nepal with political instability and rapid change with different forms of government does not seem to have policy continuity. How this lack of political stability and policy discontinuity along with huge presence of external agencies influence the education policy of Nepal is the focus of the study.

Education is very crucial for the socio-economic and political development of a nation that is why the policy on education also bears the burden of moving a nation forward holistically. It is true that education mobilises the participation of people in political activities but the other truth is that political system decides what should be taught in schools. There is relationship between education and political power in terms of control and legitimization and also as a source of political discontent. Thus, political development and education are interrelated concepts. The prevailing understanding is that mainly the economic imperatives shape the education policy, which is basically rooted in how western education policies are framed. Thus, there is hegemony of UK

and USA in the field of education as well. Therefore, other nations may be compelled to follow their model; however, in the process, a possible diversity of approaches may be missing to the issue of education policy development, one that is more holistic and sustainable towards the culture. While economic aim of education policy is to increase productivity, in the context of developing nations it must also be socially justifiable and culturally acceptable. The study of Nepal may add to the discourse of small country in developing education policy. However, apart from relevance for local issues, examining how education policy works in unique environment would add to the discussion about the relationship between education and nation building in terms of socio-economic and political development.

Nepal, a small landlocked Himalayan country economically, politically and geographically sandwiched between India and China. Around 40 per cent population is still illiterate. According to the recent data available with UNESCO Institute of Statistics (UIS), male and female literacy rate is 71.7 per cent and 46.7 per cent respectively. Nepal Living Standard Survey (NLSS 1995-96) indicated that around 50 per cent population lived in poverty. The situation most probably has not changed as the conflict that emerged in 1996 and lasted for about a decade. Furthermore, Nepal is a multi-religious, multi-lingual and multi-ethnic country with a population of approximately 27 million. Hinduism is the leading religion (85 per cent), followed by Buddhism (11 per cent), and Islam (4.2 per cent). Practitioners of indigenous animist religion and Christianity constitute about 3.6 per cent. National official language is Nepali which is spoken by 60 per cent of population. Such diversity, feudal system, political instability and unjust socio-political structure have been a stumbling block in the development of Nepal.

The Ranas ruled Nepal for 104 years i.e. from 1846-1950. This era extended from *Kot* Massacre of 1843 which overthrew Shah Kings through to the monarchy restoration and introduction of political parties in 1950. They adhered to an isolationist approach. There were two reasons behind this, first being its geographical proximity with India and China and secondly, the political restrictions imposed on Nepal by British Raj after Treaty of Sagauli in 1815. Hinduism enjoyed centrality in most of the policies made during this regime. For instance, by implementing *Muluki Ain* (National Legal Code) 1854, ethnic and caste based division was legally formalised. This ushered in

creating a hierarchy system in the nation which effectively legitimised the hold and position of the ruling class. The contact with British brought the concept of modern education in Nepal. The ruling elites started tutor-based formal education only for Ranas in order to engage and negotiate efficiently with British India. The common masses were kept aloof of modern education during this period. In 1901, Dev Sumsher Rana opened some 200 Nepali medium schools for the commoners. Nepali language got official status later in the year 1934. One of the purposes behind the emphasis on Nepali language was also to differentiate Nepal from India. There was strict control on teaching and learning activities, those who were caught used to get harsh punishment. But there was continuous flow of knowledge and people from across the border specially from India. After the World War-II, the *Gorkha* soldiers who came back to Nepal started teaching young people informally about the skills they have been taught while in service.

All these transfer of knowledge and political ideas led to growth of political consciousness among the common people which was also fuelled by the activities of Nepali Congress Party in exile, finally resulted in removal of oligarchy in 1950. The sovereignty of the crown was restored and the Nepali Congress Party formed the government. Democracy, modernity and advancement in science and technology became the motto of the new government. National Education Planning Commission (NEPC) in 1955 conferred education as a tool to unite people for development of the nation and to empower Nepal so that it can play a significant role in international sphere. The same year Nepal joined the United Nations. The United States Overseas Mission (USOM) gave financial and technical assistance for preparing education related documents like NEPC during this period. The reason behind this assistance to Nepal can be understood in Cold War context, the US believed that poverty reduction measures in Nepal can be an important tool to contain the spread of communism. In 1959 National Primary School Curriculum was introduced and Nepali language was made a compulsory subject till fifth standard. The history of higher education in Nepal begins with the establishment of Trichandra College in 1918 during Rana regime, initially this institution was only meant for the Ranas. After the advent of democracy in 1951, a number of new colleges opened up and Tribhuvan University became the first university of Nepal in 1959. Politically, there was continuous tussle

going on between Nepali Congress, monarchy and Ranas to legitimate their power centres culminated in very poor implementation policies particularly at the rural level.

In 1960, King Mahendra suspended the parliament and constitution when Nepali Congress Party (NCP) won the elections with B. P. Koirala as its leader. He introduced the Panchayat system of governance replacing the multi-party democracy. The political establishment adopted a twin mechanism to gain allegiance from the people by engaging itself with the global community for economic and social reforms. *Ek Bhasa, Ek Bhesh, Ek Desh* was the base of most of the policies, which shows that the government was eager to homogenise the nation. Introduction of compulsory singing of national anthem, King's portrait was installed in every school premises and prayer to Goddess *Saraswati* was replaced by national songs. In 1971, National Education System Plan (NESP) came into effect. This document is considered to be politically most significant as it served the interest of the Panchayat rulers. According to NESP document, education was "to strengthen devotion to crown, country, national unity and panchayat system, to develop uniform traditions in education by bringing together various patterns under a single national policy, to limit the tradition of regional languages, to encourage financial and social mobility, and to fulfil manpower requirements essential for national development". Education was based on promotion of national unity with an aim to assimilate the individual into the shape of Nepali nation-state, a nation whose heart lies in the Panchayat model of government. National culture was characterised by monarchy, Hinduism and Nepali language. NESP also introduced *Rastriya Itihas* (national history) along with the focus on vocational subjects and technical schools in order to meet the demand for economic development and labour force of the nation. National Development Service (NDS) was announced, the university students were awarded degree only after serving in the rural area for 10 months. The period of 1980s witnessed strikes from student (1985) as well as teaching community (1984-85) against the Panchayat regime. The increased food and fuel prices due to trade embargo imposed by India in 1989 fuelled the political turmoil.

During 1990s, the People's movement also known as *Jan Andolan* ended autocratic Partyless Panchayat System. The constitution was re-written and the acceptance of diverse social, economic and political groups was seen in the policy making agenda of

the new government. There are two important projects for educational development-the Education for Rural Development Project also known as the Seti Project financially backed by UNICEF, UNESCO and UNDP; and the Primary Education Project (PEP) which was funded by the world bank and UNICEF. Not only in Nepal but globally also the perspective regarding education was changing. Till 1990, education was considered to be a national priority but it gained global attention following the Child Rights Convention 1989 and World Conference on Education for All which was held at Jomtein in 1990. Thus, basic education became a global priority. In the year 1992, the Basic and Primary Education Project (BPEP), a multi-donor financed programme was instigated as a response to this global initiative. University Grants Commission was established in 1993 and a High Level National Education Commission came into effect in 1998 in order to develop the higher education scenario in Nepal. Increasing globalisation of education initiatives produced a need for greater degree of comparability between Education for All (EFA) and BPEP outcomes. Many studies were commissioned which aimed to show changes in areas which were of key interest to donor communities.

King Birendra faced with communist movement against absolute monarchy agreed for large scale political reform. It was followed by a Maoist led violent movement which resulted in a long drawn civil war. In 2001, royal massacre occurred and King Gyanendra came to power, he dismissed the government and assumed full power. But he was forced to relinquish sovereign power to the people leading to reinstatement of the dissolved House of Representatives. In 2008, monarchy was abolished and after that 2 Constituent Assembly elections were held but political stability has still eluded Nepal. The nation has not only witnessed different forms of government but is also torn between power centres with completely different political ideologies. In the field of education National Curriculum Framework-2005, School Sector Reform Plan-2005 and Second Higher Education Project-2007 are worth mentioning. Reformative measures were taken for teacher training, introduction of Open Universities and establishing more polytechnic institutes. The continuation of scholarship in Nursing programmes for girls coming from disadvantaged groups and the government's commitment to increase quality of teaching for people with disability.

It took more than two decades for the second university i.e. Nepal Sanskrit University which got established in 1986. In rapid succession Kathmandu University was established in 1991, followed by Purbanchal University in 1994, Pokhara University in 1997 and Lumbini Buddhist University in 2005. In addition to this there are two academies B.P. Koirala Institute of Health Sciences (BPKIHS) at Dharan and National Academy of Medical Sciences (NAMS) at Bir Bahadur Hospital in Kathmandu, which have been functioning like universities.

The higher education in Nepal witnessed a rapid expansion as by 2010, there were 300 colleges affiliated to six universities and 300,000 students enrolled in higher education institutes. Policies and institutes of the west has heavily influenced Nepal's education sector. The education system has changed from a centralised to a decentralised one. Profound ideological shift in education has been brought about by external aid agencies. Their aim seems to make institutes financially independent and improve quality for global competitiveness. They have enforced English as a global language of instruction in order to assimilate Nepalese population with the global economy. Forceful integration of this country, which evolved in a particular historical context, may be counter-productive as majority of Nepalese population are poor. Withdrawal of state in matters of funding and leadership in education as promoted by World Bank, is counter-intuitive as role of government is crucial for poor economies. Government of Nepal implemented "structural-adjustment policy" with the Second Higher Education Project, 2007 funded by the WB. These reforms will have a positive or negative impact needs a proper evaluation.

The education system of Nepal has been and will be influenced by both internal and external factors. The internal factors include developments in domestic politics and socio-economic conditions, and external factor includes the effects of globalisation, influences by neighbouring countries and also the presence of international organisations like World Bank, UNESCO, UNICEF, DANIDA, SAARC etc. The US as the sole super power has a significant impact on almost all the countries and Nepal is no exception. As interpreted by Immanuel Wallerstein, "the modern world system has created pressures within all states for economic development and this development is defined and structured by the particular characteristics of a common world culture and economy". The world culture contributes in a big way for the

expansion of education. Further education can be treated as a social investment that can produce valuable economic returns, and human resource planning which is vital for economic development. The rationalistic and scientific aspect of world culture which has permeated most of the countries has led to an increase in authority for education and this coincides with the political pressures for expansion and restructuring of education. As an institution and ideology, education helps the contemporary states in educating the masses for the collective interest of the state and to have skills and capacities which contribute to national economic development. The way world system functions, directly to confer authority on education and indirectly to create political conditions under which education will be expanded and restructured. This explains the reason behind close relationship between education and political development, the rapid expansion of education and the dominance of education systems which are structured, controlled and funded by state in the modern world.

The government of Nepal and the external agencies both aims at improving the education scenario in the nation but substantial improvement has not yet occurred. It seems that the education sector is plagued by problems which cannot be solved by having good intentions or financial assistance alone. It will be worthwhile to look into factors which are adversely affecting the education sector. In the context of Nepal, the political authority has time and again re-defined, re-structured and re-organised education policy. Similarly, education is also closely associated in developing political ideology, nation-building and struggle for power. The focus of the research is to understand the relationship between politics and education and how they are intertwined and how they modulate and modify each other.

Political development and education

Most theories on educational development do not focus on political factors as a major determinant. Functional theory of education (Emile Durkhiem), gives importance primarily in economic processes. The modern economy requires trained people for employment. It means a bigger industrialised country will create an extended national education system. But if we look at England, Scotland and USA, the latter two had much greater educational growth than England, even though England was the first industrial nation. Non-correlation between industrial and educational growth can be

found in other places also. The status-conflict theory of education views the cause of educational development in the struggle among groups in a society to maintain and increase their access to valued resources through the mechanism of education allocation. In both these theories political systems do not play any direct role.

The absence of political variables in understanding educational development is surprising if we note that most if not all educational systems in the world were created and are controlled by political bodies. Historical studies of Reisner (1927) show how deeply education is associated and even altered struggles for power. Since state has legitimate power to make and implement policy and to represent and control activities of its citizens, it can re-define, restructure, reorganize and expand education to institutionalise its authority. Katz (1968) explains that the relation between education and economy is through consolidation and extension of state authority.

Capturing power is the easy part, staying on is difficult. There is an ever present need to legitimise the authority. In this regard education provides the base to legitimize the power centres. Higher education plays extremely important role in this regard, it produces elites, (theory of personnel) and culture (theory of knowledge). The state attempts to control and reorganize elite education. State promotes through education system a creation of national culture, history, language, customs and dress. National history is segregated from other histories.

Education and policy

Before doing an in-depth study of Nepal's education policy it will be worthwhile to understand what is an education policy, for that matter, what is a policy. Definitions of 'policy' are varied and numerous but can be defined functionally as an "explicit or implicit single decision or group of decisions which may set out directives for guiding future decisions, initiate or retard action, or guide implementation of previous decisions". Policies can differ in their scope, complexity and range of choices. Decision environment and decision criteria can also be different. Education policy of a nation is characterised by high complexity, imprecise decision environment, high number of alternatives and broad decision criteria. Education policy may also include sub-policies or issue specific policies. Further programme policy and multi-programme policy may also be included. Broader the scope of education policy, more

problematic it becomes. Methodological issues as well as political issues become more cumbersome and difficult to manage.

"There was a time when educational policy as policy was taken for granted … Clearly that is no longer the case. Today, educational policies are the focus of considerable controversy and public contestation … Educational policy-making has become highly politicised."

Policy development cannot just be simplified into knowledge of the priorities, or indeed the whims of stakeholders, be it of the governments or individual leaders. Policy must be seen as a two way process in which all those affected by it should get involved in shaping the development project. The development process of education policy should be seen as both a continuous process and a frequently contested and challenged process in which groups with competing values and differential access to power will try to form, shape and reshape policy for furtherance of their own interests.

Education policy is derived from values derived from the dominant discourses in the social and political environment. Based on these discourses trends in policy can be seen as a tool that establish the direction for policy. It translates this into a broad policy that can be applied to different spheres of societal importance such as health or the economy or in this case on education. The organisational principles and the operational practices or procedures define the parameters of policy. For implementation of policy at any level detailed organisational arrangements are needed. The concept of the state and the relationship between the state and its institutions has to be examined. It is argued that the "nature of educational policy is, to some extent, derived from assumptions about political processes". Policies shaped through pluralism may be notably different from those originating from structuralist perspective of education. The nature of policy is shaped by the relationship between the educative process, the state and assumptions about the purposes of education.

The education policy of a nation is influenced by the international organisations. Bottery (1998 and 2000) has tried to understand education policy in terms of global trends and explored how these trends impacted the professional values of educators. He tried to develop an international perspective with regards to educational policy. The impact of globalisation needs to be recognised and specific trends and patterns

that seem to play a part in shaping education policy in international context needs to be properly evaluated.

ANALYSING EDUCATION POLICY

A comprehensive analysis of education policy should be able to tell us the concepts behind its adoption, the planning process, any policy adjustments made and its practicability at implementation. It should be able to answer why and on whose terms the policy was adopted. Whose interests were kept in mind, whose interest neglected and were competing interests negotiated? What antecedent factors led to the emergence of the policy? Finally, what were the consequences of the implemented policy? It is also important to have an idea of the time required to have an effect on ground realities so as to provide adequate time to make a proper justifiable interpretation of both the process and the outcomes.

The analysis of policy focuses on its three principal aspects: context, text and consequences.

Context – It attributes to the events preceding and various push and pull factors that led to the development of that specific policy. Analysis of context requires the understanding of economic, social and political factors and their effect on the emergence of the policy agenda. However, it will be incomplete unless the impact of pressure groups and social movements are also taken into account. These groups, in the first place, may have been the initial instigation that forced policy makers into action to the issue. It is also important to realise that the current policy may have been significantly impacted by previous policy experience – which could be in either way, that is it may be similar or dissimilar with earlier policy. This type of context analysis can be done for any level or any dimension. Thus context of a policy at any level be it the state or institutional level or anywhere in between, may vary. Including such differentiated understanding of context in many layers within the analysis is essential to have a clearer picture of the policy process.

Country background

Education policy analysis is affected by characteristics of a country- its geography, people and socio-cultural stratification patterns. Diversity in these characteristics

makes this process of educational policy making difficult. Typically different groups may have different goals and needs from education. Since education represents access to political and economic power, it by corollary means that differential access or interest also understandably leads to differential access to power. Thus such conflicts and struggles are increasingly seen in places where the distribution of access to goods and services has become unequal.

Political context

To understand national decision making process, analysing its political environment is a necessity. It is essential to distinguish between the priorities of political elite vis a vis development and of those of the educational elite relative to education. In many nations it can be seen that considerable amount of autonomy is provided to the implementers and planners of educational sector. But it is not unusual to find that goals of political and educational elite are not intertwined together if not at odds. Another critical variable is the capacity of the nation to plan at central level. Further, academic, professional and training background of the bureaucrats involved in policy planning can also impact the ideology and tilt of the elite, especially in LDC countries where higher education sector is not optimally developed and if bureaucrats are foreign trained. Additionally, the institutional form and structure and leanings of the political sector have significant ramifications for educational development. Many developing countries have political parties, which are in nascent stage of their developments, and there preferences and values ought to be carefully understood as part of the education policy analysis in political context.

Economic context

Macroeconomic situation and human resource development status understanding is of particular importance if one wants to appreciate any policy in education sector. It is especially paramount in context of thrust areas and resources allocation particularly if the nation in question is an underdeveloped country with limited resources at its disposal. In this context estimation of likely trends of the future regarding financial resources is important. It will give information regarding what the economy may require from the education sector and what the education sector may expect from the

economy. It will give an idea about the future availability of general infrastructure and how much financial resources could be at disposal.

Significant impact on labour markets are produced by demographic shifts and urbanisation and coupled with migration such changes affects the needs for education and skill training. Similarly, a huge difficulty on the capacity of the education system to expand is set by low level economic development. Without necessary economic infrastructure it is difficult to build schools. Indirectly, level of economic development by setting the range taxation by the authority, influences educational expenditures. The growth rate of economy is also a vital determinant of not only for reckoning the plausible need for kinds of skills and training but also for finding the availability of future amounts of economic resources. It is pertinent because, as the growth rate increases, more funds might be made available to the education sector. Similarly, as growth rate decreases, education sector allocations are among the first to be deducted.

Education sector

Recognition and understanding of main issues relevant to the nation is of paramount importance for education sector analysis. These issues may be studied under six different categories:

1) Equity in the distribution of educational services
2) Access to educational opportunities;
3) Structure of the education system;
4) External efficiency
5) Internal efficiency and
6) Institutional arrangements for the management of the sector

It has to be kept in mind that these issues are evolutionary in nature and their analysis should be done accordingly. It is often seen that fulfilling of one educational need or solution often creates another problem on its own. Thus, addition of new facilities for expanding the sector seemingly leads to issues about its quality and the holding ability of the educational structure to cope with a bigger educational system. For example, increased number of premiere institute like IITs and AIIMS had led to concerns about quality of education in newly opened establishments. While in the short run it may

seem beneficial to have larger number of qualified personnel passing out of 'branded institutes', but in the long run it may destroy the 'brand' itself. Additionally, temporal analysis of education can bring out the tendencies of the system to fluctuate between aspirations and goals which may be somewhat incompatible. Such historical and evolutionary way of looking into the dynamics of policies across time allows us to better understand why a specific policy is or was being promoted at that moment. Studying the past, may also allow us to make better estimates of the likely velocity with which the educational policies might be implemented. "There is no greater challenge facing today's social scientists than the development of a dynamic theory of social change".

This contextual assessment will not be complete without the evaluation of the factors for or against any change if any change is made in that policy. Making such assessments provides estimates of the chances of success of various types of policies and for plans and programmes that should be used to implement and promote such policies. North further asserts that "individuals and organizations with bargaining power as a result of the institutional framework have a crucial stake in perpetuating the system". Thus presence, number and relative strength of different pressure and interest groups is a key socio economic determinant to analyse.

In developing countries it is very difficult to clearly spell out what could be all the relevant pressure or interest groups but the essential ones are the providers of education,(teachers) and the consumers (parents, students and employers). If the providers are well formed - and they often are - they can be a strong force in aiding or being antagonistic for any change. Their interests are likely to be jeopardised if some changes in the sector results in some harm to their status or prerogatives. The consumers are generally fragmented and thus, not so powerful but could be. They are usually divided into various groups- cultural, occupational, or socioeconomic groups. These groups might have different interests in both quality and quantity of education. Consumer groups that are most closely linked with either political policy-makers or decision makers in the system might exert disproportionate influence. Additionally, consumers if they are able to organise themselves can effect policy changes that are very favourable to themselves, like some university students who can produce powerful street demonstrations in support of their demands. It is therefore important

for planners of the policy to adequately identify interest groups and gauge their openness to change or reforms. Planners need to identify and estimate groups which are anti-reform and assess their organisational level and their power in the society and to what extent they might exercise it.

A different type of interest group is constituted by the officials and bureaucrats who are entrusted to administer the education system. Studies suggest that a moderate expansion of the educational system is in their self-interest. Bureaucrats also tend to give more importance to current education structure and oppose changes in policy that might alter it. Thus, "one important element in policy analysis is to understand what the self-interests of the educational bureaucrats are and to recognise that these are not necessarily identical with those of the teachers, other educational professionals or consumers". Lastly, the pressure to see change happen might also come from groups or even individuals which are outside the proper education domain or from outside actors like development agencies and individual experts.

Text – It by and large refers to the content of the policy. As Hadad et al. pointed out, it should answer the following questions- "How is the policy articulated and framed? What does the policy aim to do? What are the values contained within the policy? Are these explicit, or implicit? Does the policy require action, if so what and by whom?" It is worth noting that analysis of the text of the policy is not a straightforward or simple endeavour. There is substantial scope for differential interpretation, even in the most categorical looking text of policies. One has to not only look into what has been openly articulated but also understand what has not been stated. The importance of text analysis lies in the fact that it helps in adequately understanding its practicability of implementation. Text analysis could be done by evaluating its four core determinants- its desirability, feasibility, affordability and sustainability.

Desirability

It has three principal domains:

(1) Impact on different interest groups or stakeholders: who would get benefited or might feel threatened? Who might need to be compensated? How to make the reform option desirable to all groups?

(2) Compatibility- with current dominant ideology and targets of economic growth targets

(3) Effect on political development and the stability.

Affordability

The fiscal costs of any reform programme and its political as well as its social costs needs to be properly evaluated. This task is made difficult because of the inherent vagueness of predictive estimates of future trends in economic growth. Nonetheless it is extremely important because expenditures on education are highly vulnerable to pressures in changing economic situations and political objectives in comparison to other kinds of public expenditure. It is therefore safer to consider different alternative economic scenarios that could be possible. In addition for affordability analysis political costs, private costs and opportunity costs should also be weighted.

Feasibility

A separate kind of estimation needed for policy is availability of human resources. It is difficult to estimate the level of training and expertise that is expected of teachers. Greater the sophistication of the programme, greater is the need for more highly trained personnel. It has to be assessed beforehand whether adequate numbers of personnel are available to implement the programme option. In LDCs, adequate number of such trained personnel might not be available. If such shortfall is perceived, it is imperative to think about measures to bridge the gap beforehand but then again cost benefit analysis of such measures should be undertaken. Not less important is the ability to attract, utilise and retain such trained personnel for which presence of proper institutional culture-norms, procedures, and environment are necessary. Another aspect in feasibility analysis is time. It has been seen that many education projects had frequent time overruns. Realistic assessment of capabilities and past experience in policy implementation could serve as a guide to make more accurate estimates of time required for achieving of goals and objectives.

The issue of sustainability should not be neglected during policy analysis. Education programmes have a long gestation period before major perceived benefits begin to appear. Thus these programmes require sustained political and financial coverage for

a long period of time. Such long duration of active engagement will be possible only if overall sectoral policy is strongly consistent and tightly embedded with long-term national aspirations.

Policy impact assessment

A policy assessment check can be done once the programme has been in place for long enough duration. For this task one should have a sense of the required duration of implementation for it to show tangible results. Otherwise premature assessment might show, even if not true, little effectiveness in reaching of mission objectives. While continual measurements of parameters could be done, it should not become the single basis for assessing the success or failure of policy unless sufficient time has been provided for as it might not reflect the actual effectiveness of the policy. It might be preferable to delay final assessment until a number of teaching cycles have been over to separate the impact of the policy change from other ancillaries that might accompany implementing any new endeavour rather than the policy per-se. On the other hand, the sooner assessment also has its advantages. It can inform policy planners if their initiatives are working as planned and if not than some adjustments or changes in design or implementation as needed could be made sooner.

If assessment shows that the outcome is lagging behind target, it is essential to find out whether the fault lies in policy itself or is a result of poor implementation. Most commonly attributed causes for failure of a well-designed policy are inadequate funding and human capital insufficiency. On the contrary, if assessment shows deficient outcomes and inspite of proper implementation, then it becomes essential to revisit policy decision and to determine adjustments required or if the policy should be replaced altogether. Once this is accomplished, then one moves again to the planning and implementation stages. Given the dynamic nature of society at large even the most carefully conceived and successfully implemented policies will require adjustments over time.

The assessment process revolves around some crucial aspects related to policy outcomes. Assessment requires quantification of actual effects of the policies in-question. Also were these results desirable. At what cost were these impacts achieved and whether the cost was affordable to the country in question are also important.

Was the policy fully implemented if not what factors prevented it needs to be deciphered. Was it the cost or lack of political will and support or was it faulty by design that prevented its full implementation needs to be analysed which will be of great value in designing, implementing and directing future course of action. It is also necessary to find out whether it can be implemented for longer time or another region or on a larger scale. It should also be checked whether the policy was politically, socially and economically compatible.

CHAPTER 2
EDUCATION IN NEPAL: STRUCTURES, INSTITUTIONS AND POLICIES

The importance of education in taking a nation forward is irrefutable but in order to achieve this various government structures and institutions are needed. These structures and institutions are behind designing education policies, considering various aspects and demands of a nation. The diverse characteristics of education policy of Nepal, how it is evolving with changing political scenario and involvement of various external agencies will be discussed. The structural framework as well as intra-institutional character and functioning will also be investigated in this chapter.

Below is an organisational chart of education system in Nepal.
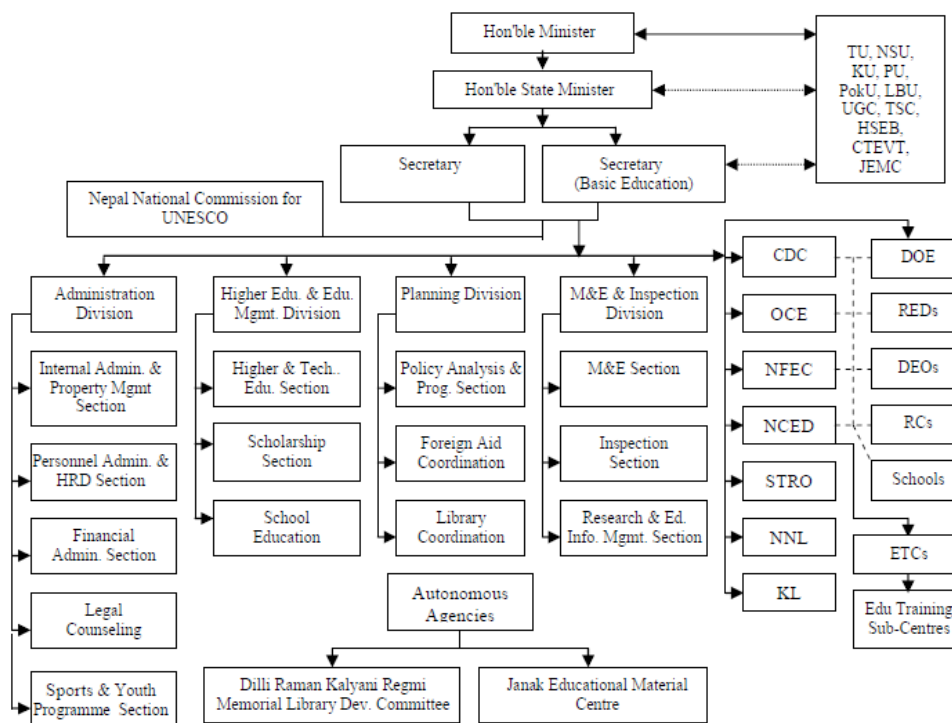
Figure 1: Organisational Chart of Education System.
Source: Ministry of Education (website), Government of Nepal.

Ministry of Education (MoE) is the apex body in the educational structure of Nepal. Its main objective is to enhance the educational scenario in the country. The ministry has diverse functions like framing of education policies, keeping a check on the

quality of education at different levels, teacher training, implementing and monitoring different education policies and programmes, etc. which is done through a number of institutes. It was first established in the year 1951. In 2002, the name was changed to Ministry of Education and Sports (MoES) but with a cabinet decision in 2008, it was renamed as Ministry of Education (MoE, 2013).

To look after the various aspects of education system and its smooth functioning, within the Ministry of Education is divided into three sections:

- planning

- general administration

- educational administration

In order to prepare programmes and services for educational development, number of other institutions is there under MoE namely:

- National Centre for Educational Development

- Secondary Education Development Centre

- Curriculum Development Centre

- Distance Education Centre

- Office of the Controller of Examinations

- Regional Education Directorates and District Education Offices

A new structure came into effect in 1999 which formed Primary and Basic Education Division and Secondary and Higher Secondary Division within the Department of Secondary Education.

Other than the above mentioned parts in the organisational structure of MoE, the responsibility of formulation, implementation and keeping a check of educational plans and programmes lies with the Central Level Agencies (CLAs). The responsibility of CLAs trickles down to five Regional Education Directorates (REDs) and it oversees the education related projects managed by organisations at district

level. At the base level, the implementation of policies and programmes for educational development are overseen by District Education Offices (DEOs) and Resource Centres (RCs) (MoE, MESD 2010). Furthermore, all the constituent autonomous bodies and various functional units under the organisational structure of Ministry of Education are equipped to harness ministry's objectives and accomplish its functions. The general responsibility for administering primary, secondary and higher education lies with the Ministry of Education; and the responsibility of coordination between technical and vocational education lies with the Council for Technical Education and Vocational Training (CTEVT).

National Centre for Educational Development (NCED)

In 1993 NCED was formed for human resource development under the Ministry of Education. Previously, there was involvement of different organisations and institutions in training the educational personnel under various programmes. This created lots of challenges in proper observation of different educational programmes. To avoid duplications and confusions, an integrated approach was adopted for proper coordination. Therefore in 2004 Distance Education Centre and Secondary Education Development Centre were incorporated with NCED. It receives policy guidelines from Council for Educational Human Resource Development; Minister of Education is the head of this council. Since its inception, NCED is involved in developing the quality of educational personnel through training programmes. These programmes can be broadly divided into three categories – Teacher Training Programmes, Management Training Programmes and Leadership Capacity Building.

For providing a conducive learning environment, under NCED, training provisions was to be improved and required measures was to be embraced. For maintaining quality in training, post-training support strategy and monitoring was executed. One additional function of NCED was to conduct research for evaluation at various levels in order to provide room for continuous improvement of training procedure. Special efforts were taken to inculcate gender sensitive practices among the trainees. Zonal Teacher Training Coordination Committee (ZTTCC) was formed to make sure proper collaboration and cooperation between institutions, both public and private. It has the authority to recruit experts on a part time basis for technology transfer and support.

NCED has independence in terms of increasing effectiveness in the organisation and to build institutional capacity.

Structure of education system in Nepal

Nepal's education system used to be the three-tier sixteen-year education system which is similar to the Indian education system. The adverse effects of this traditional system begun to be increasingly apparent, in order to counter this, a series of reforms was started as part of an attempt to make the education system more competitive (Ep-nuffic 2015: 5). Nepali language is the medium of instruction in primary and secondary school, whereas in higher education both English and Nepali are used for teaching.

The structural representation of present education system is given below:

STRUCTURE OF EDUCATION

Structure of education in Nepal

[Stair-step diagram showing grades 1 to 17 arranged in ascending steps]

Grades																			
Pre-primary Education	Primary Education				Low Secondary			Secondary		Higher Secondary		Higher education (University)							
Normal age	5*	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
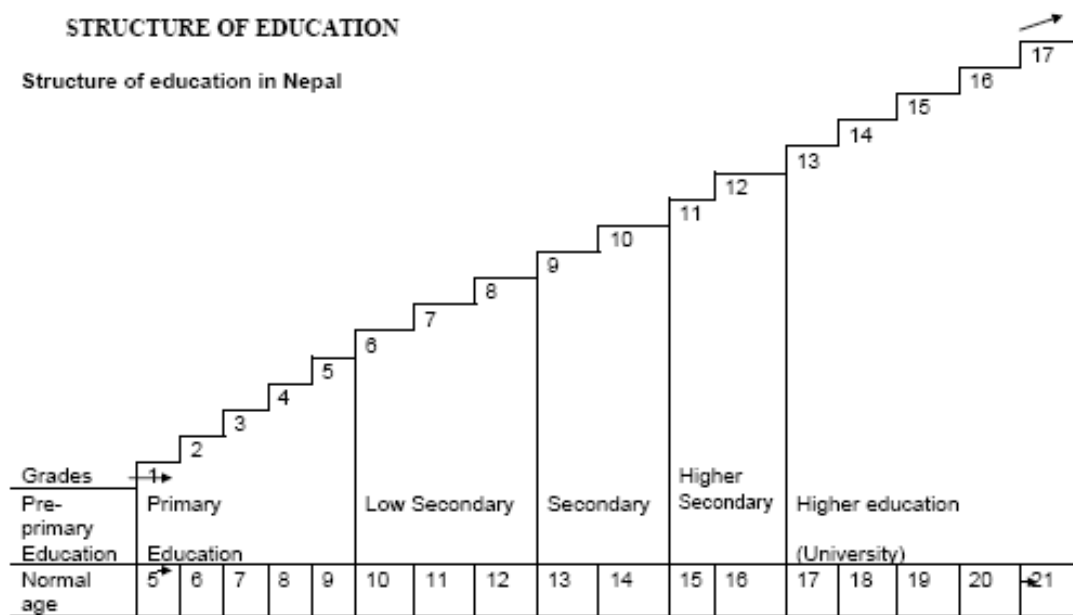
† Excluding proficiency Certificate and based on available data

Figure 2: Structure of Education system
Source: UNESCO, IBE, 2006

As shown in the structural presentation above, students in Nepal attend a total of 10 years of school education including primary and secondary level of education to appear for School Leaving Certificate examination conducted by Comptroller of Examination. After this, students attend two years of higher secondary education

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overseen by Higher Secondary Education Board established under HSEB Act of 1989 (GoN, HSEB ACT 2046 B.S.). During this 2 years in higher secondary education, students can choose to join any one of the three specialisations i.e. Science, commerce and Humanities. Whereas the Council for Technical Education and Vocational Training established through CTEVT Act in 1989 (MoE, MESD 2010: 86) oversees and coordinates the technical and vocational education in Nepal.

