

**CONSTITUENT ASSEMBLY
QUESTIONNAIRES
FOR PUBLIC OPINION COLLECTION**

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Constituent Assembly

1. Committee for Protection of Rights of Minority and Marginalized Communities

The questionnaire for collection of information from experts on the Working areas of the Committee

Of the Person filling in the questionnaire,--

Name:

Address

Profession/Occupation

Age:

Area of expertise:

1. What do you mean by minority communities?
2. What do you mean by marginalized communities?
3. What do you mean by the extremely marginalized communities?
4. What do you mean by declining communities?
5. What do you mean by backward, isolated, or excluded tribes, classes, or communities?
6. In your opinion, which communities are minority communities?
7. In your opinion, which communities are marginalized communities?
8. In your opinion, which communities are the extremely marginalized communities?
9. In your opinion, which communities are declining communities?
10. In your opinion, which tribes, classes or communities are backward, isolated, or excluded tribes, classes, or communities?
11. In your opinion, what could be the criteria for identifying minority communities?
12. In your opinion, what could be the criteria for identifying marginalized communities?

13. In your opinion, what could be the criteria for identifying the extremely marginalized communities?
14. In your opinion, what could be the bases for identifying declining communities?
15. In your opinion, what could be the bases for identifying backward, isolated, or excluded tribes, classes, or communities?
16. What type of rights should be guaranteed for the minority communities in the upcoming Constitution?
17. What type of rights should be guaranteed for the marginalized communities in the upcoming Constitution?
18. What type of rights should be guaranteed for the extremely marginalized communities in the upcoming Constitution?
19. What type of rights should be guaranteed for the declining communities in the upcoming Constitution?
20. What type of rights should be guaranteed for the backward, isolated, or excluded tribes, classes or communities in the upcoming Constitution?
21. How could minority communities be protected?
22. How could marginalized communities be protected?
23. How could extremely marginalized communities be protected?
24. How could the declining communities be protected?
25. How could backward, isolated, or excluded tribes, classes and communities be protected?
26. What could be the measures for inclusion of the minority communities in the state affairs?
27. What could be the measures for inclusion of the marginalized communities in the state affairs?
28. What could be the measures for inclusion of the extremely marginalized communities in the state affairs?
29. What could be the measures for inclusion of the declining communities in the state affairs?
30. What could be the measures for inclusion of the backward, isolated, or excluded tribes, classes or communities in the state affairs?
31. Do you have to say anything else?
32. How do you feel for having an opportunity to furnish your suggestions to the Committee for Protection of Rights of Minority and Marginalized Communities?

Constituent Assembly

2. Committee on Distribution of Natural Resources, Financial Powers and Revenue

Questionnaire-2009

1. The natural resources within the District means, Water, forests, land, mines and other.....
2. In which schedule should natural resources to be kept?
 - a. At central level.....
 - b. At provincial level.....
 - c. At local level
3. Which levels should bear what type of responsibility and accountability with regard to natural resources?
 - a. The central level.....
 - b. The provincial level.....
 - c. The local level
4. How could maximum revenue be collected from natural resources and means?
5. Which level should be allowed to collect revenue from which type of natural resources?
 - a. At central level.....
 - b. At provincial level.....
 - c. At local level
6. How and to which levels should the revenue collected from natural resources be divided?
 - a. At central level.....
 - b. At provincial level.....
 - c. At local level
7. Among the various levels of agencies in the federal structure, which types of revenue among the taxes referred to in the schedules be levied by which levels of agencies?
 - a. Agency at the central level.....
 - b. Agency at the provincial level.....
 - c. Agency at the local level

8. What sort of fiscal relationship should be there among the central, provincial and local government?
9. What could be the roles to be played by the centre in order to eliminate financial inequality among the provinces?
 - a. The central government has to play a redistributive role for economic justice.....
 - b. It must let all governments at provinces to compete independently on the basis of their own means and resources
 - c. Other.....
10. How would it be appropriate to determine the criteria for division of income resources of the central government?
 - a. On the basis of population
 - b. On the basis of geographical remoteness
 - c. On the basis of the available resources
 - d. On the basis of backwardness of regions
 - e. On the basis of various financial indicators
 - f. Other
11. What sort of mechanism should be developed for common fiscal fund?
 - a. An autonomous body
 - b. An administrative mechanism
 - c. A Commission
 - d. Other.....
12. What sort of mechanism should be made for settlement of disputes among the central and provincial, provincial to provincial or among local governments with regard to natural resources, financial powers, and distribution of revenue?
 - a. Court mechanism
 - b. Tribunal mechanism
 - c. Administrative mechanism
 - d. Constitutional mechanism
13. What sort of responsibility and accountability should the following levels bear in order to make financial powers and revenue collection strong and accountable?
 - a. The central level
 - b. The provincial level
 - c. The local level
14. Other suggestions, if any.....

