

Report on

Developing Retention Strategies for Election Commission

Submitted by

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List of Abbreviations

CIAA	Commission for Investigation of Abuse of Authority
CS	Civil Service
DEO	District Election Office
EC	Election Commission
ECN	Election Commission/Nepal
EMG	Election Management Group
ESP	Electoral Support Project
HRD	Human Resource Development
MOGA	Ministry of General Administration
MTOT	Master Trainer of Training
NHRC	National Human Rights Commission
O&M	Organization and Management
PSC	Public Service Commission

Report On Developing Retention Strategies for EC

1. This report has been prepared as per the agreement entered with UNDP Electoral Support Project (ESP) for the purpose of Developing Retention Strategies for the Election Commission of Nepal (ECN) on 7th Mar, 2011 in Kathmandu.

2. TORs of the consultancy were:

- (a) Analyze the problem of retention of ECN staff in consultation with the ECN employees and other relevant stakeholders of the elections.
- (b) Review the existing administrative structure of the ECN at the both central and district levels.
- (c) Assess the need and rationale for regional structure of the ECN.
- (d) Review the Draft Report on Organization and Management (O&M) prepared by the ECN and provide comments/suggestions on the report. Also assist in preparation of implementation plan of O&M – should such a situation arise.
- (e) Prepare a Strategy Paper on retention of the ECN staff.

3. Methodology:

Basically this report has been divided into two parts

- (a) O&M study of the ECN and (b) Developing Retention Strategy for the ECN staff.
- (a) As regards O&M study, a report had already been prepared by a task force constituted under the then Joint Secretary Mr. Shyam Sunder Sharma as convener. As per the TOR and as discussed with top officials of ECN, the consultant was supposed to review the report in the light of proposed regulation aimed at formation of Election Management Group. The report was reviewed and finalized, however the number and level of positions as mentioned in the report have not been changed. The report was meant to serve as a requirement of Ministry of General Administration for processing of sanctioning positions and forming Election Management Group (EMG), the version has appeared in Nepali.
- (b) As regards retention strategy for ECN staff, ECN management wanted the proposal be immediately processed and forwarded to the concerned agency. So as per the discussion held with top officials of the ECN, the concept for retention and strategy have been incorporated in a very short form in English in this report and at the same time a draft copy of proposed regulation has been prepared for the purpose of

Ministry of General Administration (MOGA) and other concerned agencies in Nepali version. However, keeping in view of opinions expressed by the ECN employees at different level some alternatives also have been added in the report

3.1 Interviews and Consultation:

- In preparing the report interviews with EC officials including Secretary, Joint Secretaries, concerned Under Secretaries and Chiefs of the District Election Offices were also made.
- Besides, knowledgeable personalities of donor agencies were also consulted.
- The draft of the report was also presented amidst a gathering of the ECN officials and the Commissioners of the Election Commission (EC). A second round of presentation was made in a gathering of Joint and Under Secretaries of the ECN.

4. Brief Report:

4.1 Election Commission: The Election Commission has been an independent constitutional body since the promulgation of the Constitution of Nepal 1962 and in all other subsequent constitutions. The Interim Constitution of Nepal 2063 (B.S.) also has made Election Commission a constitutional organ. The constitution mandates the EC to conduct free and fair elections in a free and fearless atmosphere. The vision of EC has been to establish it as an independent, impartial and capable institution to hold credible elections while the mission is for conduction of free and fair election in an innovative, cost effective and professionally competent way as mandated in the constitution.

4.2 Main Functions of the Commission:

4.3 Strategic Plan: In order to ensure effective management of elections the Commission has formulated Strategic Plan in 2009. The plan for the electoral cycle 2009-2013 identifies 8 main areas of activity for capacity development. For the purpose of our study, human resource development and institutionalization process have been emphasized. The Action Plan formulated under the Strategic Plan has aimed for enhanced organizational effectiveness and efficiency of the EC. In this regard, the plan mentions about developing human resources targeting a more competent and efficient election staff in its goal.

The goal reads as follow:

- Provide for basic training on election management to all EC/N employees;
- Involve at least 10 percent of the employees in training, study programs, research and observation related election management in and outside the country on a yearly basis;
- Allocate 20 percent of the amount of salary for training purpose;
- Conduct a feasibility study on the formation of an "election management core team" in the EC; and
- Manage elections in 200 polling stations using on a trial basis, staffed directly recruited by the EC.

