

**Suggestions made by (on behalf of) the people of the Karnali  
region for the drafting of a new constitution**

**CARITAS, Nepal**

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## **Introduction**

PIN Nepal 375 is a national organization of a network of partner organizations. PIN Nepal is presently working across the country by organizing social dialogues in relation to the making of a new constitution and by joining hands with partner organizations in organizing programmes relating to peace and development. Presently, PIN Nepal is conducting programmes in the five districts of Karnali Zone (Mugu, Dolpa, Humla, Jumla and Kalikot) which involve social dialogues in relation to the making of a new constitution in the country. The programme is being conducted in the 39 VDCs (Village Development Committees) of the five districts. The wishes and aspirations of the target groups (women, Dalits, ethnic groups and the marginalized groups) of this organization will be taken to the Constituent Assembly through different committees of the Assembly in relation to the drafting of a new constitution. Local resource persons have conducted a series of programmes of social dialogues in the villages inhabited by the target groups, and the issues raised by concerned communities from time to time will be submitted to the different committees of the Assembly.

People's voices will be directly taken to the Constituent Assembly through this programme. This exercise will help the constitution to incorporate the concerns raised by different marginalized groups and help the state to get acquainted with the real issues of the people. This will not only create people's participation in constitution making but also develop ownership to the new constitution. The principal objective of this programme is to take the real issues and aspirations of the people to the Constituent Assembly.

## **Suggestions made by (on behalf of) the people of the Karnali region with regard to the drafting of a new constitution**

### **1. Suggestions made for the Fundamental Rights and Directive Principles Committee**

- The state should make a different provision (in comparison to other districts) for the people of the Karnali region in the field of education, employment and health
- Provision should be made to give women employees altogether 3 months' leave
- The marginalized groups should not be subjected to pity and kindness. It should be taken as the responsibility of the state to improve their lot. Their rights should be ensured in the fundamental rights
- Karnali University should be established to address their rights to education
- Provisions should be made for free education from primary to the secondary level
- Provisions should be made to formulate policies and laws for their effective implementation to end child labour and child marriage

### **2. Suggestions made for the Committee for the Protection of the Rights of Minorities and Marginalized Communities**

- A separate provision should be made to provide opportunities to the marginalized and excluded groups
- Provision should be made for special quota for women
- Special provision should be made for women who are engaged in social works
- A person up to the age of 35 years should be categorized as youth
- Youth section should be set up in every district and youths should be involved in peace making process
- The capacity, enthusiasm and energy of the youth should be respected in each organ of the state and provisions should be made to include youths in the political mainstream
- Dalits, women, disabled people, helpless and backward people from remote/undeveloped areas like the Karnali region should be adequately represented in all the organs of the state on the basis of their capacities/capabilities
- Special provisions should be made for the education of disabled children at the local level, protection allowances for their guardians,

and an increase should be made in their allowances so that they would be self reliant in their families

- Provision of allowances should be made for the elderly
- Provisions should be made to create opportunities for women participation and representation in politics on the basis of their population

### **3 Suggestions made for the Committee for Restructuring the State and Sharing of State Power**

- The Karnali regions should be declared an autonomous region with compensation
- The State should make a provision to provide an additional (separate) 25 percent budget for the Karnali region
- Provision should be made to restructure the state not on the basis of ethnicity and population but on the basis of region. However, the process should ensure the rights of the people on the basis of their ethnicity
- It should be made the principle responsibility of the state to publicize the natural heritage of the Karnali region
- The central government should make the provincial government specifically responsible in its affairs
- The geographical specificities of the districts of Karnali Zone should be reviewed and the districts should be expanded on the basis of the area

### **4. Suggestions for the Committee for Determining the Structure of the Legislative Body**

- Clear provision should be made to call back people's representatives (if they do not work according to the wishes of the people and the manifestoes of the political parties) in the same manner there is the practice of electing leaders by people
- The time CA (Constituent Assembly) members will have to give at the Centre and in the districts should be fixed
- Provision should be made to reduce the remuneration of the CA members and use that money for the development of remote areas
- The election system should be adopted in a way that will ensure proportional presence of women, Dalits, indigenous ethnic groups including the people and minority groups living in the Karnali Zone in all representational (through elections) bodies

## **5. Suggestions for Committee for Determining the Structure of Governance of State**

- Provisions should be made to fix the educational qualification of the members of the Constituent Assembly
- The number of the CA members of the districts that are poor in terms of transportation and communication facilities should be increased because owing to geographical remoteness the CA members of such areas are not able to give adequate time to their respective districts/constituencies
- Special quota should be fixed for the people from Karnali Zone even within the political parties. Nominated positions should be filled by adhering to required terms which should ensure justifiable participation according to the standard determined by the mechanism set by the Karnali autonomous region.
- Provision should be made for the election of the executive chief of the government through direct elections
- There should be a provision for the head of the state
- The central and provincial government should be small and they should reflect social diversity with inclusiveness
- A Member of Parliament should not be made a minister. Provision should be made for an MP to resign as a MP if he/she becomes a minister.

## **6. Suggestions for the Committee on Judiciary**

- There should be a provision of a three-tier judiciary - The First Court, Appellate Court and the Supreme Court
- Accountability towards Nepali people with the provisions of criminal laws through the federal legislature
- The provincial court, on the basis of the principles of law and justice and with judicial independence, should be accountable to the people of the Karnali Region regarding civil cases through the provincial Legislative Assembly. Likewise, accountability with regard to the jurisdiction regarding criminal cases should be on the basis of the provisions determined by federal laws

## **7. Suggestions for Committee for Determining the Structures of Constitutional Bodies**

- Provision should be made for the representation of at least one

member from the Karnali Zone in each of the commissions – the Public Service Commission, Human Rights Commission, Commission for the Investigation of Abuse of Authority, Commission for Women etc.