Higher Education in Nepal

Universities offer higher education in Nepal, among which Tribhuvan University is the oldest. Both professional and academic education is offered in the universities. Constituent and affiliated campuses are also present along with parent universities. Constituent campuses are also part of organisation of the universities and as such receive government grants. Affiliated campuses are not directly under the administrative control of parent universities. They can be further categorised into community and private campuses. Community campuses are private but not for profit institution and thus receive some help from the government in the form of funding. Private campuses are commercial institutes and do not receive any substantial government help.

Campuses could be found throughout Nepal with highest concentration in and around Kathmandu. Different disciplines are offered length of which may vary depending upon both the discipline and institutions offering those. Graduate programmes are usually of three to four years in duration. MBBS has duration of five to five and half years depending upon the institution. Bachelor programmes in veterinary sciences has duration of five years. Students may opt for masters or postgraduate programmes after obtaining bachelors degree. Post graduate programmes include masters and M.Phill degrees which are of one to two years duration. Postgraduate programmes are available in only a few campuses. Ph.D programmes of three to five years are also offered in a limited number of campuses.

Quality and Accreditation

Monitoring and funding of higher education centres is carried out by University Grants Commission (UGC). UGC is an arm under the Ministry of Education. Quality Assurance and Accreditation Council (QAAC) was established by UGC in order to

enforce a National QAA system in higher education. Accreditation of technical institutions and centres is overseen by CTEVT. It was established in 1989. It also runs a website giving information about all accredited institutions and vocational programmes for the benefit of the students.

Higher education institutions

Tribhuvan University was established in 1959. It was the first institution for higher education. Its central campus is situated in Kirtipur area of Kathmandu. It consists of nearly forty departments and also has four research centres. It was decided by Government of Nepal to declare it as the central university in 2013.

Ex-officio Chancellor of the university is the Prime minister of Nepal, largely a ceremonial post. Pro-chancellor post is held by Minister of education. Chief executive officer is the vice chancellor. Other important posts include Rector for academic programmes, administration and financial management is looked after by the Registrar.

Tribhuvan University, main building, Kirtipur, Nepal by Vijoyeta Deori, 2016.

Nepal Sanskrit University is located in Kathmandu and was established in1986. It was earlier known as Mahendra Sanskrit University. It was set up with a goal to systematise Sanskrit education and aimed to make Nepal a centre for Sanskrit language and literature. It is also a centre for Ayurveda and Naturopathy, *Jyotisha* (astrology) and yogic sciences. One of the objectives is to produce qualified scholars to 'safeguard' national culture. It also has educational programmes in other mainstream academic subjects like Nepali, English, Science, Mathematics, Economics and Political science. PhD programmes are available. It also has a research centre.

Kathmandu University is a non-governmental but not for profit educational institution established in 1981. It focuses on professional courses to develop leaders through quality education. It offers undergraduate, graduate and postgraduate programmes in Science, Engineering, Information Technology, Biotechnology, Environmental Science, Medicine and Pharmacy, Education, Arts and Music and Human and Natural Resources. About three thousand five hundred students study in its constituent campuses and seven thousand five hundred in its affiliated campuses.

Purvanchal University is situated in Biratnagar, eastern part of Nepal, also known as economic hub of Nepal. It was established by Government of Nepal in 1993 with a vision to create an academic centre of excellence in eastern development region. This university especially focuses on industry technology, environment, agriculture-forestry, subsistence and sustainable development.

Pokhara University was established in 1996 and as the name suggests is situated in Pokhara town under Kaski district of western part of Nepal. It was started by Government of Nepal as an attempt to increase access to higher education. It has a semester based system. It has three academic institutions in its constituent campuses. Around fifty private institutions are affiliated to it. Bachelor degree duration is of four years and Masters is of two years.

Lumbini Buddhist University establishment of this university was proposed in 1998 after the first World Buddhist Summit held in Lumbini. Lumbini is the birth place of Gautam Buddha regarded as the founder of Buddhism. University was formally established in 2004 after an ordinance was promulgated to the effect. University aims to impart standard education in Buddhist philosophy.

Lumbini Buddhist University, Sanepa, Kathmandu, Nepal by Vjoyeta Deori, 2016.

Mid-western Univerity is a state supported autonomous institution of higher education. It was established in 1970 by an act of parliament. Its constituent campuses are situated in Birendranagar in Surkhet district of Nepal. This university is yet to be fully operational but enjoys wide political and local support. A university in this region had been long demanded by the people and they showed their enthusiasm by fund raising programmes to support the establishment of the university. Resources of existing colleges in this region under Tribhuvan University have been assimilated within Mid-western University.

Far-western University Government of Nepal established this university in 2010 through an Act of parliament. It is situated at Bhimdatta Municipalty in district of Kanchanpur. It is working towards making higher education more accessible to thepeople in the region. It started with four faculties i.e. faculties of Humanties and Social Sciences, Management, Education and Science and Technology. University also plans to extend its coverage to other district of the country.

Agriculture and Forestry University was established in 2010 in Rampur in Chitwan. In this process it became the first university of Agriculture and Forestry in the nation. Rampur Agriculture campus and Hetauda Institute of Forestry of Tribhuvan University were merged to create this university. It provides under-graduate, graduate and PhD programmes. Its functioning is based on the premise that development of agriculture and forestry will usher in better socio-economic conditions for the people.

Medical Science Institutes: Medical education institutes are under the purview of Ministry of Health and Population.

B.P. Koirala Institute of Health Sciences was established in 1993 and in 1998 the institute got the status of autonomous health Sciences University. Its mandate is become a proficient workforce responsible to society and to provide health care and delve into innovative health care research. It is situated in eastern Nepal. The institute is named after a visionary leader of Nepal Bishweshwar Prasad Koirala who worked for social upliftment and national integration. This institute is also viewed as one of the success stories of India-Nepal cooperation. The institute was established after the health ministers of the two countries signed the agreement on March 1994. BPKIHS provides certificate graduate, post-graduate and PhD programmes. It consists of four colleges i.e. medical, dental, nursing and public health. It has a central teaching hospital with 700 bed capacity.

National Academy of Medical Sciences as a deemed university was established in 2002 to provide post-graduate and super-speciality courses in Nepal. It was established from the Bir Hospital. Bir Hospital, established in 1947 B.S, is the oldest in the country. It was named after Prime Minister Bir Shamsher Jung Bahadur Rana.

Patan Academy of Health Sciences established in 2009, PAHS is a non-profit tertiary academic institute. It provides training to health workers to work in rural parts of the country. It is modelled to provide medical health care to disadvantaged people living in rural or remote areas. It also hopes to serve as a model of innovative health care education for developing nations to be replicated elsewhere.

POLICIES

With regard to policies in education and to understand the trends and how the present education policy of education evolved, policies made from the beginning of modern education system will be covered in this section.

The tradition of education in Nepal before 1951 was religion based and the aim of this education system was to inculcate religious philosophical education to upper-caste Hindus only. This trend of exclusive nature of education continued in Nepal for a long period of of time until Nepal came in contact with the outside world. For the minority Buddhist population there was *Gompas* (Buddhist monasteries and nunneries) for providing Buddhist teachings and practices. It was in 1853; Jung Bahadur Rana employed two English tutors to teach his relatives in the Rana palace (Savada 1991). While rest of Nepalese population were kept aloof of modern education, Ranas continued to get formal education so as to deal with the Britishers effectively and to continue their position in government. They considered public education a threat to their ruling legacy and anyone found promoting education were punished by the government.

All this changed in 1901 when Dev Shamsher Rana became the Prime Minister. He emphasised on major reforms in the education sector. This reform put forth universal primary public education system in which Nepali language will be used as medium of instruction (Shrestha 2007: 208). Durbar High Sschool which was exclusively meant for Rana family was opened to others as well. His educational reforms were unpopular with the other ruling elites and this led to his removal from Prime Ministership (Khanal 2013: 58). Though he was not Prime Minister anymore, his efforts did not go in vein, few schools were opened in the valley and Terai areas and few non-Rana children got admission in the prestigious Durbar High School. There was slow but gradual opening up of English medium schools and schools for girls specially in Kathmandu valley. After the World War II was over, many Gorkha soldiers returned to Nepal and started teaching in their villages. By this period, middle class elite families started sending their children to Universities in India for attaining higher or technical education as higher education system was not fully established in Nepal. This newly educated population were conscious of their rights and noticed that

government policies in Nepal were highly oppressive. This led to a revolution which resulted in putting an end to the Rana regime in 1951 (Ali 2007: 40).

The education policy under the Rana regime was very oppressive which resulted in building a very exclusive education system. This can be proven by the fact that schools were getting very less funds by the government and were usually functioning because of the involvement of the local communities. The average literacy rate was 5 per cent with a huge gender gap i.e. 10 per cent and less than 1 per cent for male and females respectively (UNESCO 1991). There were 310 primary and middle schools, 11 high schools, 1 technical school and 2 colleges in the entire kingdom of Nepal under the Rana regime.

Education Policies from 1951 to 1970

This period witnessed significant change in the government as well as in the policies that the new government made. Both in school education and higher education sector government made landmark changes for its development (Ali 2007:40). The expansion of education was happening quite rapidly in order to meet the social change that the new government wanted to happen. Many state owned schools were opened but was still not sufficient to cater the need of the entire nation therefore private schools were also instituted (UNESCO 2014). Many institutions were introduced for proper implementation and reviewing of the policies related to educational development like National Education Planning Commission in 1954, All Round Nepal Education Committee in 1961 and National Educational Advisory Board in 1968 (ADB 2013:3). There was no specific education policy made instead plans to make education system more viable were made under the newly adopted Five Year Plan system. The first three Five Year Plans were made between 1956 -1970 and all these plans gave special emphasis on developing Nepal's education scenario.

Before National Education Planning Commission came into existence in 1954, there was presence of a heterogeneous system of schools in Nepal like Sanskrit Schools, *Bhasha Pathshalas* (language schools), *Gompas* (Buddhist monasteries and nunneries), Madarsas (Muslim religious education institute), Basic Education System of Schools and English Schools (UNESCO 1991). But National Education Planning Commission made a new rule that if schools are interested in getting government

assistance i.e. economically or logistically, they have to follow a uniform curriculum prepared by the government (Wood 1959). These plans pointed out a number of stumbling blocks in the development of education system such as lack of infrastructure, administrative reforms, insufficient number of trained teaching personnel, underdeveloped higher education facility in the country, inadequate number of vocational and technical education institutes, lack of study materials and textbooks, etc. The plans were prepared after carefully assessing the result of previous plans.

To curb the problems listed above, the government framed time-bound major goals. These goals are as follows:

(a) Providing 5 years of universal primary education to be achieved within 25 years;

(b) Providing secondary education for at least 20 per cent of the nation's youth, and at least 1 high school in all the 32 political districts within 10 years;

(c) founding a national residential university within 5 years, and some form of higher education for about 5 per cent of the youth within 10 years; and

(d) Adult education for all within 15 years.

The financing of schools, government emphasised will be done on the basis of per student cost per year which will be borne by the government. By 1960, government had opened 2,200 primary schools (Caddell 2002) in a short span of time. The enrolment rate in primary schools rose to 26 per cent from 15.3 per cent (NPC 1965). The rate of enrolment and attendance of female students was very low and the government considered it as a matter of grave concern. However, this trend in educational development was put into a halt due to political transition in the country. King Mahendra brought Nepal under his direct rule, suspended all the political parties as well as the parliament. His Majesty of Nepal called the new system of governance as Partyless Panchayat System. The direct impact on education system can be seen in the universal primary education target which was to be achieved within 25 years was deserted and a lower target level was established. This was the period when political parties who were not satisfied with the ban on their activities, started to involve

school teachers as their activists in order to keep their political ideologies alive; thus, marking the entry of politics in the field of education.

New Education System (1971-1990)

The New Education System evolved in Nepal with the initiation of National Education System Plan in 1971. Its core objective was to "produce citizens, who, with full faith in the country and the crown, will conduct themselves in accordance with the Panchayat system and to meet the manpower requirements of development through the spread of scientific and technical education" (NEC Report 1992). The focus was on the need to produce skilled manpower and trained personnel to manage the day to day government work in order to address individual and societal needs which are inducive for meeting the national development goals. This was the reason why vocational education got immense support under the New Education System.

The emphasis on using Nepali language as the official medium of instruction received highest priority. In accordance to create a uniform education system throughout the nation, His Majesty's Government centralised the whole education system to be fully controlled by the government and the policy for universalising primary education was encouraged. The new curriculum included vocational education to be imparted to students from lower secondary level i.e. class 4 to 7. In 1975, government declared that primary education upto class 3 will be provided free of cost and in 1981 this was expanded for two more years. Ministry of Education was responsible to oversee administration, finance, staff recruitment and training, providing study materials and inspection of government schools (Caddell 2002).

One of the main problems emerged was the insufficient number of teachers and those who were teaching were also no well-trained. The Institute of Education under Tribhuvan University was responsible to in-service and pre-service teacher training programme (Wood 1959). Addition of Distant Learning Programme and developing telecommunications for imparting education was a new and important way of providing options in the field of education. Basic Needs Approach to Development was adopted in 1987 and its main crux was to universalise primary education by the year 2000 (NPC 1987). UNESCO provided assistance for the development of a new curriculum, which is why it was highly influenced by the United States' model of

education. New innovative technics were involved in developing education system like the Radio Education Teacher Training Project where radio was used as a medium to train the teachers; this project was funded by USAID.

The Seti Project was launched in 1981 to develop education scenario in rural areas, this project covered the schools in Seti zone. The second project was launched in 1987 called Primary Education Project; it covered the districts of Surkhet, Jhapa, Dhankula, Dang, Tanahu and Kaski. To improve the quality of education at the secondary level, Secondary Education Development Project was launched in 1986. New arrangements were made to make the supervision of schools more effective. All the projects during this period aimed to improve the physical infrastructure of schools and rising the quality standards of education.

According to Nepal Planning Commision Report (1992), by the year 1990, in primary education sector total number of students enrolled was 2.7 million; total number of teachers was 71,213 and total number of primary schools was 17,842. In the field of secondary education, total number of students enrolled was 708,663; total number of teachers reached 22,820 and 5, 917 was the total number of secondary schools (MoE Report 1992). The proportion of female students enrolled in primary and secondary education was 36 per cent and 29 per cent respectively.

The educational programmes under New Education System faced a lot of challenges due to limited resources and could not achieve much as it was based on unrealistic assessment of resource situation in Nepal. The government failed to deliver impressive results even though there was minimal increase in the literacy rate. That is why government had to allow privatisation of education in certain Village Development Committees where the resources were available and local leadership was ready to share the burden. This move was deviating from His Majesty's government earlier plans to completely nationalise and centralise the management of schools. In addition, the government faced a lot of challenges from the banned political parties. The teachers as well as the students were highly politicised and took to the streets for political demonstrations quite frequently. Children belonging to minority communities and poor economic family background were left behind could not reap any benefit under the New Education System.

Education Policies since 1990

The history repeats itself again in Nepal in 1990, the political instability leading to change in government of Nepal, this time it was restoration of multi-party democracy under constitutional monarchy. This period witnessed a paradigm shift in the field of educational development. New optimism was built amongst the Nepalese population as the country endorsed the 1990 Jomtein Declaration. Education for All became national motto and commitment towards achieving the goal was made by the government. In addition, Nepal for the first time made education a fundamental right to all children by signing the Convention of the Rights of the Child. This was followed by establishing National Education Commission in 1992 in order to formulate a new strategy for education system which will be based on democratic values.

The problem that was hampering education development like untrained teachers, less participation of girls, lack of infrastructural facilities and studying materials, etc. were still prevalent and government made few changes in its plans to curb this. The involvement of local communities in local bodies was encouraged, raising the quality of education making it job oriented, upgrading literacy rate, decentralisation and regular supervision of schools to keep a check on implementation of policies was deemed to be very important by the government. The emphasis was also given to make special programmes for women, people with disability, Dalits and indigenous communities.

The target set by the government was to achieve adult literacy rate was 67 per cent by 2000 but it was only 49.2 per cent in 2002 (Lakshamba 2006). The literacy rate amongst the male and female was 65.8 per cent and 35.4 per cent respectively (NPC 2002). The government was successful in increasing the number of schools to 31, 156 and net enrolment rate to 87.4 per cent by 2008 (NPC 2008). The drop-out rate and children out of school was still high specially from Dalit and indigenous communities. Only 2.5 per cent of dalit students and 17.8 per cent of indigenous communities were enrolled in schools (MoE 2009). Equity in education amongst all genders, communities and regions emerged to be major problem. There was a huge gap in literacy rate in terms of urban and rural areas. This indicates that rural areas had very less facilities to promote education. The government have to make plans by keeping

the aspirations and interests of all in mind if it wants to achieve its target of universalising education.

National Council for Educational Development Training Policy, 2005

National Council Educational Development (NCED) deals with professional teacher training and management. Secondary Education Development Centre and Distance Education Centre were also merged with NCED in 2004. Policy guidelines for NCED are provided by Council for Educational Human Resource Development. It is headed by Minister of Education.

Three major components of this programme are

- Teacher's Professional development

- Manager's capacity development

- Leadership Capacity building

Pre-service training of 10 months duration was made mandatory for school teacher at entry. It was over and above the academic qualification for the job. Another prerequisite was obtaining a teaching license. It also saw the establishment of license renewal procedure. Localized teacher selection process were started to follow Local Self Government Act and Education Act. Those who were already working as teachers were trained for 10 month period. Teacher development provisions were consolidated under this policy by linking training, licensing and professional development process. Continued learning while on the job was accomplished by using short term and refresher training courses. It also had plans to develop training curriculum and providing materials for pre-service and in-service teachers. It had planned to have well qualified committed trainers to provide teacher training and in ensuring conducive learning environment to teachers in training.

NCED also made provision to carry out research and monitoring activities. For evaluation of results indicators to measure performance was developed. These indicators were used to assess work of schools, teachers and teacher training institutes. Gender equality concepts were inducted into its programmes. Management training for all levels of schools were made mandatory for educational managers and

heads of schools. NCED programmes also included refresher programmes and other support system.

For strengthening and streamlining teacher training many related institutions were merged into a single entity which included Secondary Education Development Center and Distance Education Center. For ensuring collaboration and coordination between private and public teacher training institutes, Zonal Teacher Training Coordination Committee was established. For improving the quality of teacher training experts from professional institutions could be hired in part time basis by NCED. Professional autonomy was given to NCED to increase its effectiveness and capacity.

Open and Distance Learning (ODL) Policy, 2006

To provide accessibility of people to education who were otherwise not under standard schooling system, ODL policy was launched in 2006. It was specially aimed for providing opportunity of formal education to disadvantaged and marginalized sections of the society through distance learning mode. It aimed to grant access to education through open and distance learning to run as supplementary system along with the standard schooling system. Skill based education to increase employability in labour market and to cater to demand of economy was provided for in this policy.

ODL aimed to be an alternative system to conventional education structure for both higher and school education. It aimed to increase accessibility to education to anyone interested but unable to access through the standard system. It had provisions for two types of open education – general and vocational.

National Curriculum framework was entrusted with the responsibility to create its curriculum. To overcome any barriers to education flexible learning practices were started. Semi-autonomous high level council was mandated to formulate policy for ODL system and execute them at national level. Its financing was contributed by government and private sector and NGOs.

Under this policy, the open education and distance learning facilities was integrated with the conventional education system. The Distance Education and Open Learning Council (DEOLC) will design programmes and collaborate with various agencies both public and private for supervision and implementation of policies. Various

schemes such as teacher development programmes, application of appropriate media and support materials for learners will be developed through distance mode of education. For promotion of life-long learning, a mechanism is created to complement the process of improving facilities for skill development of the targeted population. The DEOL Council aims to develop and implement programmes in education related to social awareness, human rights, child rights, environment and teacher development also by making use of distance mode of education. The Community Learning Centres and Tele Centres along with agencies like Council for Technical Education and Vocational Training (CTEVT) will coordinate together for implementing life-long learning policies.

The curriculum for distance learning is framed in consultation with universities especially SAARC Consortium on Open and Distance Learning (SACODiL) and National Curriculum Development Centre. The Council will also develop a mechanism for accreditation and certification in vocational education by utilising appropriate testing methods, customised remedial and counselling programmes. The governing body of DEOL will be constituted of all the major stakeholders and its executive body will be responsible for implementation of all the policies made by the Council. The plan is to make use of all the available print and mass media for designing and delivering learning materials for DEOL system. The government will collaborate with international agencies to establish educational programmes which will be propagated through radio, television and electronic media.

To improve the standard of education under the DEOL system and maintaining its sustainability, institutional linkage will be created with national and international ODL institutions like SACODiL, Indira Gandhi National Open University (IGNOU), and Open University etc. for designing and delivering learning materials. The Department of Education is responsible for providing financial support to open education system and the responsibility of managing the finances lies with the University Grants Commission (UGC). The proper utilisation of resources in order to provide scholarships and incentives to students will be overviewed by the Department of Education and the UGC. During the initial stages of implementing this policy, government took the responsibility of providing financial support but support from private agencies, local communities, non-governmental organisations and

international non-governmental organisations will be sought and is vital for implementation of provisions under this policy.

Non-Formal Education (NFE) Policy, 2007

The Ministry of Education was planning to expand the non-formal education system under this policy in order to provide academic and practical knowledge to learners at all levels. The government was targeting students who dropped-out of formal education system and those who were deprived in the field of education. Development and distribution of learning materials and curriculum will be gradually decentralised to meet the demands at the local level. To ensure access and equity to good quality non-formal education, Community Learning Centres (CLCs) will be improved to provide education in a non-formal set-up. For resource generation and mobilisation, close coordination among partner agencies and bodies involved in non-formal education is to be maintained, this will also help in bringing accountability in the system. The partnership and networking between the agencies will be complemented with the development of a common database which will be shared amongst all the stakeholders.

The government in order to increase access, quality and co-existence is trying to make non-formal education more inclusive in nature. To develop the capacity of human resources under the non-formal education system, provision of research and training is included so that the system can monitor itself and bring innovations required with changing time and demand. The local bodies are made responsible for proper regulation of management of non-formal education. Due to limited resources in Nepal, government is coordinating and collaborating closely with non-governmental organisations, international non-governmental organisations and private institutes to mobilise resources to achieve the target of Education for All programme. For this there should be compatibility between management of finances in non-formal education sector and the economic policy made by the government. This policy if implemented properly will be very conducive in achieving the goals set by government and furthering the agenda of education in Nepal.

Technical Education and Vocational Training or Skill Development Policy, 2007

The government of Nepal along with organisations involved in developing education scenario in Nepal have conducted various studies and researches and found that the majority of youth belonging to school going age group drops-out of school without completing education till Grade X. Therefore, the government is not able to engage this group of children when grow up in productive economic activities. Relevant short term training courses, which would provide vocational skills to the literate manpower, are not easily available. Moreover, there are also notable number of youths who have either not been to school or not have an opportunity to obtain technical education or vocational training. The situation seems more serious and complex while adding those people who have been suffered from conflict and deprived of passing normal productive livelihood. It is, therefore, necessary to involve the population who were either taken out or not admitted to the school, illiterate and could not obtain any kind of skills either technical education or vocational training in income generating activities for their livelihood. Due to this lack of productivity from the existing manpower in Nepal various problems emerge in the employment sector. This has negative impact on generation of employment and income, hence, no expected improvement has been realised in respect to people falling under the poverty line. Thus, it is necessary for a nationwide campaign to provide and expand opportunities for technical education and vocational training. If skills oriented education and training is provided to the existing manpower of the country in order to make them adequately competent in vocational and professional areas in accordance with the needs of the country will help in furthering the national agenda for development. The government with this policy is trying to create a conducive environment to provide opportunities of education and training to those who are deprived of any productive opportunity and to promote self-employment amongst them.

This policy is aiming to expand the training programmes in order to ensure the access and inclusion of women, Dalits, Madhesis and people belonging to various ethnic groups deprived communities. The major objectives of this policy are –

a) Expansion of training opportunities and services.

b) Increasing access to training programmes to all especially people from deprived sections of the Nepalese society.

c) Integration of various modes of training and training providers into one system.

d) Linking contents and outcomes of the training programmes with economic demands to make the policy more relevant.

e) Funding in a sustainable way in order to create an environment for promoting technical education and vocational training.

Under this policy, all citizens residing in different areas of the country who are interested to obtain training but belongs to economically weak background and cannot pay for the training programme, may participate in entry level training programme conducted for free in the beginning. A policy will be pursued to provide scholarship to this group as financial assistance so as to encourage such groups in obtaining productive employment. This policy will be tending towards the skills training for the development and promotion of market oriented employment. This may create a motion for the development of training system, whereby the number of training opportunities is expected to increase fourfold over the next ten years. This policy also aims to establish National Skills Testing Board for certification of vocational and technical courses in Nepal. This Board will be responsible for conducting a formal examination and providing a certificate; it will also overview and coordinate all types of vocational training. The Board has to carry out analysis of the progress of the worker with a combination of initial training, subsequent occupational experience and further training of various kinds. All modes and places of learning, formal or informal, in school or in job, will be organised in a single system which will be useful for progression and transition. This policy may address the needs and demands of Nepali citizens who wish to reveal their productive talents, training providers associations who wish to engage in the development of human resources and employers who are keen to increase their productivity and provide work and income to their fellow citizens.

Second Higher Education Project (SHEP), 2007

The Second Higher Education Project was launched in 2007 and was closed in 2014. The total cost for the project was US$ 79.61 million (World Bank Report, SHEP, 2014). University Grants Commission under Department of Education was the implementing agency for this project. The primary aim was to improve quality and importance of higher education and research. To achieve this, a framework was established for making management more effective which will also help in making academic institutions financially sustainable. The second objective was aimed towards increasing access to higher education to girls, Dalits, Madhesis and *janajatis* who were discriminated due to their disadvantaged position in Nepalese society. Under SHEP, financial support was provided to academically qualified students belonging to these disadvantaged groups. The government of Nepal and other parties involved in this project were in favour of restructuring the project to make the implementation process more effective. This was done to achieve project objectives and make the reform more sustainable. This project was focussed making conducive environment for providing higher secondary education and higher education to the people from deprived groups. On completion of this project, the outcome was satisfactory after the project was revised in 2011. This project was implemented in Nepal which faces a huge resource crunch and has a high public demand for education. The small nations facing similar problems like Nepal can learn a lot from this project as it gave satisfactory results. Thus, we can say that this project played a catalysing role in developing higher education scenario in Nepal though a lot has to be done in the higher education sector.

Education for All (EFA):

The Education for All programmes came into existence due to earlier initiative taken by the government under Basic Primary Education Program or BPEP I (1991-1998) and Basic Primary Education Plan or BPEP II (1998-2005) for improving and developing the education system in Nepal. Following the Dakar Forum in the year 2000, these education programmes were aligned with the global EFA programme. Furthermore, this education programme was made more Millennium Development Goals as 'National Plan of Action'. Its main focus is on the following six elements:

1. Early Child Development (ECD)

This element receives 6 per cent of the total fund allocated to EFA programme. The government in Nepal for the first time in 1997 focused on ECD as preparing children for primary education in order to reduce the number of school drop-outs. The funding is low and systems promoting ECD is not developed properly. Expansion of ECD programme seems lagging behind because of limited resources and organisation. Proper classrooms for ECD is not made available and in some schools pre-school children are clubbed together with class I students. Below in the picture captured during field work, pre-school children in civil dress is seen together with class I student wearing uniform. Even the salary of ECD teachers is 20 per cent less than the primary school teachers. Their recruitment is not done by the government but by the local communities. There is a huge gap between urban and rural areas in terms of functioning and number of Early Child Development Centres. In urban areas its progress is somewhat satisfactory but in rural areas which gets minimal support from government made no progress in this regard.

Classroom in Tandrang village, Gorkha District, Nepal by Vijoyeta Deori, 2016.

2. Access to All

This component receives 2 per cent of the total funds and it uses majority of this fund in building educational infrastructures. Rest of the fund is allocated to Village Education Plans and making education more inclusive. The main objective here is to increase the participation of children from disadvantaged communities. World Food Programme provides additional fund for school feeding programmes for girls from poor economic background and children from disadvantaged sections of society.

3. Meeting the Learning Needs of All

It receives 1 per cent of the total fund. Here, the Non-governmental Organisations and Community based Organisations cooperates each other and their main focus is to re-evaluate the curriculum. Recently, they are also working to bring religious schools align with formal or mainstream education structure.

4. Adult Literacy

This component gets 2 per cent of the total funds and its main focus is providing functional literacy to women. Below in the picture adult women are seen studying in a classroom under this programme. Not only it receives fewer funds but is also poorly in line with national literacy programmes.

Adult women studying.Source: Ministry of Education, Non-formal education Review Document.

5. Eliminating Gender Disparity

20 per cent of the total fund is allocated to this element. The focus is on recruitment of female teachers in schools and making the curriculum more gender sensitive. The other responsibility is to provide scholarships to girls and Dalit students.

6. Quality Education

This component receives 46 per cent of funds which makes it the largest element under the EFA programme. The grants are provided to schools according to the number of students enrolled. It also provides for School Improvement Plans (SIP), bonuses for schools if they are performing well and grants to those schools which adapt community management.

The budget allocated for EFA programmes is separate from that of the national education programmes. This was done to provide additional help to achieve EFA objectives. Two-thirds of the total budget is spent on salaries for teachers and on on-going commitments. The total budget of EFA is US$ 160 million per year and 25 per cent of this amount is covered by the external agencies. Primarily, District based activities receives the quintessential amount from EFA budget.

The government has also involved non-pool partners to achieve the EFA objectives. One such partner is Japan International Cooperation Agency (JICA) and it helps in the construction of schools. The outcome anticipated from this programme was increasing Gross Enrolment rate in pre-school level, increasing the Net Enrolment Rate in primary level of education and decreasing drop-out rate. Till 2008, though there was progress made in increasing enrolment in primary schools, very less or limited progress was made in ECD programme and drop-out rates were still high.

The main focus of EFA programme is on primary education sector. Secondary Education Support Programme (SESP) in the lines of EFA provides support to secondary education sector. Technical Review of School Education is an independent agency formed by the donor agencies to keep a check on both Education for All programmes and Secondary Education Support programmes.

Enhanced Vocational Education and Training Project (EVENT)

EVENT is a project financed by WB and implemented by ministry of Education, Nepal. It came into effect from 23 august, 2011. Amount committed for this project was US $ 50 million. Project was closed on June 30, 2017. Its aim was to increase the availability of skilled and employable workforce.

This objective was to be achieved by

-increasing access to quality training programmes

-strengthening technical and vocational education system

The primary target of the project is 75000 Nepali youth to be provided access to short term skills training and opportunity to certify their skills. It incorporates special focus on for including youth from disadvantaged sections through specific targeting strategies. Institutions participating in the project can gain by increasing their educational facilities and better trained instructors.

The project has following components:

Component 1: Strengthening TVET Regulatory Activities and Capacity Building

It involves strengthening examination and affiliation system and training management information system (TMIS) and increasing capacity of skill testing by National skill testing board (NSTB). It also aims to train 5000 new assessors and 350 skill testing managers along with 1500 trainers and 100 master trainers. Revision of curriculum for training programmes is also included.

Component 2: Strengthening Technical Education

The project plans to provide matching grants to affiliated institutions to improve their training infrastructure. Based on pre-set indicators, there is also provision of performance grants to institutions achieving specified targets.

Component 3: Supporting Short-Term Vocational Training and Recognition of Prior Learning

Short term training is provided by two mechanisms

a) Voucher based financing: Vouchers are made available to beneficiaries which gives them the ability to purchase training from institutions of their preference from a preapproved list. It is available in 3 districts- Kathmandu, Bhaktapur and Lalitpur.

b) Result based financing: Recruitment and training of beneficiaries is done by the institutions themselves.

Recognition of prior learning: it involves skill certification after skill testing by NSTB of informally acquired skills. No new training is provided. It is hoped that acquisition of such certification will signal the market value of a worker.

Component 4: Project Management, Monitoring and Evaluation

Management of the project is by a 3 tier structure. Policy guidelines are framed by coordination committee, decision implementation is under purview of Project Implementation Committee and a day-to-day activity is the responsibility of Project Secretariat.

Monitoring and Evaluation is done by the Secretariat. It involves collection, analysis and dissemination of inputs and outputs.

School Sector Reform Plan (SSRP), 2009

The previous plans made for the development of education sector did not give much satisfactory results. Therefore, Ministry of Education made a long term strategic School Sector Reform Plan for a period of seven years i.e. from 2009 to 2015. Many strategic intercessions were made under the new plan including the estimation of financial resources needed for the proper implementation of the plan. International donors especially World Bank invested US$ 635 million over a period of 5 years (WB Projects 2016). This plan was the result of Education for All National Plan of Action

(2001-2015), three year Interim Plan (2008-2010) and School Sector Reform core document (MoE, SSRP 2013:9).

The ministry also conducted discussions with the primary stakeholders and taken their feedback under consideration before implementing SSRP. Special emphasis was given to make education more inclusive, gender sensitive to curb the problem of gender disparity, bring equity in education and right to education while preparing this plan (MoE, SSRP 2013:16). The previous plans and policies to improve the education scenario of Nepal like Education for All, Secondary Education Support Program, Community School Support Project and Teacher Education Project were not abandoned but were continued under the new SSRP. This plan gave ample emphasis on improving the quality of education to raise its standards, re-structuring of education system and performance accountability of schools was institutionalised. This time government guaranteed educational delivery services by making education system more efficient and by increasing access to education for out-of-school population (MoE, SSRP 2013:8).

Even though, there was progress in enrolment rate and access to education due to the steps taken by the government, drop-out rate was still high. After the civil war got over in Nepal normalcy was returning and Nepal becoming a republic nation, Nepalese people had high expectations from the public education system. The Ministry of Education is introducing many reforms particularly in school education system and trying to improve already existing services which are viable for development.

There are certain key indicators like gross enrolment rate, net enrolment rate, share of education in budget, pupil-teacher ratio, literacy rate etc. in SSRP for assessing the success or failure of the plan. Annual Strategic Implementation Plans along with Annual Work Plan and Budget were responsible for preparing targets for all the indicators annually. The interim report on SSRP by Ministry of Education came out in 2013 which saws that certain indicators such as gross enrolment rate in pre-school level and secondary level; trained and qualified teachers; survival rate of students (Grade 3 and 5) by cohort method; pass rate in grade 10 and 12; and literacy rate could not reach the estimated targets.