The plan has strongly emphasized upon building of EC with a sustainable and enduring institutional and professional capacity. Similarly the commission in its process of Human Resources Development (HRD) has targeted for a feasibility study on the formation of an Election Management Core Team which could be used to form and develop a long -term election- oriented group of employees. Thus, the plan has strongly emphasized upon building of EC with a sustainable and enduring institutional and professional capacity that can be easily and effectively reemployed in future elections. The Action Plan indicates intended outputs on enhanced organizational effectiveness and efficiency of EC, for a new organization structure of EC that has to be implemented as output target.

4.4 Present Status:

The Commission is assisted by Secretariat headed by a Secretary (Special Class) designated by the Nepal Government. The secretariat has 3 divisions, 4 sections with 3 Joint Secretaries, 7 Under-Secretaries and 86 Section Officers. Also it has 486 non gazette level employees. Altogether the commission has 583 civil servants positions at different levels. All of them hold regular positions and are recruited from the Public Service Commission (PSC). Most of the positions fall under Administrative Service (General Administration Group) category. Within Administrative Service, the personnel administration business is regulated by the concerned service or group related Ministries. The commission has a separate law which empowers it to hire additional personnel required in the time of election as deemed necessary. The commission may appoint or designate other positions in such number as per requirement. Besides, the prevailing constitution states that the Government of Nepal shall provide required personnel and other supports to the Election Commission in order to perform its functions in accordance with this Constitution. It has a network in 75 district level offices headed by a section officer (gazetted class III) of administrative service cadre who is supported by a group of civil service

employees. Ministry of Home Affairs acts as the liaison Ministry of the commission to the cabinet. The commission is credited with holding free, fair and impartial election in the past, the election of members of the constituent assembly being the notable.

Besides, donor agencies have facilitated EC in its endeavor of holding free, fair and impartial election through different projects. The Commission also has maintained cordial relationship and effective coordination with all the donor agencies.

4.5 Capacity Assessment:

As regards to capacity assessment of the EC, following reflections have been gathered which follows discussion with its senior officials:

- Objective, mission and functions of the commission are clear as it has been clearly mentioned in the functions of EC.
- The organization chart and position therein are duly approved and registered as per the prevailing rules and regulations.
- Objective/functions and task and responsibilities are clearly understood by everybody in the organization.
- Individual job description are prepared, approved and provided to all the incumbents.
- Training and orientation were found provided to new entrants.
- The practices of delegation of authority were found in the commission.
- Meetings are held at different levels on as and when required basis. Staff meetings were also held.
- Internal and external communications are being facilitated with memo, notes, and correspondence and information technologies.
- The practice of participatory decision making process was found followed.
- Instructions, manuals, guidelines on different areas were found prepared.
- The commission is credited with holding free, fair and impartial election in the past.
- Stakeholder's rating on commission's performance of commission on holding elections in recent years was found above satisfactory level.
- The expertise at the commission level was found very sound, as honorable members have also gathered experience of running the secretariat.

- The fact that the newly appointed officers were found making EC number one choice for their service career reflects positive impression.

5 Issues:

After an analysis of the functioning of EC, discussion made at different levels and lesson learned of the past, the following issues have been gathered:

5.1.1 Organizational:

(a) Maintenance of Constitutional Status of EC and its independent functioning:

Human resources and budget of the commission has been controlled by the executive body. Although the budget of the Commission is apportioned from the consolidated fund but released by Ministry of Finance following the same procedure as with other government offices. As regards human resources, the regular position needed for the commission is scrutinized by MOGA and Ministry of Finance. The employees posted in EC positions by MOGA at its convenient¹ have caused personnel administration of the commission very weak. Although the commission is empowered by enactment to recruit additional manpower needed in the time of election, the budget required for these positions are to be approved and sanctioned by the Ministry of Finance. Ministry of Home Affairs has been identified as the liaison ministry of EC to the cabinet which have resulted unnecessary delay and lack of coordination in the process of decision making.

