



POKHARA
RESEARCH CENTRE

Agribusiness Promotion Act

of Pokhara Metropolitan City



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Executive Summary

Agriculture has been identified as one of the pillars of economic development strategy. Agribusiness in agriculture has the potential to generate growth, diversify income, and provide widespread employment and entrepreneurial opportunities. High growth of commercial agriculture production with low production costs is crucial for the promotion of agribusiness and marketing in Nepal. For this, among other things, a structured legal framework, effective implementation, and monitoring are indispensable for the overall growth of the agro-industry sector.

To actualize the role of Agribusiness Promotion in PMC, the Municipal Council of Pokhara Metropolitan City introduced the **Agribusiness Promotion Act 2017** with useful managerial provisions to guide implementation and investment decisions to government and agribusiness professionals within PMC. The underlying objective of this legislation relates to the promotion and professionalization of the agriculture sector through fostering greater collaboration among farmers and agribusiness professionals in boosting domestic marketing and exports through commercial contract-based initiatives aiming at poverty alleviation.

The act is principally concerned with the establishment of various committees and fund including members that play a crucial role in initiation, planning, execution, monitoring and control for agribusiness promotion in PMC. Each committee is given certain privileges, rules and regulations to govern its activities and achieve predetermined goals. In regard to this, the policy brief evaluates the provision of establishing agriculture market, fee structure for market operation, agriculture credit, agriculture insurance, fallow land management, agribusiness registration, and commercial contract farming.

After rounds of individual and group consultation for months, this act presents a useful analysis of the current status and prevailing challenges in the agribusiness sector. In this regard, the challenge concerning this sector, which needs to be addressed as a matter of urgency relates to the lack of adequate managerial and strategic information relating to the addressed issues. Thus, efforts made through this policy brief take the discussion one step ahead and identify those constraints which have been backstopping overall agriculture development of PMC. Recommendations are based on how the sector can grow and consequently play a greater role in larger economic growth of PMC. With this, PRC believes that this publication will be a vital document to refer to in the process of policy making for economic growth.

About the Author

Ms. Surakshya Pokhrel is an Agriculture extensionist who has spent most of her career actively working on governmental and non-governmental sectors. Currently, she is a researcher at Pokhara Research Centre. She has served as an Agriculture Instructor at Shree Bishwojyoti Technical College and as an Agriculture Technician in "COVID-19 Response and Socio-economic Recovery Initiatives, Putalibazar Municipality". She has also worked as an Agriculture Technician at Phedikhola Rural Municipality. She holds a Bachelor's degree in Agricultural Science from Tribhuvan University, Gokuleshwor Agriculture and Animal Science College and has undertaken professional research publication on plant breeding studying "Evaluation of seedling growth of rice (*Oryza sativa* L.) genotypes under water stress and non-stress conditions". She has worked effectively performing an assortment of duties, including tending to fields, providing research based educational and informational programs typically for rural populations, technology adoption and dissemination, assisting farmers to improve farming methods, techniques and improving beneficiaries' quality of life. She believes that improving access to life-changing essentials is possible only through bottom-up approaches that are critical in bringing about genuine, long-term change in many aspects of people's lives.

Acronyms

PMC	Pokhara Metropolitan City
NGOs	Non-Governmental Organizations
PRC	Pokhara Research Centre
VCDP	Value Chain Development of Fruit and Vegetables Project
GoN	Government of Nepal
KOICA	Korea International Cooperation Agency
UNDP	United Nations Development Programme

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Legislative Background

Upon the promulgation of the 2015 Nepalese Constitution, Nepal underwent a transition to a federal system, establishing three distinct governmental tiers: Central, Provincial, and Local. Schedules 5, 6, 7, 8, and 9 of the Constitution's Power Schedules outline exclusive and concurrent tasks and responsibilities for a three-tier government. Moreover, the intergovernmental dynamics among the three governmental echelons are founded upon principles of coordination, cooperation, and coexistence. The state's reformation offered chances to enhance agricultural governance as well. Situated within the Kaski district of the Gandaki province in Nepal, the metropolitan city of Pokhara encompasses eleven constituent areas. Notably, agriculture and animal husbandry collectively contribute to 11% of the overall revenue of the metropolis (PMC's Five Year, 2022)

According to Schedule 8 of the Constitution of Nepal 2015, the local level has been provided with rights including co-operatives, a charge of tax collection, local-level development projects and programs, local market management, environmental protection and biodiversity, local roads, rural roads, agricultural roads, irrigation, conciliation and mediation, distribution of real estate assets, agriculture and animal husbandry, agricultural production management, animal health. The right relating to agriculture and animal husbandry, agricultural production management, animal health, and cooperatives is provided in point 15 of schedule 8 of the constitution. Similarly, point 18 has also provided the right to administer, operate, and control agriculture extension.