SSRP considerably influenced the school education system. It introduced major schemes like 8 years of basic and 4 years of secondary education. Commencement of technical and vocational education will begin in Class IX. A new provision of equal status was given to alternative mode of education (up to higher secondary level) as formal education and was brought under National Examination Board for certification. This plan defined terms of partnership between providers of private education and local communities; and also defined norms and standards for proper distribution of schools. In order to ensure quality, equity and access in education system a regularity framework was visualised. This plan aimed to provide free education till secondary level. To increase access to education, inclusion of local government was encouraged in planning and execution stage. It also stimulated adoption of compulsory education by local governments. For increasing accountability, SSRP made government to provide enabling conditions to schools and schools should also try to meet the agreed learning outcomes.

Introduction of trilingual policy was made under SSRP making mother tongue language to be used as medium of instruction in early years of schooling. Decentralisation was introduced in selection and recruitment procedure of teachers; required qualification for teachers in basic and secondary level of education was also raised. Teacher preparation course was made compulsory for those aspiring to join the teaching profession. Management training for the position of head teacher was made mandatory. Under this plan, National Examination Board was formed for making assessment of students more consistent and uniform. National and local government along with school community will be sharing the responsibility of arranging finances for the maintenance of schools under SSRP.

Quite a huge number of donors were involved in SSRP, Developing Partners both pooling and non-pooling partners. Pooling partners included Asian Development Bank, Australian AID, European Union, Department for International Development (DFID,UK), Finland, Norway, UNICEF and World Bank. Non-pooling partners consists of Japan, World Food Programme, UNESCO, UNDP and International Non-governmental Organisations (INGOs). Aspects like literacy, Early Chid Education Development (ECED), multilingual education, special needs education, and advocacy and capacity development are kept under the aegis of INGOs (MoE SSRP 2009).

USAID, Germany, Sweden, Canada, the Netherlands and International Labour Organization were kept under the category of potential partners for Government of Nepal for fulfilling the aims and objectives of School Sector Reform Plan.

The Ministry of Education was struggling to manage and harmonise the huge amount of funds and grants it was receiving from a large number of agencies and organisations involved in developing nations' education sector. Nepal participated in Rome Declaration on Harmonisation in 2003, Paris Declaration on Aid Effectiveness in 2005 and Accra Agenda for Action in 2008 to learn the tactics of proper aid management. In 2004 this Himalayan nation formed the Joint Financing Arrangement (JFA) for developing partnership spirit between the government and the development partners which resulted in increasing the share of budget for education programmes. The management of aid under SSRP follows certain guidelines such as governments' ownership of country's development projects, aligning national management systems, using common arrangements and procedures for making the assessment process convenient, following result based management principles and mutual accountability (MoE SSRP 2013). Ministry's aid management programme is based on Nepal's National Action Plan for Harmonisation, Paris Declaration and Accra Agenda for Action (AAA). This has helped Ministry of Education in a significant way and provided an under-structure for further improvement in the ad is managed in education sector.

Changes brought in different levels of education system under School Sector Reform Plan (SSRP):

The basis for implementation of Early Childhood and Education Development (ECED) under SSRP is based on Education for All National Plan of Action (2001-2015). A total of 24,773 ECED centres across Nepal, out of which 11,890 are school based pre-primary education centres and the remaining are community based pre-primary or ECED centres (GoN, Flash Report 2007). Private pre-primary schools are also known as institutional schools in Nepal have done tremendous work in expanding and delivery of ECED services. The implementation of ECED programmes are done by Department of Education which collaborates with community based organisations and International Non-governmental Organisations.

The guideline to formulate policy regarding improvement in ECED programmes is done by the Secretary of ECED Council which is part of Ministry of Education at the national level and District Development Committees at the district level. Coordination, supervision and of ECED programmes are also done by the District Development Committee. The aim of ECED programme is to prepare children for basic education and their all-round development. High priority was given to identify marginalised groups including Dalits, women, ethnically minority communities and Madhesis for ensuring access of education to all. Emphasis was also given to adhere to non-discriminatory practices in policy making as well as in real practices.

Increasing accessibility to basic and secondary education was a priority to the government including promoting participation, equity and socially inclusive practices in order to develop quality and importance of education. Under SSRP decentralisation of management and governance of schools was institutionalised. Integration of technical and vocational education along with alternative mode of education with formal education system was also done under this plan.

More changes will be brought in the education system of Nepal as the 8th Amendment Bill of the Education Act was passed in 2016 just after the School Sector Reform Plan was over. This bill is of great importance as it is terminating the School Leaving Certificate Examination which used to be held at Grade X in all the schools in Nepal. The qualifying examination at the school level will be held after the completion of Grade XII. The National Examination Board will be responsible for conducting exams at all the levels of schooling. This bill has made one year of practical course mandatory for all the students seeking technical and vocational courses. The most unprecedented decision by the government under this Bill is that it bars the establishment of new private schools. This Bill was tabled by present Education Minister Giriraj Mani Pokharel which also included a report by the Women, Children, Senior Citizen and Social Welfare Committee (Bajracharya in *The Himalayan* June 14, 2016).

CHAPTER 3
POLITICAL EVENTS AND EVOLUTION OF EDUCATION POLICY

The Federal Republic of Nepal has come a long way from autocratic Rana regime to experiments with democracy and constitutional monarchy. The past experiences indicate that whenever there was a regime change in Nepal, the new political rulers makes a new constitution. This can be because of the fact that the political actors in Nepal ideologically differs with each other. The political class have also used the education system as a vital apparatus to propagate and promote their objectives. It has been observed all over the world that education has been used extensively to construct an idea of national identity. The best thing to construct and promote national identity is by moulding the minds of the young population. The political rulers implement this tactic by promoting their idea of national identity in schools through curriculum and syllabus. The importance of national heroes and shared history is highlighted among the students in order to produce a sense of unity. In a similar way, citizens' participation in developing the nation is emphasised as well. Here, the objective is to analyse Nepal's education system and how it is evolving in the absence of political stability in Nepal. For adequate understanding of the trends and patterns of development of education policy it is helpful to divide it in four distinct phases.

Nepal under the Ranas (1846-1951)

The Shah dynasty came into existence in 1769 and it continued till 2007 until the monarchy was abolished in 2007 (Whelpton, 2005). While they remained kings throughout but in 1846 the *Kot* massacre of the royal family members and advisers in 1846 resulted in Rana autocracy. The Shahs during Rana had no real power and were just nominal heads of Nepal. The Ranas era can be best termed as an era of isolationism. They were the rulers of Nepal for more than a century and conformed to an isolationist approach. Its geographical juxtaposition between two giants of Asia India and China and Treaty of Sagauli, 1815 which led to imposition of political restrictions by the British Raj on Nepal; these are the reasons behind its isolation. Hinduism enjoyed the centrality in most of the rules and regulations made during this

era. For instance, by implementing *Muluki Ain* (National Legal Code) 1854[1], ethnic and caste based division was formally legalised (Hofer, 2004). They were opposed to widespread modern education (Weinberg, 2013). The common masses were kept aloof of modern education during this period as they saw an educated mass as a threat to their control of power (Sharma, 1990; Eagle, 1999; Caddell, 2007). The contact with British brought the concept of modern education in Nepal. The ruling Rana elites started tutor-based formal education only for Ranas in order to engage and negotiate efficiently with British India. Traditionally, Nepal was accustomed to Hindu *Pathshalas* and Buddhist *Gombas*, the common people used to get religious education in these institutions. The first school in Nepal was *Durbar* School or Palace School opened in 1892; educations here was meant only for the Ranas but later in the year 1885 children belonging to elite families were allowed to attend this school (Sharma, 1990). The elitist nature of education is very apparent (Eagle, 1999). Just before opening up of *Durbar* School, the Ranas also formed a Department of Education in 1858 (Sharma, 1990).

In 1901, Dev Sumsher Rana opened some 200 Nepali medium schools (Caddell, 2007) for the commoners. The opening up of schools by him was unpopular for the taste of the ruling elites that he was removed after a coup in just three months. A Nepali medium School was established in 1905 for the purpose of training Civil Servants (Sharma, 1990). An analogy can be made here, the elites emphasised so much on English education initially that after completion of their wards' formal education when they are ready to serve the nation as civil servants; the ruling class had to open a school for training them in Nepali language.

The first higher education institution in Nepal is Trichandra College, established in 1918. This was done to accommodate students who pass out from *Durbar* School. In reality, the ruling elites wanted to stop these graduating students from going to India for higher studies as their apprehension was that these students might get influenced by radical ideas (Eagle, 1999). With the slow increase in number of education institutions, the Ranas, in order to control schools centralised the education system.

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[1] *Muluki Ain* or National legal Code, 1854: This law remained in force as the primary law of the land. It was the epitome of orthodox Hindu values, and given to protecting the Rana political order of Nepal as well as the social and religious values it stood for.

Nepali language got official status later in the year 1934. One of the purposes behind the emphasis on Nepali language was also to differentiate Nepal from India. The other purpose, as Whelpton (2005) opines that opening up of Nepali Schools may be populist act or may be to endeavour "keep people in their place", means excluding common people from accessing English education. There was strict control on teaching and learning activities, those who were caught used get harsh punishment. But there was continuous flow of knowledge and people from across the border specially from India. After the World War-II, the Gorkha soldiers who came back to Nepal started teaching young people informally about the skills they have been taught while in service.

The year 1948 is of significance in education development in Nepal. Right to universal education to Nepalese was declared and University Commission was established along with the opening up of a Sanskrit College in Kathmandu and Adult Education Centres. The education system during this period was at its nascent stage and was evolving slowly. Hence, the Ranas even with their deliberate attempt to curb the benefits of modern education to the common Nepalese people could not stop the development though less of Nepal's education system.

Nepal under Multiparty System (1951-1960)

All these transfer of knowledge and political ideas led to growth of political consciousness among the elites and common people which was also fuelled by the activities of Nepali National Congress Party (established in 1947) in exile, this led to removal of oligarchy in 1950. The sovereignty of the crown was restored and the Nepali Congress Party formed the government. From the beginning during this phase, there was continuous power struggle between monarchy and different political parties and within the political parties itself. The main political parties which played important role during Nepal's experiment with multi-party system are: Nepali Congress, Gorkha Parishad, Communist Party of Nepal, United Democratic Party, Prajatantrik Party, Nepali National Congress Party, Tarai Congress and two factions of Praja Parishad.

India's role in Nepal's political scenario was quite visible during this period as Indian troops were called at least in three different occasions. Just after few days of forming

the new government, Indian troops were called to arrest K.I. Singh who did not surrender after the Delhi agreement from Bhairawa region in Tarai (Whelpton, 2005). The Nepalese were again in need of Indian help to stop a peasant revolution in Tarai the same year. Again in 1952 Indian military mission was started in order to upgrade Nepal's army. There were other infrastructural projects undertaken by India during this period like the construction of Tribhuvan Rajpath road which connected capital city Kathmandu to the Tarai region and construction of dam over Kosi river for irrigation purposes. The influential role of India cannot be denied even though there was political opposition to Indian influence in Nepal. United Front was formed by three political parties namely Nepali National Congress, Praja Parishad and Communist Party of Nepal to oppose India's influence (Riaz and Basu, 2007).

In the field of education with continuing instability in government few developments were made. Democracy, modernity and advancement in science and technology became the motto of the new government. National Education Planning Commission (NEPC) in 1955 conferred education as a tool to unite people around the common goal of national development and to empower Nepal so that it can play a significant role in international sphere. The same year Nepal joined the United Nations. Following which a College of Education was established in 1956 in order to train teachers of secondary schools and other educational personnel. In addition to this 9 training centres were opened for primary school teachers. Resentment from Tarai region occurred over imposition of Nepali language in schools in that region in 1957 (Whelpton, 2005). The greater emphasis on making Nepali language the medium of instruction in all schools in a multi-lingual society like Nepal indicates the ruling parties' ambition to culturally unify Nepal. Professor Hugh B. Wood of Education from University of Oregon was the main advisor for designing Nepal's education policy (NNEPC, 1956). This monolingual character of Nepal's education system was advised by Wood and implemented by the government without keeping in mind that the social and cultural realities of Nepal is totally different from that of America. The United States Overseas Mission (USOM) gave financial and technical assistance for preparing education related documents like Nepal National Education Planning Commission during this period.

In 1959 National Primary School Curriculum was introduced and Nepali language was made a compulsory subject till fifth standard. The history of higher education in Nepal begins with the establishment of Trichandra College in 1918 during Rana regime, initially this institution was only meant for the Ranas. After the advent of democracy in 1951, a number of new colleges opened up and Tribhuvan University became the first university of Nepal in 1959. Politically, there was continuous struggle going on between the monarchy, the Ranas and Nepali Congress Party to legitimate their power centres culminated in very poor implementation of government policies specially in the rural areas. This period had 6 Prime Ministers and in two occasions it was directly ruled by the king; Tribhuvan Bir Bikram Shah in 1952 and Mahendra Bir Bikram Shah in 1955.

With continuing political instability, there was no progress seen in the constitutional front until 1959. On the advice of Sir Ivor Jennings who was a British constitutional lawyer, King Mahendra with the help of drafting commission prepared a constitution (Whelpton, 2005). This resulted in formation of a bi-cameral legislature. The *Pratinidhi Sabha* or House of representatives with 109 directly elected members and the *Mahasabha* or the Senate including 36 members half of which will be appointed by the king and half will be elected by the *Pratinidhi Sabha*. The new constitution gave special powers to king like the executive authority and in the state of emergency, under Article 55 and 56, except the Supreme Court, the king can supersede all the other organs of government (Bhandari, 2014). The same year general elections were held and B. P. Koirala of Nepali Congress Party became the Prime Minister. The electorates in Nepal mostly constituted of illiterate peasants and what is mentioned in the manifestoes of different parties hardly mattered to them. The new government introduced three major reforms: 1) the abolition of *birta* system of tax, 2) abolition of *rajauta* system, and 3) nationalisation of Nepal's forests (Whelpton, 2005).

Nepal under Panchayat System (1960-1990)

After a year, King Mahendra captured power and adjourned the parliament, the constitution and party politics and banned ethnically based groups in Nepal (Weinberg, 2013). He asserted that parliamentary system could not bring stability in Nepal hence, replaced multi-party democracy with the Panchayat system of governance in order to fulfil the needs of Nepalese people and bring stability for

development of the nation (Burghart, 1984). The political establishment adopted a twin mechanism to gain allegiance from the people by engaging itself with the global community for economic and social reforms. *Ek bhasa, ek bhesh, ek dharma, ek desh* which means one language, one way of dress, one religion, one nation was the main catchphrase and base of most of the policies; this also shows that the government was eager to homogenise the nation in order to culturally unify Nepal. The major objective was to create and impose a Nepali identity which is basically the identity of the high-caste hill Hindus on a diverse group of people with different cultural and linguistic background (Onta, 1996).

Introduction of compulsory singing of national anthem, king's portrait was installed in every school premises and prayer to *saraswati* (Goddess of Knowledge) was replaced by national songs (Caddell, 2002). In 1971, National Education System Plan (NESP) came into effect and its implementation was completed in five years (Weinberg, 2013). This document is considered to be politically most significant as it served the interest of the Panchayat rulers. Education was based on promotion of national unity with an aim to assimilate the individuals into the mould of nepali nation-state, a nation whose heart lies in the panchayat model of government. Below is the statement from NESP which clearly shows what the government wanted from this policy:

> "to strengthen devotion to crown, country, national unity and the *panchayat* system, to develop uniform traditions in education by bringing together various patterns under a single national policy, to limit the tradition of regional languages, to encourage financial and social mobility, and to fulfill manpower requirements essential for national development." (Ministry of Education, 1971, p. 1, as cited in Caddell, 2007, p. 266)

National culture was characterised by monarchy, Hinduism and nepali language. NESP also introduced *Rastriya Itihas* (national history) along with the focus on vocational subjects and technical schools in order to meet the demand for economic development and labour force requirements of the nation. National Development Service (NDS) was also announced, the university students were awarded degree only after serving as teachers in the rural area for 10 months under this scheme (Vaidya, 1992). In 1984, with Japanese assistance Tribhuvan University Teaching Hospital was opened. Mahendra Sanskrit *Vishwavidyalaya* was established in Dang in 1986. Two important projects during 1980s which were started with international donors' assistance - Seti Education for Rural Development Project (SERDP) funded by

UNICEF, UNESCO and UNDP; and Primary Education Project (PEP) funded by WB and UNICEF. These two projects emphasised on forming resource centre schools and satellite schools, thus brought decentralisation in school management system (Bhatta 2000). By associating the improvement in basic education with rural development SERDP encouraged community participation. Here, we can see the intertwining of Nepal's national educational agenda with global educational goals. This change in government's attitude specially regarding decentralisation of education was mainly because it needed financial support from international donor agencies.

Regional political events affected the domestic politics in Nepal. India accepted and acknowledged the royal rule in Nepal after 1962 India-China war and Indian aid to Nepal was not stopped. The then Prime Minister of Nepal, Kirtinidhi Bista was of the view that Freindship Treaty with India should be renounced as it has lost its relevance (Whelpton, 2005). Things started to change after formation of Bangladesh in 1971 and India emerged as a predominant actor in South Asian region. In 1974, Sikkim formerly an independent nation became part of Indian Union and this event triggered demonstrations in Kathmandu against India and buildings and vehicles belonging to Indian government were attacked. King Birendra for strategic reasons declared a policy of equidistance from both India and China. In 1983, South Asian Association for Regional Cooperation (SAARC) was established and SAARC secretariat in Kathmandu. There was a continuous flow of aid to Nepal both from bilateral partners and multi-national organisations during this period.

Ironically, the government was not able to solve the economic problem even with such a huge flow of foreign aid. The high handedness of the ruling regime against its political opponents and the student protests in 1979 and again in 1980s led to huge student demonstrations in Kathmandu and Tarai region. The government started negotiations with student action committee, the Panchayat government accepted most of the demands by the student community such as direct admission in University of students who clear School Leaving Certificate examination, formation of an independent national level student union and the termination of pro-panchayat student organisations like *Rashtrabadi Swatantra Bidyarthi Mandal* (Whelpton, 2005). This understanding between the Congress stronghold student organisations and the ruling government could not appease the radical student organisations like the Communist

Marxist-Leninists and the fourth convention group. Thus they continued their protests and demonstrations; the army had to be called to control the situation.

An announcement was made by king Birendra on radio that a referendum will be held in the country to choose between the Panchayat System with 'suitable reforms' and the multi-party democracy (Whelpton, 2005). With regulations on activities of political parties and other organisations the ruling system of government had an upper hand and hence Panchayat system was favoured in the referendum. There was growing dissatisfaction in the nation due to high level of corruption, slow rate of development and suppression of political activities. The students' and teachers' strike which resulted as unpopular policies like NDS; the educational institutions became sites of unrest and protest. The rise in food and fuel prices due to trade embargo imposed by India in 1989 also fuelled the political turmoil in Nepal. This coordinated peoples' movement in 1990 against the old regime is also known a *Jana Andolan*, ultimately resulted in reinstatement of multi-party democracy in Nepal.

Nepal under Constitutional Monarchy (1990-2008)

After the fall of Panchayat system of government in Nepal, the multi-party democracy re-emerged and the constitution was re-written. The new constitution described Nepal as "a multi-ethnic, multi-lingual, democratic, indivisible, sovereign, Hindu and constitutional monarchical kingdom" (Gellner, 2007). The new government was embracing the diversity in in its society while making new policies for the nation. It is quite visible from Nepal's definition that the new government's policy making scheme will be different from that of the previous Panchayat regime. But the centrality of Hindu religion continued to have a safe place in the new constitution as well.

As in the past, 'development' continues to be the basis of this new construction of Nepali nation-state. Thus, policies made by the government continues to be influenced by the agenda of the international organisations. The role of civil society got more strengthened with the return of democracy. This was what international organisations wanted in order to have an approach which is more participatory in nature for better construction of plans and policies. It also promotes better collaboration and cooperation among the stakeholders in the development process. As

De Chene (1996) has emphasised that democracy which evolved in 1990s in Nepal is "*bikase*" (means development in Nepali) democracy. This means that democracy rooted in interaction with the external agencies for development. The demand from various ethnic and linguistic minority groups posed a threat to the government as they have to accommodate the aspirations of the minority communities vis-a-vis maintaining the state of affairs for the ruling elites. The Constitution Recommendations Commission rejected the demands of linguistic and ethnic minority communities stating that greater recognition of these demands will be detrimental for attaining national unity (Caddell 2002). The state straightaway denied these demands for making the constitution more inclusive rather than addressing the problem (Hutt 1993: 35). Nepali language in *Devanagri* script still maintained its privileged position under the new constitution as the official language and other languages spoken by minority communities got the status of national language.

This phase in Nepal witnessed a lot of political instability along with achieving certain anecdotes which pertains to qualify Nepal as a thriving democracy. Conduction of parliamentary elections in 1991, 1994 and 1999 and local elections were held twice i.e. in 1992 and 1997. Nepal again faced challenges, during this phase of its history, from minority voices backed with Communist parties in Nepal through their political demonstrations and the palace trying to derail the whole democratic process because of prevailing unstable political scenario. The instrumentalisation of the two coups by the royalty, King Gyanendra in 2002 and 2005 are proof of the disturbed political scene in Nepal and royal government trying to take advantage out of the prevailing situation.

The ban on political parties was lifted after People's Movement in 1990. Communist Party of Nepal (United Marxist-Leninist) was formed by aligning Communist Party of Nepal (Maoist) and Communist Party of Nepal (Marxist -Leninist) for contesting elections in May 1991 but Nepali Congress won the elections and formed a coalition government with G.P. Koirala as the new Prime Minister of Nepal. This government faced challenges from the Communist Party of Nepal (United Marxist-Leninist) and other small Communist Parties. Instability prevailed due to law and order problem because of police shootings in Kathmandu. This led to suspension of Parliament and Manmohan Adhikari became the Prime Minister in 1994. A year after i.e. in 1995

Sher Bahadur Deuba from *Sadbhavna* Coalition became the Prime Minister. The same year police started Operation Romeo in Ralpa and Dang region against the Maoists (Lawoti and Pahari 2010:333). This was the starting point of a decade long People's War in which many people died. The Maoist activists had a stronghold in the rural areas of Nepal which made it difficult for the government to tackle the issue efficiently.

There were number of attempts from the government to bring peace and stability in the nation through signing ceasefire with Maoists in 2001, 2003, 2005 and 2006 (Whelpton 2005). The problem was that the government itself was unstable with constantly changing political leadership belonging to different political parties; in addition to this problem Nepal was under direct rule of King Gyanendra twice during this period. Whenever Nepal was under the direct control of the King, there was ban on political parties and restrictions on media. This was done by the ruling class to remove any kind of challenge it might experience from the opposition.

In the year 2005, Seven Party Alliance of political parties was formed and it signed a 12 Point Understanding with Maoists in Delhi (Jha 2014). The main aim of this alliance was to oppose "autocratic" monarchy. A year later, King Gyanendra is ousted from power and the Parliament was reinstalled which was dissolved in 2002 by the King. G.P. Koirala becomes the Prime Minister and the Parliament strips the royalty of its privileges, Royal Nepalese Army (RNA) was brought under direct civilian rule, and declared that Nepal is a secular country. A Comprehensive Peace Agreement was signed between the government and Maoists, this brought an end to the long drawn civil war in Nepal.

An interim Parliament was formed including the Maoists and an interim constitution was promulgated in 2007 to replace the 1990 constitution. The *madhesi* community from the terai areas of Nepal was not satisfied with some of the provisions in the new constitution which according to them was not inclusive and did not provide any space for proportionate representation of the *Madhesis*. Upendra Yadav from Madhesi Janadhikar Forum protested by burning a copy of the interim constitution and was arrested afterwards (Jha 2014). Constituent Assembly elections were held in the year 2008 in which Communist Party of Nepal (Maoist) won the highest number of seats, next was Nepali Congress Party and the third was Communist Party of Nepal

(Marxist-Leninist). The emergence of Madhesi People's Right Forum as a new political agency was witnessed during this election.

After elections monarchy was invalidated and the Constituent Assembly started the process of making a new constitution which will be Federal Democratic Republican in nature. Ram Baran Yadav of Nepali Congress becomes the first ever President and Pushpa Kamal Dahal, also known as Prachanda becomes the Prime Minister of the new republic.

In the field of education sector, there are two important projects for educational development in primary education sector - Basic Primary Education Project or BPEP I (1992-1997) funded by IDA, DANIDA, UNICEF; and Basic Primary Education Program or BPEP II (1997-2002) funded by DANIDA, EU, IDA, FINIDA, NORAD along with additional funds for well-defined items provided by JICA, UNICEF and ADB. Not only in Nepal but globally also the perspective regarding education was changing. Till 1990, education was considered to be a national priority but it gained global attention following the Child Rights Convention 1989 and World Conference on Education for All held at Jomtein in 1990. Thus, basic education became a global priority and Nepal being signatory to this conference had to design policies in accordance with international standard. The regulatory body for higher educational institutes in Nepal, University Grants Commission was established in 1993 and a High Level National Education Commission came into effect in 1998 in order to develop the higher education scenario in Nepal.

Even though Nepal witnessed a lot of disturbances politically, the government in collaboration with development partners formulated various policies in line with its Education for All National Plan of Action (2001-2015) for improving the facilities for educational development. National Council of Educational Development was formed in 2004 for providing training to teaching staff to help them in their professional development, leadership capacity building and management skills to run the schools smoothly. Government was not able to stop children from leaving schools, drop-out rate was increasing day by day and a large number of Nepalese people were uneducated especially who came from deprived sections of the society. Many studies and reports also pointed out the same problems. To counter this many innovative programmes were started in Nepal targeting citizens who did not finish their

education and those who were left out from the modern education system. Such as Open Education and Distance Learning programme, Non-formal Education System, Technical Education and Vocational Training programme these new programmes were part of alternative mode of studies.

The government in collaboration with international organisations especially World Bank was trying to make education system decentralised to meet the demands at the local level and this was made possible with Community School Support Plan (2003-2008). The implementing agency in Nepal for this policy was Integrated Development Society. Under this plan, scholarships and technical assistance is provided for building capacity of the local communities so that they can take over the management of Government funded schools (Nepal-CSSP 2010). Two types of grants are available in this plan: performance grants to schools which are performing well in meeting targets, this grant can be used to further improve the facilities in primary education; and supplementary grants to provide additional support to marginal communities and encourages bilingual education, recruitment of female teachers and teachers from deprived sections of society. CSS plan was meant for out-of-school children; scholarship was given to students in the first year of their schooling and for later years of primary education maintenance scholarship was provided. Ministry of Education was responsible to monitor and evaluate the project coordination system. In the field of higher education, Second Higher Education Project (2007-2014) was launched to improve and provide access to higher education and research. Many studies and research done by Ministry of Education in collaboration with international organisations found that people belonging to deprived sections of Nepalese society has very low rate in attaining higher education. Therefore, under this project financial support was provided to women, Dalits, Madhesis and people from ethnic minority groups to increase their access to higher education opportunities in Nepal.

The Peace Process and Nepal's transformation to a Democratic Republic (2008 onwards)

Peace talks were held between the government and the Maoists in 2001 and 2003, but both attempts at a negotiated solution to the conflict failed. However, in November 2005, nine months after King Gyanendra's takeover, a group of parliamentary parties called the Seven-Party Alliance (SPA) signed a 12-point memorandum of

understanding with the Maoists in which they pledged to create a nationwide democratic movement against the "autocratic monarchy." The agreement was signed in India with the support of the Indian government, and a crucial component was both sides' commitment to a constituent assembly election to draft a new constitution for the country. Thus, the parties put mounting pressure on the king, and after a 19-day mass uprising in April 2006 known as the *Jana Andolan II*, the king formally relinquished direct rule and reinstated the 1999 House of Representatives. Negotiations between the Maoists and the SPA continued, with a ceasefire agreement signed in May 2006 and a Comprehensive Peace Agreement (CPA) signed in November the same year. The House of Representatives was dissolved and replaced by an interim Legislature–Parliament that included the Maoists in January 2007 and, in another landmark step in April 2007, the Maoists joined the interim government. The United Nations Mission in Nepal (UNMIN) was created in January 2007 following invitations from all parties for assistance with monitoring of the arms management process and the provision of technical assistance to the Election Commission of Nepal (ECN) in preparation for the planned constituent assembly election. UNMIN monitored the registration and storage of weapons from both the Maoist People's Liberation Army (PLA) and the Nepal Army as well as supervised the registration of Maoist army personnel and their placement in seven cantonments (and 21 sub cantonments) across Nepal. The cantonments and sub cantonments were located in Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli, and Ilam districts and monitored 24 hours a day by UNMIN.

At the same time as the peace process between the SPA and the Maoists was unfolding, historically marginalized groups around the country, particularly the Madhesi people living in the southern plains region called the Tarai, increasingly began to press for their rights and for inclusion in political and government institutions. During their "people's war," the Maoists had raised the consciousness of these groups regarding their exclusion from power, but upon the party's entry into government, many felt that the Maoists were unable or unwilling to deliver effectively upon their promises. Subsequently, many of these groups, including Madhesis, Adivasis and Janajatis (indigenous peoples), women, and Dalits (untouchables), protested against the government and demanded changes to state structures and the election system and increased representation in government bodies. In January 2007,

mass demonstrations in the Tarai took place, with residents protesting discrimination by the government against Madhesis, leading to more than 30 deaths. This is generally considered the start of the Madhesi people's movement, or Madhesi Andolan. Unrest in the Tarai continued through to the 2008 elections, with strikes, shutdowns (bandhs), bouts of violence, and the proliferation of armed groups.

The constituent assembly election was initially scheduled for June 2007. However, a lack of preparation by the political parties and insufficient political will on all sides, as well as the ongoing turmoil in the Tarai, led to the election's postponement. The government went on to sign several agreements with leading Madhesi and Janajati groups, promising to meet key demands for greater inclusion in the political and electoral process, including instituting a federal system of governance. Additionally, after months of wrangling, the political parties finally reached an agreement in December 2007 to amend the election law and to abolish the monarchy at the first sitting of the constituent assembly. The Maoists, who had previously pulled out of government and stalled the electoral process, re-joined government, and a new election date was declared.

On April 10, 2008, Nepalese across the country voted in their nation's first-ever constituent assembly election. While the pre-election campaign period was marred by serious violence, election day itself was regarded as relatively peaceful. The election was held under a mixed electoral system combining a first-past- the-post system and a proportional representation system to allow for both geographical and party based representation. To the surprise of many analysts, the Maoists performed more strongly than predicted, securing their place as the largest party with 38.2 per cent of the total elected seats. The Maoists were followed by the Nepali Congress with 19.1 per cent, the CPM–UML with 18.1 per cent, and the Madhesi People's Rights Forum with 8.8 per cent. On May 28, Nepal's constituent assembly met for the first time and voted to abolish the monarchy, transforming Nepal into a federal democratic republic.

Following the constituent assembly election, hopes were high that Nepal's new political leaders would continue moving forward on the significant challenges ahead of them—addressing outstanding commitments in the peace process (most critically those relating to former Maoist combatants and security sector reform), drafting an inclusive and democratic new constitution, implementing the commitments made to

historically marginalized groups, generating economic development and growth, and strengthening of the security environment and rule of law. However, the election proved to be the death of the "politics of consensus" that had at least partially characterized the pre-election period and facilitated progress up to that point. With the hard reality of the election results facing them, political leaders could no longer operate under the assumption of rough political equivalence among the major forces. The Nepali Congress and the CPM–UML saw that their future access to power was under threat and accused the Maoists of stealing the election through violence and fraud. The Maoists, for their part, saw the results as giving their party an absolute mandate, even though they had won less than 40 per cent of the public's vote. The Maoists' refusal to support G.P. Koirala, the senior Nepali Congress leader and their counterpart in the peace process, as the first president of Nepal, further contributed to the souring of relations between the major parties. Thus, while moving the country forward to the next phase of the transition process, the constituent assembly election also had a number of significant, and negative, effects on the political dynamics of the country. This included the breakdown of the politics of consensus, the increasing internal fragmentation of political parties, leading in some cases to party splits, the development of a zero-sum approach and highly polarized political environment, and the rise of long periods of deadlock overseen by a series of weak governments.

Following several months of delay as the election results were fully digested, the Maoists formed a coalition government in August 2008 with Pushpa Kumar Dahal as prime minister. However, his tenure was short lived. A series of controversial decisions culminated with his move in May 2009 to sack the sitting Chief of Army Staff Gen. Rookmangud Katawal and replace him with another candidate, viewed as more sympathetic to the Maoists and willing to negotiate a better deal on integration of former Maoist combatants into the Nepal Army. Newly elected President Ram Baran Yadav, only several months in office and with an ambiguously defined role in the interim constitution, overturned the prime minister's decision at the urging of a coalition of non-Maoist political parties and with alleged support from India. Prachanda resigned in protest at the President's move, and the Maoist party left the government, leading to an extended period of political polarization. An effectively "anti-Maoist" governing coalition of 22 political parties, with new Prime Minister Madhav Kumar Nepal at the helm and perceived backing from India, took power

while the Maoists went into active opposition, launching a multi phased series of protest programs both in the Legislature–Parliament and on the streets.

During this period, School Sector Reform Project (2009-2015) was launched in the field of education. Many strategic intercessions were made under the new plan including the estimation of financial resources needed for the proper implementation of the plan. International donors especially World Bank invested US$ 635 million over a period of 5 years (WB Projects 2016). This plan was the result of Education for All National Plan of Action (2001-2015), three year Interim Plan (2008-2010) and School Sector Reform core document (MoE, SSRP 2013:9). Special emphasis was given to make education more inclusive, gender sensitive to curb the problem of gender disparity, bring equity in education and right to education while preparing this plan (MoE, SSRP 2013:16).

More changes will be brought in the education system of Nepal as the 8th Amendment Bill of the Education Act was passed in 2016 just after the School Sector Reform Plan was over. This bill is of great importance as it is terminating the School Leaving Certificate Examination which used to be held at Grade X in all the schools in Nepal. The qualifying examination at the school level will be held after the completion of Grade XII. The National Examination Board will be responsible for conducting exams at all the levels of schooling. This bill has made one year of practical course mandatory for all the students seeking technical and vocational courses. The most unprecedented decision by the government under this Bill is that it bars the establishment of new private schools. This Bill was tabled by present Education Minister Giriraj Mani Pokharel which also included a report by the Women, Children, Senior Citizen and Social Welfare Committee (Bajracharya in *The Himalayan* June 14, 2016).