(b) Positioning of District Level Offices:

At present, all the 75 districts of Nepal have District Election Offices as a separate organizational entity. All are designed almost in a uniform pattern. All offices are headed by class III officers. The EC at the centre has a wide span of control. Sometimes the status of office chief also was found not at par with other field level offices which have resulted lack of coordination in the field level.

5.2 Issue Related with Strategic Plan: There exist a provision in the strategic plan that a steering committee would be formed to monitor and supervise the implementation of the plan. It was revealed that although the committee was formed but not activated. This has resulted non implementation of the provisions relating to human resource utilization and institutional arrangements as mentioned in the plan.

5.3 Personnel Administration Related:

(a) Position lying vacant for long period of time:

The existing regulation requires sending of requisition of vacant positions to the concerned authority within specified period. To cite an example of recent happenings, MOGA has just posted 22 newly recruited officer level employees as against the commission's request of 43 positions which was made about two years ago. The rest 21 positions of district level election offices are still to be fulfilled and the timeline for new postings are unknown. . At present, the EC positions fall under general administration group which is scattered in all over government offices. So the urgency of filling positions to EC have been diluted with the process of catering the needs of all the offices of the government which have resulted delayed recruitment of staff for the EC.

(b) High turnover of EC Personnel:

During election time EC is facilitated by the government in providing required human resource. Besides, the EC can also hire additional personnel needed at the time of election. Most of the EC employees holding regular positions get an opportunity to undergo election training at home and abroad. On the job training has been proved very important mechanism making them experienced staff. The EC employees were very much credited for the successful completion of elections held at different levels. But the employees who were actively involved in an election were not found retained in EC for long period of time. EC is having difficulty in maintaining an adequate level of election-trained personnel and in keeping up with capacity development program. In most of the occasions, none of the employees engaged in last election was found working in the current election. The resources poured on them with donor's assistance have turned as water in sand. Due to this reason the mid-term evaluation report of ESP has recommended supporting EC in its effort to move forward creating more permanent staff as well as help EC build a system of retaining and transferring institutional knowledge.

(c) Frequent Transfer of EC employees:

As most of the EC positions are comprised of general administration group (under Administrative Service) one is eligible to be transferred to any position of governmental agencies that belongs to the same group. At times it has been experienced that the transferring authority MOGA does not consult EC in transferring its employees to other agencies or vice versa. It has resulted the commission losing trained and experienced incumbent and getting jobs done

through a frustrated employee.¹ The frequency of transfer to and from the EC is very high. More than 90% in officer level position were found working for EC for less than two year period.

(d) Manpower planning of EC:

As EC is slowly moving forward in developing infrastructural works in the functions to EC management with democratic norms, many activities were and will be undertaken in a planned manner. The jobs to be performed in the future in a sequential form require a sound manpower planning. But EC's core positions are tied up with general administration group it has not been able to plan its manpower as per its need. This has resulted the concept of career development not realized within EC

(f) Capacity Development:

As regards the Capacity building of the employees all the donors associated with EC are sincerely facilitating it in its endeavor managing elections through different projects. The action plan for the implementation of EC's Strategic Plan which needs a strong recognition of the importance of capacity building training has been realized. Also the Institutional Strengthening and Professional Development Support for EC have been launched through separate projects. Training programs are being developed and implemented as per the different activities of electoral management which has been clearly mentioned in Electoral Cycle Model in the form of a diagram. It was revealed that the Electoral Cycle Model (as shown in the annex) has been approved by the commission. Altogether it has resulted the number of trained manpower in EC's sphere on increase. But in real sense EC has not been able to utilize skill and knowledge of those employees who were trained because they have already left EC either before election or immediately after the election.

(g) Field/Centre Based Employee:

In comparison with the employees who were centre based, field based officer level employees were found serving in EC for longer period of time. Few officials were found serving EC for more than ten years. On one hand, the centre based employees who received an opportunity of training in abroad are not staying longer in the EC and on the other; those staying longer in the EC

¹ An employee transferred to EC was found initially frustrated, although some of them were found motivated and hard working as time passed on.

complain that the selection method applied for foreign training not being transparent.