Policy Highlights

On May 22, 2018, the Municipal Council of Pokhara Metropolitan City passed the Agribusiness Promotion Act 2017 in accordance with Article 226 of the Constitution of Nepal and Section 102 of the Local Government Operation Act 2017. The primary aim of this legislation was to transition Pokhara's traditional subsistence agriculture into a modern, sustainable, and competitive commercial production system, targeting both regional and global markets. This policy initiative is designed to elevate and professionalize the agricultural sector by fostering stronger collaboration between farmers and agribusiness professionals. Additionally, it seeks to bolster domestic marketing and exports through the development of agro-industries, promote increased production through contract-based ventures, and contribute to poverty alleviation via agribusiness efforts.

The Agribusiness Promotion Act 2017 grants rural communities, municipalities, agriculture cooperatives, ward agricultural networks, and agriculture entrepreneurs operating under public-private partnerships (PPP) the authority to establish agricultural markets within their respective administrative boundaries. The legislation incorporates multiple provisions intended to advance the agricultural landscape within Pokhara Metropolitan City.

To effectively realize the objectives set forth in the Agribusiness Promotion Act 2017, the Pokhara Metropolitan Board Meeting, on September 24, passed the Agricultural Network Implementation Procedure, 2018. This procedure serves as a framework to engage various entities within the agricultural sector, facilitating the flow of information, raising public

awareness, collecting relevant data, and managing programs. It places emphasis on marketing and monitoring activities, enhancing service delivery, and addressing the multifaceted needs of farmers for comprehensive agricultural development. As per the senior agriculture development officer of PMC, presently, out of Pokhara Metropolitan City's total of 33 wards, a robust network of 30 Ward Agricultural Networks has been established (PMC's Five Year, 2022).

The act is structured with the following provisions:

- Clauses concerning agricultural markets,
- Stipulations pertaining to the promotion of agribusiness,
- Regulations governing the establishment and functioning of the agribusiness promotion fund,
- Articles dealing with commercial farming contracts (leases),
- Sections addressing conflicts arising from the implementation of agricultural contracts,
- Provisions related to the registration, prosecution, and penalties associated with agricultural businesses,
- Guidelines for agricultural insurance.

Key Issues & Analysis

In the context of Pokhara Metropolitan City (PMC), nearly 43% of the total area consists of arable land. A notable concern among policymakers is the sluggish growth of the agriculture sector, which contributes only about 39% to the city's overall economic output. This situation is exacerbated by several factors. PMC faces low agricultural yields across various commodities, largely due to existing farming practices that lack both commercial viability and environmental sustainability. The condition of irrigation systems is subpar, and effective extension services are almost universally lacking. Poor road infrastructure and regulatory complexities further compound the difficulties that local farmers encounter in accessing markets. Additionally, years of insufficient investment, along with a lack of accessible inputs, technology, and services for farmers, have cast a detrimental impact on PMC's agricultural landscape. Without intervention, these challenges could exacerbate food insecurity and poverty levels in Nepal, as noted in a report by Nepal Relief Web in January 2013.

In PMC, the major economic activities encompass industry, trade, tourism, services, agriculture, and animal husbandry. Beyond the city center, there exists a significant expanse of arable land spanning wards 18 to 33. Notably, agriculture and animal husbandry have taken precedence as the primary industries in these rural regions. However, it is evident that a transformation is required, pivoting towards technologically adept practices for sustained growth.

The Agribusiness Promotion Act addresses these pressing concerns, aiming to revitalize and modernize PMC's agricultural sector. The pivotal challenges addressed by the act include:

Agrarian Financial Impediments

The sub-section 1 of section 9 of Agribusiness Promotion Act has mentioned the provision of providence of agricultural credit to farmers as per the rules of any bank or financial institutions. Likewise, sub-section 2 has a provision that a bank or financial institution can provide credit by accepting contract farming agreements as collateral. Access to adequate credit plays a pivotal role in determining agricultural productivity. Despite the introduction of numerous funding initiatives, programs, and subsidized loan options, farmers within PMC have encountered limited benefits when seeking credit for food crop and vegetable production. The challenges are multifaceted, encompassing procedural complexities, elevated interest rates, meager returns within the agriculture sector, and instances of loan misuse, all of which impede farmers' ability to secure loans from banking and financial institutions. Furthermore, concessional loans predominantly target the agricultural sector. To address this, it is imperative to equip farmers with the requisite technical knowledge to optimize credit utilization, thereby augmenting farm output through the adoption of improved inputs and practices.