For over a year, the new coalition government presided over nearly complete political deadlock. Without the Maoists, it was not possible to move forward on key peace process issues such as the integration and rehabilitation of former Maoist combatants, nor was it possible to negotiate agreement on key constitutional issues. The initial two-year deadline for the drafting of a new constitution passed in May 2010 and was extended in the first of a series of such moves. In June 2010, Prime Minister M.K. Nepal was forced to resign but ended up staying on as a caretaker for an additional

seven months due to the political parties' inability to agree on a new prime minister or for either side to achieve sufficient electoral results in the Legislature–Parliament to install a replacement. This problem was exacerbated by factionalism within the parties, creating divisions that could be exploited by other parties. It was this dynamic that led, in August 2011, to Jhala Nath Khanal replacing Madhav Kumar Nepal as prime minister though they were from the same party.

Despite the enduring political deadlock, the constituent assembly was able to make some headway during this period. Following its inception, 11 thematic committees and three procedural committees were created to facilitate its work. Many of these committees met regularly, and some of them took their work quite seriously, producing long reports covering their areas of responsibility. Issues upon which committees could not reach agreement were then forwarded to a high-level dispute resolution sub-committee of senior political leaders that was expected to make a final decision, indicating that the real power still lay with high-level leaders rather than in the constituent assembly itself. The most contentious issues were quickly identified as federalism and state restructuring, government structure, the electoral system, and issues related to fundamental rights. The assembly was also weak in its public outreach. One poorly planned and executed round of public consultations took place, and little information was systematically shared with the public about the constituent assembly's work and achievements. The period was also characterized by a rise in identity-based political activism. Nepal's constituent assembly election had produced the most diverse elected body in the country's history, due in part to an elaborate quota system imposed on the proportional representative seats. The move toward inclusion was also reflected in the election of Ram Baran Yadav as the first President of Nepal and Paramananda Jha as the vice president—both men of Madhesi origin, a development that would have been hard to imagine previously. However, the high expectations held by Nepalese belonging to marginalized groups such as Madhesis, Janajatais, women, and Dalits went unmet, both by the state and by the existing political parties. Madhesi parties in the Tarai underwent a series of damaging personality-based splits following the election and were not able to recover the united spirit the Madhesi Andolan had unleashed. In this context, the issue of federalism and whether the new states should be formed along "ethnic" lines or "geographic" lines became a point of major contention. A state restructuring commission was created in

2011 to help resolve the issue, but the commission itself was divided, issuing a narrowly won majority report in favour of identity-based federalism and a minority report against.

Following the series of government transitions, a new political agreement was reached in November 2011 that helped get the transition process back on track. A coalition government was formed under Maoist leader Dr. Baburam Bhattarai that had both the capacity and the political will to address key unresolved peace process issues. Primary among these was the much debated army integration process. Despite initial hopes by the Maoists that a significant number of former combatants would be integrated into the Nepal Army, this was not to be. A combination of intensive and sustained opposition to the integration, as well as the leak in 2009 of damaging video footage from January 2008 in which Prachanda claimed to have "tricked" the United Nations into certifying a much larger number of soldiers than the Maoists actually had during the war and to have sent the "real" soldiers into the Young Communist League (YCL), both played against the Maoists. The former combatants, who had served for much of the transition as a useful negotiating tool for their political leadership, were also increasingly disgruntled after five years in poorly equipped camps. The Maoists were therefore forced to negotiate their former combatants' futures from a position of relative weakness. The result of this was an agreement that provided large cash pay outs of 500,000 to 800,000 rupees to former combatants who chose to "retire," much to the consternation of the international community, who favoured an emphasis on skills or vocational training. Combatants were also given options for "rehabilitation" and vocational training or integration into the Nepal Army for those who met a number of strict criteria. Under the deal, up to 6,500 former Maoist combatants could be integrated into the army. All in all, around 7,000 combatants initially chose the retirement funds, 9,000 opted for integration into the Army, and a meagre six combatants chose rehabilitation and training. In subsequent rounds of the process, however, the number of former combatants opting for integration dropped dramatically (in part due to challenges in meeting entry requirements), and the number seeking rehabilitation and training increased. Ultimately, a total of 1,462 former combatants joined the Nepal Army. Combatants who had been designated as minors (i.e., those recruited before the age of 18) or "late recruits" (i.e., those who joined the PLA after May 28, 2006) did not have access to either the cash or

integration options and were released first from the cantonments, in early 2010. With the Maoists struggling to retain command and control over the remaining former combatants, responsibility for the cantonments was given to the state, and by October 2012 all the cantonments had been emptied and closed. Serious concerns were raised over whether the short-term nature of the cash pay-outs as well as the dissatisfaction of the former combatants might lead to a rise in violence, but to date this appears to have been limited.

By early 2012, the constituent assembly's tenure had been extended four times and the Supreme Court had ruled any further extensions unconstitutional. Thus, the May 28, 2012, final deadline began to loom large over the political process. Efforts were put in place to shortcut the numerous legal requirements to promulgate a new constitution and to address outstanding disputed issues. The most difficult among these remained federalism. After years of blustering, the major political parties attempted to reach agreement on the new federal structure for Nepal. However, identity-based activists saw the deadline as their final opportunity to achieve their rights. Thus a series of protest programs were launched, both in favour of and against identity-based federalism, leading to prolonged strikes across the country, particularly in the Far Western region, which was effectively shut down for over a month. In the month of May, an agreement between political leaders proved too little, too late. There had been insufficient efforts to prepare the public for the agreement reached or to ensure that protesting groups would accept it. It was, therefore, almost immediately rejected by activists on the street, leading the Maoist and Madhesi parties that had signed it to quickly withdraw their support.

The days leading up to the constitutional deadline were extremely tense and polarized, with real fears that significant violence could break out in multiple areas across the country. Against this backdrop, senior political leaders were unable to reach to a final compromise, and hopes of a last-minute constitution, or even a draft document, were dashed. The deadline was crossed with no new constitution promulgated, and the country entered a prolonged period of constitutional crisis and bitter political infighting. As soon as the pressure that the deadline had created was removed, the identity-based protests around the country quieted down. Positively, little violence had taken place, though the protests left in their wake increased inter-communal

tensions in some parts of the country as well as concerns about what might take place in the future around renewed negotiations on state restructuring.

In the period following the dissolution of the constituent assembly, divisions between and within some of the major political parties increased. The growing divisions within the Maoist party lead to a formal split, with Mohan Baidya forming a new harder-line Maoist party and claiming the UCPN (M) had been drawn off course. Nepal suffered nine months of political deadlock before political leaders finally reached agreement to get the transition process back on track and appointed an Interim Election Council (IEC) headed by a "non-political" prime minister, as they could not agree among themselves on a political coalition to govern. Chief Justice Khil Raj Regmi was sworn in as prime minister in March 2013, a move that provoked controversy given that he chose not to formally resign from his post as Chief Justice of the Supreme Court. Although the initial plans for a June 2013 election proved untenable, the IEC successfully led the country toward a second constituent assembly election that took place in November 2013. The election results proved a significant change from 2008: The Maoists and identity-based parties did poorly as compared to their previous showing, while the NC and CPM–UML were resurgent. The Rastriya Prajatantra Party–Nepal, the only party to take an explicit stance in favour of reversing many of the core decisions of Nepal's political transition (most prominently the abolition of the monarchy) also increased its vote share significantly.

In January 2014, the first sitting of the new constituent assembly took place, and one month later Sushil Koirala of the Nepali Congress became the new prime minister of Nepal. The constituent assembly begun its work to resume the constitution drafting process and was promulgated a new constitution in January 2015. Present Prime Minister is Sher Bahadur Deuba of Nepali Congress before him there were two more Prime ministers Khadga Prasad Oli of Communist Party of Nepal (Unified Marxist-Leninist) and Pushpa Kumar Dahal of Unified Communist Party of Nepal (Maoist). This shows the fragile state of affairs of political sphere in Nepal.

CHAPTER 4
ROLE OF INDIA AND EXTERNAL AGENCIES IN NEPAL'S EDUCATION SYSTEM

India has a long history of co-operation and friendship with Nepal. Since the beginning of modern education system in Nepal India has been very supportive and its role has been very pivotal. Special relationship between India and Nepal is emphasised by the fact that Nepali citizen are granted equivalent educational and economic opportunities as available to Indians. Indians get preferential treatment in Nepal compared to citizens of other countries. The boundary between India and Nepal is an open border. Movement across border is possible without any passport or visa restriction. Many citizens work and live in the other country. While Nepali citizens re allowed to work in government institutions and civil services (except IAS and IPS), Indians are not allowed land owning rights or work in government institutions.

Historical Background

Rana system was brought down in the 1950 revolution by an alliance between monarchy and Nepali intellectuals with strong backing from India (Whelpton 2005). This marked an epoch in history of Nepal by ending its age old isolation from the outside world. Thus, this was a milestone in the history of Nepal as its age-old isolation was over both from the outside world and from the citizen's perspective.

Developing education was in the focus for fulfilling the revolutionary expectations. Several efforts were made after this for development of education. Nepal Education Planning Commission (NEPC) was set up in 1954 (MoE 2010). Its main objective was to draw a plan for the systematic development of education. The government of Nepal sought help from the US government for developing its education system. Dr. Hugh Wood of Oregon University was sent to Nepal as a consultant to NEPC (Wood 1959). The commission came up with a recommendation to establish a strong centrally located national university. Result of all these developments led to the establishment of Tribhuvan University in the year 1959. The name of Charles D. Byrne is very important in the development of national university (MoE 1956). But the members in the commission had different perspectives regarding the model of

university; some wanted to follow the Indian model while others preferred the American model (Whelpton 2005). Finally the decision was made in favour of following the Indian model. Before establishment of the Tribhuvan University all the examinations were conducted by Patna University. The colleges of Nepal followed the syllabus of Patna University. Nepal Sanskrit College, then known as *Rajkiya* Sanskrit *Mahavidyalaya* was affiliated to Baneras Hindu University and examinations for all colleges of Sanskrit was conducted in Queens College of Baneras.

In order to preserve cultural heritage and promote national unity Nepali was adopted as the medium of instruction (Caddell 2007). The state had to play a vital role in the new education policy of the country in terms of management and financing the education system but they welcomed assistance from friendly nations and international agencies. India played a very crucial role in the evolution and development of modern education system in Nepal and both the nations has close social, economic and political ties with Nepal presently as well as in the past.

The institutes of higher education in Nepal were following the syllabus prescribed by Patna University before the establishment of Tribhuvan University. The Nepalese preferred India for attaining higher education and this trend still continues. Indian government is also helping by providing scholarship to students from Nepal. According to information available in the website of Indian Embassy, Kathmandu, about 1783 scholarships was provided by Government of India each year through the Embassy. These scholarships are given in the field of science, humanities, music and fine arts at PhD, Masters and Bachelor levels. India has also supported establishment of educational institutes in Nepal such as Manmohan Memorial Polytechnic inaugurated in 2009 to impart technical and vocational education. Another such technical institute has been proposed to start at Hetauda with an estimated project cost of NRs. 40 crores. Memorandum of Understanding was signed between governments of India and Nepal and Nepal Academy of Science and Technology for establishment of a science learning centre at Kathmandu on 15th January, 2010. The project was estimated to cost NR twenty-five crores. Consultancy for the project was given to National Council of Science Museums of India. Government of India is also involved in nearly 220 education school projects ensuring creation of adequate infrastructure, proper equipment, drinking water and proper sanitation facility.

The Nepalese students enjoy a special status as they can get admission in University of Delhi even after scoring 5% less than basic eligibility criteria of Indian students. The co-operation of India with Nepal in the area of education has played a crucial role in improving the bilateral relations.

India since 1950s after its independence has been providing assistance to many countries including countries in South Asia. The Indian Technical and Economic Cooperation Programme (ITEC) established in 1964, a key element of which involves training of civilian and defence personnel from other countries (MEA 2014). Under this programme along with two parallel programmes, India is providing assistance to 160 countries. India's assistance has significantly increased in the last few decades, primarily through the use of Lines of Credit. This allows Indian companies to provide goods to other countries which are appropriate and affordable. India describes its assistance as South-South cooperation and is not attached with any "conditionality and always respectful of sovereignty of the partner countries" (Foreign Secretary S. Jaishankar March 11, 2016). Indian assistance is basically "demand driven solidarity" because it provides assistance only after it receives requests from other countries. Education and training being an important feature of India's development assistance, generally it focuses more on areas in which India is relatively stronger i.e. tertiary education, vocational training and utilising its IT skills, rather than primary or secondary education; although it helped construct schools.

As India increasingly becoming an important aid donor in the international scenario, education and training has been and will be playing a vital role in India's international involvement and diplomacy. India's assistance is provided according to the priorities and needs of recipient nations as its philosophy as a donor is based on South-South partnership. The two sectors - higher education and technology gets more emphasis as India also wants to capitalise on its strengths in order to increase its influence in the world. Indian aid to education is disbursed through direct grants and loans, lines of credit, and training and scholarship programmes. Traditionally, assistance from India focused more on its neighbouring countries in the South Asian region but this is changing with India providing aid to other countries as well specially African countries. India has also realised and recognised the importance of its role as a donor and in order to coordinate and organise its activities established Development

Partnership Administration (DPA) under the Economic Re;ations Division within the Ministry of External Affairs in 2012 (Chaturvedi September 05, 2012). However, assistance programmes are not based on set agendas by India but rather a response to the needs and requests of the recipient nations. India's role internationally is likely to evolve and increase more as its institutions and goals evolve with time. However, it is unlikely that India will adopt the practices of western donor agencies. Rather than "pure" altruism, Indian aid's focus will be more on mutual benefit (Chaturvedi and Mulakala 2016) given the fact that India is a developing country. Because of Lines of Credit system Indian companies remains the prime beneficiary. However, education is and will be a vital part of India's assistance programmes accustomed to its focus given to capacity building.
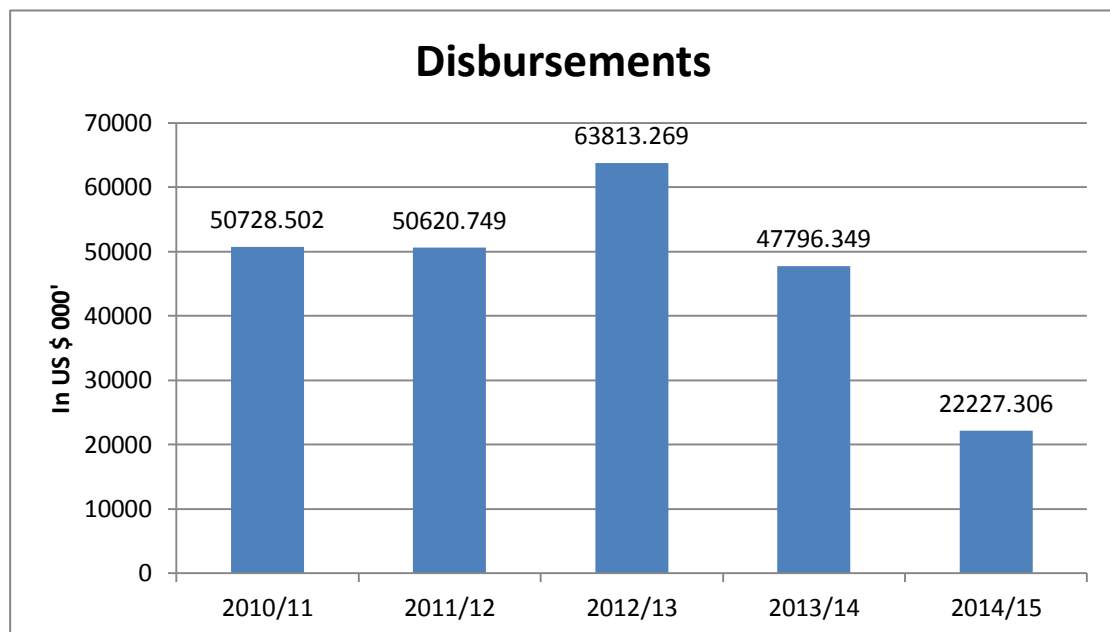

Figure 3: Year wise disbursement of funds from India 2010-2015.
Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

 India's assistance programmes are disbursed through:

- The ITEC scheme

- Lines of Credit

- Grants and assistance

The Indian Technical and Economic Cooperation (ITEC)

As a bilateral programme, ITEC was started on 15th September 1964. It was launched under leadership of Lal Bahadur Shastri. This decision of the cabinet to set-up ITEC programme was based on the appreciation that to establish cooperation and interdependence should be based not only on aspirations and ideals but also on solid economic foundations (Bhasin 2007). While ITEC was essentially bilateral, but subsequently, its resources are being also used in multilateral and regional context such as in UNIDO, G-77, G-15, Economic cooperation of Africa, BIMSTEC, etc. Visibility of India as a technical know-how provider and an expert in consultancy, and feasibility studies has been growing due to this programme.

Components of ITEC programme:

- Training of nominees of partner countries in India

- Consultancy services and feasibility studies

- Deputation of Indian experts to partner countries

- Providing equipments

- Disaster relief

ITEC Programme in Nepal

Human resource development in Nepal is one of the major facets of India-Nepal cooperation. It includes providing scholarships by government of India to Nepali citizens for various educational courses both in India and Nepal. Kathmandu embassy of India provides every year around 3000 scholarships and seats for various courses at plus two, bachelors, masters and PH.D levels. These are provided for a wide range of subjects such as medicine, pharmacology, vetenary sciences, engineering, information technology, business administration, fine arts, etc.

Scholarships for Technical and Vocational Education

- The Indian Embassy through Compex Nepal Scholarship provides more than 200 scholarships for BE/B.Tech course and bachelors courses for Agriculture, Pharmacy and Dairy Technology.

- General Cultural Scholarship Scheme gives three scholarships for Hospitality and Management.

- Silver Jubilee Scholarship Scheme provides for 10 seats for Masters for Agriculture Science.

- Golden Jubilee Scholarship Scheme awards 200 scholarships for MBBS and BE/B.Tech. It was started in 2002.

- Launched in 2004-05, Dr. Homi J. Bhaba Scheme awards 40 scholarships for ME/M.Tech in Indian Universities and Institutions.

- AYUSH scholarship scheme awards admission to Undergraduate and Post Graduate programmes in Indian systems of medicines in Indian institutes - Ayurveda, Unani and Homeopathy.

- Admission to B.Sc in Hospitality & Hotel Management course in Indian institutions under SAARC Scholarship Scheme.

- Admission to M.Sc in Agriculture in Indian Universities and Institutions is provided under Nepal Aid Fund Scholarship Scheme.

- Short term training programmes to employees of Government of Nepal and for private sector for professional skill development.

Other Programmes and Scholarships

- 120 Scholarships and admissions are given in post graduate courses in and 8 seats for PhD courses in Indian Universities and Institutions under Silver Jubilee Scholarship Scheme (SJSS).

- A short-term course for undergraduate and post-graduate Nepalese students is given by Bharat-Nepal *Maitri Shiksha Karyakaram*. This programme was started recently to provide opportunities to young people for better understanding different aspects of India-Nepal relations. Under this programme Calcutta University was selected to host the first batch of students.

- Embassy of India dispenses admissions in BBA, BCA, BA, B.Sc., B.Com, Bachelors in Music and Performing Arts under General Scholarship Scheme in Indian Universities.

- Students enrolled in first year or semester of Bachelors programme in recognised educational institutions in Nepal get Scholarship from Embassy of India, Kathmandu under Golden Jubilee Scholarship Scheme.

Scholarships provided in School level

- Mahatma Gandhi Scholarship Scheme allocates 2000 scholarships every year to students of Class-XI and XII studying in Nepal. This scheme was started in 2004.

- 33 Nepalese students are given scholarships for studying in Army Public Schools in India under a new scheme, implemented in 2006.

- Embassy of India allots seats to school students in Army Public Schools in Pithorgarh, Uttarakhand, Dhaula Kuan and Noida under Army Public School scholarship scheme.

India has significant involvement through economic assistance in Nepal's development since 1952 (Dhungel 2015). Inspite of huge investment India has not succeeded to win hearts and minds of a significant section within the Nepali society. Analysis of Indian aid shows that it had rather possibly contributed to fuel anti-India sentiments. While not refused, it has been reported that Indian aid is being resisted and scepticism is predominant, particularly in nationalistic discourse.

Economic growth has transformed India from an aid needing country to a net aid giving country. India perceives itself as an emerging dominant power, regionally at the least and is locked with competition with China for political influence in

developing countries. Emergence of non-traditional donors like India and China has increased debate in the context of global geopolitical reposition (Muller-Kraenner 2008).

Although emerging donor tag is being frequently used for India, it is not factually correct. Indian aid programmes had been in place since 1950s. Distinction should also be made between western and Indian aid regimes. Western aid is systematically inclined towards promotion of capitalism and preventing spread of influence of communism. For example, Martial Plan of the USA had a clear vision of re-building Europe after World War II in order to prevent spread of communism and increase of influence of USSR in Europe. Indian aid appears to be bereft of any such ideological motivation. Indian debate on giving aid does not focus on promoting or preventing any spread of ideas, but rather on whether India could or should give aid when it itself has problems of poverty, access to education and poor standard of living.

The essence of nature of Indian aid could be found in its Friendship Treaty with Nepal- the "Treaty of Peace and Friendship between the Government of India and The Government of Nepal". In its annexure the treaty states that Government of Nepal will give first preference to Government of India or Indian citizens if Government of Nepal decides to seek for assistance. It emphasised India's role and priority in aid and assistance in Nepal. Former help by India started first, following a request by the then Prime Minister M.P. Koirala in 1952. India overtook the USA as the biggest donor in 1960s and held that position till early 1980s. Later Japan became the largest bilateral donor country in Nepal (Jerve et al. 2008).

Indian aid since inception was strategically mobilised at first to counter the US influence and later and now to growing Chinese involvement. Initial aid focussed extensively on militarily and strategically important areas like airport and road and bridge constructions. This trend continued till late 1980s which have seen huge amounts of aid being given in infrastructural projects like power and communications. The focus shifted in 1990s leading to diversification of aid portfolio to include sectors like electrification projects, health and education.

Pace of Indian aid has also varied according to the nature of projects involved. Strategic projects were implemented with urgency while others were passively

worked upon. Roads and highways projects like Tribhuvan *Rajpath* were completed quickly but others like hydro-power projects were completed after much delay. Strategic considerations could also be seen in geographical distribution of aid. Roads connecting with Indian border in Terai region were extensively covered but education projects were scattered across the nation.

Largest group of trained Nepali citizen has been produced through Indian scholarship and technical schemes (Upreti 1988). DANIDA approached National Institute for Educational Planning and Administration (NIEPA) in India for their assistance in capacity building in areas of planning, and NIEPA played a vital role in successfully in the development of District Education Plan (DEPs) in five districts (Bhatta 2009: 163). However, there is a perception that these are used as tools by India to increase accessibility and patronage among high ranking government officers. It has been criticised by alleging that scholarships go mostly to children of bureaucrats and politicians. It is claimed that political patronage and not merit is the criteria for these scholarships (Adhikari, 2014). However, it is doubtful to how much extent India could use them as unofficial but effective ambassadors of the country.

Perception also exists that Indian aid has political undertones and aims to attain political objectives. Aid is disbursed both in amount in nature with a coordinated foreign policy approach to support political regimes more amenable to India's interest. India has provided aid to almost all sections of Nepali state be it various departments or the parliament. It has potentially gained influence at every level of state function. It has also been claimed that Indian aid is provided in pro-India leaders' constituency for obtaining electoral dividends and legitimise the leaders.

India maintains that its aid programme have no underline vested strategy but only response to demands by Nepal. Unfortunately, Nepal has not shown any long term or coherent approach to negotiations on aid. While, using aid as political tool by pro-India leaders have been claimed, other leaders are also not behind to claim the contrary of political benefits. Anti-India rhetoric is also a useful method for gaining political mileage. Anti-India slogans appealing to nationalistic sentiments and sovereignty based hyperbole also have a good carry among the people. Thus, aid is a double edged sword and used by all sides.

ROLE OF EXTERNAL AGENCIES IN NEPAL'S EDUCATION POLICY

With a gross national income per capita of US$340 in 2007 (Atlas method), Nepal is the poorest country in South Asia and ranked 12th overall amongst the poorest countries of the world. Poverty is reported to be pervasive and as indicated by the most recent household survey in 2003-04 that poverty is essentially rural. The WB survey found poverty headcount of 31 per cent of the population. Poverty is essentially rural, affecting 35 per cent of the population in such areas, which accounted for 86 per cent of total population (2001 census), against 10 per cent in urban areas. In addition, the poor in rural areas (where 95 per cent of poor people are concentrated), are mainly dependent on agriculture for their sustenance highlighting the importance of agriculture as a means of affecting poverty and also points to lack of other options for generating income. Disproportionate distribution of economic resources is also found to be influenced by ethnicity and caste, gender, and geographic location. These factors also seem to play an important role in determining access to education and other facilities, attitudes towards women, access to economic assets and presence of discriminatory policies and governance. Poverty reduction thus faces severe and multiple challenges due to the above mentioned differences. These also fuel the already present different social tensions and sustain conflict between different groups. These internal contradictions within the country of Nepal make it look outside for foreign aid and help.
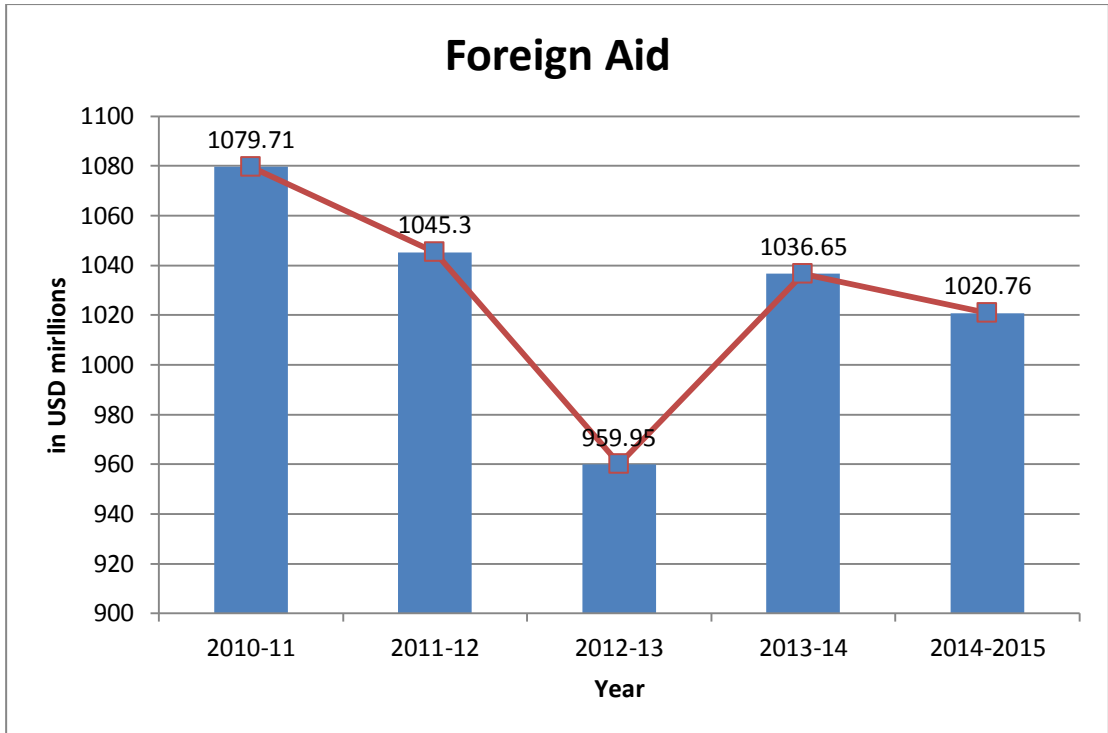
Figure 4: Trend of Foreign aid flow from 2010 to 2015 in Nepal.

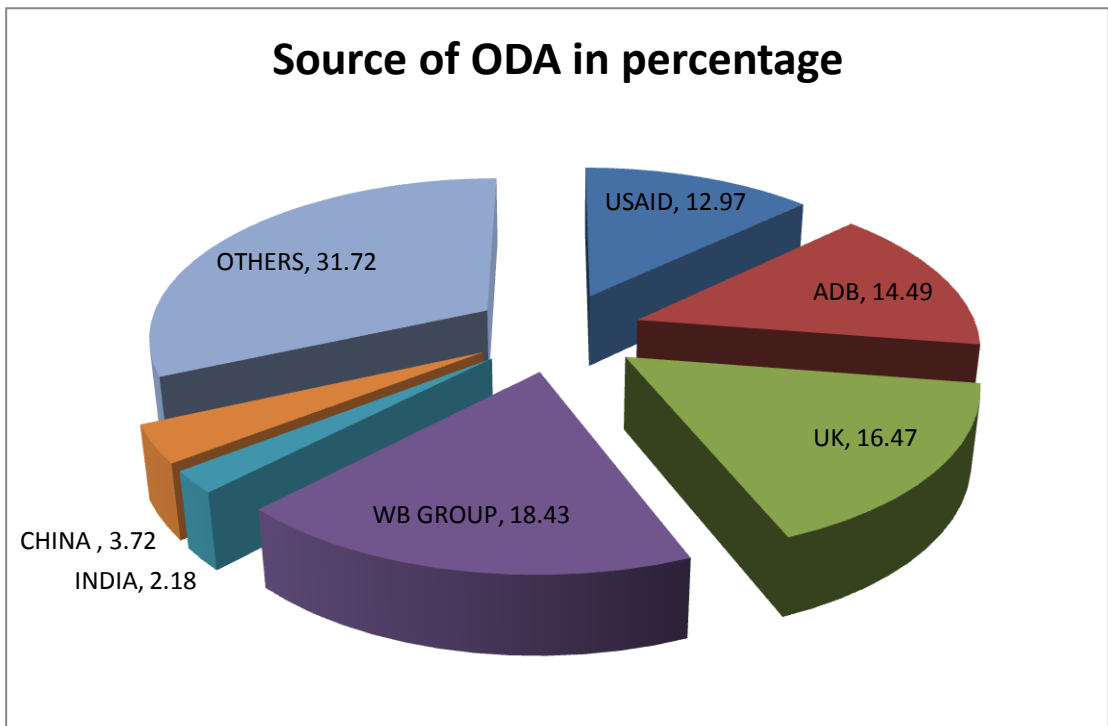Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Figure 5: Source of Other Development Agencies

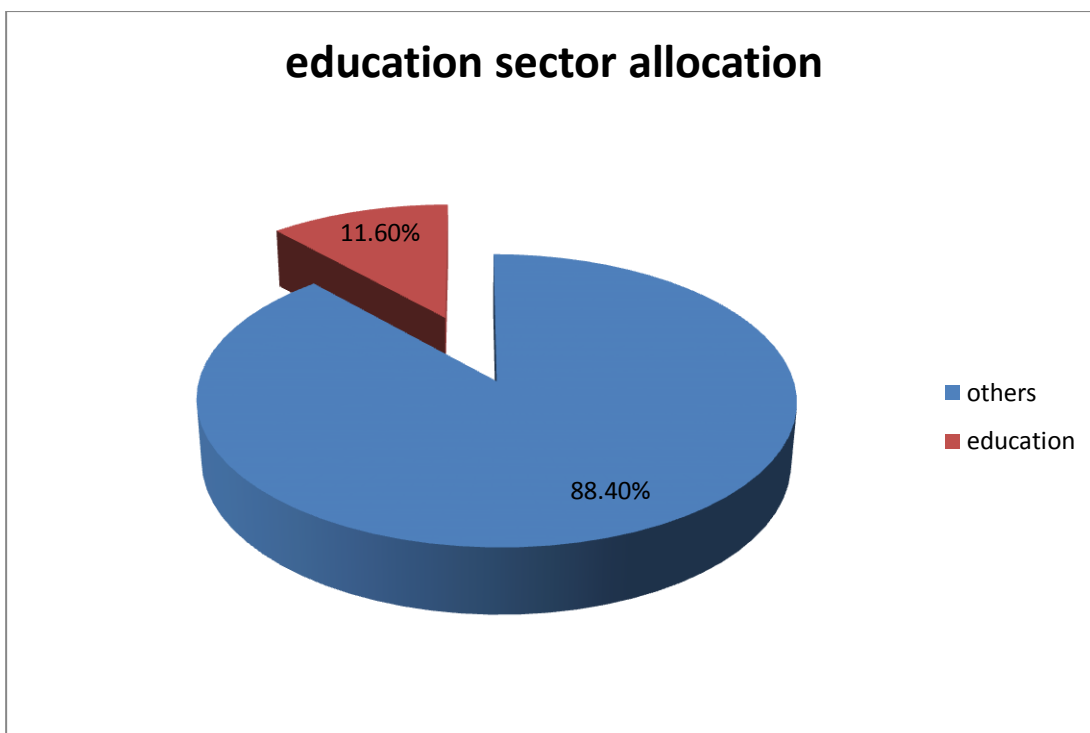Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

education sector allocation

11.60%

88.40%

- others
- education

Figure 6: Education sector allocation in percentage.

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

No of Projects

Others , 88

Education, 59

Health, 55
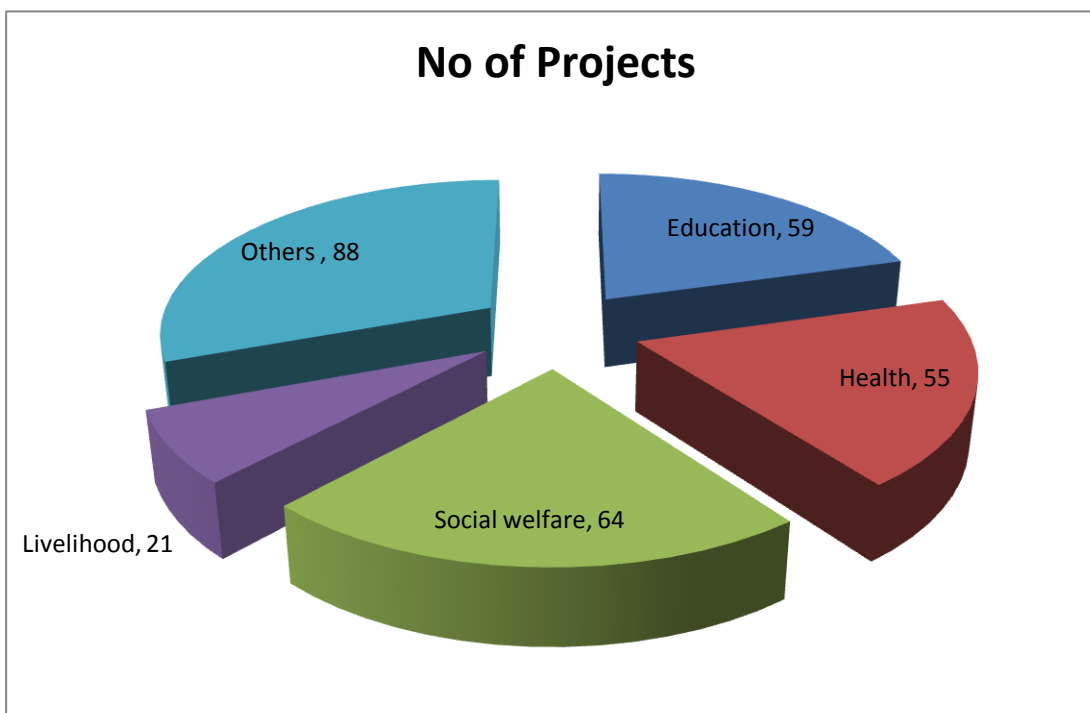
Livelihood, 21

Social welfare, 64

Figure 7: INGOs in education sector.

