

Civil Society Outreach for Constituent Assembly submission
Suggestions for Fundamental Rights and directive Principles Committee

Suggestions collected through Democratic Dialogues held with the Dalit communities of Saptari and Sarlahi Districts

Submitted
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Kocha Bhakari and Malekpur VDC(Village Development Committees), Sapatari Districts

- 1. The following should be the criteria to get Nepali citizenship:**
 - On the basis of descent
 - One should have lived in Nepal for at least 10 years

- One who is born in Nepal
 - If the parents are Nepali citizens
2. **The Constitution should incorporate the following religious rights**
 - One should have the freedom to practice his/her religion
 - There should not be any religious interference on anybody
 3. **Dalits have to face the following problems just because they happen to be Dalits**
 - They are prevented from entering into temples and religious sites
 - Caste discrimination, untouchability, child marriage
 - Illiteracy, social evils and practices
 - Access to land to settle down
 4. **There should be the following provisions in the constitution in order to protect Dalit rights**
 - Provision of free education
 - Provision of employment
 - Provision to end untouchability
 - Provision of setting up Dalit offices in several places to address Dalit issues
 - Provision of treating all caste/ethnic groups equally
 5. **Madhesis have to face the following problems just because they happen to be Madhesis**
 - Problems relating to language
 - Problems relating to employment
 - Problems relating to education
 - Financial problems
 - Problems relating to discrimination
 6. **There should be the following provisions in the constitution in order to protect Madhesi rights**
 - Guarantee of employment
 - Equal rights on the basis of the proportion of population
 - Inclusion in all areas of national life
 - Involvement in all sectors of development activities

Haripur VDC, Sarlahi District

- 1. The following should be the criteria to get Nepali citizenship**
 - Citizenship should be given from the name of the mother
 - One should have lived in Nepal for at least 10 years
 - Citizenship certificate should be given on the basis of one's cultural attire
 - Instead of *Dhaka topi* (Nepali cap worn by hill people) people from the lowlands should be allowed to wrap *Gamchha* (thin cloth) around the head while taking photographs for citizenship certificate
 - Arrangements should be made to obtain citizenship certificate easily

- 2. The Constitution should incorporate the following religious rights**
 - All religions should be treated equally
 - Religious freedom
 - No religion should be discriminated against
 - The followers of all religions should have holiday on their religious festivals

- 3. Dalits have to face the following problems just because they happen to be Dalits**
 - They are prevented from entering into temples and religious sites
 - Untouchability

- No rights in the areas of education, health, politics, financial progress, culture, and delay in governmental work
- **What provisions should be there in the constitution for the protection of Dalit rights?**
- The quota for Dalit women should be separated from the quota set aside for Madhesi women
- Provision should be made for reservation in education for Dalits
- Provision should be made to provide land for landless Dalits
- Provision of Ration Card should be made to buy food grains
- Provision should be made for the right to equal access to resources and mediums
- Provision of reservation and special rights should be made in all areas of national life
- Special provision should be made to give loans to women who have passed SLC (School Leaving Certificate Examination)

4. Madhesis have to face the following problems just because they happen to be Madhesis

- Difficulty in getting citizenship certificate
- No opportunity of enrolling in Nepal Army
- Lagging behind in education due to language problem
- Exclusion from development activities
- Problems relating to cultural barrier i.e. attire of the lowland people

5. The following provisions should be made in the constitution for the protection of Madhesi rights

- Right to have education in one's own mother tongue (language)
- Provision of reservation for Madhesi in every spheres of national life
- Provision of Madhesi (language) speaking people in administrative bodies
- Provision of participation in all areas of development works
- Implementation of federal governance system

Civil Society Outreach for Constituent Assembly submission
Suggestions for Committee for Determining the Structure of Governance of State

**Suggestions collected through Democratic Dialogues held with the Dalit communities of
Saptari and Sarlahi Districts**

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Kocha Bhakari and Malekpur VDC (Saptari District)