The skepticism of banks and financial institutions towards the repayment of agricultural loans has led to stringent requirements, including substantial collateral and evidence of a farmer's annual income. Consequently, small-scale farmers grapple with restricted access to agricultural financing. This issue can be effectively mitigated by the introduction of agricultural insurance policies, the establishment of equitable market prices for agricultural products, and the implementation of strategies to amplify overall agricultural productivity.

Ambiguous Contract Farming Framework, and Autonomous Regulation

Employing a structured legal framework, contract farming presents a viable strategy to fortify the agricultural sector. Contract farming involves the production and delivery of agricultural goods through prearranged agreements known as forward contracts. These agreements hinge on a commitment to supply a specific agricultural product, meeting defined standards of type, timing, price, and quality, as stipulated by recognized purchasers. This framework essentially encompasses four key components: an agreed-upon price, defined quality, specified quantity or acreage, and a predetermined time frame.

Proficient farmers and individuals engaged in agribusiness adhere to the guidelines outlined in commercial agricultural contracts. These contracts facilitate the buying and selling of agricultural produce or the acquisition of essential land for agribusiness activities, as stipulated by the current regulations. Although the Act doesn't explicitly address the timing and method of contract fulfilment, it is imperative to include such specifications in subsection 1. Furthermore, subsections 2 and 3 contribute to unnecessary complexity and ambiguity within the relevant section, warranting their removal to enhance clarity and coherence.

Overlooked Partnership Arrangements:

Agriculture and agribusiness provide a great opportunity to turn things around for the country, offering a myriad of options for entrepreneurship throughout the food value chain stages. To take advantage of those opportunities, strong linkages, effective coordination and cooperation among federal and provincial agencies is indispensable. The major problem highlighted by the section 'provision related to agribusiness promotion' in Agribusiness Promotion Act, 2017 of PMC is need of partnership to

promote agribusiness. This problem is a result of an inefficient system riddled with issues that limit the sector's productivity.

Government sector alone is unable to provide all the services and facilities as demanded by farmers. Partnership project and program have found more effective at reduced cost. The concept of public-private partnership is becoming worldwide. Donors are in favour of partnership with Go/NGOs and private sectors. Service coverage of PMC is low, there is large scope to increase coverage of extension by partnership with NGOs. Example: VCDP envisaged the agriculture development through the coordination with GoN, KOICA and UNDP in PMC.

As a result, it is necessary that they make effective and efficient use of resources through services delivery, carrying out agribusiness promotion activities, infrastructure for post-harvest, marketing and processing, analysis and policy making, program coordination activities as well as create transparency among stakeholders through the main streaming of strong linkage and smooth coordination for agribusiness development.

Neglected Sustainability in Agribusiness

The concept of sustainable agribusiness arises as a response to the ecological, social, and health risks that stem from the forces of globalization and economic growth in contemporary society. Agribusiness encompasses a spectrum of sectors, including production industries, agriculture, food processing, distribution, and trading. Its primary purpose revolves around the production of an ample supply of high-quality food to sustain a healthy population.

However, the Agribusiness Promotion Act of 2017 falls short in addressing the comprehensive notion of sustainable development within the agribusiness sphere. Through a combination of qualitative and quantitative

methodologies, this legislation endeavours to gauge the extent to which the agribusiness sector is naturally progressing towards sustainability. It also delves into the potential of agricultural innovation to contribute to sustainable development objectives. This encompasses goals such as eradicating poverty, ensuring food security, promoting gender equality, fostering decent work and economic growth, and advocating for responsible consumption and production.

The core intention of the act is to scrutinize the scope, focus, objectives, and outcomes of agribusiness activities that lead to sustainable development. Recognizing the potential, the act explores the avenue of bolstering sustainability through agribusiness practices, thereby necessitating the effective implementation of appropriate laws and regulations. This approach holds promise as a means to enhance the agricultural sector within the confines of PMC.

Context

The agriculture sector within Pokhara Metropolitan City (PMC) remains in a state necessitating significant development. Its current condition is notably subpar, demanding robust and pragmatic strategies for improvement. The existing trajectory fails to ensure sustainable long-term agricultural progress, thereby posing a considerable risk of impending food scarcity both within PMC and on a national scale. To propel the growth of a landlocked nation like Nepal, the agricultural domain must adeptly harmonize tradition and innovation to adapt to evolving realities.