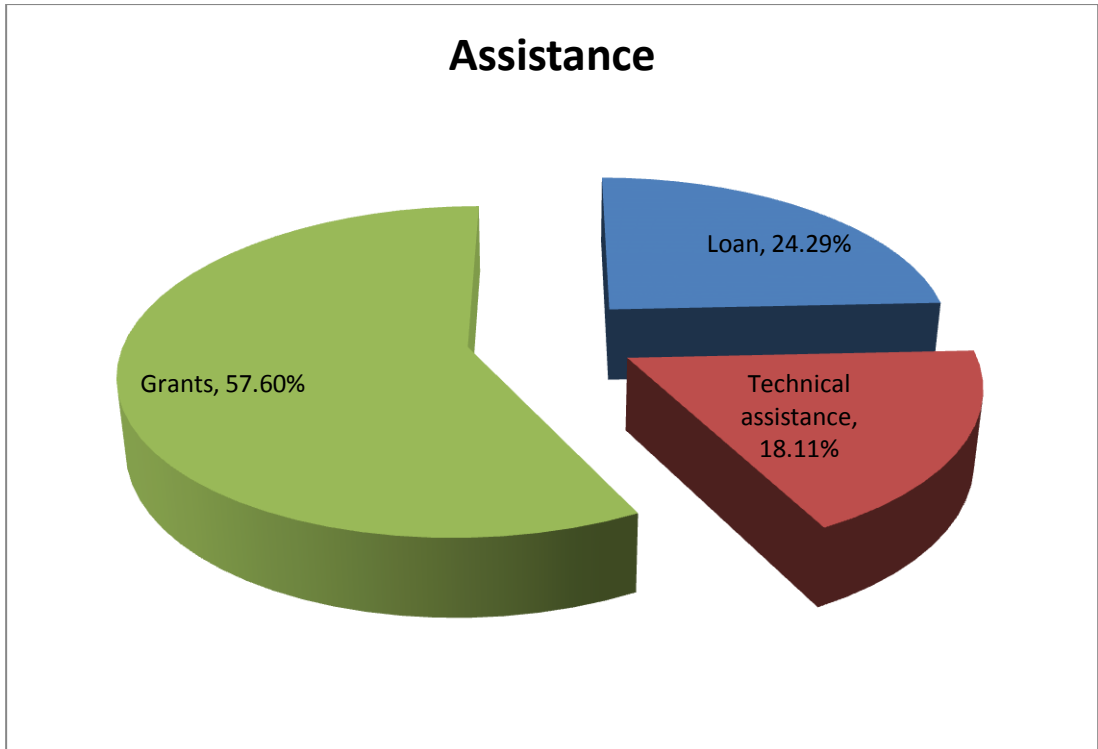Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Figure 8: Type of assistance in percentage for 2014-15

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.
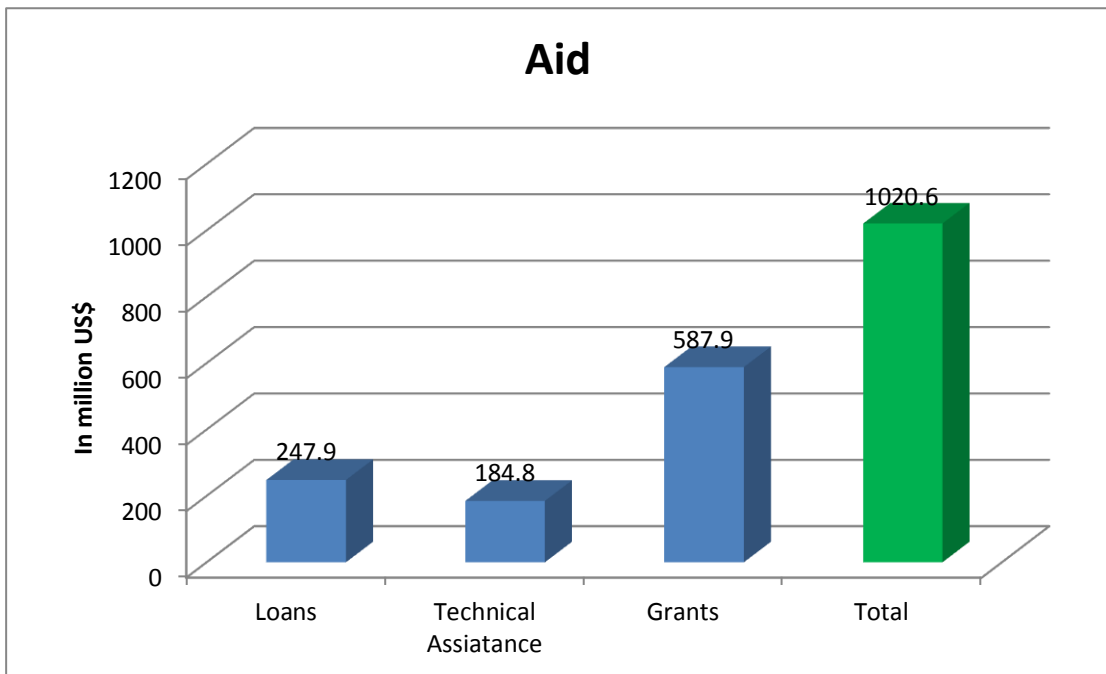

Figure 9: Type of aid in amount for 2014-15

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Assistance

Loans, 22%

Technical assistance 7%

Grants, 72%

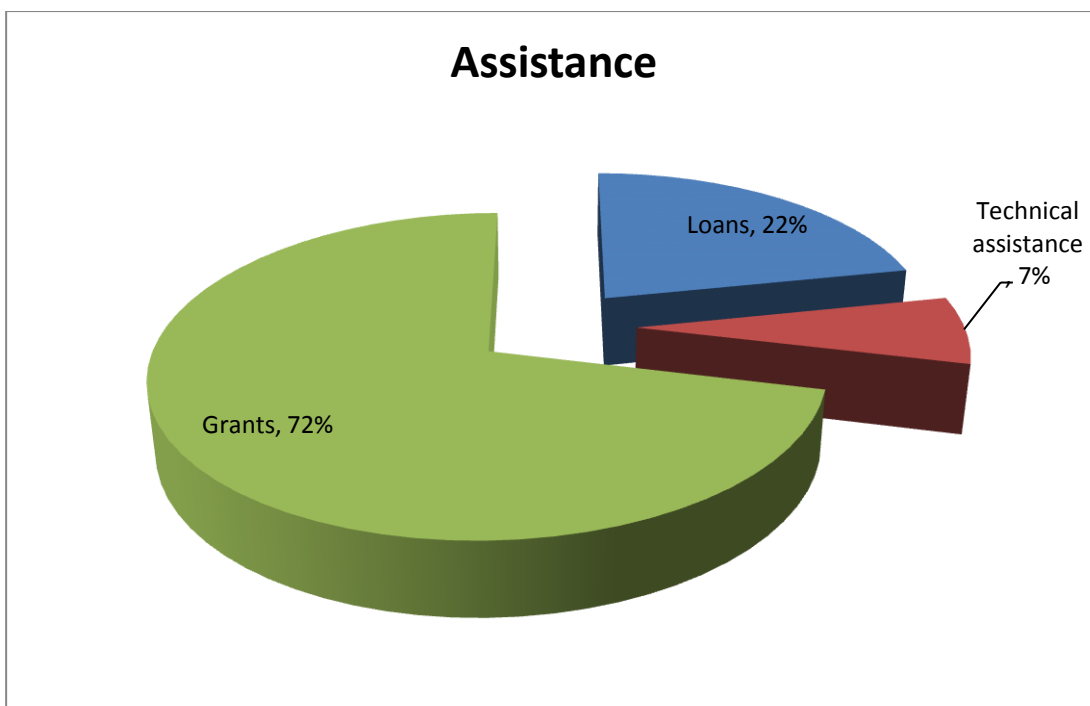Figure 10: Type of assistance in education sector

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Major donors

In million US $

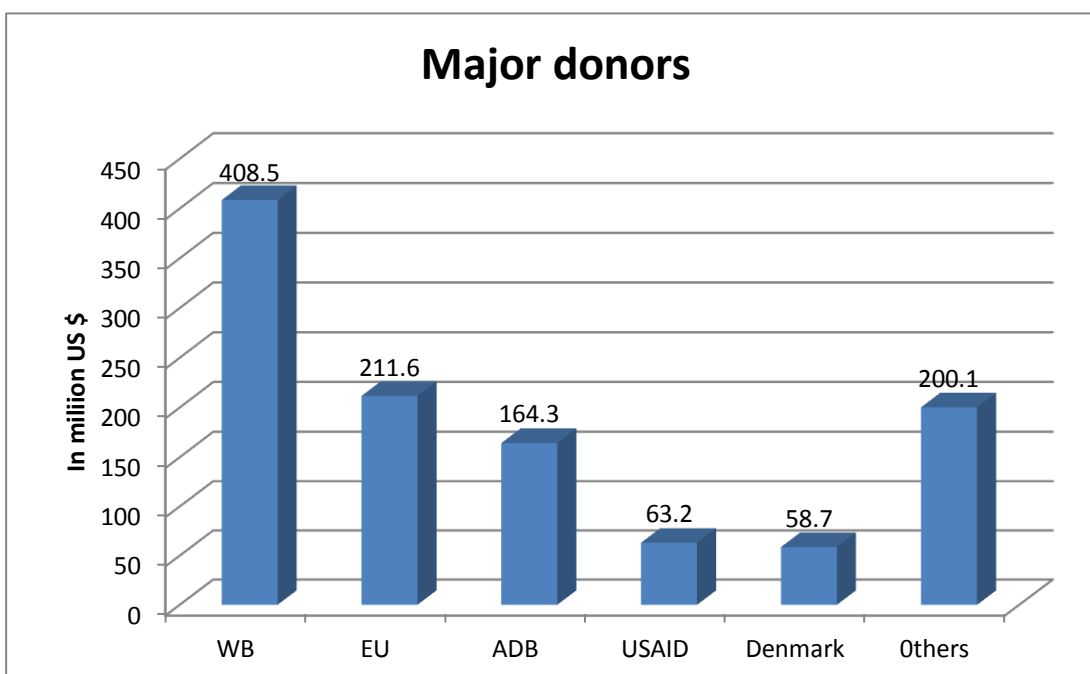|					
408.5	211.6	164.3	63.2	58.7	200.1
WB	EU	ADB	USAID	Denmark	Others

Figure 11: Major donors in education sector

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

World Bank

Nepal formally became member of the World Bank Group in 1961(Kapur et al. 1997). First credit line by International Development Association was given for a telecommunications project in 1969 (IMF country report 2014). IDA is a part of World Bank which focuses on poorest countries; it lends money in concessional terms with a long repayment period. Following which up till now 108 credits and grants have been approved, cumulative commitments of which totals about US$ 2.5 Billion.
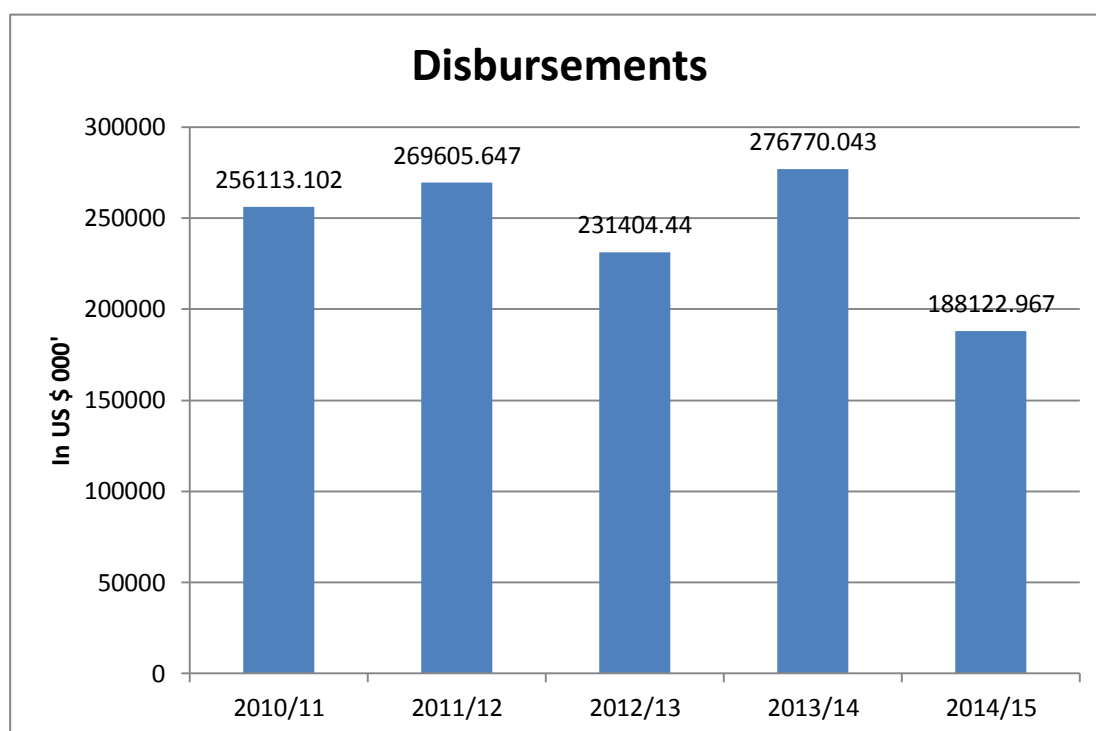

Figure 12: Year wise disbursements by World Bank (2010-2015)

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

THE Role of International Development Association

IDA was involved in a substantial education policy dialogue with the Nepal government and also lent financial support to this sector. Increase in access to education and improved equity of marginalised sections and for girls was seen to be most affected by IDA support (WB Report 2010). However, quality of education was not found to be improved in any significant manner. IDA was directly involved in basic and primary education project II (BPEPII, which was closed in July 2004) and the Education for All Project, approved in 2004. These programmes gave special

emphasis on centralised management and planning. It also strengthens district education officer's capacity to plan, implement and monitor the programmes. However, results of BPEP II were realised to be less than satisfactory. After which the focus shifted to decentralisation and differed decision making towards the community through school management committees.

IDA is also credited to be the pioneer in effective development of partner cooperation. It utilised basket funding for funding transfers between donor partner agencies. It promoted joint supervision and used a highly successful Sector-wide approach (SWAps) for harmonisation. Different development partners, donors and agencies like Finnish International Development Agency (FINNIDA), the European Union (EU), Norwegian Agency for Development (NORAD) and Danish International Development Agency (DANIDA) along with UNICEF, the ADB and Japanese International Cooperation Agency (JICA) coordinated closely with IDA's programmes (Bhatta 2000) and were in broad consensus with their strategy. These partners were involved in technical work and providing assistance for separate programmes. Example of this cooperation is Finland paying for training of teachers and advisor supported by Denmark in Ministry of Education. Many donors also finance different technical assistance which was not planned under SWAp but which fell within the broad ambit of the visions for development of education in Nepal. IDA also started Poverty Reduction Support Credit (PRSC) and the Community Schools Support Project (CSSP). CSSP was an initiative to enhance participation of local communities to improve the quality of education by increasing their involvement in management of primary schools (MoE 2011). Targets under this project on the number of community managed schools were achieved. However, inspite of achieving the target number it is still debatable whether or not improvement of educational quality, which was the ultimate goal, has been achieved or not. To ascertain specific achievements of this programme, community managed school evaluation was planned. However, due to problems in research design and data collection of baseline characteristics, it has been delayed. Most measures piloted under CSSP have already been mainstreamed into EFA or SWAp without proper evaluation. Many groups tried to evaluate and provide advocacy for education sector which included the Development Policy Review (2005); Resilience Amidst Conflict; An Assessment of Poverty in Nepal, 1995-96 and 2003-04 (2006); and Managing Public Finances for a

New Nepal, A Public Finance management Review (2007) but had little effect on IDA's strategy as most major decisions had already been taken before that.

In February 2007, Second Higher Education Project (SHEP) got approval which was supposed to get approval in 2005. The reason behind this delay was Nepal's unstable political and security situation. It had two main objectives, enhancement of quality and relevance of higher education and research; and secondly, to increase accessibility to underprivileged but otherwise qualified students including girls and socially marginalised groups like *dalits* and *janajatis*. The improvement in quality in research and higher education was aimed to be achieved through incentives to increase sustainability of finances of academic institutions and effective management. Improved accessibility for inclusive enrolment of all sections was promoted through financial assistance and capacity building in higher secondary schools.

These objectives of SHEP, if achieved, could have been important steps in not only improving the education scenario in Nepal but also for upliftment of Nepalese society as a whole. But the programme was not as successful as envisioned because its implementation was very slow as it faced significant challenges due to Nepal's fluid political situation. It's financing and execution both suffered delays. It also faced resistance from Maoist Teacher Union (February 2009) that opposed granting of autonomy to constituent campuses of Tribhuvan University. This lack of autonomy directly hampered the programmes' goals of improving management in institutions. Many colleges applied for grants for improving quality of education but no grants have been awarded yet.

However, achievements made for increasing inclusiveness in education institutes for marginalised sections had some significant success. A significant amount of basic grants has been disbursed under this project in over 400 community higher secondary schools. A sizeable section in this number included schools from underdeveloped regions of Far-western and Mid-western parts of the country.

IDA was also involved in a significant way in doing technical and analytical work for filling critical knowledge gap that exists in this sector. It endeavoured to build broad consensus on policy reforms among the stakeholders. Technical papers were produced on status of education institutes, among others, on enrolment, performance and

financing. Its work on accreditation manual and quality assurance helped evolve policy framework of higher education.

United Nations Children's Fund (UNICEF)

Nepal-UNICEF cooperation started in 1964. UNICEF is primarily involved in the advancement of respect, protection and fulfilment of human rights of children. UNICEF's Decentralized Action for Children and Women (DACAW) Program was started to provide for implementation of programmes, among other issues, on education in focus districts which was later extended to areas affected by conflict through Quick Impact Program (QIP). UNICEF in 2003 disbursed about US$ 14.44 million within which half was allocated to health and education.

Even though UNICEF's monetary contribution to SWAP Program is significantly less than World Bank's; it still enjoys influential position because of its experience and research capacity and holds the chair of SWAP group.

To improve social inclusion UNICEF had started Welcome to School campaign. This was designed to increase enrolment of girl students at start of school years. But it has not been able to solve the problem of drop-outs and also of under achievement of girl child in comparison to boys. This gender gap in performance is especially acute in government schools. UNICEF has analysed the factors for the gap but more concerted efforts will be needed to solve this imbalance.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO is involved in supporting the Nepal government's Early Childhood Care and Education (ECCE) programmes. It supplements the national efforts to develop strategy framework and curriculum and in capacity building of all key stakeholders including government or education officials. ECCE integrated education with health and nutrition as outlined in EFA Dakar framework for action in "expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children".

UNESCO is also involved in preparing policy briefs and developing material. It aims to ensure free and compulsory primary/ basic education of good quality for all. It

regards primary/basic education as a fundamental right. In Nepal, in primary education, UNESCO is trying to bridge non-formal and formal education by using equivalency programmes. It has undertaken development and testing of such equivalency programmes through alternative schooling model specially focussed on disadvantaged groups.

In the area of secondary education the organisation provides support to SSRP in developing capacity for improvement of accessibility to and decreasing drop-outs from secondary education. UNESCO is also engaged in development of a comprehensive higher education policy in the country.

UNESCO is in favour of using mother tongue as medium of instruction. Its Kathmandu offices designs and implements mother tongue based literacy programmes. It is also involved in trying to form consensus on larger issues in federal structure and generate advocacy through organised informed debates.

UNESCO is also helping the government to build capacity for evidence based planning. It provides tools for monitoring and technical assistance for collection of data and analysing those data collated in both formal and non-formal education. It provides assistance in preparation of flash reports by department of education and management of school records. Non-formal education management information system (NFE-MIS) was also established.

Gender inequality is one of the two top global priorities of UNESCO. Gender mainstreaming and gender specific programmes are two approaches to address this goal. Gender mainstreaming, in its essence, means that no policy in its any stage be it on design, implementation, monitoring or evaluation, should help to sustain gender inequality. Gender specific programmes are positive steps to improve gender equality.

This dual approach in Nepal has been implemented by UNESCO in collaboration with Ministry of Education and UNICEF. These organisations studied the education sector by situational analysis with focus on gender responsive budgeting. They support training for knowledge enhancement with regards to gender focal points. They are involved in gender in education network in the Asia-Pacific (GENIA) tool kit translation and increasing awareness to reach all concerned parties.

UNESCO office in Nepal is also involved in research in many areas in education. It conducts many studies like pre-service teacher training, community learning centres (CLCs), functioning and financing of literary programmes, etc.

Danish International Development Agency (DANIDA)

Denmark identifies and focuses on a number of priority countries to assist them in reducing poverty around the world. Nepal is one such country. Denmark has a long term partnership with Nepal to assist in its challenges. It started in 1985.

It provides millions in assistance to Nepal, over and above those given by Denmark's civil society, institutions and private citizens. Denmark aims to support programmes that are Nepal's own priorities. Denmark also coordinates closely with other donor agencies.

Disbursements

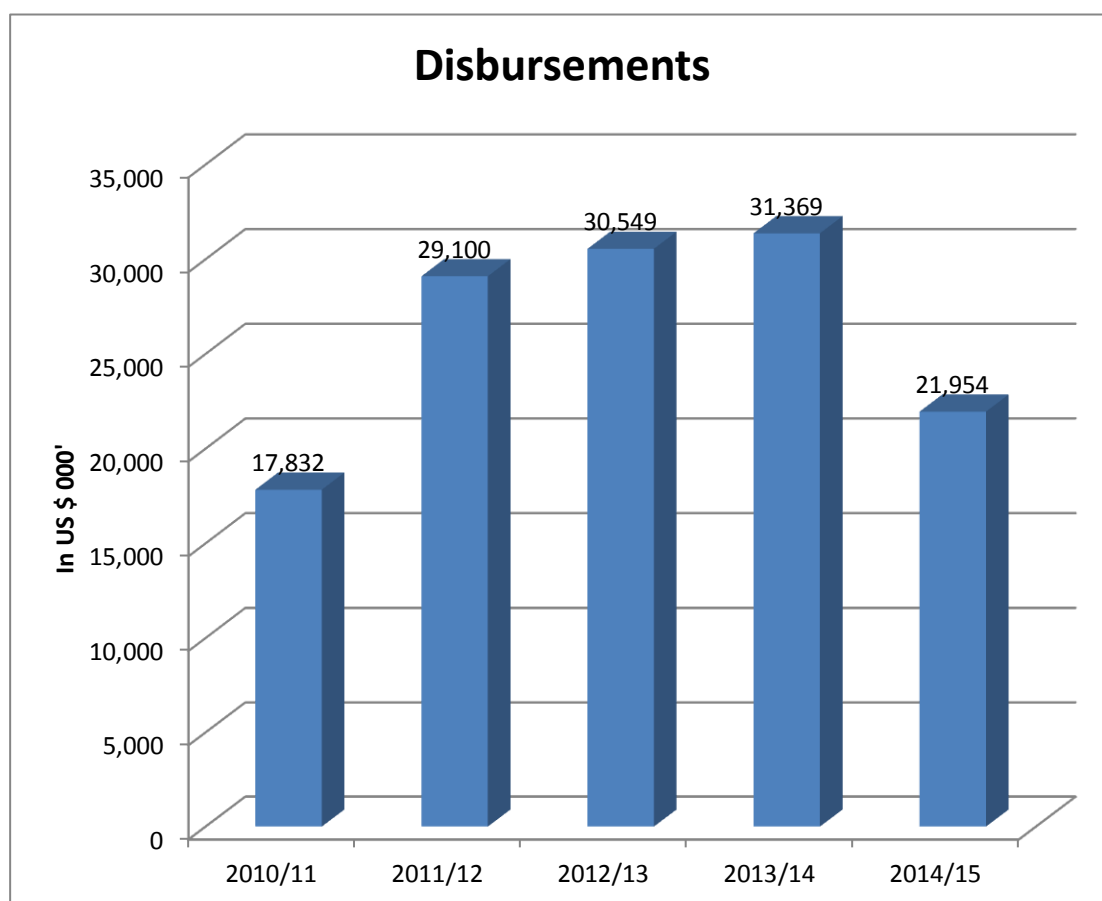|				
17,832	29,100	30,549	31,369	21,954
2010/11	2011/12	2012/13	2013/14	2014/15

In US $ 000'

Figure 13: Denmark year wise disbursements (2010-2015)

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Asian Development Bank (ADB)

ADB is involved in the secondary education support projects in Nepal. it has special focus on increasing participation of girl child in secondary schools. This project is designed to increase participation, retention and completion rate, especially in remote and mountainous regions. It built around 150 secondary schools in Nepal's poorest districts and further added 200 classrooms to already existing schools. To make the curriculum relevant and responsive to market needs it designed new training materials and textbooks.

ADB also gives scholarships to students, 2/3rds of which goes to girls. In total about 60,000 student scholarships were awarded. ADB also builds and supports student hostels in mountainous and poor areas. All these steps helped increase participation rates and gross enrolment rates pleasantly exceeding its own target.

ADB has also forayed into vocational training sector by financial support of US$ 20 million loan for Skills for Employment Project. Council for technical education and vocational training administered the project and helped many people get vocational training in a number of institutes. The project specially focussed on women and Dalits and other socially disadvantaged groups. It is worthwhile to note that demand for skilled women is very high in Nepal. Many employers prefer women workers as they are less likely to seek work overseas which is more common with male workers.

South Asian Association for Regional Cooperation (SAARC)

SAARC recognized the significance of Human resources in socioeconomic development in South Asian region since its inception in 1985. To accelerate the process of economic and social development to improve prosperity and quality of life of the people was reaffirmed as fundamental goal of SAARC in the first summit itself. Further, in the 2nd summit of 1986, it was decided that highest priority in developmental planning should be given to children as they are the principle means of human resource development.

It should be noted that education per-se doesn't feature in the SAARC Charter but has been included within the ambit of human resource development. Education is not an endpoint in itself rather is a means to achieve the higher goal of welfare and

prosperity of the people. Education was included in agreed areas of cooperation in 1998 and a technical committee was formed. It was created within SIPA in 1999. It was reconstituted in 2004 to include areas of skill development, arts, culture, and sports along with education.

In 12th SAARC Summit of 2004, it was decided to establish centre of higher learning and training and skill development institutes across South Asia. Step in this direction was establishment of South Asian University in New Delhi.

CHAPTER 5
CONCLUSION

Why aid ineffectiveness

Aid has been pouring in Nepal since it started taking foreign aid initially from India since 1950s. From 1950-2005 Nepal received, according to estimates, Rs. 268607.3 million in foreign aid (Economic Survey, 2006). But the results are not commensurate with the expectations from the amount invested in education sector.
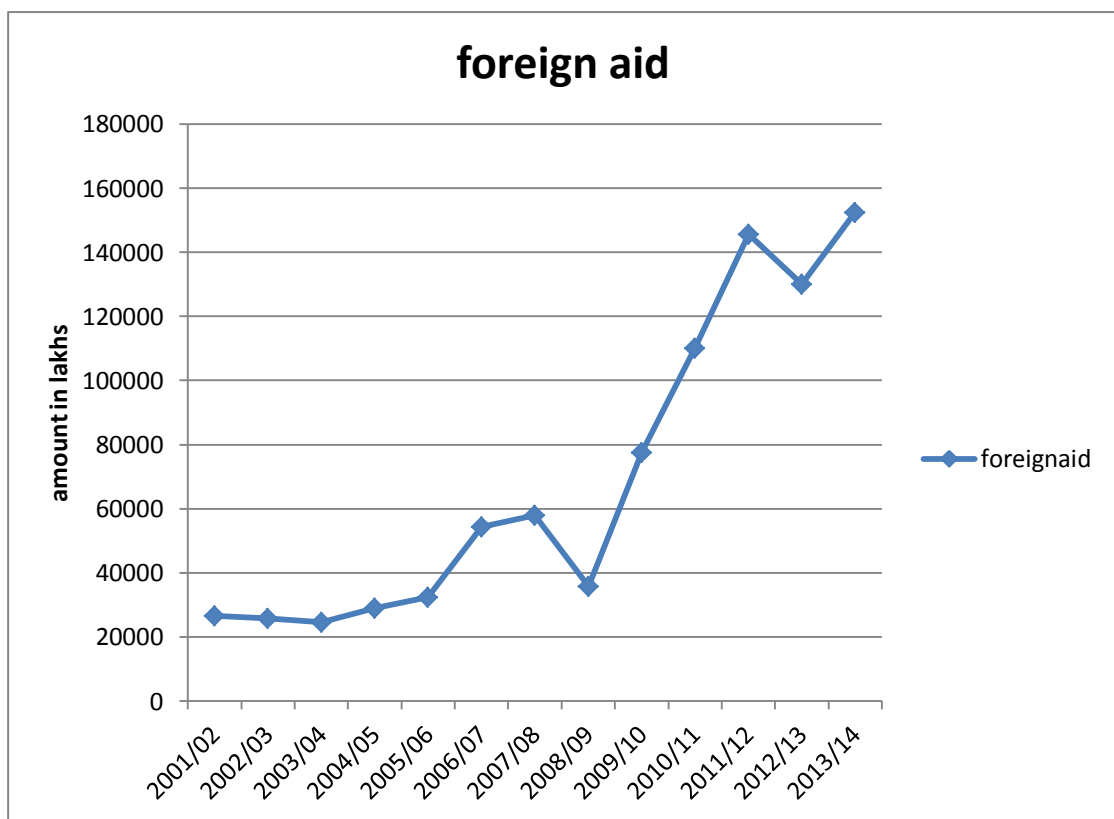

Figure 14: Foreign Aid in Nepal (2001-2014)

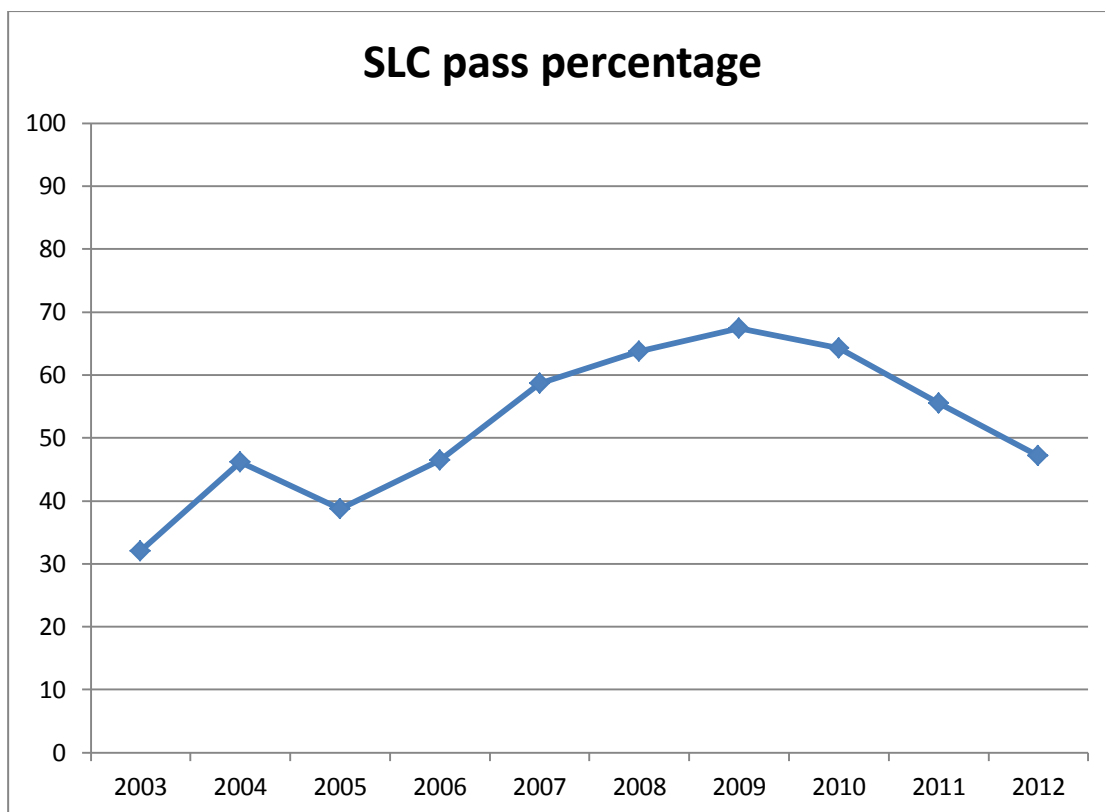Source: GoN, MoE, Shaikshik Suchana 2012

Figure 15: SLC pass percentage (2003-2012)

Source: GoN, MoE, Shaikshik Suchana 2012

One of the factors cited for this discrepancy is social inertia and gender inequality. Numerous researchers and commentators have focused on socio-economic conditions as a reason for lack of development in Nepal. Data also show significant gender gap in scholastic achievements. Status of female in Nepali patriarchal society has been described as a reason for this finding (Shakya, 2014). However, Nepal is one of the few countries in South Asia where discrimination between male and female is not too constrictive. In livelihood generation women in Nepal has no less stature than men. Even in agriculture they could be found working side by side with the male counterpart. Rather women usually outnumber male in rural economic activities because men usually migrate to places in search of work and frequently outside the country. Thus, while patriarchal behaviour does exist it is not as rampant as could be found in its cultural, geographical and ethnic counterpart in neighbouring states of India. Gender inequality, it seems, should not be a sufficient reason to forestall any progress in education and skill development. Further, employers in Nepal rather prefer women employees as male employees have a propensity to leave the country

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for better job prospects. It could be observed in the enrolment rates in schools that there is no significant difference between male and female enrolment data.