1. The new constitution should have a parliamentary system with all the powers to the prime minister but with a constitutional President (with limited power)
2. It would be appropriate to call the head of the state the president
3. The election of the President should be done by an electoral college consisting of the members of the federal and provincial legislature
4. It would be appropriate to have the term of office of the president or directly elected prime minister for a period of five years
5. (In case of the system with a prime minister) it would be appropriate to select the prime minister by an electoral college consisting of the members of federal and provincial legislatures
6. It would be appropriate to have a system with the provision of electing a person to the office of the prime minister for only one term
7. It would be appropriate to fix the tenure of office of the chief of the province for a period of five years

Haripur VDC (Saptari District)

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6. It would be appropriate to have a system with the provision of electing a person to the office of the prime minister for only one term
7. It would be appropriate to fix the tenure of office of the chief of the province for a period of five years

Civil Society Outreach for Constituent Assembly submission
Suggestions for Committee for Determining the Structure of Legislative Body

**Suggestions collected through Democratic Dialogues held with the Dalit communities of
Saptari and Sarlahi Districts**

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Kocha Bhakari and Malekpur VDC (Saptari District)

1. It would be appropriate for the federal (central) legislature to be bi-cameral
2. It would be appropriate to adopt a mixed election system to elect the members of the Upper House of the Federal (central)Legislature
3. The members who are elected to the Upper House of the Federal (central) Legislature should be at least 30 years of age
4. It would be appropriate to adopt proportional election system for (the election of) the members of the Lower House of the Federal (central) Legislature
5. It would be appropriate to adopt proportional election system for (the election of)the members of the Legislature of the constitutional unit (province)
6. It would be appropriate to fix the term of office of the members of the Legislature of the constitutional unit (province) for a period of five years
7. It would be appropriate to have a provision to dissolve the Legislature of the constitutional unit (province) before the completion of its term

Haripur VDC (Sarlahi)

1. It would be appropriate for the federal (central) legislature to be bi-cameral
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3. The members who are elected to the Upper House of the Federal (central) Legislature should be at least 30 years of age
4. It would be appropriate to adopt proportional election system for (the election of) the members of the Lower House of the Federal (central) Legislature
5. It would be appropriate to adopt proportional election system for (the election of)the members of the Legislature of the constitutional unit (province)
6. It would be appropriate to fix the term of office of the members of the Legislature of the constitutional unit (province) for a period of five years
7. It would be appropriate to have a provision to dissolve the Legislature of the constitutional unit (province) before the completion of its term

Civil Society Outreach for Constituent Assembly submission

Suggestions for Committee for Restructuring the State and Sharing of State Power

**Suggestions collected through Democratic Dialogues held with the Dalit communities of
Saptari and Sarlahi Districts**

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Kocha Bhakari and Malekpur VDC (Saptari District)

1. The federal restructuring of Nepal should be based on the following:
 - Geographical specificities
 - Population
 - Economic feasibility
 - Ethnicity, language, historical identity
2. The names of the constitutional units(provinces) should given on the basis of:
 - Religious sites
 - Cultural heritage
 - Regional identity
 - Historical significance
3. It would be appropriate to divide Nepal into three-tier federal units(province)
4. It would be appropriate to delineate federal units (province) on the basis of existing districts
5. Nepal will need a three-tier government
6. It would be appropriate to divide powers equally among the constitutional units (province)
7. It would be appropriate to use the following mechanism to settle disputes between the Centre and the province or between the provinces
 - The Constitutional Court
 - Federal (central) Legislature
 - Federal Court
8. While structuring federal states, a non-geographical federal unit should be formed for Dalits

Haripur VDC (Sarlahi)

1. **The federal restructuring of Nepal should be based on the following:**
 - Geographical specificities
 - Population
2. **The names of the constitutional units provinces) should given on the basis of:**
 - Religious sites
 - Language
 - Famous rivers
3. It would be appropriate to divide Nepal into four-tier federal units(province)
4. It would be appropriate to delineate federal units (province) on the basis of existing districts
5. Nepal will need a four-tier government
6. It would be appropriate to divide powers equally among the constitutional units (province)
7. It would be appropriate to use the following mechanism to settle disputes between the Centre and the province or between the provinces
 - A high-level Commission
 - A coordinating body to maintain coordination among Federal units
 - Constitutional Court
8. While structuring federal states, a non-geographical federal unit should be formed for Dalits

