

Suggestions made by the marginalized communities of the Rapti Zone  
to  
The Constituent Assembly in relation to the making of a new  
constitution in Nepal  
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## Background

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The districts of Rapti Zone in the mid-western development regions of Nepal - Rukum, Rolpa, Salyan, Dang and Pyuthan – are far from the national mainstream in terms of geographical, economic and social conditions. Moreover, the condition of the Dalits, women, ethnic groups/caste groups and children is in a pitiable state. Compared to other parts of the country these districts suffered much in terms of loss of life and property during the armed conflict. Women, children, Dalits and the marginalized groups of the ethnic communities had to suffer most during the insurgency. Despite achieving "democratic republic" with the sacrifice and suffering of millions of people not much change has taken place in the living conditions of people of this region. The voices of the marginalized groups still do not find their way to the different bodies of the state. Even after the end of insurgency, the people of the region have not been able to get relief, compensation and justice. Programmes on "democratic dialogue" are taking place in the 100 VDCs (village development committees) of the five districts of the Rapti Zone with the objective of taking the voices of the marginalized groups of the region (by involving them in the "dialogue") to the Constituent Assembly which is in the process of drafting a new constitution of a democratic republic. A draft of the voices of and the suggestions made by these marginalized groups living in the VDCs has been formally submitted to the Constituent Assembly. The other suggestions that will be made during the programmes of the "democratic dialogue" will be submitted to the different committees of the Constituent Assembly.

### Important suggestions

- There should be a provision of a separate "criminal court" in the new constitution in order to make an investigation to find out the truth about the murders committed during the armed insurgency and other human sufferings such as kidnapping, physical assault, torture and maiming and loss of property caused during the time and compensate the victim, and the international criminal court, Nepal, should also sign on it to bring culprits to the court of justice (and for the practical implementation of the laws) who commit such crimes in future.
- The provision of the inclusive, proportional representation of women, Dalits, Janjati and other marginalized groups in all the organs of the state should be made in the Directive Principles of the State itself.
- Youths are the primary human sources of the state. They are presently involved in violence due to unemployment and depression. In order to save them from such a fate and involve them in creative works a constitutional provision should be made for a separate "youth self employment' system under a public welfare state.

## **1. Election system and an accountable government**

1. Proportional representation of the marginalized groups (women, Dalits, indigenous ethnic groups, Madhesi and the minority groups) in politics.
2. Need to adopt full proportional system in all the elections including in the Central and federal states.
3. Priority in development/construction works on the basis of geographical remoteness.
4. Protection and development of religious, historical, cultural sites as well as places of tourist attraction
5. Infrastructure such as roads, electricity, irrigation, drinking water should be developed along with other related activities
6. Priority should be given to the development of transportation
7. Water resources should be properly developed
8. Priority should be given to the protection and development of geographically backward regions
9. Agricultural system should be developed on the basis of geographical specificities
10. Link roads should be made in geographically remote areas to link roads/highways
11. Protection of areas affected by floods, landslides, river cut areas and flooded lands
12. Roads should be constructed in all the VDCs of each district

## **2. Different organs of the State and constitutional bodies**

1. Provision should be made for an independent, capable and an impartial judiciary.
2. Proportional representation of marginalized groups should be ensured in the three organs of the state (legislature, judiciary and executive).
3. Provisions should be made for special rights of the marginalized groups in the policy-making levels.
4. Provisions should be made to ensure women representation (Dalits, indigenous ethnic groups, minority groups) on the basis of their population.
5. The marginalized groups should also be represented in all decision making processes.
6. Provisions should be made for the proportional representation in all the organs/bodies of the state.
7. Human Rights Commission, Women and Dalit Commissions, Youth and Self Employment Promotion Commission should be given constitutional status