Pokhara Metropolitan City, operating as a local government entity within the federal structure, is actively engaged in fostering the advancement of agriculture and livestock. As defined under point 20 of schedule 6 of the Constitution of Nepal, the city possesses absolute authority in overseeing agricultural and animal development, industrialization, trade, business, and transportation. The dedicated "Agriculture and Livestock Development Department" within PMC undertakes the full spectrum of responsibilities mandated for agricultural and animal husbandry affairs, including the formulation and execution of agricultural promotion policies.

Previously, prior to the advent of federalism, local levels existed within Nepal, yet they did not wield comparable legal jurisdiction to their present authority. In a significant step, the Agriculture Promotion Act for PMC received initial approval from the municipal assembly on May 22, 2018. Currently in its inaugural phase of implementation, the act's journey has encountered challenges in terms of its design, effective deployment, ongoing monitoring, and evaluative efforts

3 column Detailed Review and Recommendations of the Act

Section	Sub-section	Provisions	Remarks	Recommendation
Section 4	Sub-Section 1	The classification of agricultural markets encompasses wholesale bazaars, retail bazaars, haat bazars, collection centers, and e-bazaars.	This stipulation has introduced the potential establishment of local bazaars within PMC, aiming to enhance resilience both at the national and household levels.	In the contemporary digital landscape, this provision, coupled with a more efficient approach to marketing, lead generation, and the promotion and sale of agricultural products and services, has the potential to engage broader audiences. To achieve this, the incorporation and expedited integration of the "Kisan Mart" market system within market categorization is recommended. Additionally, other ministries and local governments should contemplate these considerations.

Section	Sub-section	Provisions	Remarks	Recommendation
Section 4	Sub-Section 2	The metropolitan city council is responsible for setting the fee for operating the agricultural market.	This rule exacerbates the confusion during market operations, given that the city council imposes an identical fee for markets of varying types and sizes. Furthermore, this fee dissuades prospective farmers and traders from exploring other business opportunities.	The regulation could be made more efficient by specifying the fee structure for market operation based on factors such as the type of business registration, the scale of wholesale or retail activity, the extent of participation in haat bazars (temporary weekly markets), collection centers, and the overall business conducted within these market setups.

Section	Sub-section	Provisions	Remarks	Recommendation
Section 5	Sub-Section 1	Establishment of a committee dedicated to the creation and administration of an agricultural market.	According to the Agriculture and Livestock Development Division of Pokhara Metropolitan, the agricultural market management guidelines and the agricultural market operating procedures have been made, but the metropolis is unable to operate the market under the authority of this Act. This provision could discourage firms, especially the ones seeking to make a profit through the sale of agricultural goods and services including sole proprietorships and corporations.	Agricultural markets ought to be established in alignment with the provisions of the Act. This approach aims to foster, construct, and enhance agricultural enterprises by leveraging agricultural networks, cooperatives, and entrepreneurial initiatives in the agricultural sector.

Section	Sub-section	Provisions	Remarks	Recommendation
Section 6	Sub-Section 2(d)	<p>There exists a provision for the establishment of the Agri-Business Promotion Committee within Pokhara Metropolitan. One of the members of this committee will be the coordinator or leader of the municipal food security committee.</p>	<p>This provision contributes to the lack of responsiveness in the metropolis' obligations towards the agricultural sector. The delay in establishing the metropolis food security committee has persisted for several years.</p>	<p>The establishment of the Pokhara Metropolitan Food Security Committee is crucial, with a primary focus on elevating food and nutrition security as a pivotal sector. This commitment aims to eradicate hunger and malnutrition, while also striving to double agricultural productivity and income. The ultimate goal is to establish a resilient and sustainable food production system.</p>

Section	Sub-section	Provisions	Remarks	Recommendation
Section 10	Sub-Section 1	Creation of a distinct Agri-Business Promotion Fund dedicated to advancing agricultural business endeavors.	This stipulation hampers the advancement and professional growth of the agricultural sector. The delay in setting up and operationalizing the Agri-Business Promotion Fund, coupled with the introduction of additional regulatory procedures for its establishment, exacerbates the situation. There is a pressing need to establish a robust coordination mechanism to address these challenges effectively.	The Agri Business Promotion Fund must be instituted and actively managed within the PMC. This fund should be capable of receiving contributions from various sources, including the federal and provincial government, rural municipalities/municipalities, the Government of Nepal (GoN), as well as foreign governments, donors, and individuals. Its purpose should encompass providing assistance in cases of compensation or occurrences such as adverse weather conditions, floods, landslides, and hail-related damages.