6. Retention of staff:

The above paragraphs suggest that the service of incumbent trained formally or informally in the election related work while s/he was in EC should be made available in the time of need. This requires retention of its trained manpower in EC. To this effect the evaluation reports prepared by donor agencies at different level suggest the same problem. On one hand, a group of donors are supporting EC in a very planned manner and on the other, the factors responsible for non-sustainability of the programs are seemed to have been ignored. Electoral Education and Information Centre is in the process of establishing. It covers very important objectives with deep rooted values relating to quality election which bears far reaching consequences. In order to realize the objectives mentioned in the plan, trained manpower in the EC is sure to be regarded as prerequisite. Likewise sustainability, localization and institutionalization of Building Resources in Democracy, Governance and Elections (BRIDGE) also have suffered because of the non-retention of trained manpower in EC. It is to be noted that the concept of BRIDGE bears much significance in electoral management. Besides, in the absence of trained manpower in the EC a situation would likely to arise whereby the challenge of convincing international election observers, about the fairness of election would also be difficult in the days to come. Thus the challenge faced by absence of professional type of manpower would not be limited in national front only rather it would create difficulty in coordinating international agencies too.

So far eight models of BRIDGE training have been successfully completed. The concerned officials revealed that the knowledge and skill imparted in the training have not been utilized properly. After the initiation of BRIDGE program, interested officials were selected for Master Trainers who were contracted for two years of service at EC. But after the training was imparted they were not retained even for two months. Even the centre based employees were also transferred to another agency.

It has been revealed that at times the request of EC to transfer some employee working in other agencies (but previously trained in electoral management and activities) have been turned down by the concerned agencies of the government.

7. Approach:

In order to address the above issues, following strategies/approaches are followed in this report:

- (1) Performing O&M Study and suggesting appropriate organization structure with adequate manpower.
- (2) Addressing personnel problems of EC through retention approach
- (3) Strategy for Capacity Development.

7.1 Performing O&M Study:

The administrative structure of the secretariat of EC has gone tremendous change with the establishment of its own offices at district level during 2000. Prior to this, district election offices were in the form of the Election Unit which were attached with the respective District Administration Office. At present 75 district level offices are managing elections at local level having separate organizational entity. After the successful conduction of CA election, the commission is engaged in developing infrastructural works for free, fair and impartial election in an effective manner. In this context, one of the important functions is voters' registration with photograph and finger prints. At the moment, the Commission is dedicated towards achieving the target on time. Keeping in view of organizational effectiveness for electoral reforms initiatives, the commission has conducted an O&M study in 2010. The study has been made in an appropriate time.

Main recommendations of the report are as following:

- Restructuring of central secretariat has been made with a view to effectively implement electoral reform process,
- Assessment of human resources for centre and field level has been made in an appropriate manner,
- Division/section and district wise positions have been allocated. (Previously positions were placed in a basket which was used in different organizational units as needed).
- Strengthening of regional level structure has been made with a view to promote delegation and monitoring field level activities and ensuring effective management resource at local level.
- Categorization of field level as frontline offices has been made as per the organizational norms.

The above measures /recommendations were found very much appropriate for EC. The report would be enriched further with the following additions:

- As EC is having difficulties with high turnover of its employees, strategy for retention of employees could be included.
- Organizational sketch could be drawn so as to make it consistent with the upcoming federal structure.
- Strategic plan which has been adopted by EC incorporates an electoral cycle to be followed. Under the cycle apart from the works relating to operation phase (voting Period) activities relating to preparatory (Pre-voting) like Civic Education, Voter Education, Operational Training also are to be performed simultaneously This would help level the work load through the electoral cycle. For this purpose, functions relating to monitor, supervision and regular management of the implementation of the strategic plan could be developed.

Keeping in view of the description mentioned in the above paragraphs conclusion can be drawn for designing of Organization structure for EC which would be based primarily on:

- (a) Facilitating the implementation of Strategic Plan of EC and
- (b) Providing an opportunity for career development of EC employees under the proposed election management group.

Detail report has been presented herewith in Nepali version.

7.2 Retention Approach:

One of the pressing problems the EC has been facing right from the beginning is the lack of permanent pool of core election officials. Frequent transfer of personnel has hampered continuity of functions and has seriously affected institutional memory. Besides trained human resources were not retained in the EC resulting number of problems in personnel administration and in the functioning of Election Commission in Nepal.