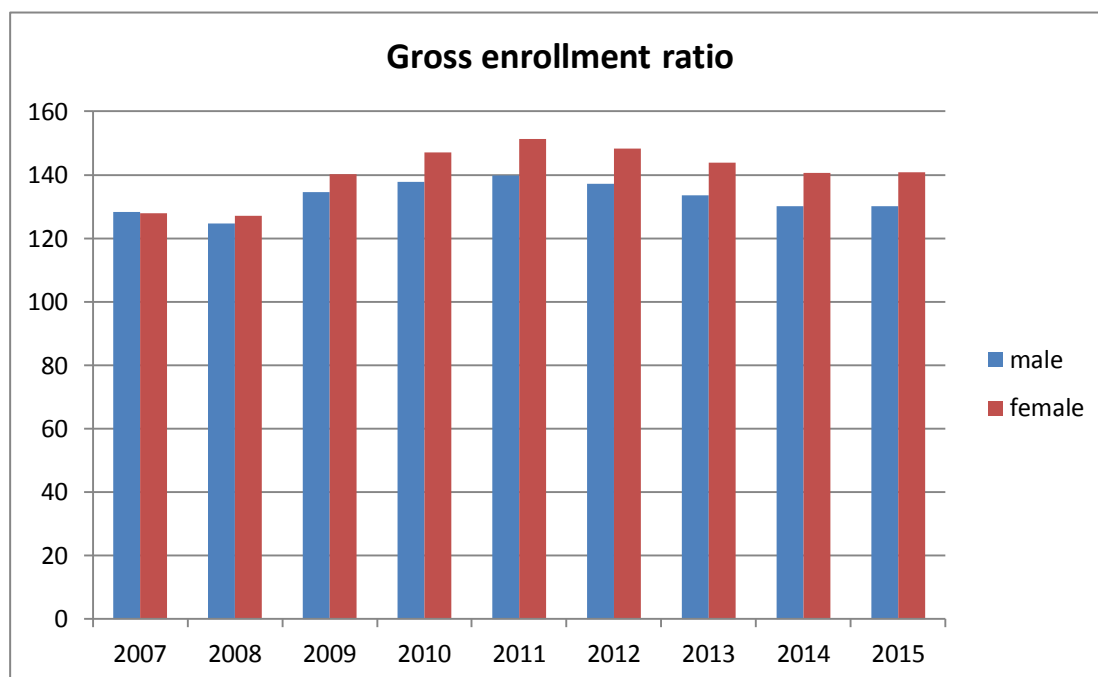Figure 16: Gross enrolment ratio: Male-Female (2007-2015)
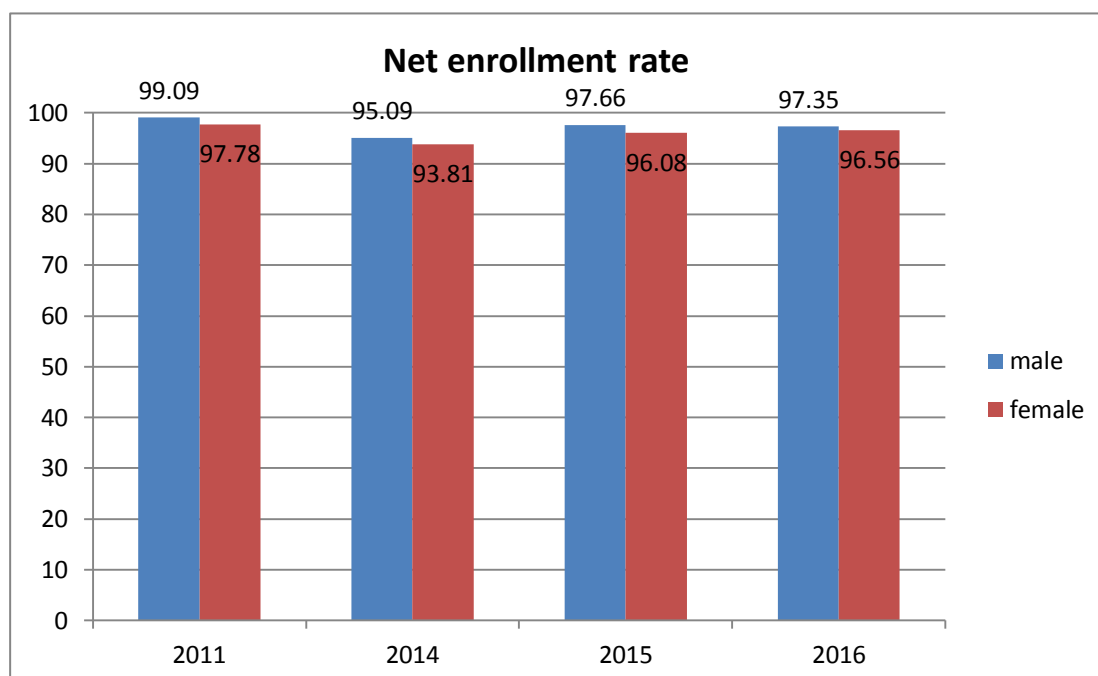
Source: UNESCO Institute for statistics. http://uis.unesco.org/country/np

Figure 17: Net enrolment rate: male –female (2011-2016)

Source: UNESCO Institute for statistics. http://uis.unesco.org/country/np

Enrolment rates are also sufficiently high for a least developed country. It shows that there is a presence of eagerness to learn and attain a formal education to improve one's own life. Therefore, it appears that social inertia could not be a significant factor as an explanation for the disparity between expected goals and reality.

Statistical analysis of enrolment provides a different picture. There is difference between educational achievements of female and male child. It is evident in survival rates and in proportion of students going for higher education. One reason that came to fore repeatedly during my interaction with the people in field work was that they feel that even after completion of education, there is no guarantee that one would be able to attain a satisfactory lifestyle.

When asked why you don't send your children to school to Mayalu a villager from Gorkha district answered "*school goera ke huncha, school ma master ta chaina. Padaunu ta man cha nani lai tara afno manche sarkar ma chaaina bhane kaam paundaina*"

(There is no use in going to school as there are no teachers there. I want them to study but there is no use because you will not get a job unless you have someone in the government.)
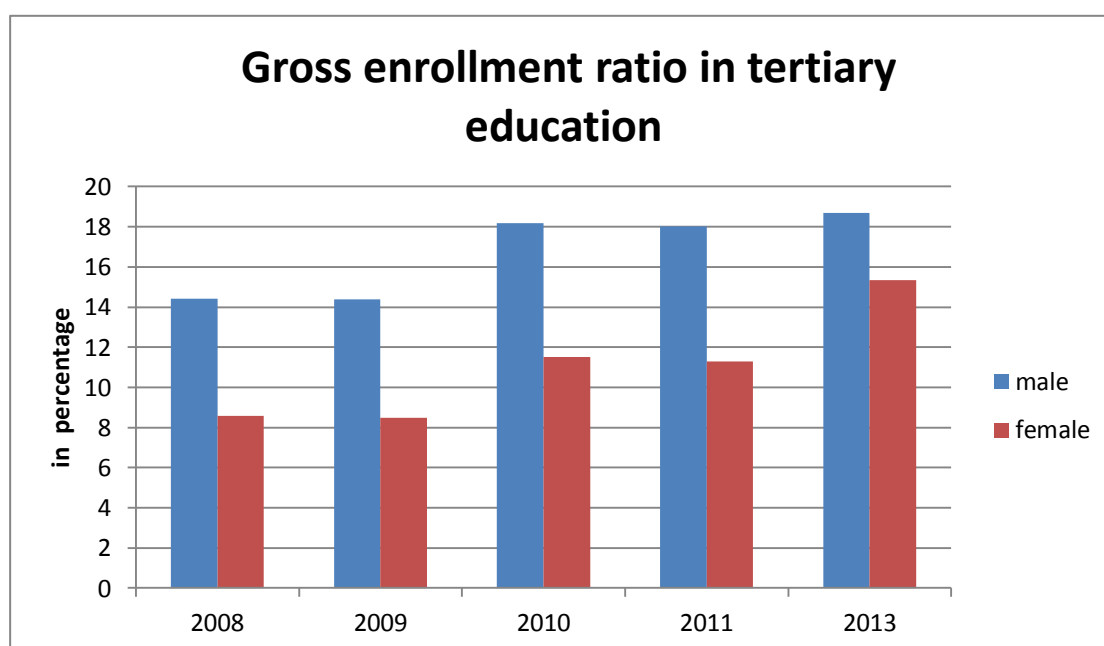

Figure 18: Gross enrolment rate in tertiary education: Male-Female (2008-2013)
Source: UNESCO Institute for statistics. http://uis.unesco.org/country/np

The difference in gender has been attributed by many to the reason that a male child is most likely to go to another country to work. Some more education could be more beneficial in this regard same is not the case with female child. Further, the people do not expect their children to learn any valuable skills in school; rather they expect them to learn the minimum. By which they mean the ability to comprehend and understand the English language so as to smoothly work in a foreign environment. It shows that the people of Nepal do not have much belief in the education system in Nepal. People perceive education not as a skill development process but only a means of communication to be able to work outside the country. As Prajwal Shrestha (2017) labels the education system 'a factory producing unemployment'. Therefore, it begets the question that whatever the efforts of aid agencies and Government of Nepal, are the fulfilling the basic requirements that is expected out of the education system. Education should be differentiated from basic literacy which only means the ability to communicate by reading or writing. As M.N. Parajuli (2014) points out

"goals of education needs to be directed not only towards setting targets or providing access to schooling to all, improving their retention and increasing their learning achievements but also to assess whether the education today is capable of contributing to transform lives of people".

It is clear that there is a felt need in the society for education and there is investment also from government and donor agencies but it is unable to fulfil this need which might be due to its nature and functioning. In interviews conducted in Nepal, almost all were unanimous in their perception that the education provided in government schools is sub-standard at best. When asked to Professor Karki about the education system, he was very pessimistic about the public school system. He is against privatisation of education ideologically but sends his wards to private schools only.
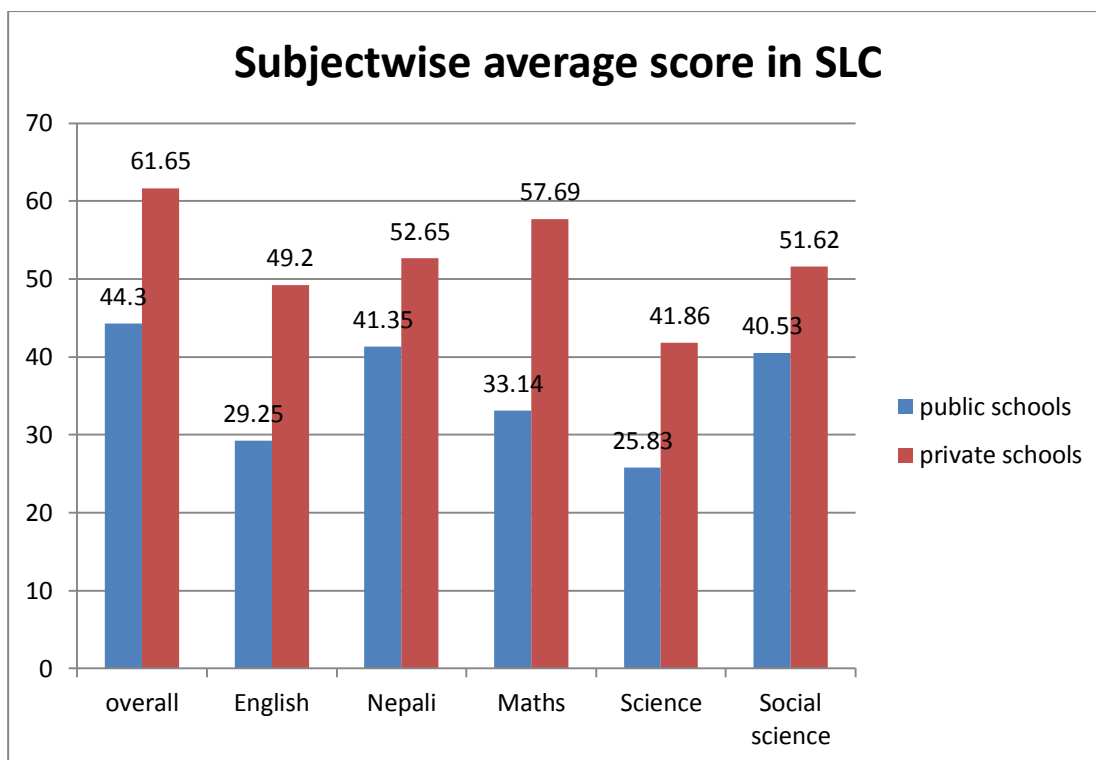
Figure 19: Subjectwise average score in SLC: public-private

Source: GoN, MoE, *Shaikshik Suchana* 2012

Education in private sector is evidently better but is unaffordable and inaccessible to an overwhelming majority of population.

Another often cited reason is the nature of funding of schools. They are provided resources on the principle of per student funding. It has been reported that teachers over inflate the number of student attending their schools to garner more funds. This problem arises because the inspecting body is same as the one recruiting the teachers at the first place. This has been pointed out by a report by Al Jazeera titled "Doubts over Education Overhaul" (October 2, 2011). This circular provision of funding has led to a scenario where there is a vast difference between official school records and the real number of children attending it.

Classroom in Tandrang village, Gorkha District, Nepal by Vijoyeta Deori, 2016.

There is evidently lack of executive over sight for this system to continue in its paradoxical state. It appears as not only a failure of implementation but also failure in planning stages of the policy itself. It is a problem that is easily remediable by action through executive machinery but it appears reluctant to do so. Megh Nath a retired principle stated regarding Education system of Nepal that "There is no transparency in recruiting process and in allocation of funds to schools. The monitoring system does not function properly as there is no supervision by the government to check the utilisation of funds. Politicisation of teachers and students has derailed the education system from attaining its real purpose".

The perception is that there is no political will to administer the required changes. The political establishment have been frequently criticised for being engulfed only in consolidating their power, those who have it or trying to get to it rather than working towards what is needed by the most. Rapidly changing government styles and composition is also considered to be a cause of disregard towards the education sector. From 2006- 2017, Nepal has seen eleven heads of state which held their post for varying duration. New York Times (August 11, 2016) editorial titled "The Cost of

Political Instability in Nepal" comments that "Nepal's political leaders are embroiled in interminable fights, the country's need are going unaddressed". Emma Reynolds Member of Parliament of the U.K. (The Guardian "the Challenge of Keeping the Nepalese Girl in School" September 16, 2011) states that Nepal's education minister and other parliamentarians admit that resolving the country's political problems overshadows other priorities. She further adds

"It is compounded by an absence of elected of local government, which led to the politicisation of schools. Local education officials therefore spend most of the time fire fighting political problems. As a result, the capacity to implement and change and drive up standard is poor. Teacher management is weak and teacher recruitment is often political."

Actionable aid or questionable aid

The shear amount of aid going by the amount given by outside agencies is very impressive. But looking at the final details at the nature and amount of aid tells somewhat a different story. Furthermore the amount is also found to be different in different sources. The amount publicised by the agencies very often does not match to the amount disclosed by the government of Nepal.

One of the reasons for this discrepancy has been explained as an accounting situation, which appears as an example of double counting. Donor agencies provide three types of assistance namely grants, loans and technical assistance. Loans are required to be paid back by the Government of Nepal in a previously agreed time-frame but Nepal being Least Developed Country finds it difficult to repay all the debts which it owes. Sometimes the donor writes-off some portion of the debt. Writing-off of debts leads to transformation to the category of aid. When this happens, in donors' books it is reflected as fresh aid to Nepal. It adds to total amount of aid given to Nepal in books but practically no new aid is received by the country.

Difficulty in assessing accurately amount of foreign aid coming is also due to the fact that some of the aid is channelled directly through INGOs without prior information being available to the government (Pyakuryal et al. 2008: 77). Foreign aid statistics provided by economic survey of Ministry of Finance does not include the funds that are routed directly from INGOs. There is a plethora of INGOs operating in Nepal. It can be assumed that the difference in amount shown in official data and that of

INGOs is being spent without any knowledge of the government. It is likely that this amount is unaudited and has difficulty in monitoring and thus lacks transparency.
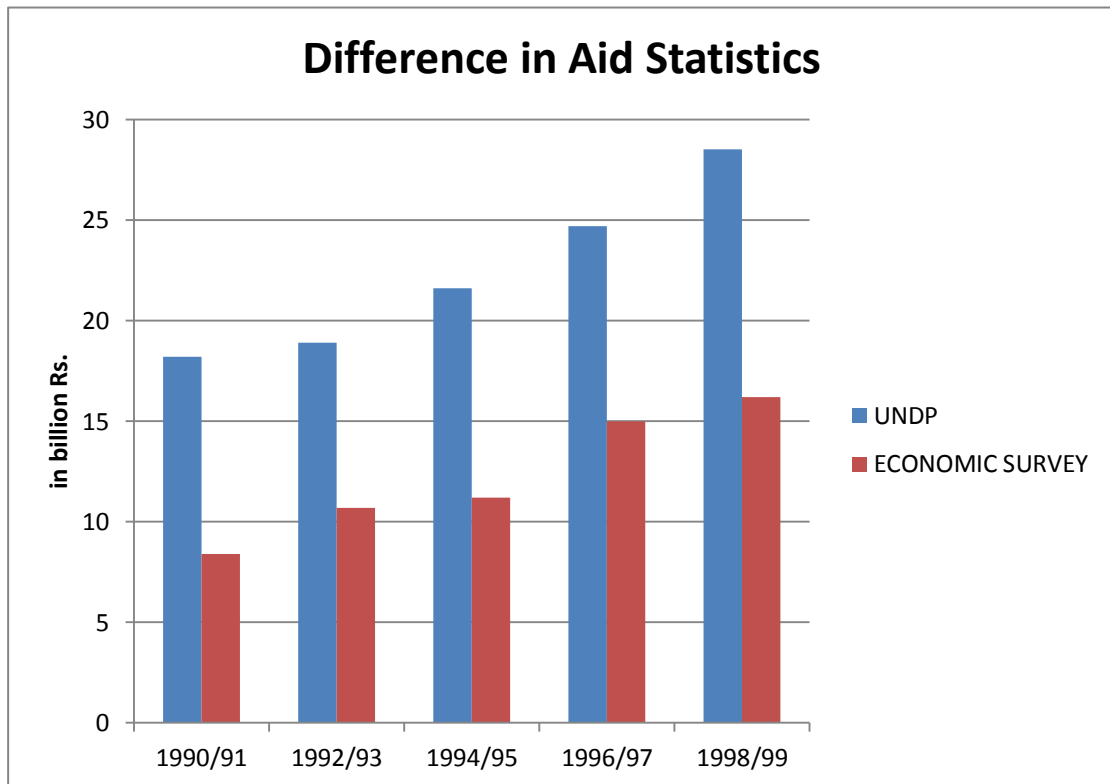
Figure 20: Difference in aid statisyics: (1990-1999)

Source: Acharya, Laxman (2004). A Review of foreign Aid, Nepal 2013: With PRSP and Macroeconomic Analysis.

Another cause of the discrepancy could be found between the amount committed and actual amount disbursed. Pyakuryal et al. (2008: 73) enumerates the causes as inability of providing matching funds, weaknesses on making claims for re-imbursements and inability to fulfil conditionalities.
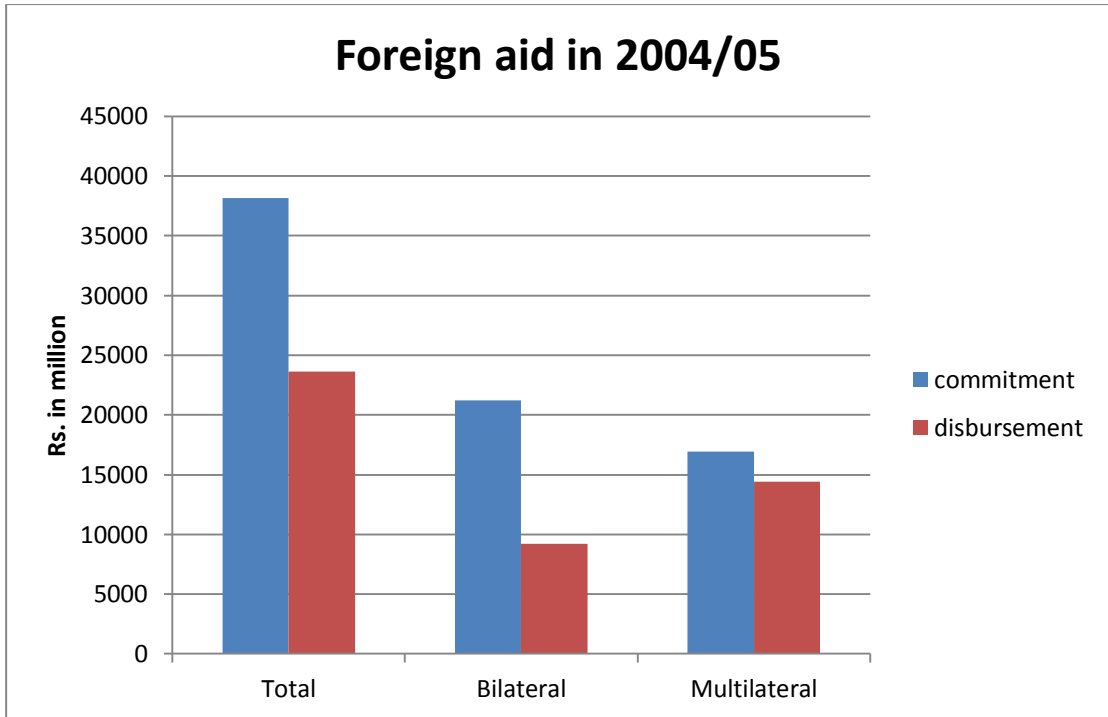
Figure 21: Foreign Aid in 2004-2005: Commitments and disbursements

Source: Pyakuryal, B. et al. (2008). Is Foreign Aid Working? An Analysis of aid effectiveness and growth.
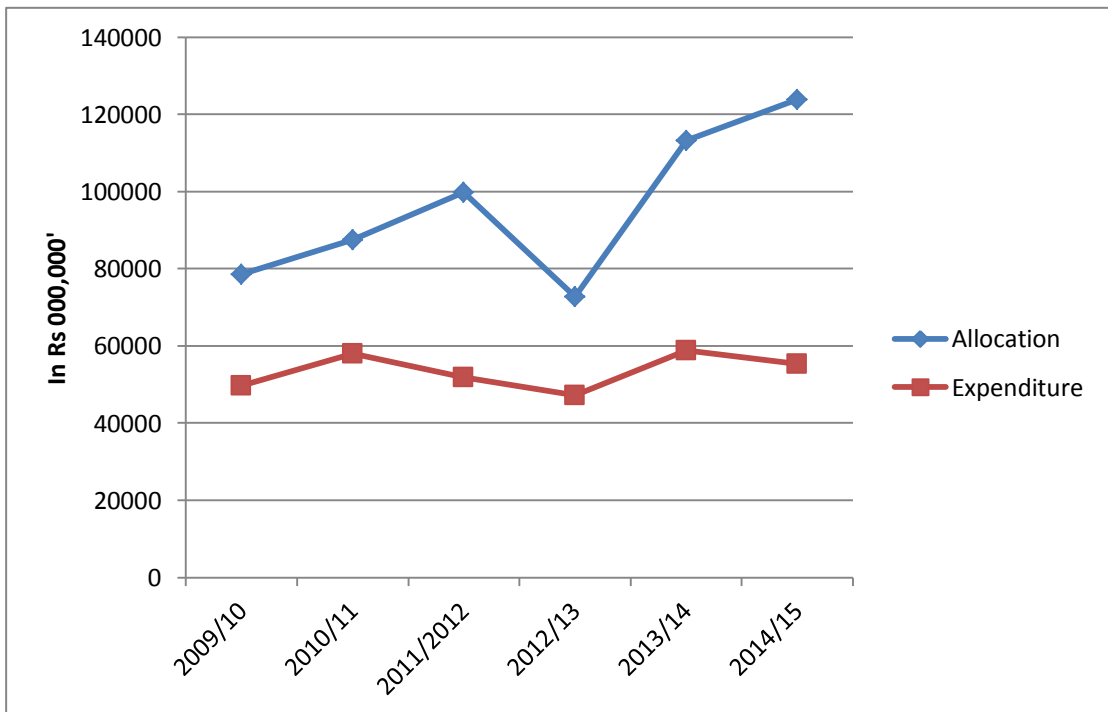
Figure 22: Allocation of aid vs expenditure 2009-2015

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

The graph also indicates that multi-lateral aid does better disbursement to commitment ratio than bilateral aid.

Many causes have been attributed to account for this gap. Principle causes include bureaucratic inefficiency, delay in implementation, delay in completion of initial work requirements and non-enthusiastic approach of implementers. Slow progress in projects not only hampers the same project but also in effect slows down all downstream projects. Thus, effect of non-implementation of a single project can have a long term detrimental implications on future projects.

While many causes have been put forth to explain this phenomena as explained before, it appears that the primary bottleneck remains in the Government of Nepal itself. Education projects do not seem to feature in the priority list of the political executive of Nepal. Due to rapidly changing political situation with multiple power centres it is unreasonable to extract the political executive to have much interest in these projects, let alone evolve long term strategic vision and planning. Further, due to fluid political situation no one has security of tenure in governance. It greatly hampers implementation and functioning of policies and programmes. This is acutely problematic in sectors like education which have long gestation periods and results of which are not readily tangible. Such projects require stable administrative control for formulation, implementation and monitoring. Long gestation projects require frequent mid-term analysis, action plan and rational course corrective measures which, unfortunately, Nepal seems to be lacking. Without these even minor teething problems in projects might lead to fatal flaws and suspension of projects altogether.

Thus, in essence it seems that unless a stable political executive takes form to steer the education projects, they will continue to face delays in receiving of funds and utilising them optimally.
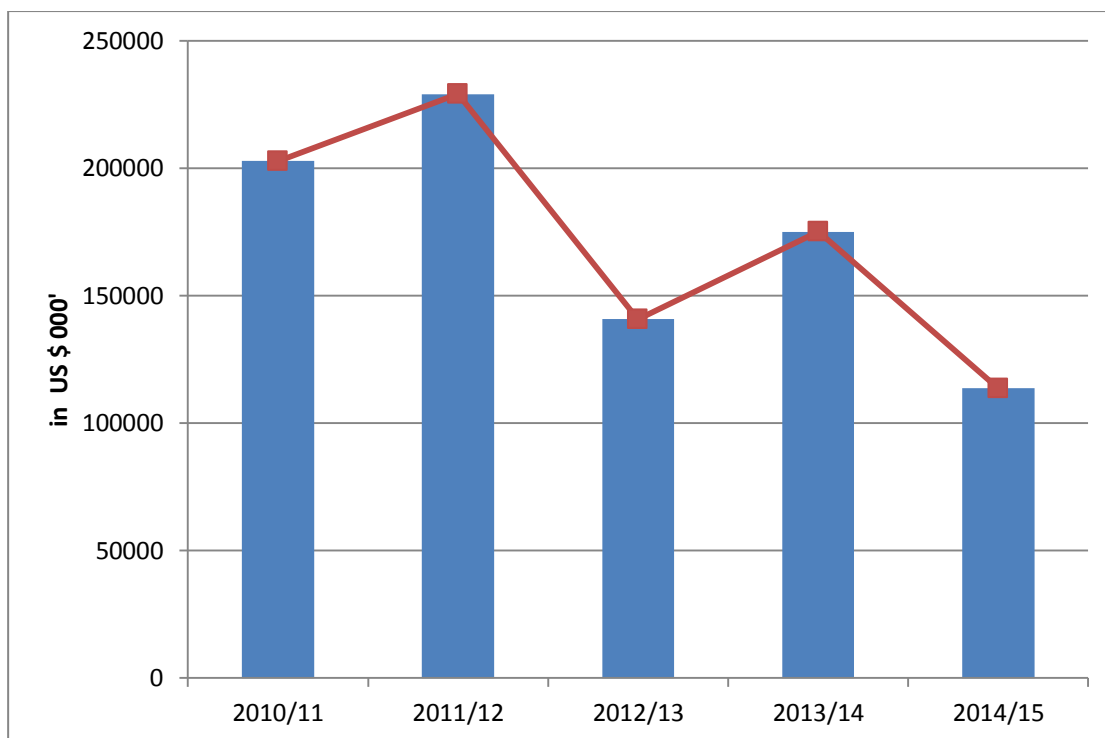
Figure 23: Year wise disbursement in education sector 2010-2015

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Aid as tool of foreign policy

Nepal is situated between two Asian giants – India and China, which fought a war in 1962. Despite of more than fifty years of the war relations between them is far from being cordial. Both these powers are in a race for geo-political and military supremacy and strive for higher influence in the region. No nation in South Asia, in particular, is untouched by this rivalry and Nepal is no exception. Nepal by its location assumes significant importance in this struggle. Bhutan is the only other country whose boundaries are completely surrounded by India and China. Bhutan is a close ally of India and does not have any diplomatic relation with China thus, leaving only Nepal in this tug of war.

Importance of Nepal's location should be seen from the perspective of India and China. Which share about 3,500 km of border, significant portion of which is highly contested. Even though shared boundary is long, for most part it is inhospitable rough terrain with harsh climate and barren lands with few mountain passes far and between. Both these countries have very large armies but there is an awareness that practically it is almost impossible to conjure upon any scenario where any one army can

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overwhelm the other by crossing over the Himalayas. Tactically, whoever is in defensive position will be in advantage. Inspite of the official positions that no country wants war, military preparedness suggests otherwise. Therefore, rather than geo-political problem is essentially geographical. Whichever country can cross the Himalayas in peace times will hold the advantage in times of war. Essentially, all the competition among these two countries is not to fight a war but to prepare for the ability to win a war in future. Thus, China will scuttle any chance of Indian influence in Tibet region and India will try to nullify Chinese influence in Nepal.

In recent times, Chinese influence is increasing in Nepal. The Trans-Himalayan road/railway corridor from China to Nepal is an example that raises serious questions in New Delhi (Nayak, 2015). China is investing heavily in Nepal specially in the hill districts which foster some anti-India sentiments. Similarly, India has also invested since 1950s. India also has significant influence in Terai region which has close socio-cultural, economic and religious affinity with India. So much so that a phrase has been coined 'roti-beti ka sambandh' which means bread and familial relations. Even any political disturbance in the Terai region has been frequently blamed on India (Ojha, The Diplomat, November 27, 2015).

Aid can also be, therefore, seen as being divided by spheres of influence and a struggle for political influence in the factionalised Nepali political structure. Thus, both countries seem to be using aid as a tool of foreign policy to attain strategic advantage. Ministry of External India describes aid to Nepal as mutually beneficial. If something is mutually beneficial it, by definition, does not qualify as aid.

Another rivalry in South Asia is between India and Pakistan. This rivalry has been on-going since 1947 occasionally flaring up leading to wars. While this does not have a direct relation to Nepal, it is indirectly affected. SAARC was established with an ambitious goal to bring welfare and prosperity to people in South Asia through regional cooperation. To achieve this objective promotion of education in this region was understood as a means to develop human resources to usher in prosperity (SAARC Charter, 1998). However, enmity between India and Pakistan hampered development into an effective forum. Of late, relations between these nations has deteriorated in such an extent that even summit level talks between member countries had to be postponed indefinitely (The Hindu, November 1, 2016). India being the

biggest economy in the region has a leading role to play but does not appear to be keen to pursue this policy any further. Rather, it is exploring other regional alternatives like BIMSTEC and BBIN. But these regional cooperation forums are still in nascent stage of development in comparison to SAARC and thus, likely to be ineffective for sometime. It could be safely predicted that SAARC along with its developmental promises is unlikely to be fulfilled. Therefore, even external and regional geo-political developments and instability has a harmful effect on developmental visions and programmes.
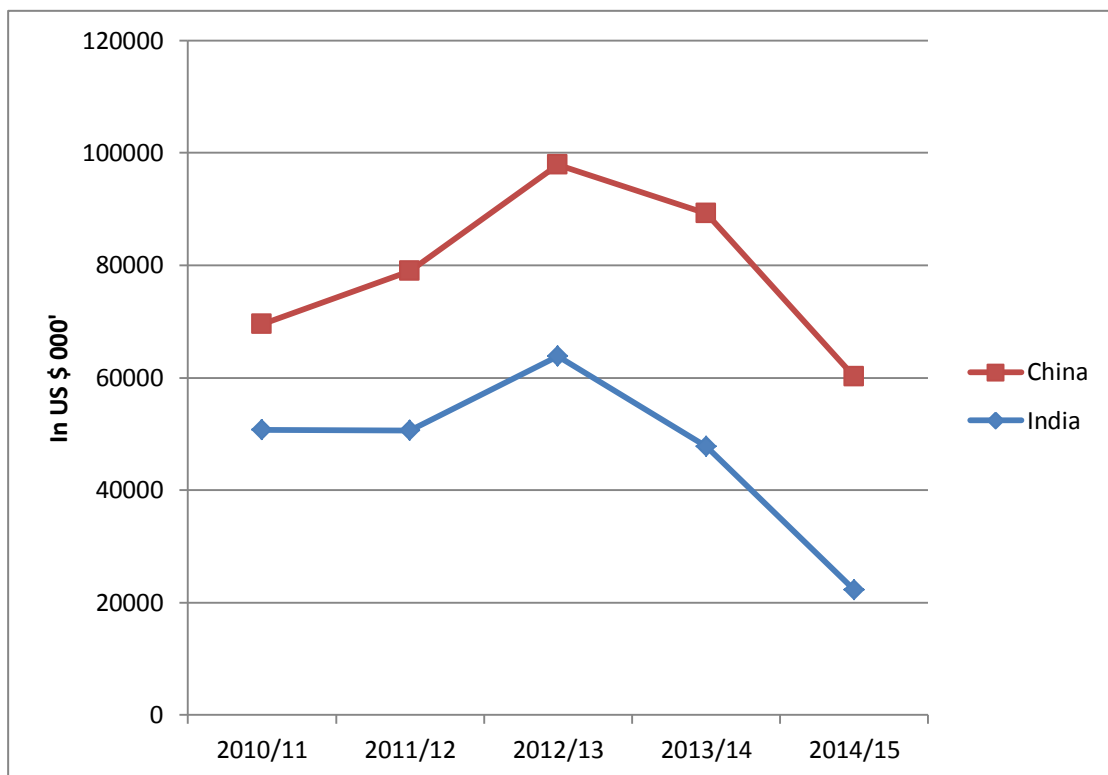
Figure 24: Funds from India vs China (2010-2015)

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

Amount Pledged

In US $ 000,000'

| India | China | ADB | WB | Others |
| 1400 | 767 | 600 | 500 | 842 |
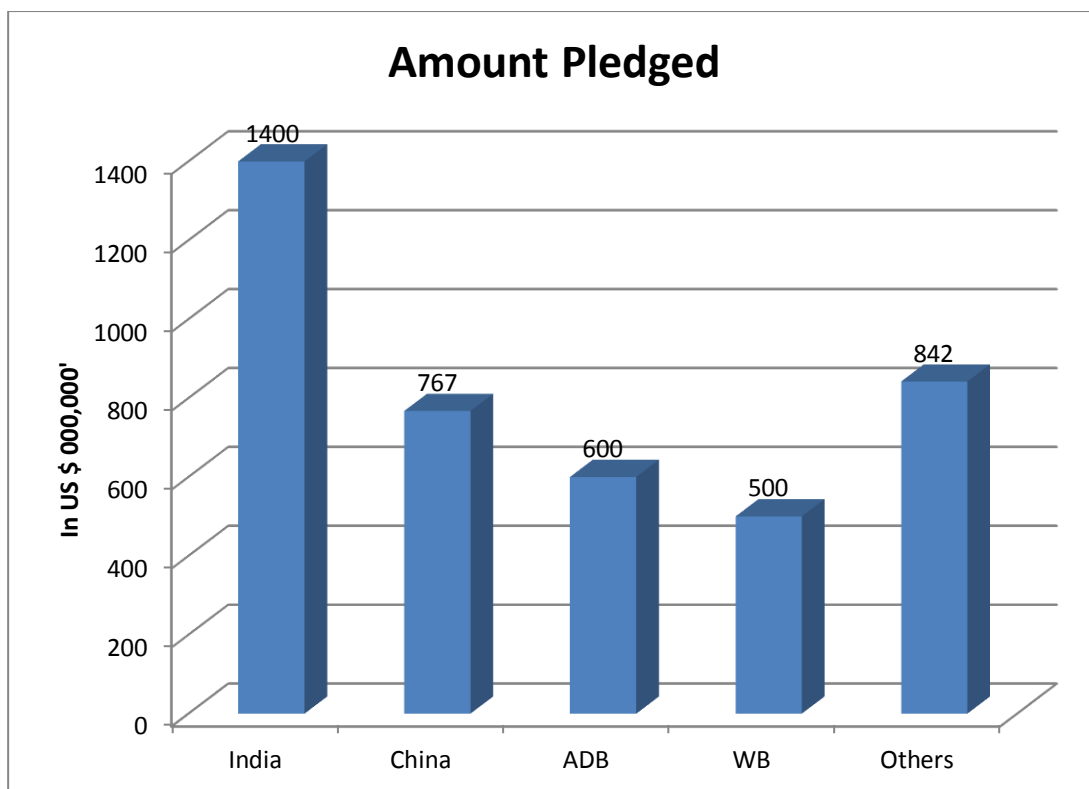
Figure 25: Pledged amount to Nepal in ICNR 2015

Source: GoN, Ministry of Finance, Development Cooperation Report 2014-15.