Civil Society Outreach for Constituent Assembly submission
Suggestions for Committee for the Protection of the Rights of Minorities and
Marginalized Communities

Suggestions collected through Democratic Dialogues held with the Dalit communities of
Saptari and Sarlahi Districts

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Kocha Bhakari and Malekpur VDC (Saptari District)

1. The caste/ethnic, lingual and religious groups; minority gender groups and class, as well as the people of backward regions who have little or no access to resources/means of the State, and lack economic, social and political power with little or no influence on the educational sector should be identified as minority communities.
2. The caste/ethnic, lingual and religious groups; minority gender groups and class, as well as the people of backward regions who have been discriminated against, treated unequally, and excluded from all spheres of the national life should be identified as marginalized groups.
3. The communities that are below the poverty line should be identified as the most marginalized communities.
4. The households of the marginalized groups within the caste/ethnic, lingual and religious groups; minority gender groups and class, as well as the people of backward regions who lag behind in economic, social, educational and political spheres as well as in the areas of employment should be identified as isolated, excluded, or marginalized ethnic/class/communities.
5. It would be appropriate to incorporate provisions in the new constitution regarding ethnic, religious and lingual autonomy for the marginalized communities along with the rights to positive discrimination with the provisions of (special rights) reservation and quota system.
6. It would be appropriate to have the provision of (special rights) positive discrimination, reservation and quota system for the marginalized groups in the new constitution along with equal rights that are enjoyed by the members of other communities.
7. There should be a provision of positive discrimination, special rights and quota system in the constitution for the isolated, excluded and marginalized caste/ethnic groups, class or communities along with equal rights that are enjoyed by the members of other communities.
8. Protection could be given to the minority groups by making a provision of positive discrimination (reservation, quota system and special rights) in the constitution along with equal right that are enjoyed by the members of other communities.
9. Protection could be given to marginalized communities by making a provision of positive discrimination (reservation, quota system and special rights) in the constitution along with the rights enjoyed by members of other communities.
10. Protection could be given to the caste/ethnic groups, class and communities isolated, excluded and made marginalized groups by making a provision of positive discrimination (reservation, quota system and special rights) in the constitution along with the rights enjoyed by members of other communities.
11. The marginalized groups could be involved in the mainstream of the state system with positive discrimination (reservation, quota system and special rights).
12. The backward caste/ethnic groups, class or communities could be involved in the mainstream of the state system by making positive discrimination (reservation, quota system and special rights).

Haripur VDC (Sarlahi)

1. The caste/ethnic, lingual and religious groups; minority gender groups and class, as well as the people of backward regions who have little or no access to resources/means of the State, and lack economic, social and political power with little or no influence on the educational sector should be identified as minority communities.
2. The caste/ethnic, lingual and religious groups; minority gender groups and class, as well as the people of backward regions who have been discriminated against, treated unequally, and excluded from all spheres of the national life should be identified as marginalized groups.
3. The communities that are below the poverty line should be identified as the most marginalized communities.
4. The households of the marginalized groups within the caste/ethnic, lingual and religious groups; minority gender groups and class, as well as the people of backward regions who lag behind in economic, social, educational and political spheres as well as in the areas of employment should be identified as isolated, excluded, or marginalized ethnic/class/communities.
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10. Protection could be given to the caste/ethnic groups, class and communities isolated, excluded and made marginalized groups by making a provision of positive discrimination (reservation, quota system and special rights) in the constitution along with the rights enjoyed by members of other communities.
11. The marginalized groups could be involved in the mainstream of the state system with positive discrimination (reservation, quota system and special rights).
12. The backward caste/ethnic groups, class or communities could be involved in the mainstream of the state system by making positive discrimination (reservation, quota system and special rights).