7.2.1 Formation of EMG

Keeping in view of issues reflected in the election management process because of non- retention of EC employees, a separate Election Management Group (EMG) has been suggested to be formed under the existing Administrative Service. The group should be formed through separate regulation as delegated by the prevailing Civil Service Act. The features of the proposed regulation would address the following areas:

7.2.2 Coverage of the Group: The Group would cover non-gazetted II class to gazetted II class. The EC functions will be divided into two broad divisions – core

function and non-core function. Broadly, core functions would include those which are being performed by administrative cadre (General Administration Group) whereas accountants, computer professional, technical hands, legal officials etc will be regarded as a part of their respective service rule and regulations. However the EC will exercise administrative control as long as they are deputed to the commission. Nomenclatures or the name system of the positions within the Group will be developed as per the functions of different section and divisions of the election commission.

7.2.3 Formation of Group: After the implementation of this regulation Election Management Group would be formed for the first time from those who are interested and working in the commission and in other governmental agencies.

7.2.4 R-R of the group: Entry Level Qualification : Entry Level Qualification for all positions will be developed as per the existing civil service act. The list of qualifications will be a part of regulation.

7.2.4.1 Recruitment and Selection: Recruitment and Selection in all the positions will be made by Public Service Commission. There will be separate syllabus for each level of examination (both open competition and internal competition) which will be prepared in consultation with EC.

7.2.4.2 Qualification for Promotion: Qualification for the promotion of EC employee will be developed as per the civil service act. The list of qualifications will be a part of regulation.

7.2.4.3 Position Name: Position name for all levels within the group will be specified in the regulation as per the jobs/functions of different organizational units of EC.

7.2.4.4 Core Positions: Core Positions will be included in the regulation whereas positions which relate accounts, legal, computer and other technical nature jobs would remain outside the group. Broadly speaking, the functions being performed by employees currently belonging to General Administration Group will be categorized as "core group".

7.2.4.5 Orientation and Training: Areas of Orientation and Training of new entrants (Pre service) and working employees (Refresher and In-service) would be specified in the regulation itself. Basically training for EC employees will be based on the Electoral Cycle Model as approved by the Commission,

7.2.4.6 Filling the Vacancy: The positions of EMG approved for the first time will be filled in from among those interested and who are currently working in EC or from other agencies. In filling vacancies EC employees will be given priority.

7.2.4.7 Method of Filling Positions: After the commencement of this regulation for the first time fifty percent of the vacant position will be allocated for promotion and the rest fifty percent will be filled through transfer of employees.

7.2.4.8 Eligibility for Promotion: Promotion will take place in the vacant position of EMG as per the provision of prevailing civil service. But after the implementation of EMG regulation for the first time only those employees who have been duly placed at ECs position within 2067 BS (Before 13th April, 2011) will be made eligible to be promoted to higher level position.

7.2.4.9 Capacity Development: 20% of the EC budget (allocated for salary of EC employees) will be spent in the capacity development of its employees.

7.2.4.10 Transfer of Employees: Transfer of employees would be made as per the broad guidelines stated in civil service act, however specific arrangements of transfer will also be made as per need of the commission.

7.2.4.11 Change of Service/Group: Change of service/group of EC employees will be made as per the existing civil service Act. Transfer through change of service/group can be made only with the approval of EC. Employee transferred to EC through change of service/group will not be made eligible for promotion until two years have passed.

7.2.4.12 Recommendation for Transfer: Provision of exit should be made in the regulation. So that the ECN could recommend any of its employee to be transferred to other agencies.

7.2.4.13 Disciplinary Action: Balance of reward and punishment has been regarded as a factor of motivation in an organization. So the EC will have authority to take disciplinary action to its employee and initiate the process. There will be no intermediate agency as a channel to move forward to Public Service Commission. Similarly EC will be authorized to reward its employee applying suitable norms.

7.2.4.14 Personnel Dossier: Personnel Dossier serves the purpose of regulating R-R in an effective manner. So it should be will be maintained and updated in EC, all the events related to personnel administration will be regulated through EC record.

7.2.4.15 Code of Conduct: A separate code of conduct for employees involved in election management will be developed for EC employees. Developing of

enforceable code of conduct should be emphasized. Violation of the code of conduct would result in taking action against EC employees.