"Donor and recipients: discordant priorities"

Superficially, the both problem and solution of Nepal's lack of progress and development including educational appears very simple. Nepal being a poor country is not in position to provide all the resources needed, donor agencies and countries try to bridge the gap. But despite of long relationship between Nepal and donors and resultant foreign aid, it does not seem to be working sufficiently enough for the people of Nepal.

Here the distinction must be made between government of Nepal and people of Nepal and what their wishes and priorities are. Nature of nepali government and ruling elite is more aligned and closer to donor agencies than with the general public.

Publicised and largely ornamental goals are starkly different from the actual working and aims of donor agencies. For example, the WB's professed goal is to "end extreme poverty by decreasing percentage of people living in less than $ 1.90 per day to no more than 3 percent and to promote shared prosperity by fostering the income growth

of the bottom 40 percent for every country (WB)". While the goal seems to be admirable and altruistic enough a closer look on its working gives a different picture. Functioning of WB is more tilted towards promotion of capitalism world-wide and essentially to increase and sustain foreign investments in the world. It is evident in their slogan itself "Five Institutions, One Group". All five institutions work in coherence towards this goal only.

The bank of WB consists of International Bank for Reconstruction and Development (IBRD) and International Development Association (IDA). IBRD was created in 1944 for re-building World War-II. Currently, it focuses on middle income countries. It provides financial resources, knowledge and technical services and strategic advice. "Strategic advice" is actually a surrogate term used for pushing the recipient nation towards free market economies or neo-liberal policies. Regmi (2016) points out that all policies of WB are programmed on the basis of neoliberal ideals.

IDA on the other hand focuses on poorest countries. It lends money in concessional terms (zero or very low interest) with long repayment periods. It also has specific programmes like Heavily Indebted Poor Countries Initiative (HIPC) and Multi-lateral Debt Relief Initiative (MDRI). If a recipient country has capacity to repay IBRD will give the loan and if the risk of default on repayment of loans is high IDA funds the loan. In return their influence in countries' economic and development policies increases many fold, the so called "conditions". This inevitably leads to cut in nations' "wasteful expenditure" on health and education.

Another institution of WB is International Finance Cooperation (IFC) focussed on private sector in developing countries. WB also has a Multi-lateral Investment Guarantee Agency (MIGA) which offers political risk insurance to investors. Finally, WB has an arbitration centre called as International Centre for Settlement of Investment Disputes Conciliation and Arbitration (ICSIDC).

Thus, WB has a bank for investment and insurance arm to cover that investment and in case of any dispute has an arbitration arm to safeguard the investment. It appears that the functioning of WB is uniquely suited for its own investments rather than for the welfare of the recipient.

Looking at WB's working in Nepal through this prism brings forth an alternative view of aid in the country. The bank's push towards privatisation and decentralisation could be seen as a measure to decrease the control of the government and promote marketization in the education sector.

Privatisation of education

The NESP (1971-1976) nationalised schools in Nepal and private players in education were heavily discouraged. Private schooling could be meaningfully started only after 2001 after the advent of 7th Amendment of Education Act, 2001 (Universal Periodic Review of Nepal, 3). This policy change has long been advocated by WB. In 1994, WB's paper titled "Critical Issues in Secondary Education and Options for Reform" urged the government to stimulate private education by providing incentives to compensate for low public investment in education sector. It also advised collection of fees from students of public schools. Further in 2001, WB claimed that free education policies are counter-productive due to lack of funding in schools. It is paradoxical that WB itself recommends reducing costs and increasing efficiency for accelerating economic growth (Regmi, 2015). The previously funded Primary Education Project (1982-1992) incorporated strict obligations and conditionalites. The bank recommended changes in policies which, not inadvertently meant reducing government expenditure on public goods like health and education. WB justified these recommendations as a means to increase economic growth and development, but which essentially meant to enable Nepal to pay back its loans.

WB further emphasised promotion of privatisation of education by showcasing the difference between private and public education system. Rates of enrolment and completion rates were significantly higher in private institutes. Pass rates in SLC examinations of private schools were also higher than the public schools. The simplest explanation of this finding could have been that public education system is failing due to inadequate funding or faults in implementation or both. However, WB deemed it as failure of public education system (WB Report, 2003) and advocated privatisation. This could be due to inherent bias in WB's nature and functioning. It has always been headed by an American citizen, a country that undoubtedly and correctly regarded as champion of free market economy.
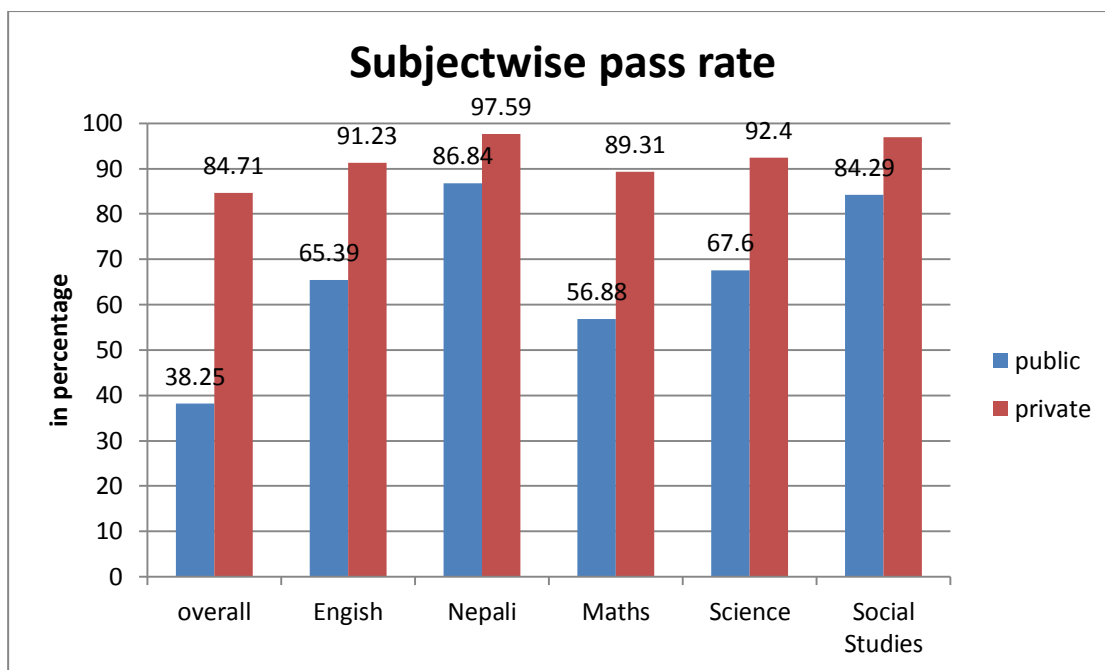
Figure 26: Public Vs. Private Schools: Subjectwise pass rate 2004-05

Source: GoN, MoE, Study of Student Performance (main report), 2006

While it cannot be argued that private schools have not performed better than public schools, its reasons in Nepal can be deduced by differentiating the nature of students that enrol in these schools. These schools are predominantly located in or near urban settlements. They have better facilities, charge high student fees and consequently only high income families are able to send their children to these schools. In comparison, students of government schools are generally of poorer families. Access to good private schools is almost non-existent to students of lower economic strata and of rural areas. Thus, comparing scholastic success between these two groups of students to arrive at any conclusion regarding need of public education system is neither correct nor wise. Privatisation will only contribute to further entrench the already existent class divide in the society. Abrar Hassan (2012) argues that public sector be expanded to replace private sector to promote educational equity. Regmi (2015) argues that supranational organisations are guided by neoliberal ideology.

Ideological based approach might not be in the best interest of people in Nepal. This top-down approach of donor agencies seems to run contrary to the felt needs of the recipients. It can be concluded that donor agencies are involved in promoting what they want and not in aiding what is needed.

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No. 1302

**INDIA
and
NEPAL**

Treaty of Peace and Friendship. Signed at Kathmandu, on 31 July 1950

Official text: English.
Registered by India on 13 July 1951.

**INDE
et
NÉPAL**

Traité de paix et d'amitié. Signé à Kathmandou, le 31 juillet 1950

Texte officiel anglais.
Enregistré par l'Inde le 13 juillet 1951.

No. 1302. TREATY[1] OF PEACE AND FRIENDSHIP BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF NEPAL. SIGNED AT KATHMANDU, ON 31 JULY 1950

The Government of India and the Government of Nepal, recognising the ancient ties which have happily existed between the two countries;

Desiring still further to strengthen and develop these ties and to perpetuate peace between the two countries;

Have resolved therefore to enter into a Treaty of Peace and Friendship with each other, and have, for this purpose, appointed as their plenipotentiaries the following persons, namely,

THE GOVERNMENT OF INDIA :

HIS EXCELLENCY SHRI CHANDRESHWAR PRASAD NARAIN SINGH, Ambassador of India in Nepal.

THE GOVERNMENT OF NEPAL :

MOHUN SHAMSHER JANG BAHADUR RANA, Maharaja, Prime Minister and Supreme Commander-in-Chief of Nepal,

who having examined each other's credentials and found them good and in due form have agreed as follows :—

Article 1

There shall be everlasting peace and friendship between the Government of India and the Government of Nepal. The two Governments agree mutually to acknowledge and respect the complete sovereignty, territorial integrity and independence of each other.

Article 2

The two Governments hereby undertake to inform each other of any serious friction or misunderstanding with any neighbouring State likely to cause any breach in the friendly relations subsisting between the two Governments.

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[1] Came into force on 31 July 1950, as from the date of signature, in accordance with article 9.

Article 3

In order to establish and maintain the relations referred to in Article 1 the two Governments agree to continue diplomatic relations with each other by means of representatives with such staff as is necessary for the due performance of their functions.

The representatives and such of their staff as may be agreed upon shall enjoy such diplomatic privileges and immunities as are customarily granted by international law on a reciprocal basis : Provided that in no case shall these be less than those granted to persons of a similar status of any other State having diplomatic relations with either Government.

Article 4

The two Governments agree to appoint Consuls-General, Consuls, Vice-Consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consuls-General, Consuls, Vice-Consuls and consular agents shall be provided with exequaturs or other valid authorization of their appointment. Such exequatur or authorization is liable to be withdrawn by the country which issued it, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other State.

Article 5

The Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for the security of Nepal. The procedure for giving effect to this arrangement shall be worked out by the two Governments acting in consultation.

Article 6

Each Government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Article 7

The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.

Article 8

So far as matters dealt with herein are concerned, this Treaty cancels all previous Treaties, agreements, and engagements entered into on behalf of India between the British Government and the Government of Nepal.

Article 9

This Treaty shall come into force from the date of signature by both Governments.

Article 10

This Treaty shall remain in force until it is terminated by either party by giving one year's notice.

DONE in duplicate at Kathmandu this 31st day of July 1950.

(Signed)	*(Signed)*
CHANDRESHWAR PRASAD	MOHUN SHAMSHER
NARAIN SINGH	JANG BAHADUR RANA
For the Government of India	For the Government of Nepal

The Constitution of the Kingdom of Nepal, 2015

PREAMBLE

Whereas His late Majesty King Tribhuvan Bir Bikram Shah Dev, Father of the Nation and revered descendant of the illustrious King Prithvi Narayan Shah, adherent of Aryan Culture and Hindu religion, having led a Great revolution for the rights and welfare of His subject, earned immortal fame in the history of the world and was firmly resolved to establish real democracy in Nepal by giving fundamental rights to the people;

And Whereas We also being firmly resolved to help our subjects to attain all-round progress and achieve the fullest development of their personality; to ensure to them political, social and economic justice; and cement the unity of the nation by bringing about political stability through the establishment of an efficient monarchical form of government responsive to the wishes of the people;

And Whereas for the said purpose it is desirable to enact and promulgate a Constitution for the Sovereign Kingdom of Nepal, I, King Mahendra Bir Bikram Shah Dev in the exercise of the Sovereign powers of the Kingdom of Nepal and prerogatives vesting in US in accordance with the traditions and custom of our country and which devolved on us from Our August and Respected forefathers, do hereby enact and promulgate this fundamental law entitled "The Constitution of the Kingdom of Nepal".

PART 1
PRELIMINARY

1. The Constitution as the fundamental Law: (1) This Constitution is the fundamental law for Nepal and all laws inconsistent with it, shall, to the extent of the inconsistency, and subject to the provisions of this Constitution, be void.

(2) Nothing in this Constitution shall affect the descendants, usage, tradition and law relating to the succession to the throne of His Majesty the King.

(3) In this constitution, 'His Majesty' means the king for the time being reigning, being a Shahi descendant of His Late Majesty King Prithvi Narayan Shah and adherent of Aryan culture and Hindu religion.

PART II
APPOINTED DAY

2. Appointed day: Article 73 and Article 75 of this Constitution shall come into operation at once; and the other provisions of this Constitution shall come into operation on a day to be fixed by His Majesty by Proclamation, and such day is hereinafter referred to as "the appointed day".

PART III
FUNDAMENTAL RIGHT

3. Personal Liberty: (1) No person shall be deprived of his life or personal liberty save in accordance with the law.

(2) Trafficking of human beings, slavery and forced labour are forbidden, but provision may be made by law compulsory service for public purposes.

(3) No person shall be punished for an act, which was not punishable by law when the act was done, nor shall any person be subjected to a punishment greater than that prescribed by law for an offence when the offence was committed.

(4) No person shall be prosecuted and punished more than once for the same offence in court.

(5) No person accused of any offence shall be compelled to be a witness against himself.

(6) No person who is arrested shall be detained in custody without being informed, as soon as is practicable, of the grounds of such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

Explanation: For the purposes of this clause, a legal practitioner includes any person, who, under the law for the time being in force, is authorized to represent any other person in court.

(7) Every person who is arrested and detained in custody shall be produced before the nearest judicial authority, within a period of twenty-four hours from such arrest, excluding the time necessary for the journey from the place of arrest to the court of the judicial authority, and no such person shall be detained in custody beyond the said period except on the order of a judicial authority.

(8) Nothing written in sub-article (6) or sub-article (7) shall apply to a person who-
    (a) is an enemy alien ; or
     (b) is arrested or detained under any law providing for preventive detention.

(9) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless-
    (a) an Advisory Board consisting of persons who are or have been or are qualified to be appointed as judges of the Supreme Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention; or
    (b) such person is detained in accordance with provisions of any law made in accordance with sub-article (12).

    Provided that nothing in clause (a) shall authorize the intention of any person beyond the maximum period prescribed by law providing for preventive detention.

(10) When a person is detained in pursuance of an order made under any law for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford the earliest opportunity of making representation against the order.

(11) Nothing in sub-article (10) shall require the authority making any such order as is referred to in that clause to disclose facts, which such authority considers to be against the public interest and security of the country to disclose.

(12) The following matters may be prescribed by law:
>   (a) the circumstances under which, and class or classes of cases in which, a person may be detained for a period longer than 3 months without obtaining the opinion of an Advisory Board: and
>   (b) the maximum period for which any person may in any class or classes of cases be detained; and
>   (c) the functions and the procedure to be followed by an Advisory Board constituted under clause (a) of sub-article (9)

4. Equality: (1) All citizens shall be entitled for the equal protection of the laws.

(2) In the application of general laws there shall be no discrimination against any citizen on grounds of religion, sex, race, caste or tribe.

(3) In respect of appointments to the government services there shall be no discrimination against any citizen on grounds only of religion, race, caste or tribe, and there shall be no discrimination also on the grounds of sex in respect of appointments to the government service that are open to both male and female.

(4) No person shall disseminate hatred, contempt or create enmity between people belonging to different areas, or between different classes of people, castes and tribes of the Kingdom of Nepal.

5. Religion: Every citizen, having regard to the current traditions, may practice and profess his own religion as handed down from the ancient times.

>   Provided that no person shall be entitled to change of his religion.

6. Property: (1) No person shall be deprived of his property in accordance with the law.

(2) Every citizen is entitled to right to earn, possess, hold and sell of property.

7. Political Freedom: Every citizen is entitled of following freedoms:
>   (a) freedom of speech and expression;
>   (b) freedom of assembly without arms;
>   (c) freedom to form associations, unions;
>   (d) freedom of movement or reside in any part of Nepal.

8. Public Good: (1) Anything of this part shall not affect the validity of following law-
>   (a) any law made before the Appointed Day which, with or without modification or adoption, is certified by His Majesty to be necessary for any purpose specified in sub-article (2) ; or
>   (b) any law made after the Appointed Day which is expressed to have been made for the public good.

(2) The law shall be deemed to be made for the public good within the meaning of clause (b) of sub-article (1,) if it is expressed in the preamble thereto to be made for the maintenance of law and order within Nepal, maintenance of security in Nepal, good relations between Nepal and other countries, good relations among different classes or sections of the people, or between the people of different areas, or generally good manners, health, comfort or convenience or decency or morality and economic welfare of the citizens of Nepal, or to prevent internal disturbance or

any attempt to subvert this Constitution or any law in force for the time being or any other like attempt or for the prevention of contempt of court or House of Parliament.

(3) Anything contained in this part shall not apply to a person serving in any of the armed forces of His Majesty, and it shall be made limit or change of any section of this part so far as it applies to any person serving in any police force.

9. Right to Constitutional Remedies: (1) The right shall be guaranteed to file a petition before Supreme Court for appropriate proceedings for the enforcement of the rights conferred by this part.

(2) Where any petition is filed under sub-article (1) the Supreme Court shall have power to issue directions or orders or writs includes Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari, whichever may be appropriate for the enforcement of the rights.

(3) Without prejudice to the power conferred on the Supreme Court by sub-article (1) and (2), law may empower any other court subordinate to the Supreme Court to exercise within the local limits of its jurisdiction all or any of the powers to issue such directions or orders or Writs as is prescribed in sub-article (2).

PART IV
THE EXECUTIVE GOVERNMENT

10. Executive power: (1) The executive power of the Kingdom of Nepal is vested in His Majesty, extends to the execution and maintenance of this Constitution, and the laws of Nepal, and shall be exercised by Him either directly or through Ministers or other officers subordinate to him, in accordance with the provisions of this Constitution and of any other law for the time being in force.

(2) Anything except provided in this constitution His Majesty is empowered to act in his discretion or on the recommendation of any specified person, he shall act on the recommendation of the Cabinet forwarded by the Prime Minister or on the recommendation of the Minister authorized by the Prime Minister to deal with the matter in question.

(3) No recommendation in any matter shall be made before His Majesty without informal consultation to him except in the ground of urgency, and His Majesty may refer to the cabinet any recommendation or consideration which come whether or not been already considered by the Cabinet.

(4) Any question whether any recommendation has been made to His Majesty and, if so, what recommendation, and the question whether His Majesty has consulted any person or authority in accordance with the terms of this Constitution, shall not be inquired into in any court.

(5) If any question arises whether any matter is or is not a matter in respect of which His Majesty may act in His discretion, the decision of His Majesty in His discretion shall be final, and the validity of any things done by His Majesty shall not be called in question on the ground that he ought or ought not to have acted in His discretion.

(6) All action to be done by His majesty in His discretion in accordance with the provisions of this Constitution shall be expressed to be taken in the name of His Majesty and other executive action taken in the exercise of the executive powers vested in His Majesty shall be taken in the name of his Majesty's Government.

(7) Orders, decisions and other instruments made and executed in the name of His Majesty or His Majesty's Government shall be authenticated in a such manner as specified in rules to be made by His Majesty in His discretion or as the case may be by His Majesty's Government and the validity of an order, decision or instrument which is so authenticated, shall not be called in question on the ground that it is not an order, decision or instrument made or executed by His Majesty in His discretion, or as the case may be, by His majesty's Government.

11. The State Council (1) There shall be a State Council [*Rashtriya Parishad*] consisting, subject to the provisions of this Article, of His Majesty and with the following persons:

> (a) The Chairperson and Vice-Chairperson of the of the Senate [*Mahasabha*] and the Speaker and Deputy-Speaker of the House of Representatives, ex-officio members;
> (b) The Ministers of his Majesty for the time being, ex-officio members;
> (c) Former Ministers, members;
> (d) other persons appointed by His Majesty on his discretion

(2) A person who is a member of the State Council in accordance with paragraph (c) of sub-article (1) shall cease to be a member if His Majesty, acting in His discretion may be satisfied, after consulting the State Council, that such person can no longer be of service to the State Council.

 (3) A person appointed in accordance with clause (d) of sub-article (1) shall hold office during the pleasure of His Majesty.

(4) A meeting of the State Council shall be summoned by His Majesty's command and shall be presided over by His Majesty, if present, or if His Majesty is not present, by such person as His Majesty may in His discretion designate either generally or specially as Vice-Chairperson or, failing any such designations by such person as the State Council my by resolution at that meeting decide.

(5) Notwithstanding anything in sub-article (4) a meeting of the State Council shall be summoned by the Secretary of the said Council and shall be presided over by such person as the State Council may by resolution at that meeting decide, if-

(a) His Majesty has died or abdicated in which case the Council of State shall-
> (i) order proclamation of the accession of His Majesty's successor in accordance with the law, custom and usage of Nepal; and
> (ii) His Majesty is under the age of eighteen years, make such arrangements for a Regency or a Regency Council as the State Council may, subject to any Act decide;
> or

(b) Two members of the State Council, one of whom shall be the Prime Minister, if there be any, have signed as requisition declaring that, in their opinion, His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a meeting, in which case the State Council shall-
> (i)   decide whether His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a meeting; and
> (ii)   if the Council of State so decides, make such arrangements for a Regency or a Regency Council as the Council or State may, subject to any Act decide;
> Provided that-

(i) any Regency or Regency Council established under clause (a) of this article shall terminate when His Majesty attains the age of eighteen years; and

(ii) any Regency or Regency Council established under clause (b) of this article shall be a subject to the provisions of any Act, terminate when His Majesty dies or abdicates or gives notice to the State Council acting His discretion that He is able to reassume the Royal functions.

(6) The Regent or the Regency Council formed according to sub-article (5) shall have no authority to decide or to approve of anything which shall be prejudicial to the interest of His Majesty or His successor.

(7) The State Council at any meeting thereof may act notwithstanding the absence of any of its members, provided that-

(a) notice of the meeting has been sent to all persons who were members of the council of State on the date of the notice; and

(b) at least one fourth of all the members of the State Council to whom notice has been sent in accordance with clause (a) are present, whether or not they have voted.

(8) Clause (b) of sub-article (7) shall not apply where, in accordance with this Constitution or otherwise, His Majesty merely desires to consult the State Council in respect of the exercise of any of His functions under this Constitution.

(9) A decision of the State Council shall be taken by a majority of the members thereof present and voting.

(10) Nothing in paragraph (i) of clause (a) of sub-article (5) shall prevent His Majesty's successor from exercising any power of the King pending the Proclamation contemplated by that paragraph and all such actions shall, if otherwise not unlawful, be ratified by such proclamation.

(11) Notwithstanding anything contained in this Article, His Majesty may by warrant under Royal Seal, in His discretion authorize any person or any two or move persons to exercise, during His Majesty's absence from Nepal or for any specified period any of the functions of His Majesty, but subject to such conditions as the warrant may prescribe, and in this constitution "His Majesty" includes such person or persons acting within the limits and subject to the conditions prescribed by such warrant.

(12) The Secretary of the State Council shall be appointed by His Majesty in His discretion, after consultation with the Prime Minister, if there be any.

12. The Cabinet: (1) There shall be a Cabinet consisting with the Prime Minister, who shall be the head of the Cabinet. His Majesty shall appoint of his other ministers on the recommendation of the Prime Minister with not exceeding the number of fourteen as he decides.

(2) The Cabinet shall, subject to the provisions of this constitution, be charged with the general directions and control of the Governance of the Kingdom of Nepal and shall be collectively responsible to the House of Representatives.

13. The Ministers of the His Majesty: (1) His Majesty shall appoint the Prime Minister on his discretion. Provided that such person on the opinion of His Majesty, will be able to attain a majority in the House of Representatives, either immediately or at the meeting of Parliament after the next general election.

(2) His Majesty shall appoint his other ministers on the recommendation of the Prime Minister, and not less than two of such Ministers shall be taken from the Senate.

(3) The Prime Minister shall be appointed from among the members of the House of Representatives.

Provided that if His Majesty in His discretion is satisfied that no such person will be able to command a majority in that House in accordance with clause (i), he may appoint as Prime Minister a person who is not a member of that house, but no person shall hold office as Prime Minister for more than four months unless he is a Senator or a member of the House of Representatives.

(4) Prime Minister shall divide their works for His Majesty's Minister with consultation to him and such Minister shall be responsible to His Majesty and the Cabinet for the administration of such Department.

Provided that the Prime Minister may designate one or two of the Minister to be Ministers without Portfolio.

(5) The Prime Minister shall cease to hold his office if-
 (a) his resignation is accepted by His Majesty; or
 (b) he is not a member for a period of four consecutive months of House of
 Representatives or if the appointment was made in accordance with the proviso of sub-article (3), not be in a member of either house of the parliament or
 (c) a resolution has been passed by a majority of all the members of the House of
 Representatives that it has no confidence in His Majesty's Government, or
 (d) His Majesty on his discretion, is satisfied, after consulting the State Council,
 that His Majesty's Government has lost the confidence of the House of Representatives
 or that it has persisted in contrary to the provisions of this Constitution.

Provided that anything of this sub-article shall not prevent to His Majesty's discretion for re-appointing as Prime Minister, who ceased to hold office.

(6) Other than the Prime Minister His Majesty's minister shall cease to hold his office if-
 (a) His Majesty accepts his resignation that has comes through the Prime Minister, or
 (b) He is not a member for a period of four consecutive months of the Senate or of the
 House of Representatives ; or
 (c) the Prime Minister on whose recommendation he was appointed, has ceased to hold
 his office; or
 (d) His Majesty on the recommendation of the Prime Minister dispenses with his service.

Provided that any such Minister shall not be ineligible for re-appointment.

14. Assistant Ministers: (1) His Majesty shall appoint assistant minister to help for the works of any of his minister on the recommendation of the Prime Minister.

Provided that the number of Assistant Ministers shall not exceed for more than ten and at least two of such Assistant Ministers shall be taken from the Senators.

(2) Sub-article (6) of Article 13 shall apply to an Assistant Ministers as it applies to the His Majesty's Minister.

(3) Whenever any minister or assistant minister of His Majesty is unable to perform any of duties of his office, the Prime minister may temporarily assign any of those duties to another Minister of the Assistant Minister of His Majesty, however, if he assigns any of the duties of a Minister of his Majesty to an Assistant Minister such Assistant Minister shall not be a member of the Cabinet.

15. Remuneration : The remuneration of Ministers including the Prime Minister and other Ministers or Assistant Minister of His Majesty shall be fixed by the Act and until then His Majesty shall fix.

16. Conduction of the Government Business:
(1) It shall be the duty of the Prime Minister as following:
> (a) to submit working report to the His Majesty of working agenda, such drafts, and decision of the Cabinet and proposal for legislation or the details of any important executive action which approved without reference to the Cabinet.
> (b) to furnish such other information relating to the conduction of the government business as His Majesty may require on His discretion.

(2) The procedure for the transaction of the Government business, allocation of the said business and the relations which should subsist among His Majesty, the Cabinet, the Ministers, Assistant Ministers and other servants of His Majesty shall be in accordance with the regulations approved by His Majesty on this discretion and such regulations, in so far as consistent with this Constitution shall be binding on all servants of His Majesty, including Prime Minister, Ministers and Assistant Ministers,

Provided that the question of whether the regulations have or have not been observed shall not be inquired into any court.

17. Temporary suspension of Cabinet Government: (1) Notwithstanding anything in the foregoing provisions of this Part, if His Majesty in His discretion is satisfied, after consulting the State Council, that it is impossible to find a person who as Prime Minister would be able to command a Majority in the House of Representatives, it shall be lawful for His Majesty, in His discretion shall suspend the provisions of Articles 12 to 16 by a Proclamation and so long as such Proclamation is in exist:
> (a) the functions of the Cabinet shall be exercised by His Majesty on his discretion
> with consultation to State Council;
> (b) His Majesty may appoint persons, whether or not they are members of the Senate or
> the House of Representatives, to exercise the functions of Ministers of His Majesty in
> charge of Departments, and such person:-
>> (i) Shall be a member of the State Council ;
>> (ii) shall be responsible to His Majesty for the administration of the departments assigned to him;
>> (iii) shall hold office during the pleasure of His Majesty in His discretion:
>> (iv) shall be entitled to be present at and act as a member of either House of parliament or any Committee thereof, but shall not be entitled to vote therein unless he is a member of such house or committee thereof: and
>> (v) shall be paid remuneration as His Majesty decides on his discretion.

(2) Proclamation issued under sub-article (1) may be revoked by another proclamation made by His Majesty on his discretion, and shall be revoked if and when His Majesty is satisfied that it is possible to find a Prime Minister who can hold a majority in the House of Representatives.

However, if not sooner revoked, a Proclamation issued under sub-article(1) shall cease to have effect at the first meeting of Parliament after the next general election, or on the expiration of a period of twelve months from the Proclamation, whichever shall first occur.

PART V
PARLIAMENT

CHAPTER-I
CONSTITUTION OF PARLIAMENT

18. Constitution of Parliament: There shall be a Parliament which shall consist of His Majesty and two Houses, to be known respectively as the Senate [*Maha Sabha*] and the House of Representatives [*Pratinidhi Sabha*].

19. Composition of the Senate: (1) The Senate shall consist of thirty-six Senators [*Maha Sabhasad*] of whom eighteen (hereinafter referred to as "elected Senators") shall be elected by the House of Representatives and eighteen (hereinafter referred as "nominated Senators") nominated by His Majesty according to the Article 21.

(2) Subject to Article 20 and 21, the turn of the office of the Senator shall be six years and his seat shall not be vacated by the dissolution of the House of Representatives.

(3) Notwithstanding anything contained in sub-article (2):—
    (a) A Senator who is elected or nominated to fill a casual vacancy shall serve only for the remainder of his predecessor's term of office; and

    (b) Except in the first election of Senators, the term of his office shall count from the date of termination of his predecessor's term of office.
(4) A separate election shall be held for the filling of each casual vacancy of the elected senators.

(5) A retiring senator shall, if otherwise not disqualified, be eligible for election or appointment from time to time.

(6) In this Article, the expression "casual vacancy" means a vacancy occurring by reason of the death, resignation or disqualification of a senator.

20. Election of Senators: (1) After the first election of a Speaker and a Deputy Speaker under Article 29, the House of Representatives shall, before proceeding to any other business, elect eighteen senators; and thereafter, as soon as may be after the occurrence of a vacancy among the elected senators, the House of Representatives shall elect a person to fill such vacancy.

(2) If the candidates are more than of the required post then election shall be held on the basis of proportional representation theory through the single transferable vote

(3) Subject to the provisions of this constitution, election of the senator shall be regulated by the election law until such provision it shall be regulated by rules made by His Majesty.

(4) After the first election of the Chair Person and Vice-Chairperson under Article 28, Chair Person shall determine the tenure of elected senators who six shall remain for 7 years, who 6 shall

remain for 5 years and who 6 shall remain for 3 years through the lottery-system; and their first term of office shall be as so determined.

21. Nomination of Senators: (1) As soon as shall be after the first election of senators under Article 20. His Majesty Shall on His discretion nominate eighteen senators and thereafter, as soon as shall be after the occurrence of a vacancy among the nominated senators, His Majesty shall nominate a person to fill such vacancy on his discretion.

(2) The President of the Senate shall determine through the lottry-system, from out of the first nominated senators, which six shall retire at the end of six years, which six at the end of the four years, and which six at the end of two years; and their first term of office shall be as so determined.

22. The House of Representatives: (1) The House of Representatives shall consist of the members elected by the voters of the several constituencies constituted in accordance with this Article.

(2) Each constituency shall elect one member by secret ballot; and, until the law otherwise provides, there shall be 109 constituencies.

(3) The electoral constituencies shall be determined by a Electoral Constituency Determination Commission as appointed by His Majesty on His discretion, in such a way that each shall contain as nearly as may be practicable an equal number of electors. However being taken of boundaries of administrative districts, the density or sparsely of population, transport facilities, natural structure and the community or diversity of the inhabitants.