Annex-1

List of types of the taxes being levied by Government of Nepal at present

- Custom duty
- Value Added tax
- Income tax
- Excise duty
- Transport vehicles tax
- House rent tax
- Interests tax
- Land and Houses registration charge
- Health services tax
- Education services tax
- Surprise income tax
- Property tax
- Stamp duty
- Various charges: form registration, permit/license, passport
- Various types of fees: visa, passport, mountaineering
- Dividend, repayment of principal and interests
- *Kawadi* (Scrap) tax
- Telecommunications
- Casino
- Water tax
- Irrigation tax
- Electricity tax
- Mines tax
- Forests taxes
- Tourism tax
- House land registration tax
- Cable car tax
- Land usage and other property tax
- Taxes to be levied on sand, concrete, soil and so on
- Taxes to be levied on rentable property (ponds, instruments and so on)
- Other punishment, fines fees and so on
- Entertainment tax
- House and land tax

- Property tax
- Hoarding boards and commercial tax
- *Haat* bazaar tax
- Land revenue, House and land tax and registration charges
- Recommendations, registration certification
- Housing permission (design approval)
- Fees for use of land and other property
- Rent for using fishing ponds, lakes
- Transport vehicles perking fees
- Other punishment, fines

Constitution Assembly

3. Committee on Fundamental Rights and Directive Principles

The questionnaire prepared for collection of suggestions

On citizenship

1. What grounds should be provided in the Constitution for acquiring citizenship of Nepal?
2. What would be appropriate grounds for a foreigner having matrimonial relationship with a Nepali citizen to be conferred the citizenship of Nepal?
3. What appropriate provisions would be made in the Constitution with regard to citizenship?

On fundamental rights and duties

4. What could be the subjects to be provided in the Constitution as fundamental rights?
5. Is it necessary to provide for anything with regard to fundamental duties in the Constitution? If necessary, what sort of provisions to be made?
6. What should be the grounds for restrictions on fundamental rights?

On state obligation, directive principles and policies

7. What type of provisions should be made in the Constitution as to the state obligation
8. What sort of sectoral policies of the state should be there?

(On agriculture, land reform, social security, inclusion, empowerment, conservation, utilization and distribution of natural resources like forests, plants, mines, sustainable and safe environment, science and technology, industries, investment, non-governmental and private sectors, mobilization of youth human resources, foreign affairs and so on)

On Social justice, inclusion and special protection

9. Under social security coverage, which classes and communities should be covered and for that, what sort of provisions should be made?
10. In case of inclusion, what sort of classes and communities should be covered? And what sort of provision should be made in the Constitution for its effectiveness?
11. What type of special measures should be provided for in the Constitution with regard to *dalit* / women / indigenous people/ tribal communities/ youth/ children/ labourers/ peasants/ incapacitated persons/ *madhesi*/ senior citizens/ Muslims/ and other minority communities?

On gender and sexual matters

12. What sort of provisions should be made in the Constitution for ending up the problems and discrimination woman have been facing for being women only?
13. What sort of provisions should be made in the Constitution for evaluating the roles women have been playing for fulfilling natural obligation of reproduction/giving birth to a child and their contribution in the Household chores?
14. What sort of provisions should be made in the Constitution for creating gender equal society?

Constituent Assembly

4. Committee on Judicial System

Preliminary draft along with concept note

Prepared for collecting opinions/suggestions on the subjects relating to working areas of the Committee.

Please mark (J) on the option you deem appropriate.