7.2.4.16 Performance Management: In order to improve the performance of EC employees specific performance indicators will be developed. On these bases enhancing of the level of performance and reward system will be designed and put to practice. At the moment it is an advantage on the part of EC that donor agencies are very keen in introducing reforms in election and Performance Management as well.

7.3. Lesson Learned from the Group Formation:

It would be relevant to add few paragraphs on formation of groups/sub groups and its history in the civil service as follows:

The history of forming 'service' dates back to 1960 when Agriculture, Engineering, Education, Forest, Health and Miscellaneous services came into existence. It was only in 1977 the 'group' concept was developed when different groups were created under different technical services. The practice of forming groups under administrative service started with account group for the first time. Then after foreign, revenue, postal groups were formed at different times. Initiations were made in creating separate group for home affairs and local development discipline also. In 1996 an attempt was made to create separate service for Commission for Investigation of Abuse of Authority, then after concept of constitutional services also emerged embracing all the constitutional bodies. All these efforts did not proceed further.

Division of service/ occupational groups in the civil service has been regarded as a step forward towards position classification system. In this regard the history of Nepalese civil service does not provide positive reflections rather it has been attributed with negative fallouts.

So far as promotion is concerned, one finds different scenario within employees themselves who are working in different groups formed under the service. In most of the group and sub-group hierarchy have not been maintained in a proportionate manner. The ratio of positions placed at different level differs sharply from one group/sub-group to another. In some group employees were found promoted in every 7/8 years whereas in some group it took more than 18 years to get one promotion or retired in the same position in which s/he was appointed. The reason behind this lies with the fact that position creation in the civil service is not based on workload and objectivity. Unlike in the general administration group in a small group it becomes open that Mr. X gets promotion for sure if Y number of position is vacant/or newly created. This fact gives rise to favor particular person in an

organization by initiating to create new position, no matter whether the additional position proposed was justified in terms of present workload or not.

Groups and sub-groups are formed with a view to promote specialization in their respective jobs. This could be realized through imparting training at different level and intervals. But in the civil service efforts in developing specialization has been perceived as low priority jobs. Training and orientation are not being operationalized in a built-in manner. The principal of "right man to right job" in terms of academic qualification, training and experience have been ignored in so many cases. All these factors are taken as hindrances in either developing specialization or using specialized skill and knowledge.

The history of forming and de-forming group or changing the coverage/structure of the group do not portray nice picture in the civil service. To furnish an example of revenue group, originally the revenue group comprised up to gazette II class only. With a view to get promotion fast, gazetted class I positions were also included in the regulation afterwards. The official reason for this inclusion was not disclosed. And after promoting the employee the positions were again excluded from the group.² Likewise the Postal group formed under Administrative Service in 1994 was deformed and amalgamated in the general administration group just few years ago. Official reason was not cited for dismantling the group; however discussion with the concerned officials revealed that the absence of career development was responsible for its deforming. The parliamentary and health services which were under Civil Service Act before are now running under separate acts. The idea behind creating of group/service under separate Act was to provide more benefits and to create better service condition for the employees. In the newly created parliamentary service the existing candidates were provided with an opportunity of having one level automatic promotion in the higher position.

Despite all these anomalies a separate study on the functioning of groups and services in the civil service has not been made yet. The questions like whether the groups/sub-groups is moving in right direction? Whether the objective of forming the group/sub-group was being fulfilled? Whether the incumbents working under the group are motivated? How far the concept been able to professionalize civil service as a whole etc. are unanswered. In a situation like this, addition of yet another group like EMG has been initiated. In this context, it is assumed that Ministry of General Administration will undertake the relevant issues which are of comprehensive in

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Incidents like this have resulted dissatisfaction among employees belonging to other groups which are quite often reflected in seminar and discussion. The members belonging to revenue group are considered "specially privileged", so at times reactions are expressed as to why not to dismantle the revenue group ?

nature. So far the proposed EMG group is concerned initiation can be made by incorporating specific additional arrangements as experienced through the lesson learned in the past.