(4) Subject to the provisions of any law relating to the periods of residence qualifying dates, or other matters incidental to the preparation of electoral rolls, and disqualification on grounds of insanity, or crime or corrupt or illegal practice, every citizen of Nepal, who has attained the age of twenty-one years shall be entitled to one vote in each constituency

(5) The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of; elections to the House of Representatives shall be vested in an Election commission as appointed by His Majesty on His discretion.

(6) The remuneration for the member of Constituency Determination and Election Commissions shall be determined by His Majesty after consultation with the Prime Minister; and such remuneration and the expenses of administration of the Constituency Determination and Election commissions shall be burden to the Consolidated Fund.

(7) Disputes arising out of or in connection with elections to the House of Representatives shall be referred to and decided by Election Tribunals appointed by the Chief Justice of Nepal; and the decision of the Election Tribunal shall be final; but subject to an appeal to the Supreme Court on a point of law.

(8) Subject to the provisions of this Article, Law thereto, shall govern elections to the House of Representatives, and all matters incidental.

23. Qualifications for Member of both Houses: (1) A senator shall not be qualified for election to the House of Representatives or for sitting or voting as a member of that House.

(2) A person shall not be qualified for appointment or election to or sitting or voting in either House of Parliament if he:-
        (a) is not a citizen of Nepal; or
        (b) is, in case of the Senate, less than thirty years of age and in the case of the House of Representatives less than twenty-five years of age; or
        (c) is a servant of His Majesty other than a Minister of His Majesty, an Assistant Minister, Speaker, Deputy Speaker, Chairperson, Vice- Chairperson of the Senate, or a person appointed by His Majesty for the purpose of sub-article (1) of Article 17; or
        (d) is a member of the Public Service Commission or the Election Commission; or
        (e) is disqualified by any provision of any Act.

24. Vacation of Seats: (1) The seat of a Senator or of a Member of the House of Representatives shall become vacant:-
        (a) upon his death; or
        (b) if; by a notice in writing to the Secretary to the House concerned, he resigns his seat; or
        (c) if he ceases to be qualified under Article 23; or
        (d) if; without getting consent of concerned house, he absents himself to the meeting of that House for continuous period of three months; or
        (e) in the case of a senator upon the termination of his terms of office, and in the case of a member of the House Representatives upon a dissolution of that House or upon his appointment or election to the Senate.

(2) In case a seat in the House of Representatives falls vacant otherwise than by reason of dissolution of that House, Secretary of the house shall sent the notice of the vacancy to the Election Commission, and the Election Commission shall proceed with all due dispatch hold a by-election to fill the vacant seat.

25. Penalty for Wrongful sitting or Voting: If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of Article 31, or when he knows that he is not qualified for membership thereof; he shall be liable in respect of every day in which he so sits or votes to a penalty of five hundred rupees to be recovered as debt due to the Government.

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CHAPTER II
MEETING OF PARLIAMENT

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26. Summoning and Duration of Parliament: (1) A Parliament shall be summoned by His Majesty as soon as may be practicable after the promulgation of this Constitution and before the Appointed Day; and there after more than four months shall not lapse between the dissolution of one House of representatives and the meeting of the next House of Representatives.

(2) After the Appointed Day Parliament may be summoned and dissolved by His Majesty. Provided that:-
        (a) His Majesty may in His discretion reject a recommendation from the Cabinet to dissolve House of Representatives if in His opinion such recommendation is an abuse of the power of dissolution; and
        (b) His Majesty may in His discretion summon Parliament, notwithstanding that there is no recommendation from the Cabinet; if owing to the failure of the Cabinet to submit a recommendation there will in His opinion be a breach of the provisions of this Constitution.

(3) Unless sooner dissolved the House of Representatives shall continue for five years from the date appointed for its first meeting and the expiration of the said period of five years shall automatically operate as dissolution of that House.

27. Sessions and Meetings of Parliament: (1) His majesty may in time to time terminate a session of Parliament by prorogation, but six months shall not lapse between the termination of one session and the beginning of the next.

(2) Subject to the provisions of Standing Orders, either House may by resolution adjourn from time to time within a session and in this Constitution the interval between the meeting of either House on a particular day and its next adjournment is referred to as a "meeting".

(3) Notwithstanding anything contained in this Article, if while Parliament stands prorogued or either House stands adjourned His Majesty is of opinion that and earlier meeting of Parliament or of either House is desirable, He may by Proclamation fix a date for such meeting and Parliament or the House, as the case may be, shall meet accordingly.

CHAPTER III
PRESIDING OFFICIALS

28. President and Deputy President of the Senate: (1) The Senate shall, as soon as may be, elect two Senators to be respectively -the Chairperson and the Vice-Chairperson of the Senate, and thereafter whenever the office of Chairperson or Vice-Chairperson falls vacant the Senate shall, as soon as may be after the occurrence of the vacancy, elect a senator to fill the vacancy.

(2) The Chairperson or the Vice-Chairperson of the Senate: -
         (a) Shall vacate his office if he ceases to be a senator, or
         (b) May at anytime by notice to the Senate resign his office.

(3) The Chairperson or in his absence the Vice-Chairperson or in their absence, subject to any provisions made in that behalf by Standing orders, a Senator elected by the Senate for that meeting shall preside at a meeting of the Senate.

29. Speaker and Deputy-Speaker of the House of Representatives: (1) The House of Representatives shall, as soon as may be after the general election, elect two persons to be respectively the Speaker and the Deputy-Speaker of the House of Representatives, and thereafter whenever the office of Speaker or Deputy Speaker falls vacant the House of Representatives shall as soon as may be after the occurrence of the vacancy, elect a person to fill the vacancy.

(2) If the person elected as Speaker is member of the House of Representatives his seat as such member shall become vacant, but he shall not thereby cease to be Speaker.

(3) The Speaker in the office immediately before the dissolution of the House of Representations shall not vacate his office, otherwise than by death or resignation. until immediately before the first meeting of the new Parliament and if the Speaker dies or resigns his office during the dissolution, his functions as the speaker shall be exercised by the person who was the Deputy Speaker immediately before the dissolution or, if that person has died or resigned by a person as appointed by His Majesty.

(4) The Deputy Speaker shall be elected from among the members of the House of Representatives and shall vacate his office if he ceases to be a member of the House.

(5) The Speaker or the Deputy-Speaker may resign his office by notice to the House of Representatives or, if the resignation occurs during dissolution, by notice to His Majesty.

(6) The Speaker, or in his absence the Deputy-Speaker, or in their absence subject to any provision made in that behalf by Standing Orders, a member elected by the House of Representatives for that meeting, shall preside at the meeting of the House of Representatives.

30. Remuneration: There shall be paid to the Chairperson and the Vice-Chairperson and members of the Senate and to the Speaker and the Deputy-Speaker and members of the House of Representatives such remuneration as may be respectively fixed by law or, until so fixed, by His Majesty.

CHAPTER-IV
CONDUCT OF BUSINESS

31. Oath: Every member or either House of Parliament and every person entitled to take part in its proceedings shall, before taking his seat, make and subscribe before the Chairperson of the Senate or the Speaker of the House of Representatives, as the case may be, an oath of allegiance, in the form prescribed by His Majesty.

      Provided that, before the election of the President or the Speaker, the oath may be made and subscribed before the Secretary to the Senate or the House of Representatives, as the case may be.

32. Royal Addresses and Messages: (1) His Majesty may on his discretion address either house of Parliament or both houses sit together, and for that purpose may command the attendance of members.

(2) His Majesty may send messages to either house of parliament, and the house to which any message is so sent shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

33. Ministers may Address Either House: A Minister of His Majesty, or a person acting as Deputy to such a Minister in accordance with sub-article (3) of Article-14 may address or otherwise take part in the proceedings of either House, or in any committee thereof however shall not vote therein, unless he is a member of that house.

34. Restriction on Debate: (1) No discussion shall take place in either house of Parliament with respect to the conduct of His Majesty and His successors and Provided that nothing in this clause shall limit criticism of His Majesty's government.

(2) No discussion shall be taken place in either House of Parliament with respect to the conduct of the Chief Justice or any Judge of Supreme Court in the discharge of his duties.

35. Voting: As otherwise contained in this Constitution, any question proposed for decision in either house of Parliament shall be determined by a majority of the votes of senators or members, as the case may be, present and voting; the person presiding shall not have an original vote, but in the event of an equality of votes shall have and exercise a casting vote.

36. Power of either House to Act in case of Vacancy: Either House of Parliament shall have the power to act in case of any vacancy in the membership thereof, and any proceedings therein shall

be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

37. Quorum: If at any time during a meeting of either house of Parliament the attention of the person presiding is drawn to the fact that there are, in the case of meeting of the Senate, fewer than ten senators present or in the case of a meeting of the house of Representatives, fewer than twenty-five members present, the person presiding shall, subject to any standing Orders of the senate or the House of Representatives, as the case may be, either suspend the meeting until there is a quorum or adjourn the meeting to the next sitting day, in either case without putting any question.

38. Privilege of Parliament: (1) The validity of any proceedings in either House of Parliament shall not be questioned in any court on the ground of any alleged irregularity of procedure.

(2) No official or senator or member of the House of Representatives in whom powers are vested for the regulation of Procedure or the conduct of business or for maintaining order in either House shall, in respect of the exercise by him of those powers, be liable to any proceedings in any court.

(3) No Senator or member of the House of Representatives shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Senate or the House of Representatives or any Committee thereof.

(4) No person shall be liable to any proceedings in any court for publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings.

(5) Subject to this Article, the privileges of either House of Parliament, or the committees and the members thereof shall be as determined by law.

39. Rules: (1) Each House of Parliament shall have Standing Rules or Session Rules for the regulation, subject to the Provisions of this Constitution, its procedure, the conduct of its business, the procedure of and conduct of business, in its committees, the preservation of order at its meeting; and any other matter required for the proper exercise of its functions.

(2) Until such rules are made in accordance with sub-article (1) of the matters referred to in that sub-article shall, subject to this constitution, be regulated by Standing Rules framed by His Majesty.

(3) In this Article, "Standing Rules" mean orders, which remain in operation, subject to necessary amendment, from session to session and from Parliament to Parliament, and "Session Rules" mean orders, which remain in operation only during the session in which they are made.

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CHAPTER V
LEGISLATIVE PROCEDURE

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40. Introduction of Bills: (1) Any bill, other than the finance bill shall be introduced in either House of parliament, but the Finance Bill shall be introduced only before the House of Representatives.

(2) In this constitution the expression "Finance Bill" means a public bill, which contains provisions dealing only with all or any of the following matters:

(a) imposition, abolition, remission, alteration or regulation of tax;
(b) imposition of charges on the Consolidated Fund or on any other public fund or an moneys provided by Parliament, or the variation or repeal of such charges;
(c) The grant amount to His Majesty's Government or to any authority or person, or the variation or revocation of any such grant;
(d) the appropriation, receipt, custody, investment, or audit of accounts, of public money;
(e) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund, provided in connection with any such loan; or
(f) any matter incidental to any of the aforesaid matters.

(3) No bill or amendment that makes provision for any of the matters provided on sub-article (2) or which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund or other public fund or the public revenues shall be introduced in either House of the Parliament except upon the recommendation of His Majesty.

41. Passing of Bills: (1) A Bill that has been passed by one House of Parliament shall be forthwith transmitted to the other House and shall be submitted for the assent or His Majesty if another House has passed it.

(2) If a Finance bill has been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, and if it is not passed by the Senate within one month, it may be submitted for the assent of His Majesty without being passed by the Senate.

(3) If a Bill, other than a Finance Bill or a bill to amend this constitution, is passed by the House of Representatives and sent to the Senate at least one month before the end of the Session; and
(a) it has not been passed by the Senate in that session; and
(b) it has again been passed by the House of Representatives in the next session and sent to the Senate at least one month before the end of the session; and
(c) It is not passed by the Senate within one month; it may be submitted for the assent of His Majesty without being passed by the Senate,
    Provided that a period of not less than five months has elapsed between the date on which the House of Representatives passed it in the first of the sessions and the date on which it passed that House in the next session.

(4) For the purposes of this Article, a bill that has been passed by the Senate with an amendment that is subsequently rejected by the House of Representatives shall not be deemed to have been passed by the Senate.

(5) For the purpose of sub-article (3);
(a) the next session may be the same Parliament or in the next Parliament; and
(b) in case of the bill, passed by the House of Representatives in the second session:
    (i)   Amendments approved by the Senate in the first session; and
    (ii)   Consequential amendments and amendments due to lapse of time; it shall be deemed to be the Bill which was passed by the House of Representatives in the first session.

42. Royal Assent: (1) When a bill is submitted for the assent of His Majesty in accordance with article 41 His Majesty shall declare either that He assents to the Bill or that He withholds His assent therefrom.

(2) His Majesty may consult the Council of State as to whether He should assent to a bill and if after such consultation He is satisfied that He ought to withhold His assent He may on His discretion either
(a) inform both Houses of Parliament that He withholds His assent: or
(b) return the Bill to the House of Parliament in which it originated for further consideration, and in such case His Majesty may in His discretion submit observation on the bill to that House.
(3) Any bill that has received the assent by His Majesty in accordance with this Constitution shall become a law on the Red seal being affixed to it.

43. Speakers certificate: (1) (1) Until the bill certified by the speaker, as it is the Finance Bill, any no the bill shall be submitted before His Majesty for his assent of in accordance to the sub-article (2) of Article 41.

(2) Until the bill certified by the speaker, as it has completed the procedure of sub-article (3) of Article 41, any no the bill shall be submitted before His Majesty for his assent.

(3) Every certificate by the Speaker under this Article shall be conclusive for all purposes and shall not be questioned in any court.

CHAPTER VI
FINANCIAL PROCEDURE

44. General Provisions: (1) No tax shall be levied except by or under the authority of law.

(2) No expenditure shall be incurred out of the Consolidated Fund or any other Public fund or out of moneys provided by Parliament except in accordance with this constitution or by or under the authority of an Act.

(3) No loan shall be raised on the Security of the Consolidated fund or other public fund or of moneys provided by Parliament except by or under the authority of an Act.

(4) Nothing in this Article shall apply to the private revenues of His Majesty or to expenditure out of such revenues.

45. The Consolidated Fund: (1) All revenues received by His Majesty's Government other than His Majesty's private revenues, the produce of all taxation other than local taxation, all loans raised on the security of the public revenues, and all moneys received in repayment of any such loan made under authority of an Act, shall, unless Parliament otherwise provides, be credited to a public fund to be known as the Consolidated Fund.
(2) The following expenditure shall be charged on the Consolidated Fund, and shall not require the annual sanction of parliament, in so far as it relates to:—
A. His Majesty's Civil List including the expenses of other members of the Royal Family;
B. The remuneration payable to:—
(i)   The Chief Justice and other Judges of the Supreme Court,
(ii)   The members of the Election Constituency Delimitation and Election Commissions,
(iii)   The members of the Public Service Commission: and
(iv)   The Auditor-General.

C. The administrative expenses, including the remuneration payable to the employees of the Royal palace, the Supreme court, the Election Constituency Delimitation and Election Commissions, the public Service Commission, and the Department of Auditor- General;

D. All debt charges for which His Majesty's government is liable, including interest, sinking fund charges, the repayment or amortization of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Consolidated Fund.

E. Any amount required to satisfy any judgment, decree or award against His Majesty's Government by any court or tribunal; and

F. Any other amount declared by this constitution or by an Act to be so charged.

46. Estimates of Revenue and Expenditure: (1) His Majesty shall, in respect of every financial year, cause to be laid before the House of Representatives a financial statement showing:
(a) the estimate of revenue from sources available in the previous financial year;
(b) the effect of proposed changes in the law relating to taxation;
(c) the amount required to meet charges on the Consolidated Fund;
(d) the amount required to meet expenditure as be voted by Parliament,
(e) the amount to be provided by way of loans.

(2) The amount required to meet expenditure to be voted by Parliament shall be specified headings and sub-heading, and such headings shall be included in an Appropriation bill, voting the said amounts to His Majesty; and appropriating them in accordance with the headings, The Appropriation Bill may, however, authorize transfers between heads under such conditions as may be specified in the Bill.

47. Voting for Supplementary and Excess: His Majesty shall cause to be laid before the House of Representatives a Supplementary Estimate specifying heading and sub-heading, such headings shall be included in a Supplementary Appropriation Bill. If in respect of any financial year it is found:
A. that the amount authorized to be spent for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon a new service not authorized by the Appropriation Act for that year; or
B. that any amount which, has been spent for any service during a financial year in excess of the mount voted for that service in that year;

48. Grant in Advance (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, Parliament shall have the power to grant amount in advance as in respect of the estimated expenditure for a part of the next ensuing financial year pending the enactment of the Appropriation Bill.

(2) A grant in Advance shall not be submitted to the House of Representatives until estimation of Revenues and Expenditure have been presented in accordance with the provisions of Article 46 and:-
a. the amount of the grant shall not exceed the estimated expenditure for the first four months of the next ensuing financial year;

b. the grant shall be included in the Advance Bill and several amount shall be appropriated to the several heads in the Appropriation Bill; and
c. no expenditure shall be incurred from the grant in advance until the Advance Bill has received the assent of His Majesty.

49. Grant in Credit: Notwithstanding anything contained in the foregoing provisions of this Chapter, when owing to a national or local emergency, whether due to natural calamity, or the threat of hostility or internal disturbance, or otherwise, His Majesty is satisfied that it is impracticable or undesirable in the interests of the security of the Kingdom to specify the details required under Article 46, His Majesty may cause to be laid before the House of Representatives the Credit Bill giving such particulars of the nature of the expenditure proposed as His Majesty may consider desirable in the circumstances.

50. Contingency fund: A fund shall be established as Contingency Fund by the laws, where amounts shall be paid time to time as determined by the Act. This fund shall be under the His Majesty's Government and unforeseen expenditure may be met out of this fund as approved by His Majesty. Supplementary Estimate shall be presented to Parliament as soon as possible for the purpose of replacing the amount.

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CHAPTER VII
LEGISLATIVE POWERS

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51. General Power of Legislation: Subject to the provisions o this Constitution, Parliament shall have power to make laws for the peace, order and good government of Nepal.

52. Ordinance: (I) If His Majesty is satisfied that circumstances exist which render it necessary for Him to take immediate action, he may promulgate such ordinances as the circumstances appear to Him to require at any time except when both Houses of Parliament are in sit.

2) The ordinance promulgated under this Article shall have the same effect as an Act, but every such ordinance-

(a) Shall be laid before both Houses of Parliament and if resolutions disapproving it are passed by both House it shall cease to conduct;
(b) May be repealed at any time by His Majesty:
(c) Shall cease to have effect after the lapse of forty-five days of the sitting of Parliament even if it is not withdrawn according to sub-clause (a) and (b)

Explanation: - Where the Houses of Parliament are summoned to reassemble in different dates, the period of forty-five days, shall be reckoned from the latter of those dates for the purposes of this clause.

53. Constitutional Amendments: (1) Parliament may amend or repeal any of the provision of this constitution by a Bill passed by both House of Parliament and assented to by His Majesty and to which the royal seal is affixed,

Provided that:
(a) The Bill to amend the Constitution shall be called as Constitution Amendment Bill and shall contain no provisions other than those relating to the amendment of the Constitution;

(b) The bill shall be deemed not to have passed the House of Representatives and the Senate unless it has been supported on its final reading in each House by not less than two-thirds of all the members thereof;

(c) The Bill when presented for the Royal Assent of His Majesty have endorsed, it shall be certified by the Speaker of the House of Representatives and the Chairperson of the Senate that, the provisions of this Sub-article have been complied with; and

(d) His Majesty shall act on His discretion, whether granting or withholding His assent.

(2) Certification of the Speaker and the President under sub-article (I) shall be conclusive for all purposes and shall not be questioned in any court.

54. Provisions of making null to the inconsistent Acts-Laws: Without prejudice to any other remedy, a person who alleges that any provision of an Act or any other law is void for inconsistency with this constitution, may move to Supreme Court as following:

(a) to be declared the said law as invalid to the extent of its inconsistency; and

(b) to be granted such incidental and supplementary relief as the Supreme Court may deems appropriate.

55. Emergency Powers: (1) If His Majesty on His discretion is satisfied that a grave of emergency exists where by the security or economic life of Nepal, or any part thereof, is threatened by war or external aggression, or by internal disturbance. He may, by proclamation in His discretion:

(a) Declare that His functions shall to such extend as may be specified in the proclamation, be exercise by Him on His discretion;

(b) Assume to Himself all or any of the powers vested in or exercisable by Parliament or any other governmental body or authority; and any such Proclamation may contains such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution.

Provided that nothing contained in this sub-article shall authorize His Majesty to assume to himself any of the powers vested in or exercisable by the Supreme Court or to suspend; either in whole or in part the provisions of part VI of this constitution.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this Article, other than a Proclamation revoking a previous Proclamation, shall cease to operate, at the expiration, or twelve months, but may be renewed by a further Proclamation, and so forth until His Majesty is satisfied that grave emergency no longer exists.

(4) any law made by His majesty under powers assumed by Him under this Article shall, unless sooner repealed or reenacted by Act cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate.

(5) While exercising His powers under this Article, His majesty shall so far as may be practicable act after consultation with the Council of State.

56. Emergency Powers in Case of Failure of Constitutional Machinery:

(1) If His Majesty in His discretion is satisfied, after consulting the council of State, that the System of Parliamentary government contemplated by this Constitution has broken down and that the powers conferred by Article 17 are in the circumstances inadequate, He may by Proclamation in His discretion suspend any provision of Part III, IV and V of this Constitution and make such temporary provision for the governance of the Kingdom of Nepal as in His discretion He may deem necessary:

Provided that:

(a)   He shall not suspend either or both Houses of Parliament unless in His discretion He deems it necessary to do so;

(b)   if He deems it necessary to suspend one House of Parliament, laws shall thereafter be made, subject to the provisions of this Article, by a Parliament consisting of His Majesty and the other House;

(c)   nothing in this Article shall empower His Majesty permanently to amend this Constitution, except in the manner and form provided by Article 53.

(2) A Proclamation made under clause (1) may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation made under this Article, other than a Proclamation revoking a previous proclamation, shall cease to operate at the expiration of a period of twelve months, but may be renewed by a further Proclamation and so fourth until His Majesty in His discretion is satisfied that the system of Parliamentary government contemplated by this Constitution can be fully restored.

Provided that a reclamation under this Article shall not be renewed unless His Majesty in His discretion is satisfied that:

(a)   the breakdown is of such a nature that it is impracticable to hold a general election; or

(b)   a general election has recently been held but the system of parliamentary government can not function in the manner contemplated by this Constitution.

(4) Any law not being a law amending this constitution made in accordance with a Proclamation issued under this Article shall, unless sooner released or re-enacted by Act, cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate; and a law amending this constitution shall cease to operate when a Proclamation made under this Article has ceased to operate.

PART VI
THE JUDICIARY

57. The Judges of the Supreme Court: (1) His Majesty, in his discretion, shall appoint the Chief Justice of Nepal after consulting to the Prime Minster and including some other judges of the Supreme Court as he thinks fit.

(2) His Majesty, in His discretion, shall appoint the other Judges of the Supreme Court after consulting to the Chief Justice of Nepal and including other judges of the Supreme Court as he thinks fit.

(3) Subject to the Provisions of sub-article (4) the Chief Justice or other judges of the Supreme Court shall hold the office until the completion of tenure.

(4) The Chief Justice or other Judges of the Supreme Court:
      (a) may resign his office by notice to His Majesty;
      (b) may be removed from the office by His Majesty in his discretion if any Commission appointed by His Majesty on reference to this and report that the judge is unable to perform his duties due to misbehavior or incapacity.

      Provided that such Chief Justice or the Judge charged with misbehavior or incapacity shall not be denied the right of defending himself before the Commission.

(5) A Commission appointed under clause (b) of sub-article (4) shall have the power to summon witnesses, take evidences and punish for contempt of itself.

(6) Remuneration, tenure of office and other conditions of service of the Chief Justice or other judges shall be as determined by the Act, until such determination it shall be as determined by the order of His Majesty, such remuneration and tenure of office shall not be varied to his disadvantage during his period of office and the remuneration shall be charged to the Consolidated Fund.

(7) Sub-article (1) and (6) shall apply as same to the acting Chief Justice, and sub-article (2) and (6) to the acting or additional Judge of the Supreme Court.

58. Recall of Certain Cases to the Supreme Court: If the Supreme Court is satisfied that a case pending in subordinate court involves a substantial question of law as to the interpretation of this Constitution and the determination of which is necessary for the disposal of the case, it shall withdraw the case and may either:
      (a) Dispose of the case itself; or
      (b) Determine the said question of laws and return the case to the court from which the case has been withdrawn, together with a copy of the judgment of the Supreme Court; and the subordinate court shall on receipt thereof proceed to dispose of the case in conformity with such judgment.

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PART VII
THE PUBLIC SERVICE COMMISSION

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59. The Public Service Commission: (1) There shall be a Public Service Commission consisting of number of members as His Majesty prescribe and one of them shall be designated to be the Chairperson by His Majesty.

(2) At least one third of the members of the Public Service Commission shall be such person as have not at any time during the period of five years immediately preceding been in Government Service.

(3) His Majesty shall appoint the members of the Public Service Commission.

(4) No person shall be appointed as a member of the Public Service Commission if he is a Senator or a member of the House of Representatives.

(5) A member of the Public Service Commission shall hold office for a period of five years from the date of his appointment, provided that he-
      (a) shall resign by submitting written application to His Majesty;
      (c) shall be removed from his office on the same grounds and in the same procedures as a to the judges of the Supreme Court.

(6) Every person appointed as a member of the Public Service Commission, on ceasing to hold that office shall be ineligible for Government service.

Provided that he shall be eligible for reappointment in the Public Service Commission.

(7) Until the law as determined, remuneration and other terms and conditions of service of the members of the Public Service Commission shall be the same as those of the Judges of the Supreme Court. Such remuneration shall be charged on the Consolidated Fund and shall not be varied to his disadvantage during his period of office.

60. Functions of the Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the appointments of all kinds of His majesty's government services or the post.

(2) Consultation should be taken of the Public Service Commission on following matters:
      (a) all the matters relating to the procedures of recruitment of civil services and post;
      (b) principle matters to be followed in appointment, transfers and promotion of civil service or post and on the suitability of candidates for such appointment, transfer, and promotion;
      (c) all the disciplinary matters affecting a civil servant including memorials, petitions relating to such matters;
      (d) any claim by or in respect of, a civil servant or a person who has been a civil servant that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duties should be paid out from the Consolidated Fund;
      (e) any claim of award or pension or gratuity in respect of injuries sustained by a civil servant in the performance of his duties and any question as to the amount of such award; and
      (f) any other matter which His Majesty may refer to them for any service or post of His Majesty's Government.

(3) Notwithstanding anything contained in other sub-articles of this Article, if His Majesty make regulations specifying for the matters in which either generally or in any particular circumstance it shall not be necessary for the consultation with Public Service Commission then that shall be as prescribed by such rules.

(4) The Public Service Commission shall submit a report to His Majesty in every year and his Majesty shall ask to send a copy of such report to the parliament. His Majesty shall cause a copy thereof, together with a memorandum explaining as respects cases, if any, where the advice of the Commission was not accepted and the reason for such non- acceptance, to be laid before the Parliament.

(5) The Public Service Commission may by order delegate to any servant of the His Majesty subject to such conditions as may be specified in the order, any of the function vested in the Commission by sub-article (1). Any person dissatisfied with the decision taken by any servant of

the His Majesty under any of the powers so delegated may appeal wherefrom to the Commission, and the decision of the Commission on such appeal shall be final.

PART VIII
AUDIT OF ACCOUNTS

61. The Auditor-General: (1) An Auditor-General shall be appointed from His Majesty.

(2) Remuneration and terms of service and tenure of office of the Auditor-General shall be as regulated by the laws. In absence of such laws, it shall be regulated by the rules made by His Majesty.

(3) A person who has held office as Auditor-General shall not be eligible for appointment in government service.

(4) The remuneration of the Auditor-General shall not be varied for his disadvantage during his tenure; and it shall be burdened to the Consolidated Fund.

(5) The Auditor-General shall not be removed from his office before the expiration of His term of office except on the same ground and manner same as to a Judge of the Supreme Court.

62. Accounts and Audit: (1) The accounts of all departments of Government, including the cabinet, the Secretary to the Senate, the secretary to the House of Representatives, the office of the Supreme Court, and the office of the Public Service Commission, shall be kept in such a form as the Auditor-General with the approval of His Majesty, may prescribe, and shall be audited by the Auditor-General. He and his deputies shall have the right at all times to have access to all books, records, and returns relating to such accounts.

(2) The Auditor-General shall perform such other duties and exercise of other powers relating to the expenditure and accounts as prescribed by the law.

(3) The Auditor-General shall report annually to His Majesty of his works done under this Article, and His Majesty shall cause such reports to be laid before the Parliament.

PART IX
GENERAL PROVISIONS

CHAPTER 1
POWERS OF HIS MAJESTY

63. Legislative Power Relating to Succession to the Throne: Notwithstanding anything contained in Article 51, His Majesty shall continue to have exclusive power of enacting, amending and repealing the laws relating to the succession to the throne; and this power shall be exercised by him in His discretion.

64. Supreme Command of the Military (1) The Supreme Command of military forces is vested with His Majesty and the exercise thereof shall be as regulated by the Act.

(2) Until and unless the Act provides in that behalf, His Majesty shall do as following:
  (a) Establishment and management of military forces;
  (b) Grant the post of Commission to the military officers and cadres;
  (c) Appointment of Commanders-in-Chief and fix the powers, duties and remunerations.

(3) No Bill or amendment relating to the Military forces shall be introduced in either House of Parliament without the recommendation of His Majesty.

65. Tenure of Office of Servants of His Majesty: Except otherwise provided in this Constitution or any existing law, servants of His Majesty shall hold office at the pleasure of His Majesty.

66. Pardon: His Majesty shall have the power to grant pardons, reprieves and respites, and to remit, suspend or commute any sentence given by any court, tribunal or authority established by the law.

67. Titles, Honor and decoration: (1) Titles, honor, and decoration shall be conferred only by His Majesty.

(2) No citizen of Nepal shall accept any title, honor or decoration from any foreign State except with the Approval of His Majesty.

68. Residuary Powers of His Majesty: All inherent powers relating to the matters not provided by this Constitution or any existing law, shall be vested in His Majesty.

69. No question before court: His Majesty shall not be amenable to any court for the exercise of the powers or the performance of the duties of his office, or for any other act done.

Provided that nothing in this Article shall be construed as restricting any right conferred by the law to bring appropriate proceeding against His Majesty's Government or any servant of His Majesty.

CHAPTER II
MISCELLANEOUS PROVISIONS

70. National Language: The National Language of Nepal shall be the Nepali language in *Devanagri* script.

71. Oath: Any person to be appointed for government service shall take the oath of allegiance to His Majesty in the manner and form as prescribed by His Majesty.

CHAPTER III

INTERPRETATION, REPEALS etc

72. Interpretation: (1) Unless the subject or context otherwise requires in this Constitution:
  (a) "Article" refers to the Article of this constitution.
  (b) "Citizen" refers to a person who is a citizen of Nepal in accordance with the provisions of the law.
  (c) "Voter" refers to the person having right to cast a vote in the election of parliamentarian.

(d) "General Election" refers the general election of members of the House of Representatives and also includes the election of such members to be held after the dissolution of Parliament.

(e) "Nepal" refers to the Kingdom of Nepal.

(f) "Application" refers to a written document, which duly signed by the person giving such notice.

(g) "Parliament" refers to the Parliament constituted in accordance to the Article 18 and it also includes to the parliament as laid down in the Proviso (b) of sub-article (1) of Article 56 in the circumstances therein specified.

(h) "Remuneration" refers to salary, allowances, pension and any other remuneration in kind.

(i) "Senator" refers to a person who is for the time being a member of the Senate.

(2) Unless the context otherwise requires, any reference to His Majesty includes reference to the Regent or the Council of Regency if empowered in relation to the matter in question, and to any person exercising powers under sub-article (10) of Article 11.

(3) Unless the context otherwise requires, subject to the provisions of this constitution the Nepal Laws Interpretation Act, 2010 shall apply for the interpretation of this Constitution as if the constitution is also the Nepal Act.

73. Short Title and Publication: (1) This Constitution shall be called "The Constitution of the Kingdom of Nepal."

(2) This Constitution may be reprinted from time to time with such amendments as may be enacted in accordance with the Article 53 and any copy of this Constitution, which is published under the orders of His Majesty's Government, shall be deemed to be a correct copy of the Constitution as at the date of the publication.

74. Repeal: The Interim Government of Nepal Act is hereby repealed.

PART X
TRANSITIONAL PROVISIONS

75. Power to bring this Constitution into Operation: (1) Notwithstanding anything contained in this Constitution or any law, including the Interim Government of Nepal Act, His Majesty hereby reserves to himself full power to take such action before the Appointed Day as he may deem requisite to bring this Constitution into operation on the Appointed Day, and any action taken by him before that day, if consistent with the provisions of this Constitution shall be deemed to have been taken by the appropriate authority under this Constitution, without prejudice to the power of that authority to repeal, revoke, amend or change such action after the Appointed Day in accordance with the provisions of this Constitution.

(2) Without prejudice to the generality of sub-article (1), any appointment made by His Majesty in contemplation of the coming into operation of this Constitution, shall be deemed that have been made under this Constitution.

76. Continuance and Adaptation of Existing Laws: (I) All laws other than the Interim Government of Nepal Act in force in Nepal or any part thereof immediately before the Appointed Day or as modified or adapted according to sub-article (2) shall remain in operation until amended or repealed by Act.

Provided that, the laws inconsistent with this constitution, are certified under clause (a) of sub-article (1) of Article 8 shall, to the extent of inconstancy, cease to have effect after three years from the Appointed Day.

(2) For the purpose of bringing the provisions of any law enforce in Nepal, or any part thereof into accord with the provisions of this Constitution, His Majesty, within a period of three years after the Appointed Day, by order, may make such adaptations and modifications, in such law, as he may deem necessary or expedient, and any order so issued hall have effect from such date, whether before or after the issue of the order, but not earlier than the Appointed Day, as may be specified on the order.

77. Right to Remove Difficulties: (1) If any difficulty arises in bringing this Constitution into force His Majesty may make such order as he deems necessary to remove that difficulty; and such order may direct that the provisions of this Constitution shall, during such period as may be specified in the Order, have effect subject to such adaptations whether by way of modifications additions or omissions as He may deem to be necessary or expedient.

Provided that no order shall be made after the expiration of two years from the Appointed Day.

(2) Every order made under this Article shall be laid before both Houses of Parliament, and may be amended or repealed by Act. Until such repeal or amendment it shall be read as part of this Constitution.

In the date of Sambat 2015 Phalgun 1 day 5.