### **3. Fundamental rights/independence/ Directive Principles/social justice and welfare state**

1. Social security and justice
2. Guarantee of human rights
3. The script, language, religion and culture of the minority groups and indigenous and ethnic groups should be protected and developed
4. Financial support should be provided to orphans, disabled, visually impaired and senior citizens to make live with dignity
5. Free primary education in mother language
6. Free education for the marginalized groups from the primary to 12 class
7. Right to information
8. Freedom of Press
9. Financial support should be provided to single women
10. Maternity allowances should be provided to women who become mothers
11. Violence to women should be ended
12. Men and women should have equal right over paternal property
13. Provisions should be made for scientific, technical and vocational education
14. Provision of proportional quota on technical higher education
15. Dual education system should come to an end
16. Provision for easy access of the marginalized groups to education, health care facilities, and other basic human needs
17. Proportional distribution of drinking water, health care facilities, communication, electricity etc
18. Compulsory end of social discrimination on the basis of religion, caste and gender, and the provision of a constitutional court for hearing on such issues
19. Putting an end to social maltreatment, domestic violence, gambling and the use of drug
20. Putting an end to social evils such as *Daijo* (dowry), using the property of married of daughters, *Jari* (imposition of fine for taking away one's wife) and child marriage
21. Putting an end to social evils and superstitions such as polygamy, witchcraft, shamans
22. Inhuman behaviour such as untouchability should be prohibited, and the practice of such behaviour should be charged as a crime against humanity and persons engaged in such behaviour should be sent to jail
23. Provision should be made to ensue the right to maternal health
24. Guarantee of equality to all citizens

25. Need to put an end to the exploitation of *Dalits*, *Kamaiya*(bonded labourers), *Hali* (tillers), *Kamlahri* (bonded workers) and the *Badi* community
26. There should be the protection and support for religion, language, attire and ethnic cultural heritage
27. There should be scientific and proportional distribution of land
28. There should be special land policy for the landless and marginalized groups
29. The opportunities for foreign employment should be made proportionate
30. There should be appropriate agreement regarding the human resources that want to go abroad to work
31. The trend of human resources going abroad for work should be stopped for nation development by creating employment opportunities in the country
32. Arrangement should be made for unemployment allowances
33. Provision should be made for equal wages for equal work
34. Financial protection for those who are below poverty line
35. Development of modern agriculture and irrigation system
36. Provision should be made for free manure for farmers
37. Provision should be made for farmers to have loan without co-lateral
38. Right to electricity for all
39. Provisions of insurance should be made for all livestock including cow, bulls, buffalo, sheep and goats
40. Provisions should be made for vocational and skill development training and opportunities of employment
41. Industries and factories should be established in the federal states and provisions should be made for the employment of local people, wages of labourers should be increased, and provisions of life insurance should be made
42. Provisions should be made for income generating, skill development training and opportunities of employment for the marginalized groups
43. There should be full freedom of expression, the right to open associations, assemble and get organized. The fundamental rights of the citizens should be protected
44. There should be special provision for the access of the marginalized people to health care facilities and education
45. There should be the provisions of universally accepted human rights, multi-party competitive democratic system, sovereignty inherently lying in people and people being sovereign, constitutional balance and control, and rule of law
46. All citizens should have the right to live with dignity
47. All citizens should be equal before law. Marginalized groups shall not be denied equal protection of law

- 48.No person shall be discriminated against, or treated as untouchable on the basis his/her caste, race, community or profession. Such discrimination should be punishable by law and the victim should get appropriate compensation
- 49.Corruption should be brought to an end
- 50.Exploitation of children should be brought to an end
- 51.Sexual abuse and exploitation should be ended
- 52.Freedom of expression (for each citizen)
- 53.Right to peaceful assembly
54. Right to open party and organizations
- 55.Right to movement and migration
- 56.Right to adopt any profession and business
- 57.Provision should be made for proportional opportunity to all the organs of the state for men and women and on the basis of population of different caste groups
- 58.Provisions should be made for single women to live with dignity
- 59.Dalits should also have the opportunity to employment according to the provisions in the constitution
- 60.Provisions of allowances should be made for disabled people and those who are physically impaired
- 61.Provisions of elderly people's allowance for all
- 62.Provisions of allowances for widows of all ages
- 63.Right to food, clothing and shelter
- 64.The rights of the poor should be protected
- 65.Opportunity to employment according to one's skill
- 66.Dalits should also be allowed to worship in temples
- 67.Reservation for the marginalized groups
- 68.Provision to study in one's own mother language
- 69.Provision of full pension to the widow/family of the deceased
70. Provision of strict punishment for those who employ children to domestic work
- 71.Provision should be made for food, clothing and shelter for all the children who were affected by the conflict in the country
- 72.Disabled children should be treated as normal people
- 73.Special provision should be made for the disabled children and those children who were affected by conflict
- 74.Government should take necessary measures to rehabilitate street children, beggars and orphans
- 75.Government should make arrangements for all kinds of health care facilities for disabled people
- 76.Provision should be made for free education for children affected by conflict