On the basis of the lesson learned from the past the proposed EMG could be analyzed as following:

7.3.1 Positive Aspects (Strength):

- Holding of free, fair and impartial election can be made effective through experienced election professionals.
- Resources allocated for training EC employees will be properly utilized.
- Frequent transfer of personnel will be stopped.
- Continuity of functions relating to election management can be assured.
- Election Management and activities will not suffer in absence of institutional memory of the employees.
- The credibility of EC in holding elections will be further enhanced.
- Strategic Plan of EC will be implemented effectively.
- Knowledge and skill of election management will be enhanced which would help develop professional election management group.
- Human resource planning can made effective so that long term election management could be developed.
- Personnel Administration of EC will be streamlined.
- Performance Management will be introduced within EC.

7.3.2 Precaution to be undertaken:

- (a) The employees within the group should be more or less satisfied with their career development (Incidents like dismantling of postal group should not be repeated in the future)
- (b) Keeping in view of the fact that financial benefits serves as an important factor of motivation, all the employees within the group should be provided with additional financial benefit.

- (c) The employees within the group should be provided with reasonable amount of work load (especially after the election is over, they should not try to get transferred to other agencies).³

In order to assure the above mentioned requirements the following precautionary measures are suggested to be taken into considerations:

1. Career Development should be addressed properly.- In this regard the recommendation for restructuring of field level offices through establishing regional/supervisory level offices and upgrading of field level position of office chief in a phase wise manner should take place as mentioned in the O&M report.
2. Special allowance should be provided to EMG employees. – In this regard recommendation has been made in the O&M report for providing at least 25 percent of employee's salary as allowance for EC employees.
3. Work load be adjusted in a consistent manner: Workload in the EC increases considerably after the election date is announced and substantially reduces after the election is over. In this situation it becomes quite natural for the employee to feel demotivated especially when there exists no substantial jobs to perform. Therefore jobs should be assigned for the staff as per the specified functions mentioned in the electoral cycle (pre, during and post election functions) so that they would feel themselves engaged throughout the year. This requires re-designing of job description of field level employees especially of the District Electoral Officers.
4. EMG as a specialized group should have a close link with training and development of EC. Training should be designed for officials in a separate package which should help develop HRD plan for EC.

8. Group Vis-à-vis Service Concept:

Under the present constitutional arrangements it is well understood that apart from EC there are many constitutional bodies functioning under different forms. In this situation question may be raised as to why the group formation was processed only for the EC, why not for other bodies too? Simple answer to this question would be – because the EC has felt urgency, therefore the process for the formation of EMG should take place first. In spite of this logic, if MOGA as a Central Personnel Agency keeping in view of maintaining uniformity would feel that not only for EC but all the constitutional bodies also should

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When the CA election was completed, 57 District Election Officers left EC to other agencies. DEOs' have revealed that had they been involved in work in a regular basis, they would not have left EC, In this sense they were forced to leave the EC.

have its specialized group, then in that case a Constitutional Service can be formed under Civil Service Act alternatively. With the proposed Constitutional Service, separate groups can be formed under it for each constitutional body (for example PSC group, CIAA Group, EMG Group NHRC Group etc). But it is to be noted that the formation of service requires Civil Service Act to be amended which might take long. Also at this stage convincing all the constitutional bodies to have their own professional group would be difficult and time consuming especially when the constitutional bodies itself does not seem prepared for the formation of service or group at the moment. Therefore it is recommended that Election Management Group (EMG) forming process should start immediately. Eventually all the constitutional bodies also should have its separate professional groups with specialized human resources.

9. Exploring Alternatives:

As mentioned in the preceding paragraphs the important factors behind sustainability of Election Management Group lies with adopting provisions related with financial and non financial nature. The former can be realized with adequate percentage of allowance while the later (career development and adequate workload) seems a bit difficult putting it into operation. In view of career progression it should not be a big deal to upgrade the existing position and promote a number of officials. But the most important factor will be to make the EC employees busy even after the election is completed.⁴ It is very clear that there exists several functions as mentioned in the electoral cycle (with pre, during and post election functions - refer annex) to be performed for effective election management apart from the during-election-functions. In order to create an environment performing these functions, it requires not only specific skill in designing job description of EC employees but also developing of appropriate indicators. Apart from this, sound monitoring mechanism and its effective functioning also would be needed which could be guaranteed only after its effective implementation. During the second round of discussion with EC officials most of the time was spent on discussing the performance management practices of EC. Most of them were found skeptical on it. They were of the opinion that in absence of reward and punishment based on work performance it would be very much difficulty maintaining managerial norms and standards. Besides, the negative fallouts of group formation within the civil service were also analyzed during the discussion at length. In this regard the issue of enabling EC management in implementation process was also

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An interview with field based employee and with an employee, currently working in other agency but previously trained in Election Management revealed that the sole cause for employee for leaving EC was that there existed virtually no work after the election was over.

discussed. It is with these reasons that one cannot be sure whether the EMG concept would function smoothly in EC.

