

Local Government Operation after structural change of the country: Implications in RERP

For Knowledge and Information
Prepared by: RERP, PMO, Itahari

Source of Information

- *Constitution of Nepal B.S. 2072(2015 A.D)*
- *Local Government Operation Act B.S. 2074 (2017 A.D)*

Outline

Part ONE

Glimpse of The Federal Democratic Republic of Nepal

Part TWO

RERP Intervention area in general

Part THREE

RERP themes incorporated in Constitution and LGO Act

THREE levels

1. Federation Central Level Ministries (Proposed 14, 15)

2. State There are **Provincial Governments (7)** consisting of **District Coordination Committees (*DCCs) 77**

District Division (Mountainous, Hilly, Inner Madesh, Terai & Kathmandu Valley Districts)

*** Hilly, Inner Madesh, Terai is RERP intervention area**

***DCCs have no Executing/Implementation Authority. It only acts as Coordinating Body.**

3. Village Institutions, Municipalities and District Assembles under the Local level

- Metropolitan City
- Sub-Metropolitan City
- Municipality
- Rural Municipality/Gaun Palika or Village Institutions
- Wards

The number of Wards in a Village Institution and Municipality function according to Federal law

Classification of Palikas/Municipalities: Criteria

Permanent Resident

- **Mountainous** District: Minimum 10,000 Population
 - **Hilly** District(including **Hilly of Himalayan**) : Min 40,000 Population
 - **Inner Madesh** District : Min 50,000 Population
 - **Terai** District: Min 75,000 population
 - **Kathmandu Valley**: 100,000 population
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Other Criteria: Generated Internal Revenue,
Urban Facilities and Infrastructures

Province	RERP Intervention	Districts
Province 1	YES (8 out of 14)	Taplejung, Panchthar, Ilam, Jahpa, Morang, Sunsari, Dhankuta, Terhathum , Sankhuwasabha, Bhojpur , Solukhumbu, Okhaldhunga, Khotang, Udyapur
Province 2	YES (7 out of 8)	Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Bara , Parsa
Province 3	YES(1 out of 13)	Sindhuli , Ramechhap, Dolakha, Sindhupalchowk, Kavre, Lalitpur, Bhaktapur, Kathamndu, Nuwakot, Rasuwa, Dhading, Makawanpur, Chitwan
Province 4	NO	Gorkha, Lamjung, Tanahun, Syangja, Kaski, Manang, Mustang, Myagdi, Parbat, Baglung, Nawalparasi (East of Susta) = $[10+\frac{1}{5}]$
Province 5	NO	Gulmi, Palpa, Nawalparasi (West of Susta), Rupandehi, Kapilbastu, Pyuthan, Arghakhanchi, Rolpa, Rukum (East of Rukum), Dang, Banke, Bardiya ($10+\frac{4}{5}+\frac{1}{2}$)
Province 6	NO	Rukum (West of Rukum), Salyan, Surkhet, Dailekh, Jajrkot, Dolpa, Jumla, Kalikot, Mugu, Humla ($9+\frac{1}{2}$)
Province 7	NO	Bajura, Bajhang, Achham, Doti, Kailali, Kanchanpur, Dadeldhura, Baitadi, Darchula (9)

RERP Local Institutions

Koshi- Sagarmatha Corridor					
District	Number of Local Level	Number of Rural Municipality	Number of Municipality	Number of Sub Metropolitan City	Number of Metropolitan City
Morang	17	8	8		1
Sunsari	12	6	4	2	
Saptari	18	9	9		
Siraha	17	9	8		
Dhankuta	7	4	3		
Terhathum	6	4	2		
Bhojpur	9	7	2		
Khotang	10	8	2		
Udayapur	8	4	4		
Total	104	59	42	2	
Janakpur Corridor					
Dhanusha	18	6	11	1	
Mahottari	15	5	10		
Sarlahi	20	9	11		
Rautahat	18	2	16		
Bara	16	9	5	2	
Okhaldhunga	8	7	1	3	
Sindhuli	9	7	2		
Total	104	45	56		
Grand Total	208	104	98	5	

RERP related concerns in the Constitution and Acts

17. Fundamental Rights and Duties

(f) Right to freedom

Freedom to practice any profession, carry on any occupation, and establish and operate any industry, trade and business in any part of Nepal

51. Policies of the State

(d) Relating to economy, industry and commerce:

(1) to enhance national economy through partnership and independent development of the public, private and cooperative sectors,

(2) to achieve economic prosperity by way of optimum mobilization of the available means and resources, while focusing on the role of private sector in economy,

(3) to promote the cooperative sector and mobilize it in national development to the maximum extent,

Matter Listed on THREE level of Power in relation to RERP

State Power

- Agriculture and livestock development, factories, industrialization, trade, business, transportation

Concurrent Powers of Federation and State

- Poverty alleviation and industrialization
- Employment and unemployment aid

Local Level Power

- Cooperative institutions
- Local market management, environment protection and bio diversity
- Agriculture and animal husbandry, agro-products management, animal health, cooperatives
- Collection of statistics of the unemployed
- Management, operation and control of agricultural extension

Labor and employment policy in the Constitution

- regulate and manage the sector in order to make foreign employment free from exploitation, safe and systematic and to guarantee employment and rights of the labour
- encourage to mobilize the capital, skills, technology and experience gained from foreign employment in productive sectors in the country.

Policies relating to social justice and inclusion

- Adopt a single door system for the establishment, approval, operation, regulation and management of community-based and national or international non-governmental organizations
- And to involve such organizations only in the sectors of national need and priority, while making investment and role of such organizations transparent and accountable.