Civil Society Outreach for Constituent Assembly submission

Suggestions for Committee for Preserving National Interests

**Suggestions collected through Democratic Dialogues held with the Dalit communities of
Saptari and Sarlahi Districts**

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Kocha Bhakhari and Malekpur VDC (Saptari District)

1. **The main issues of national interest for Nepal should be as follows:**
 - a. Promotion of the nationalism,
 - b. National Security,
 - c. Social Harmony,
 - d. Political Stability,
 - e. Recognition of World Peace,
 - f. Poverty Eradication,
 - g. Building a discrimination-free society
2. **The responsibility of conserving national natural heritage should lie with all levels of the government.**
3. **It will be better if the following measures are adopted to implement the treaties to which Nepal is a signatory:**
 - a. Automatic implementation after the ratification, assimilation, adoption or endorsement by the legislature
 - b. Implementation by formulating a separate legislation by the legislature
4. **Following actions should be taken in case of encroachment on Nepal's border:**
 - a. The government or the concerned authority should be informed immediately if there is any encroachment in the border.
 - b. Pressure should be built on the government to resolve the problem of border encroachment.
 - c. People should resist such an action themselves.
 - d. The government should immediately negotiate with the concerned country to resolve the problem regarding encroachment in the border.
 - e. The legislature-parliament should be informed immediately after receiving the information on any encroachment.
5. A provision of reservation should be made for a few years for the marginalized, minority, indigenous groups, Madhesis, Muslims, ethnic groups, backward and excluded groups, and the communities that are on the verge of disappearance. The army should be made inclusive by recruiting qualified candidates on proportionate basis.

Haripur VDC (Sarlahi District)

1. The main issues of national interest of Nepal should be as follows:
 - a. Promotion of nationalism,
 - b. National Security,
 - c. Social Harmony,
 - d. Political Stability,
 - e. Recognition of World Peace,
 - f. Poverty alleviation,
 - g. Building a society where there will be no discrimination.

2. The responsibility of conserving national natural heritage should lie with the central, provincial and local governments as well as the local communities.

3. There should be a provision to formulate a separate legislation by the legislature and implement the treaties to which Nepal is a signatory.

4. Following actions should be taken in the case of border encroachment:
 - a. The government or the concerned authority should be informed immediately if there is any encroachment in the border.

 - b. Pressure should be built on the government to resolve the problem of border encroachment.

 - c. People should resist such a action themselves.

 - d. The government should immediately negotiate with the concerned country to resolve the problem regarding encroachment in the border.

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Civil Society Outreach for Constituent Assembly submission

Suggestions for Committee on Judiciary

**Suggestions collected through Democratic Dialogues held with the Dalit Communities of
Saptari and Sarlahi Districts**

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Kocha Bhakhari and Malekpur VDC (Saptari District)

1. It will be appropriate to have a three-tier law courts on the new constitution.
2. It would be appropriate to appoint a Judge on the recommendation of the government which is accountable to the people.
3. In order to be appointed as a Judge a person should be at least 35 years of age.
4. The appropriate retirement age for a Judge should be 60 - 65 years.
5. A person should have the following qualifications in order to be appointed as a Judge:
 - a. S/he should be a Nepali Citizen,
 - b. S/he should have attained certain age,
 - c. S/he should have certain legal qualifications and experience,
 - d. S/he should not be convicted of any criminal offence, indicating moral degradation.
6. A judge will cease to be in the office on the basis of:
 - a. Lack of competency in work
 - b. Bad behavior
 - c. Failure in following code of conduct
 - d. Involvement in criminal offence, indicating moral degradation.

Haripur VDC (Sarlahi District)

1. It will be appropriate to have a four-tier law courts on the new constitution.
2. It would be appropriate to appoint a Judge on the recommendation of the government which is accountable to the people.
3. In order to be appointed as a Judge a person should be at least 45 years of age.
4. The retirement age for a Judge should be 65 years.
5. A person should have the following qualifications in order to be appointed as a Judge:
 - a. S/he should be a Nepali Citizen,
 - b. S/he should have attained certain age,
 - c. S/he should have certain legal qualifications and experience,
 - d. S/he should not be convicted of criminal offence, indicating moral degradation.
6. A judge will cease to be in the office on the basis of:
 - a. Lack of competency in work
 - b. Bad behavior
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Civil Society Outreach for Constituent Assembly submission