Section	Sub-section	Provisions	Remarks	Recommendation
Section 16	Sub-Section 4	Arable land that remains uncultivated for two consecutive years can be utilized for agricultural pursuits as determined by the local government. The local authorities shall establish and put into action protocols for the management of such fallow land.	There is a dearth of provision of agricultural subsidies on seeds, fertilizers, farm equipment, machinery, agricultural development programs, dissemination of agricultural technologies, fallow land management procedures, numerous funds and financial resources which encourages farmers for cultivation rather than the profitable building sites or keeping land vacant.	There is a critical requirement for resolute commitments from the local government and stakeholders. Swift formulation and execution of fallow land management protocols are imperative, grounded in scientific land reform and land use policies. This approach aims to bolster agricultural production and productivity, facilitate commercialization, foster industrialization, and drive the diversification and modernization of agricultural practices within PMC.

Section	Sub-section	Provisions	Remarks	Recommendation
Section 28	Sub-Section 1	A provision mandates that farmers must register their businesses before engaging in any agricultural enterprise.	<p>This regulation contributes to perplexity during the registration process at the office of small and cottage industries, particularly for agri-businesses of varying sizes. This is because firms are still required to register separately at the ward level and navigate additional regulatory steps, which elongates and complicates the overall procedure. Despite the existence of this provision in the act, PMC has not yet formulated procedures concerning business registration, capital prerequisites, eligibility criteria, fees, and similar aspects. As a result, no such businesses have been able to establish themselves thus far.</p>	<p>The regulation could be made more efficient by introducing a unified policy that mandates agri-business owners to visit only a single office for all types of regulatory approvals. This approach could involve the delegation of these tasks to subsequent internal offices, streamlining the process.</p>

Section	Sub-section	Provisions	Remarks	Recommendation
Section 33	Sub-Section 1	<p>There is a provision stipulating that insurance companies authorized to provide agricultural insurance must fulfill the process according to the terms laid out in the contract for the cultivation of agricultural produce.</p>	<p>This provision falls short of a definitive commitment to adopt an online digital system, leading to an intricate, inconvenient, and time-intensive insurance procedure. This deficiency disproportionately affects farmers, causing reduced insurance uptake rates and adding complexity to the insurance process. Moreover, this provision has not yet been extended to cover commercial areas. There is a need to develop a functioning procedure to encompass a wider array of crops and commodities.</p>	<p>Introducing an online agriculture insurance system would offer a user-friendly platform, eliminating the need for frequent visits to government offices and minimizing administrative obstacles. This transition to digital processes would save both time and money in comparison to traditional paper-based methods.</p>

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About Pokhara Research Centre (PRC)

Pokhara Research Centre (PRC) is a research-based non- partisan organization based in Pokhara. Established in 2019, PRC focuses on socioeconomic dimensions of domestic public policy research.

Guided by the motto of "*Economic Freedom with Good Governance*", PRC is following the international principle of individual choice and liberty translated into the equal opportunity of enterprise, rule of law, and the democratic principle of free expression as a tool to design its programs and initiatives; creating positive impact at the province level, through policy reform; PRC works under three broad functional domains; Research, Training, and Advocacy.

PRC's one of flagship program Youth in Policy and Governance Fellowship Programme (YPG Fellowship) aims to train the youth of Gandaki Province in law-making and public policy. The primary role of a PPSP Fellow is to deliver extensive research support to their assigned MP for their parliamentary work. The organization is also focusing on other youth training programs on the free market, entrepreneurship, and economic freedom in the region supported by Atlas.

The organization's core values are; Creating public values, Evidence-based policy-making, and the investment approach to public service delivery. PRC intervenes in areas viz. Enterprise Development, Economic Policy Reform, Governance & Advocacy, and Public Policy Delivery.

The organization has launched programs such as Gandaki Discourse, Political Economic Discussion Series (PEDS), and Formation of Gandaki Leader Circle (GLC) dedicating it to establishing itself as a state-level policy think tank.

Further, PRC is the partner of Atlas Network, Centre for International Private Enterprise, National Endowment for Democracy, United States Embassy in Kathmandu, Samriddhi Foundation, Hriti Foundation, and Bikalpa an Alternative.



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