Notable Features in relation to RERP: The LGO Act, 2074

Municipalities

- Facility of Bank and Financial Institutions
- Market Centre
- Slaughter House
- Master Plan and Urban Infrastructure facility

Sub-Metropolitan

At least min 200,000 population **permanent resident**

- Internal Revenue 250 Million (25 Crore)
- Higher Level Technical and Vocational Education Facility
- Modern Slaughter House
- Motel, hotel and resort for tourist

Metropolitan

- At least min 500,000 **permanent resident**
- Yearly Internal Revenue 1 Billion(1 Arab)
- Facility of well managed Agriculture Market Centre
- International Standard Trade Fare Centre
- Technical & Vocational Education Institution
- International Standard Hotel

Rural & Urban Municipalities Functions, Rights and Duties

Patrolling local market centers

Co-operatives Local policy, plan, standard, guideline, implementation plan, monitoring including capacity building and development (LGO Act, PP 12)

ख. सहकारी संस्था

- (१) सहकारी संस्था सम्बन्धी स्थानीय नीति, कानून, मापदण्डको निर्माण, कार्यान्वयन र नियमन,
- (२) सम्बन्धित गाउँपालिका तथा नगरपालिकाको भौगोलिक क्षेत्रभित्र सञ्चालन हुने सहकारी संस्थाको दर्ता, अनुमति, खारेजी र विघटन,
- (३) सहकारी वचत तथा ऋण परिचालन सम्बन्धी स्थानीय मापदण्ड निर्धारण र नियमन,
- (४) सहकारी सम्बन्धी राष्ट्रिय, केन्द्रीय, विषयगत, प्रादेशिक र स्थानीय सङ्घ संस्थासँग समन्वय र सहकार्य,
- (५) सहकारी सम्बन्धी स्थानीय तथ्याङ्क व्यवस्थापन र अध्ययन अनुसन्धान,
- (६) स्थानीय सहकारी संस्थाको क्षमता अभिवृद्धि,
- (७) स्थानीय सहकारी क्षेत्रको प्रवर्द्धन, परिचालन र विकास।

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Local Level Development Projects and Programs

- Project and Program planning, standardizing, monitoring, implementing -
- Coordination, Facilitation and Support in Federal and Province level
- Research and Impact evaluation

Basic and Secondary Education

- Planning, permission, monitoring & evaluation of Vocational Education & training

Local Market Centre Management

- Local business, demand-supply identification, evaluation, pricing and export
- Market & Hat bazar management
- Business and Commercial Infrastructure Development
- Research and Data Information on business updated
- Coordination, collaboration with Private and NGOs
- Local Business Promotion and market management

Agriculture, livestock, agriculture production and management

- Local level policy, planning, monitoring & evaluation on agriculture and livestock
- High Value Agriculture Product to be promoted and marketed
- Slaughter house management and monitoring

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Information Collection of Unemployed

- Employed and Unemployed population; Information collection and processing for establishing Information System
- Information management on foreign and in country labor force
- Data and information collection on Safe migration
- Establishment of Employment Centre
- Financial Literacy and Training on Foreign Employment
- Re- integration and social counseling for returnee migrants
- Utilization of knowledge and entrepreneurship skill

(PP 22, LGA 2074)

pp21, LGO Act 2074, Contd...

थ. बेरोजगारको तथ्याङ्क सङ्कलन

- (१) रोजगार तथा बेरोजगार श्रमशक्तिको तथ्याङ्क सङ्कलन, प्रशोधन र सूचना प्रणालीको स्थापना,
- (२) स्थानीयस्तरमा रहेका स्वदेशी तथा विदेशी श्रमिकको लगत सङ्कलन तथा सूचना व्यवस्थापन,
- (३) विभिन्न क्षेत्र तथा विषयका दक्ष जनशक्तिको तथ्याङ्क सङ्कलन तथा व्यवस्थापन,
- (४) सुरक्षित वैदेशिक रोजगारी र वैदेशिक रोजगारीमा रहेको श्रमशक्तिको सूचना तथा तथ्याङ्कको सङ्कलन तथा व्यवस्थापन,
- (५) रोजगार सूचना केन्द्रको व्यवस्थापन तथा सञ्चालन,
- (६) वैदेशिक रोजगारीमा जाने श्रमशक्तिको लागि वित्तीय साक्षरता र सीपमूलक तालीमको सञ्चालन,
- (७) वैदेशिक रोजगारीबाट फर्केका व्यक्तिहरूको सामाजिक पुनः एकीकरण,
- (८) वैदेशिक रोजगारीबाट प्राप्त ज्ञान, सीप र उद्यमशीलताको उपयोग,

Ward Committees notable functions for RERP implementation

- Potential Mapping of Small Industries
- Promoting Small Micro Enterprises, industries and managing records
- Management of local market centre(hat bazar)

(pp 32, LGO Act 2074)

Village and Urban Councils

- Subsidies on specific programs should be implemented as per the direction given by GoN and Province Government
- Rural and Urban Municipalities can implement Project and Program that is of Public Private Partnership(PPP) or of Co-financed nature
- R/Urban Municipalities should coordinate, facilitate and support in implementation of Federal or Province level Projects

Duties of Rural/Urban Municipalities on Coordination Role

- Coordinating on studies, survey and program implementation
- Incorporating program and projects in yearly plan and budget of Local Level
- M&E system to be implemented as directed by Local governance

Province Council

Implements, collaborates, partners between
Province and Local Level mechanism

List of the Ministries Proposed

1. Office of the Chief Minister and State Ministerial Council
2. Ministry of Internal Affairs and Law;
3. Ministry of Financial Affairs and Planning;
4. Ministry of Social Development;
5. Ministry of Land management, Agriculture and Cooperative;
6. Ministry of Industry, Tourism, Forest and Environment;
7. Ministry of Physical infrastructure and Development

Thank You!