Suggestions for Committee for Determining the Structure of Constitutional Bodies

Suggestions collected through Democratic Dialogues held with the Dalit communities of Saptari and Sarlahi Districts

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1. Future structure of the Constitutional Bodies in the Federal Governance System should be as follows:

| S.No. | Constitutional Bodies | Central | Provincial | Mixed |
|-------|--|---------|------------|-------|
| a. | Public Service Commission | | √ | |
| b. | Election Commission | | | √ |
| c. | Commission for the Investigation of Abuse of Authority | | | √ |
| d. | Human Rights Commission | | | √ |
| e. | Attorney General | | | √ |
| f. | Other Commissions | | √ | |

2. The following Constitutional Bodies will be needed for the Governance of the country:

- a. The Executive
- b. The Judiciary
- c. The Legislature
- d. Dalit Commission
- e. Women Commission
- f. Human Rights Commission
- g. Public Service Commission
- h. Election Commission
- i. Commission for the Investigation of Abuse of Authority

Haripur VDC (Sarlahi District)

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| S.No. | Constitutional Bodies | Central | Provincial | Mixed |
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| a. | Public Service Commission | | | √ |
| b. | Election Commission | | | √ |
| c. | Commission for the Investigation of Abuse of Authority | | | √ |
| d. | Human Rights Commission | | | √ |
| e. | Attorney General | | | √ |
| f. | Other Commissions | | | √ |

2. The following Constitutional Bodies will be needed for the Governance of the country:
 - a. The Executive
 - b. The Judiciary
 - c. The Legislature
 - d. Dalit Commission
 - e. Women Commission
 - f. National Human Rights Commission
 - g. Public Service Commission

Civil Society Outreach for Constituent Assembly submission

Suggestions for Committee for Determining the Basis of Cultural and Social Solidarity

Suggestions collected through Democratic Dialogues held with the Dalit communities of Saptari and Sarlahi Districts

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1. It would be appropriate to determine the language of official business on the basis of the following:
 - a) Linguistic Population (based on mother tongue)
 - b) On the basis of language spoken by the majority of people
2. Provincial languages should be determined on the basis of the following:
 - a) A language spoken by majority of the people
 - b) Linguistic population (based on mother tongue)
3. The language of the official business at local level Bodies should be determined on the basis of local languages.
4. It is essential to make education in mother tongue compulsory.
5. The following works will have to be done for social-cultural change:
 - a) End of all kindss of exploitations and discriminations against women,
 - b) Social evils and practices such as dowry and polygamy should be made legally punishable,
 - c) Women should have equal access to paternal property.

Haripur VDC (Sarlahi District)

1. The language of the official business of the Central Government should be determined on the basis of languages spoken by various caste groups.
2. It would be appropriate to determine Provincial language on the basis of linguistic population (people speaking mother tongue).
3. The language of the official business at the local level Bodies should be determined on the basis of local languages.
4. It is essential to make education in mother tongue compulsory.
5. The following works will have to be done for social-cultural change:
 - a) End of caste discrimination and untouchability.
 - b) End of all kinds of exploitations and discriminations against women,
 - c) Social evils and practices such as dowry and polygamy should be made legally punishable,
 - d) Women should have equal access to paternal property.

Civil Society Outreach for Constituent Assembly submission

Suggestions for Committee on Natural Resources, Economic Rights and Sharing of Revenues

Suggestions collected through Democratic Dialogues held with the Dalit communities of Saptari and Sarlahi Districts

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1. The local level bodies should be allowed to generate revenue from natural resources
2. The revenues generated from natural resources should be mobilized at the local level
3. It would be appropriate to determine the criteria for the distribution of sources of income at the Centre on the basis of backward regions.
4. There should be a provision of Constitutional Mechanism to resolve the conflicts that may arise between the Centre and provinces, or between the provinces, or between the province and the local body regarding the distribution of natural resources, economic rights and revenue sharing.

Haripur VDC (Sarlahi District)

1. The local level bodies should be allowed to generate revenue from natural resources
2. The revenues generated from natural resources should be mobilized at the local level
3. It would be appropriate to determine the criteria for the distribution of sources of income at the Centre on the basis of backward regions.
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