- The Commission for the Development of Rural and Marginalized Areas should be given constitutional status, and the representation from the Karnali Region in the Commission should be ensured

## **8. Suggestions for Capacity Building and Resources Management Committee**

- Provision should be made for the export of natural and other products of the Karnali Region for sale according to the suggestions of the people of the region
- Provision should be made to plough back the money earned by selling the products of the Karnali Region to the people of the region
- Provisions should be made to put internal revenue and land tax, production tax and tariff and the determination of other fines and their collection under the jurisdiction of provinces
- Resources should be provided from the federal level for the development and promotion of tourism. Implementation of the programmes should be done at the provincial level.
- Provisions should be made for the planning of provincial and local development as well as the determination of powers of the provincial states

## **9. Suggestions for Committee for Determining the Basis of Cultural and Social Solidarity**

- Provision should be made to recognize Jumla District of Karnali State as the place of origin of Nepali language
- Provision should be made to give special constitutional status to the culture and art of Karnali Region and the language of the Khash people
- Arrangements should be made for the conservation and promotion of Sinja Valley of the Jumla District of Karnali Zone as the place of origin of the Khash language
- The Khash, as sons of soil in Nepal, should be declared as Khash indigenous people of the country
- Social evils and superstitions such as untouchability, *Chhaupadi* (keeping menstruating women separately in dark sheds, which are often unhygienic), *bokshi* (witchcraft) should be ended in practice

- Special provision should be made for the protection of the economic, social and cultural rights of single women
- Policy should be formulated and laws passed and implemented to end structural (domestic violence, sexual violence, social violence, traditional violence) and all other kinds of violence meted out to women

#### **10. Suggestions for Committee for Preserving National Interests**

- Special arrangements should be made for security at Nepal-Tibet (autonomous region of China) borders and trade routes
- Provisions should be made to ensure the establishment of concerned (higher) body in the Karnali region under the federal system for the conservation and development of medicinal plants/herbs and other natural heritage
- Arrangements should be made for a national security committee consisting of the prime minister and defence minister. Likewise, a national security council should be formed to advise the committee on organizational, professional and other concerned matters under the chairmanship of the chief secretary of the Government of Nepal with secretary for Defence, secretary for home affairs, and the heads of security organs. Provision should be made for full authority in the committee to make political decisions on the advice of the council. Arrangements should be made for the attorney general to work as the advisor to the security committee.

#### **11. Matters of relating to (public concern of) the people of Karnali region in the context of topical national issues that need to be addressed by the Constituent Assembly**

- Integration of the Maoist combatants should be managed properly to bring the peace process to a logical conclusion. Provisions should be made to democratize the Nepal Army, Armed Police Force and the Nepal Police on the basis of the principles of inclusion.
- Provisions should be made to set up an inclusive and effective Karnali Provincial Development Commission with the ability to design the Karnali state structure, and formulate, implement and monitor the Karnali provincial interim development planning



## Appendices

### *Economic Issues*

- Provision should be made for constitutional guarantee of the development of the poor and backward areas
- Arrangements should be made for the adoption of scientific agricultural system
- Provision should be made to give priority to tap on the water resources available in Karnali region for economic development
- Karnali region should be declared a bio-region. It should be declared a tourism development area and an area for the study of natural resources and cultural heritage of the region by designing a mechanism to attract researchers and academics from various universities

### *Political Issues*

- Provision should be made to determine the right to food sovereignty as a fundamental right in the new constitution
- In the state system for a new Nepal, the powers relating to currency, security, foreign affairs and projects of national importance should be given to the central government while the federal government should be gradually strengthened for provincial autonomous system
- There should be a guarantee of an independent, competent and impartial judiciary and human rights
- A provision should be made to recognize the community *pratha* (traditions) practiced by various communities in the Karnali region as the lowest body of the democratic system, and the state should increase investment for its development and expansion as a unique democratic practice.

### **Issues relating to land and natural resources**

- Border disputes should be settled through scientific delineation of land
- The right to the management and use of all rivers and springs of the Karnali region should lie in the people of the region

### **The basis for the Karnali provincial state**

- The region covers 15 percent of the total area of the country
- The Karnali region is endowed with and has great potentiality to tap on its abundant natural resources

- All the people of the region have a common aspiration for an improved economic condition
- Karnali region has diverse social and cultural heritage
- The Karnali region is marginalized (compared to other regions of the country) from the point of view of development and enjoyment of rights

### **Issues relating to foreign affairs**

- The unequal treaty of 1990 with India should be repealed
- The Dailekh Agreement with the GM Company of India should be made clear, or it should be repealed
- All the northern border points with China should be opened and (they should be ) developed as trade routes/points

### **Issues relating to tourism development**

- The historical Saja Valley, Mansarovar, Kailash Marga (route), Rara Lake, Phosundo Lake and other tourism sites of the Karnali region should be promoted and developed
- Special emphasis should be given for the recognition, improvement and conservation of religious and tourism sites of archaeological significance
- Provisions should be made for the fair representation of Karnali region in Nepal tourism board and other policy formulating bodies for tourism development

(Suggestions made by (on behalf of) the people of the Karnali region for the drafting of a new constitution  
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