The preceding lines suggest some more alternatives which need to be explored and analyzed. In this context the following options could be considered:

- (a) **Creating a Pool of Election -Trained:** Employees who are interested to work for EC in the time of election can be listed and imparted with relevant training⁵ The number of the trainees could be double from the number of employees needed at the time of election. This would create a sizable election trained official whose service could be used as per the need of EC. In order to put this option in action following provisions should be made in legislation :
- EC should be empowered to utilize their service as needed, and this authority should be clearly mentioned in the act/regulation.
 - The service of only those should be accepted who were trained by EC.
 - The concerned agency should depute him/her any time for different type of election training as per the request of EC.
 - As long as they work for EC they should be provided with monthly allowance at least equal to their pay.
 - As long as they were deputed to EC their Leon should be reserved separately in a Election-Pool.
- (b) **Retention Through Regulation** –An effective option would be retaining the employee through legislative mechanism. This option can be implemented through adding a provision in civil service regulation which should guarantee that nobody would be transferred to and from the ECN unless and until a formal approval of the ECN was made.⁶ This would help retain trained and experienced employee whose service can be used for EC management and activities as long as needed.

10. Recommended Option:

It does not appear an easy job to introduce reforms in the area of personnel management which is very much sensitive in itself. As it is not free from resistance, the implementation process has to undergo several hurdles. It is well accepted that the division of service/

⁵ For example the BRIDGE training designed for election management is very much useful developing professionalism in conducting election and election management business.

⁶ Similar type of provision had already appeared in the civil service regulation in the case of employees working for Ministry of Finance.

occupational groups in the civil service has been regarded as a step forward towards 'man-in-job' concept in the personnel management. It requires designing of jobs and developing of indicators which aims for specialization and performance improvement. In this regard as mentioned above, the history of Nepalese civil service which is largely based on 'rank-in-man' concept do not provide positive reflections and it was to be noted that it has happened because of the lack of effective implementability. If we stick to simply because we have not been able to do in the past we would not be able to do it in future also. Therefore it has been strongly recommended forming EMG along with enabling EC in its role of effective implementer.

11. EC in the Federal Structure:

The Constituent Assembly Committee on Structure of Constitutional bodies has proposed for integrated model for Election Commission. This means the Commission would be at the center for conducting and supervising different level of elections down to local level.. CA committee on State Restructuring Committee indicates that there may be provincial level commissions.

A report on transitional plan that had been prepared by EC couple of weeks ago and sent to Administrative Reorganization Commission suggest that the current structure of EC be continued until further changes are made in functions and responsibilities of the commission in the upcoming constitution, however it has been accepted that EC will be established as a constitutional body as before. The plan has suggested regional level offices be converted into provincial secretariat under the proposed federal structure. Thus there will be as many provincial secretariats as the number of provinces fixed for Nepal's future federal boundaries. This would make the chief of the EC provincial unit an extended arm of the centre.

EC at the centre and at the province both conduct and manage election. The former should be responsible for national (parliamentary) while the later for provincial. But the legislation, norms and standards of elections are to be designed and developed at the centre. As EC stands not only for election, it has to perform lots of preparatory works for free fair and impartial election and its management, the functions are to be performed centrally.

After the province comes into operation the district level offices would be placed directly under the Province. The regional level offices, as provincial units would be placed under the centre. Additional Positions needed for the provincial units are to be sanctioned by the centre.

Administratively, the employees working for both the levels (Centre and Province) would be from the same cadre (service/group). For example if EMG is formed they would be grouped in it if not they would be a part of General Administration Group). All the provincial employees are to be regulated from the centre; however the functions relating to provincial personnel administration will be delegated.

All the employees are to be recruited and selected through Public Service Commission. However additional employee needed in the time of election can be contracted by the provincial unit as done for the centre.

Annex:

Electoral Cycle Model - the Pre-Voting Preparation Period:

