

Professional Rights of the teachers in private Schools in Nepal

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Abstract

'The teachers of self-financed schools in Nepal have professional rights or not' is the subject of the study. All the rules, regulations, and acts including the constitution should be professional or occupational friendly for a developing country. The teaching profession in private schools like Nepal is a very significant job because of producing manpower without devouring government budget. The teachers must have the rights to enjoying professional rights. Recently private schools teachers are in the condition of dissatisfaction of their job and demanding to implement social security fund. Until and unless working people can't enjoy the professional rights, a country cannot be the democratic socialist country because of exploitation. It remains as a feudal society as it was in the ancient times where owners remain as masters and teachers remain as slaves. To produce self-respect citizens from private schools, all the teachers of self-financed schools must enjoy professional right because they work with brains, not with registers and machines. The investigation of this study is the teachers and their professional rights in all types of private and institutional self-financed schools in Nepal. Both the qualitative and quantitative i.e. mixed method has been applied. This study has explored that teachers from private schools are prohibited from enjoying professional rights.

Keywords: exploitation, Private school, professional rights, teacher

1. Introduction

Education is inevitable for every one everywhere. It has triangular relationship between teacher, students and the parents. One of the main responsible stakeholders of educating the pupil is the teacher. As we talk about the formal education system, the textbook are secondary to the teacher because the teacher write the textbook according to the curriculum. Students not only learn from teachers' classroom

activities but also from their behavior, lifestyle and personalities. Students, as well as people from society, must be influenced by the teachers' personalities, character and lifestyle. Nepal marched on different phases on the subject of the profession from 'Gurukula' to private schools' teachers. Before the Rana regime, there were 'Gurukula' schools. Guru was always the most respectable person even for the prince or king. They ran kingship with the guidance of the guru. Learners used to learn rules regulations and character from the guru. The Rana regime was the darkest period for education although some Rana Prime Ministers opened a school for their children i.e. Darbar High School. After the establishment of democracy in 2007, Nepali people got a chance to open schools for the public. In 1971, the then Nepal government brought New Education System Plan but it was a failure because of socio-economic condition of Nepalese people. They made children work at home. Very few feudal lords only used to send their children to school in town which could be at the district headquarters only. The feudal lords could also often keep a teacher at home for their children. Chandra Sharma Poudel(Poudyal C. S., 2017)marks that private schools were started from the 1980s and increased after 1990s. Private school is the institution which is established and managed by an investor or a group of investors for gaining profit by educating students of school levels. In other words, a school where Nepal government doesn't allocate any budget for their management is known as private or institutional school. Government permits private sectors to take fees from parents and give service for educating their children. Therefore, there are two types of schools public and private on the base of investment. Naturally, public schools don't take any fee and private schools take fees. There are three types of institutional schools which are known as private (run by person), cooperative and trust.

Regarding the SLC/SEE result annually the test administered by the Nepal Board, results of public schools are very poor (except in some cases). There may include many prospective causes as Mathema states:

One of the major reasons for the increase in private schooling in Nepal has been the growing disillusionment with the public school system as a result of its continual poor results. An analysis of the 2004 SLC results demonstrates that public schools, on average, lag far behind private schools in terms of performance. Compared to an average pass rate of 85% for private schools, for instance, the figure for public schools was

only 38%. Similarly, while an overwhelming majority of private schools showed pass rates in the 80-100% range, less than 7% of public schools could boast such high pass rates. Also, the average SLC score for public schools was around 17% lower than that of private schools (Mathema, 2007).

Although the result of the private schools is better than the public schools, parents with economically underprivileged have to send their children to public schools. It means only the well-off who can afford the expensive fees of private schools can attend in private schools. In one hand the government didn't compete with the private schools in quality and consequently, private schools owners started to collect the students from the parents who are unable to afford private school's education. As a result, private schools started to give services at low rate keeping teachers as a slave. Several private schools in towns and valleys, which are producing unlimited profit, are doing the same. The employees, who are mostly college students, started a job without an appointment or contract letters because of the problem of college expenses and unemployment problems. As the theory of Karl Marx, "surplus value is equal to the new value created by workers in excess of their own labor-cost, which is appropriated by the capitalist as profit when products are sold (Marx, 1867)". Owners cheated giving very low salary to teachers and collecting fees in high rate from students holding more than the prescribed number of students in a class; they even made personal property and exploited the income of the schools for their luxuries although the school is run by the trust.

Constitution of Nepal has coded the fundamental rights (Nepal's constitution, 2015, p. 16). All the rules and regulations must be written on the base of constitutions. No rule can be made against the constitution. To get the verdict, every employee has to enjoy the professional right. According to the professional rights, one must get appointment letter, salary and other facilities like allowance, leave, treatment, provident fund, social security, gratuity, pension, leisure period, break time etc. Except these, right to be a member of the union (CNT), right to send a representative in SMC (school management committee), promotion, and job security are professional rights in the democratic system. The study investigates the professional rights of the teachers in the private school.

Objectives

1. To assess the present situation of private school teachers reference to professional rights
2. To analyze the contradiction among difference laws reference to teachers & staffs of Private school.

Constitution and Professional Rights of Private Schools' teachers

The constitution is the base of rules and regulations. All the acts, education regulations and private schools' regulations should be incorporated and implemented on the base of the constitution. There is discrimination between private schools' teachers and govt. schools' teachers although the constitution (Nepal's constitution, 2015) prevents discrimination to any grounds.

There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds. (Nepal's constitution, 2015)

Public schools' teachers and private schools' teachers are same in the grounds of an equal base but there is horrible discrimination. Both types of teachers' responsibilities are the same that they have to educate learners. Both public and private teachers use the same curriculum. Their syllabuses are the same. The examination board for testing their products in Nepal is Nepal Board (SEE). All other burdens are more in private schools than in public schools. But there is no response of all the three levels of government of Nepal in implementing the rights of equality of constitution. Teachers from private schools of Nepal are not enjoying rights of equality in the teaching profession.

Educational Acts and Professional Rights of private schools' teachers

Education Acts does not declare that there are equal professional rights of private schools' teachers with the teachers of public school. Chandra Sharma Paudyal writes that the education act is unclear which is passed in parliament(Poudyal C. S., 2017, p. 540). Education ministry does not control the owners by implementing education act and regulation but works as a mediator. The court is not in the approach of working-level people. There is discrimination between private schools' teachers and public schools' teachers and private schools' teachers are not enjoying professional rights. All the rights for owners to make teachers work have been stated

in the education act¹ but except no. (g) ‘to provide salary to the teacher not less than the scale fixed by Government of Nepal’ no provision is given for teachers’ rights. The number ‘g’ also is very much confusing. It must be: ‘to provide a salary to the private schools’ teacher not less than the scale fixed by the government of Nepal for public schools’ teachers. The act has not coded anything about the appointment letters, allowances, provident fund, gratuity, pension and other perks for private schools’ teachers. This is an example of discrimination and exploitation.

Education Regulations and Professional rights of Private Schools’ teachers

Similarly, education regulation also has snatched the professional rights of private schools’ teachers. The education regulation has got the 129th rule on the title: ‘Provision of this Chapter not to be Applicable’,

“Notwithstanding anything contained elsewhere in this Chapter, the provision of this Chapter shall not be applicable to the teachers of institutionalized schools and also those teachers appointed by Community school bearing the expenses on its own resources. Such teachers shall receive the facilities as per this Chapter from the school as prescribed by the Management Committee (Education Rules, 2059 (2002 A.D.)).

The statement is very clear that owners of the private schools’ have full authority to decide the amount of gratuity and pension as per their wish because there is no chance for teachers in intervening or determining the amount of gratuity and pension.

¹(7) The functions, duties and powers of the School Management Committee of the Institutional School shall be as follows:
 (a) To mobilize the resources and means available for the operation of the school,
 (b) To make arrangement for the essential physical facilities for the school,
 (c) To protect and safeguard the movable and immovable property of the school,
 (d) To maintain conducive educational environment in the school,
 (e) To implement the curriculum and the textbooks compulsorily as approved by Government of Nepal and obtain approval from the Curriculum Development Center if other supplementary textbooks are regarded essential,
 (f) To appoint those candidates to the post of the teacher who have obtained License from the Commission and who are eligible for the post as per the prevailing law to the post of a teacher, to start with the process relating to permanent fulfillment within a period of Six months from the date of the commencement of this Clause for the purpose of providing chance to be a permanent teacher to those teachers who have been appointed as temporary teachers before the commencement of this Clause and to start with such process for those teachers within a period of Six months from the date of being appointed as a temporary teacher after the commencement of this Clause,
 (g) To provide salary to the teacher not less than the scale fixed by Government of Nepal,
 (h) To take disciplinary action to the teachers, to abide directions issued by Government of Nepal(Education Act, 2028, 1971).

Election among the teachers for participation in management

Table no. 1: Significant difference between locations on election among teacher for participation in SMC

Election among the teachers for participation in School management committee (SMC)					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	185	46.3	46.3	46.3
	No	215	53.8	53.8	100.0
	Total	400	100.0	100.0	

Source: Field Survey (2016)

Less than 50% of the respondents, according to the table, were allowed to join in SMC, 53.8% employees were not allowed to join. The table shows that there are majority of schools where teachers' representative is not involved in SMC.

Regulation of private schools is necessary for the systematic operation of these schools. The staff participants' viewpoint suggested that they were experiencing exploitation from the school owners. Staff exploitation was due to lack of proper government regulation. On the other hand, private school owners were complaining about unnecessary government regulation. School owners argue that government policy about private schools is unclear. Furthermore, they added that because of a lack of clarity, there is unnecessary external pressure on private schools. The findings from the secondary data sources also support these findings of the issues of government regulation on private schools. These are discussed below, using the following themes (Poudyal C. S., 2017).

Rights of union membership

Constitution has provided the right of trade union. Nepal's constitution has got the rule, "Every laborer shall have the right to form trade union, participate in it, and organize collective bargaining (Nepal's constitution, 2015, p. 22)." Education Act writes on the title 'Teachers' Union, teachers' conduct and other provisions', "There shall be a teachers' union to promote the professional rights and welfares of the teachers (1971, p. 41)". It is unjust to the private schools' teachers. There are mainly two types of teachers in Nepal according to investment i.e. government invested and

private invested. CNT (Confederation of Nepalese Teachers) is a teachers’ union as coded by education act. The CNT does not give full membership with voting right and right of a representative of the organization the teacher of private schools and the union of private schools’ teacher ISTU. As a result, even today private schools’ teachers are forbidden from the professional rights in Nepal.

Right of membership in CNT as trade union

Table no. 2 Allowed joining in Confederation of Nepalese teacher (CNT)

Does CNT provide full membership.(i.e. Voting rights)					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	400	100.0	100.0	100.0

Source: Field Survey (2016)

CNT did not provide the 100 percentage membership with the voting rights to its members.

Table no. 3: Significant difference between locations on Allowed to join in Confederation of Nepalese teacher (CNT)

One-Sample Test						
	Test Value = 0					
	T	Df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
Location of school	65.684	399	.000	2.15000	2.0856	2.2144
Allowed to join in Confederation of Nepalese teacher(CNT)	61.597	399	.000	1.53750	1.4884	1.5866

Source: Field Survey (2016)

There is no significant difference to allow be the member of CNT with value $0.000 < 0.05$. They also not satisfied to be the member of CNT.

Right against exploitation

The constitution of our country has protected all the Nepalese citizens from every kind of exploitation and the nation will be responsible in fulfilment of the guaranteed rights of the people. ‘Every person shall have the right against

exploitation (Constitution of Nepal, 2015).’ The intention of this right is to free the people from any kind of the exploitation and domination which limits the personal and professional rights of the public. Not only that our constitution has wider insight and declared the complete personal rights. “No person shall be subjected to any kind of exploitation on the basis of religion, custom, tradition, culture, practices or any other bases (Nepal's constitution, 2015).” So it is the extreme exploitation of the private school teachers prohibiting them from their rights.

Right to employment

People often scold the private school teachers and suggest they join the public school or join the other jobs. It is the silent corruption to ease others to corrupt. According to our constitution “Every citizen shall have the right to select employment (Nepal's constitution, 2015).” What is wrong if anyone desires to teach in the private school? Instead of controlling and supervising those institutions, we are trying to divert the matter or restricting the personal rights to select employment. The prime intention of this right is not to surrender but to attain the equal right in their every kinds of the employments.

Right regarding labor

Every person is equal and all for the nation. According to the constitution every worker has the rights “Right to safe work environment. Every laborer shall have the right to proper work practices.” It explains “For the purpose of this Article, "laborer" means a worker or laborer who offers physical or mental work for an employer for remuneration.”

“Every laborer shall have the right to appropriate remuneration, facilities and contribution-based social security.” According to the constitution, workers cannot be discriminated in case of their salary and other facilities. It states, “Right to equal pay for work.” “Every laborer shall have the right to form trade union, participate in it, and organize collective bargaining. (Majhoshev & Krusharska-Velinovska, 2017).” Civil Service Act of our country also states “The trade union of civil employees shall have the right to form association, receive membership of such association, receive membership of an international association and represent on behalf of the association (Civil Service Act, 2049 (1993)).

Curriculum and Textbook of the School

The School shall be required to implement the curriculum and text-book as approved by Government of Nepal (Education Act, 2028, 1971).

One person selected by the concerned school teachers from amongst themselves (Education Act, 2028, 1971).

3. Methods and Materials

The study on ‘Professional Rights of the teachers in private Schools in Nepal’ is post-positivist. It has been conducted on the deductive approach. It is not the experimental type but a descriptive approach. Both quantitative and qualitative data have been applied so it is the mixed method. To study the problem of the teachers in the whole nation, a district, Sindhupalchok has been taken from the mountainous region. Similarly, Kathmandu from valley and Makawanpur and Bara from terai were selected by multistage samplings. The selected districts are the representative of both ecological and geographical belt as well. From the selected sample district total 400 respondents participated. From the sampled districts the respondents were selected by the stratified random sampling process. Experts, supervisors and college teachers had given feedback for developing the questionnaire. Both reliability and validity tests were conducted and prepared the form of the final questionnaire. The respondents were principals, teachers and union leaders as well. The ratio of male and female was not very different. The problems of teachers related to professional rights were asked and collected. The field survey was the process of data collection. The SPSS 20.00 software tool was used to analyze the data.

4. Result and discussion

The study yields the terrible discrimination and domination to the private school teachers in regards to their physical and mental labour. Moreover, the exploitation to them is the major issue here. We find that the teachers are demoralized in every steps of the inclusion, promotion, service, and provident fund when they retired.

Election among the teacher for participation in the management committee

Table no. 110 Change to assessment/testing requirement

Election among the teacher for participation in management committee					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	185	46.3	46.3	46.3
	No	215	53.8	53.8	100.0
	Total	400	100.0	100.0	

Source: Field Survey (2016)

According to the table no.1 this is the proof: no implementation of education regulation , discrimination and granted the right of exploitation to owners against private schools’ teachers.

Allowed to Join ISTU of Teachers in Private School

Table no. 105: Change to assessment/testing requirement

Allowed to join ISTU					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	169	42.3	42.3	42.3
	No	231	57.8	57.8	100.0
	Total	400	100.0	100.0	

Source: Field Survey (2016)

According the data mentioned on the table above, 42.3 percentage respondents were allowed to joint ISTU but rest of 57.8% were not.

Table no106. Significant difference between location and allow to join ISTU.

One-Sample Test						
	Test Value = 0					
	T	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
Location of school	65.684	399	.000	2.15000	2.0856	2.2144
Allowed to join ISTU	63.792	399	.000	1.57750	1.5289	1.6261

Source: Field Survey (2016)

From the table, the significant difference among Sindhupalchok, Kathmandu and Makawanpur districts were analyzed by one-sample t-test. The value is 0.000 (p <0.05). So it was concluded that there was no significant difference to allow the teacher to get a membership. The teachers working all location didn't get free to get membership of ISTU.

5. Conclusion

The study has proved that the constitution has provided the right of equality and professional rights of workers (labour) but gradually starting from education act, including education regulation arriving up to schools' regulation teachers' professional rights of unionization and social security including perk have been snatched and owners are encouraged to exploit the teachers. The constitution of Nepal allows education act to make rules and implement without breaching the rights. Education act has been prepared affecting the professional rights of private schools' teachers. The education act also forms education regulations to make rules and implement them with different strategies but education act snatches the rights of private schools' teacher and gives full power to the owners to make schools' regulations that prohibits teachers from getting justice even in the court.

6. Recommendation

1. The government should strongly monitor and supervise the private school according to the legal provisions set for them.
2. The private school teacher should unite and demand for the rights guaranteed for them.
3. The local education units/departments should be responsible to implement the rules and regulations compulsorily.
4. The private school teacher should have different trade union to promote their professional rights because its natures and problems are different than the government school teachers.
5. More rigorous research is necessary to be conducted by the government to study the problems and conditions of the private school teachers to solve their problems.

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