#### **4. Restructuring of state and federal (governance) system**

1. Federal republic should be built on the basis of ethnicity, geographic specificities, cultural and the development possibilities
2. Provision of federal democratic republic with the inclusion of marginalized groups
3. The central government should look after foreign affairs, currency and defence. Other rights should go to federal states
4. There should be fair distribution of power and resources between the Centre and the federal states
5. Protection, proportional distribution and use of natural resources
6. Constitutional recognitions and respect for gender, ethnic, lingual and cultural diversity
7. Provision for a constitutional commission for the protection and promotion of disappearing indigenous groups and their language
8. Provision should be made for an all powerful constitutional commission to end corruption at the centre and in federal states
9. Provision of a constitutional commission for the hearing of complaints against racial/caste, gender and social discrimination

#### **5. Religion and cultural rights**

1. All the marginalized groups should have the right to adopt, practice and protect their religions practiced through the ages at the same time honouring prevalent social and cultural traditions
2. Each and every person has the right to choose his/her own religion and culture, but the discrimination, hatred and insult on the basis of religion, culture and language should be made punishable.
3. Women, Dalits, indigenous ethnic groups, the oppressed, people with disabilities, gender minority, poor peasants and labourers who lag behind from economic, social and educational perspectives should have the right to central and federal structures (with their distinct identity) on the basis of principles of proportionality.

#### **6. Right regarding environment**

1. Each citizen has the right to live in a clean environment

#### **7. Right to property**

1. All marginalized communities should have the right to make money, use and sell property, and engage in business transactions
2. Provision should be made for the state not to have control over

an individual's land unless in public interest

## **8. Right to social justice**

1. Women, Dalits, indigenous ethnic groups, the oppressed, people with disabilities, gender minority, poor peasants and labourers who lag behind from economic, social and educational perspectives should have the right to central and federal structures (with their distinct identity) on the basis of principles of proportionality.
2. There should be full investigation on the killings and inhuman activities during the conflict, and provisions should be made to punish the guilty and for victims to have the right to get compensated

## **9. Right to justice**

1. The time period for making decisions on cases of public concern should be fixed.
3. The decisions on cases should be made promptly and the concerned parties should be informed about that.
4. The provincial courts should be given the right to receive writ petitions.
5. Provisions should be made to prioritize the cases relating to youth, women, Dalits, indigenous ethnic groups, Madhesi and people from the lowlands, farmers, labourers, people with disabilities, individuals or communities from backward regions including the Karnali region or socially or culturally backward groups, minors, the elderly and the people belonging to the minority groups and they should be given the right to priority.
6. No individual shall be taken into custody until informing him/her about the reason for his/her arrest in his/her own language
7. An arrested person should have the right to consult with the legal practitioner of his/her choice at the time of his arrest
8. A separate bench should be set up for cases relating to the fundamental rights
9. The mechanism regarding the implementation of the decisions of the court should also be mentioned in the constitution
10. Provision should also be made for easy and effective access to justice and judicial administration for disabled people
10. Provision should be made for the direct election of the judges of law courts
11. The rights of imprisoned people should also be mentioned in the constitution
12. A reconciliation centre should be set up at the local level to settle cases



that arise at the local level

13. There should be strict punishment for anybody who indulges in polygamy

#### **10.Right against torture**

1. Any person who is on custody or under investigation should not be subjected to physical or mental torture, nor should such persons be dealt with inhuman or insulting behaviour.
2. Such act shall be punishable by law and victims of such act should be compensated.

#### **11.Basis for good governance**

1. Their participation in matters and decisions that directly relates to the people should be ensured. Government decisions should be transparent.
2. Provision and processes should also be made to call back people's representatives and those in the government.
3. The government should be formed with the representatives of people and country should be governed by people's representatives
4. Provisions should be made to make the decisions of the government public on service delivery through the dissemination of information
4. A provision on the process to call back elected representatives of the people or the those in the government should be determined

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