1. What is your perception about the existing court system?
a. Good b. bad c. fair d. to be reformed e. Other
2. How do you feel about the services being rendered by the courts today?
a. Satisfactory b. More time consuming c. expensive d. Not accessible to all e. Other
3. What do you expect from the judiciary to be formed by the upcoming Constitution?
a. That justice would be less expensive, more speedy, and accessible to all
b. That it would be of the type that its judgment would be enforced forthwith
c. That it would be accountable to people
d. All of the above
e. Other
4. How many tiers would be appropriate in the judiciary of the federal Nepal?
a. Two-tier b. Three-tier c. Four-tier e. Other
5. What would be appropriate method for appointment of judges?
a. Appointment on the recommendation of the people-accountable government
b. Appointment on the recommendation of the Chief Justice
c. Appointment by the Judicial council or the like institution
d. Appointment through parliamentary hearing
e. Other
6. How much minimum age would be appropriate for appointment of judges?
a. 35 years b. 40 years c. 45 years d. Other
7. How much age would be appropriate for retirement of judges?
a. 60 years b. 65 years c. 70 years d. Other
8. How much service period do you think would be appropriate for judges to entitle pension?
a. At any time after getting appointed to a judge
b. After five years of getting appointed to a judge

- c. After ten years of getting appointed to a judge
 - d. After attaining the age of compulsory retirement
 - e. Other
9. What must be the grounds of qualification for getting appointed to a judge?
- a. Must be a Nepali citizen
 - b. Must attain certain age
 - c. Must have certain legal qualification and experience
 - d. Not having been convicted of an offence involving moral turpitude
 - e. All of the above
 - f. Other
10. What must be the ground for dismissing a judge from the office?
- a. Lacking work efficiency
 - b. Misconduct
 - c. Non compliance of code of conduct
 - d. Having been convicted of an offence involving moral turpitude
 - e. All of the above
 - f. Other
11. In case a judge commits an offence of corruption, which body would be appropriate to prosecute against him/her?
- a. Body like Judicial Council
 - b. The Commission for the Investigation of Abuse of Authority
 - c. Special Committee of Parliament
 - d. Other
12. What could be appropriate measures for a judge to be made accountable to people
- a. By appointment by people-accountable government
 - b. By having conducted parliamentary hearing
 - c. By an election
 - d. By filing an impeachment motion
 - e. Other

13. What must be done in order to decide cases in a speedy manner?
 - a. Reform in the procedures
 - b. Reform in frequent fixing of the dates for hearing
 - c. Reform in management of case submission for disposal
 - d. Reform in time management
 - e. Other
14. What is the status of judgment execution at present?
 - a. Good
 - b. Satisfactory
 - c. Wrong
 - d. Must be reformed
 - e. other
15. What must be done in order to make justice less costly and accessible for all?
 - a. Decrease the court fees
 - b. Prescribe fees for lawyers and make fee payment transparent
 - c. Create a judicial fund for filing cases by the poor, unaware, marginalized communities and other people having no access to justice and make provision of meeting the expenses of litigation from such a fund
 - d. The courts must be expanded to local levels
 - e. The present provision is good
 - f. Other
16. What measures would be useful for enhancing people's credibility towards judiciary?
 - a. By making courts accountable
 - b. By bringing reforms in laws and procedures
 - c. By appointing to qualified and capable judges
 - d. By rendering less-costly, hassles-free and speedy justice
 - e. All of the above
 - f. Other
17. Do you know that the law has made provisions of legal aid for the victim party having extremely low level of income?
 - a. I know
 - b. I do not know
 - c. I have heard a little about it
 - d. Other
18. If you have information about it, to what extent have you found the weak parties have been benefited from such legal aid?
 - a. Very much benefited
 - b. benefited to some extent
 - c. not benefited at all
 - d. Other
19. What must be done in order to make legal aid more effective?
 - a. There must be a permanent mechanism and availability of services of renown lawyers

- b. Number of lawyers must be increased
 - c. There must be wide dissemination information about legal aid
 - d. Legal aid must be expanded to the lowest levels as well
 - e. Other
20. How could people's participation in delivery of justice be increased?
- a. By devolving judicial powers to local bodies
 - b. By providing for community mediation services
 - c. By creating community mediation centers
 - d. The present provision is good enough.
 - e. Other
21. What methods would be appropriate for adopting alternative dispute resolution?
- a. Local people must be involved in judicial proceedings and decision process must take into account of their views as well while making decisions
 - b. The system of mediation focusing only on complaint must be reformed and there must be provision for entering into a compromise without any terms and conditions in case both parties agree
 - c. By opening mediation centers
 - d. Other
22. What must be done in order to dispose off the minor disputes such as boundaries of the land, water canals, battery, looting and so on at the local level in less-costlier manner?
- a. By adopting alternative dispute resolution methods
 - b. By devolving powers of adjudicating such disputed to the local bodies
 - c. Other
23. What sort of mechanism would be appropriate for increasing access of women on matters directly relating to women's human rights such as domestic violence, reproductive health, and of *dalit*, tribal peoples, indigenous peoples, *madhesi*, Muslims, and the like marginalized communities?
- a. Provision of fast-track court must be introduced
 - b. Separate mechanism must be created
 - c. Simple and summary proceedings must be adopted
 - d. Provision must be made to adjudicate such cases and enforce judgments having accorded priority
 - e. Priority must be given to appoint qualified women as judges
 - f. Other
24. How do you perceive the services being provided by the government attorneys available at present?
- a. Good
 - b. Satisfactory
 - c. Bad
 - d. Other
25. What must be done to reform in the services of the government attorneys available at present?

- a. Reform in the prosecutorial system
 - b. Reform in the attitude of government attorneys
 - c. Reform in laws and procedures
 - d. Other
26. How do you perceive the services being provided by the police?
- a. Good
 - b. Satisfactory
 - c. Bad
 - d. Other
27. What must be done to reform in the services of the investigation Officer (police) available at present?
- a. By reforming in the investigation system
 - b. By reforming in the attitude of police
 - c. By reforming in laws and procedures
 - d. Other
28. If you have any comment or suggestions on any matters within the working areas of the Committee, please mention here.

Of the person filling in the questionnaire (voluntary),-

Name...

Address.....District.....Municipality/VDC.....Ward No.....

Occupation.....

Contact No.....

Email:.....

Signature.....

We thank you very much for being involved in making our Constitution ourselves having made available important suggestions by filling in the questionnaire for making the Constitution.

Constituent Assembly

5. Committee on Determination of Form of Governance of the State

Questionnaire for collecting Opinion and Suggestions

2009

Address to send suggestions by post:-

Committee on Determination of Form of Governance of the State

Constituent Assembly Secretariat

Singhdurbar, Kathmandu

Post Box No. 20099

Phone Nos.

977-1-4200134

977-1-4200344

Fax: 977-1-4200053

Toll Free No. 1660-01-22344

Email: rssn_samiti@can.gov.np

URL: www.can.gov.np

Points to be taken into account while filling in the questionnaire;

- a) Mention your name, address and other details. But in case of persons not willing to mention, it is not mandatory.
- b) Read the questions carefully and tick (✓) on the options which you think appropriate.
- c) In case you do not agree with any of the options given or you have other suggestions too, other suggestions may be mentioned in the blank space.
- d) To the extent possible, please respond to all the questions. But in case you do not like to respond to any question or the question is not clear to you, you may give answer only to the questions you would like to answer.
- e) This questionnaire may be submitted to the team of the Constituent Assembly members deputed for collection of suggestions or sent to the Constituent Assembly secretariat by the post or may be sent through the nearby government office or suggestions box as well.

Details of the person making the suggestions:-

Name:.....

Address: District.....VDC/Municipality...Ward No.....Village Tole:

Sex: male/female/other

Age:.....year.....Occupation:.....

On system of governance and executive organs:

1. What type of provision should be made relating to the President and the Prime Minister in the new Constitution?
 - a. Conferring all powers to the President and not to make provision of the Prime Minister (the presidential system)
 - b. Conferring all powers to the Prime Minister and not make provision of the President (the prime ministerial system)
 - c. Conferring all powers to the Prime Minister but to make provision of the Constitutional President (having limited powers) (the Parliamentary system)
 - d. President with more powers and Prime Minister with less powers (mixed system)
 - e. Mention other, if any.
2. What name would be suitable for the Head of the state?
 - a. President
 - b. Chairperson of the nation
 - c. Head of the state
 - d. National guardian
 - e. Mention other, if any
3. How should an election of the President be held?
 - a. By direct election
 - b. By an election through the electoral college comprising of members of the Union Parliament
 - c. By an election through the electoral college comprising of members of the Union Parliament and of the provincial legislatures
 - d. By an election through the electoral college comprising of members of the Union Parliament and provincial legislatures and representatives of local bodies
 - e. Mention other, if any
4. If a direct election has to be held, on which basis should one be elected?
 - a. First past the post system
 - b. To secure more than 50 % of the valid vote
 - c. To secure more than two third of the valid vote
 - d. Other if any (mention)
5. How would it be appropriate to select the Vice President?
 - a. The President may nominate
 - b. Election of the President and Vice President to be held at once
 - c. Name to be recommended before the election of the President but no separate voting to be held (if the President is elected, his/her Vice President to be elected *ipso facto*)
 - d. Other if any (mention)

6. What sort of powers should be vested in the Vice President?
 - a. To exercise powers of the President in his/her absence
 - b. To preside over the upper chamber of the legislature as well
 - c. To provide for certain powers in the Constitution itself
 - d. Not to make separate provision of the Vice President and to make provision that the Chairperson of the Upper House of the Legislature has to act as President in his/her absence
 - e. Other if any (mention)
7. What type of provisions would be appropriate for removing from the office the President or Vice President directly elected?
 - a. By a simple majority of the Union legislature
 - b. Through the motion of impeachment by two third majority of the Union legislature
 - c. With the consent of the provincial legislature and Union legislature
 - d. Through the process of recall
 - e. Other if any (mention)
8. What sort of measures to be made for President and Vice President from gender perspective?
 - a. Prohibition on the same sex President and Vice President
 - b. One may be of any sex (nothing to be mentioned in the Constitution)
 - c. To make clear provision in the Constitution
 - d. Other if any (mention)
9. If to be provided for in the Constitution itself, what type provision would be appropriate about it?
 - a. Woman President and man Vice President
 - b. Man President and woman Vice President
 - c. Man and woman in the both office on rotational basis (in each term of office)
 - d. Other if any (mention)
10. How much term of office of the President and the elected Prime Minister would be appropriate?
 - a. Four years
 - b. Five years
 - c. Six years
 - d. Other if any (mention)
11. How many terms of office would it be appropriate for the same person to be allowed to become the President?
 - a. Only one term of office
 - b. Two terms of office

- c. As many terms as one is elected
 - d. If any other.....
12. What type of provision would be appropriate as to the minimum age for the President/Vice President/ and directly elected Prime Minister?
 - a. Must attain the age of twenty five years
 - b. Must attain the age of thirty five years
 - c. Must attain the age of forty five years
 - d. Other, if any.....
 13. In case parliamentary form of government has been followed, what type of powers would be appropriate to be conferred on the Constitutional President?
 - a. All executive functions to be performed in the name of the President on the recommendation of the Council of Ministers
 - b. Some certain discretionary powers to be conferred (if you think that discretionary powers to be conferred, please mention what type of powers must be conferred).....
 14. In case mixed system of governance has to be adopted, how much powers have to be divided between the President and the Prime Minister?
 - a. Powers of the President.....
 - b. Powers of the Prime Minister.....
 15. How would it be appropriate to elect the Prime Minister (in case a provision of the Prime Minister has to be made)
 - a. By a direct election
 - b. By majority of the Union Parliament
 - c. By an election through an electoral college comprising of members of Union legislature and provincial legislatures
 - d. By an election through an electoral college comprising of members of Union legislature and provincial legislatures and representatives of the local bodies
 - e. Other if any.....
 16. How many terms of office would it be appropriate for the same person to be allowed to become the Prime Minister?
 - a. Only one term of office
 - b. Two terms of office
 - c. As many terms as one is elected
 - d. If any other.....
 17. What provision would be appropriate as to determining the number of members in the Union Council of Ministers?
 - a. Not exceeding 10% of the total number of Legislature
 - b. Not exceeding 20% of the total number of Legislature
 - c. It would be not appropriate to fix such a limit in the Constitution/to leave it to the discretion of the Prime Minister

- d. If any other, (mention)
18. How would it be appropriate to form Union government?
 - a. Only the party securing majority in the Union Parliament to be involved in government
 - b. Even if there is majority of one party, government to be formed on consensual basis involving proportional representation of all party to represent to the Union Parliament
 - c. To form a coalition government by two or more parties in case no party has secured majority
 - d. Other if any.....
 19. If parliamentary form of government has to be adopted, what sort of provision would be appropriate for introducing motion of no confidence against the government?
 - a. The motion may be introduced at any time the Parliament may wish
 - b. The motion may be introduced within the gap of at least one year
 - c. The motion may be introduced within the gap of at least six month
 - d. Other if any.....
 20. If the Prime Minister has to be elected directly, what provision has to be made to remove him/her from the office?
 - a. By a simple majority of the Union Parliament
 - b. By an impeachment motion passed by two third majority of the Union Parliament
 - c. With the consent of the Union Parliament and Provincial legislature
 - d. By a process of recall
 - e. Other if any.....
 21. What form of government would be appropriate in the province/state?
 - a. The person elected by provincial legislature to become the Executive Chief
 - b. The person elected by direct votes of people to become the chief (as a governor in the USA)
 - c. The representative of the union government to become Chief/Rajyapal and the Chief Minister elected from legislature to become the executive Chief (as in India)
 - d. Mention other, if any
 22. What title would be appropriate to be mentioned in the Constitution for the chief of the Province?
 - a. Chief of the state/Province/Prant
 - b. State/Province/Prant Pal
 - c. Governor
 - d. No provision of the chief of the Province
 - e. Mention, if any other.....
 23. Except in case of getting elected, who would be appropriate to appoint the chief of a Province?

- a. At the discretion of the federal government
 - b. By the federal government on the recommendation of the Chief Minister of the Province
 - c. By the federal government on the recommendation of the provincial legislature
 - d. Mention, if any other.....
24. What name would be appropriate for the government of the Province in the Constitution?
- a. Head Minister
 - b. *Mukhtiyar* (Prime Minister)
 - c. Chief Minister
 - d. Mention, if any other.....
25. How much term of the office would be appropriate for the chief of the Province?
- a. Four years
 - b. Five years
 - c. As per the will of the appointing authority
 - d. Mention, if any other.....
26. What provision would be appropriate as to determining the number of members in the Provincial Council of Ministers?
- a. Not exceeding 10% of the total number of Legislature
 - b. Not exceeding 20% of the total number of Legislature
 - c. It would be not appropriate to fix such a limit in the Constitution (to leave it to the discretion of the Chief Minister)
 - d. If any other, (mention)
27. How would it be appropriate to form Provincial government?
- a. Only the party securing majority in the provincial legislature to be involved in government
 - b. Even if majority of one party, government to be formed on consensual basis involving proportional representation of all parties to represent to the provincial legislature
 - c. To form a coalition government by two or more parties in case no party could secure a majority
 - d. Other if any.....
28. How many levels of executive organs of the country would be appropriate to expand?
- a. At the center (union) only
 - b. At the center (union) and Province
 - c. At the center (union), Province and local level
 - d. Mention, if any other.....
29. How would it be appropriate to form executive organ at the local level?
- a. To form local representatives assembly/legislature by direct election and

- the person elected by the assembly/legislature to become the chief
- b. The person elected by a direct election to become the chief
- c. The person selected by the various small units of the local level on the basis of proportional representation
- d. Mention other if any.....

30. What title would be appropriate for the chief of the local government?

- a. Chief
- b. Chairperson
- c. Mayor
- d. Mention other, if any.....

ON ELECTION SYSTEM

31. How should an election of the Union Parliament/Legislature be held?

- a. Only on the basis of the first past the post system/ to elect a candidate (as in the past election to Parliament)
- b. Only on the basis of proportional representation/ to elect a party
- c. To adopt the parallel method by combining the first past the post system and the proportional representation system (as in the election to the Constituent Assembly)
- d. Mention other, if any.....

32. If the first past the post system has to be adopted, how would it be appropriate to conduct?

- a. To reserve certain Election Constituencies and competition to be held only among the candidates belonging to the reserved classes or communities?
- b. Not to make provision of reservation and all candidates to be allowed to compete
- c. Mention other, if any.....

33. If the mixed election system has to be adopted, how would it be appropriate to make representation?

- a. To adopt the parallel method by combining the first past the post system and the proportional representation system (as in the election to the Constituent Assembly) (parallel method)
- b. To calculate the votes secured in both elections and to mix it up with one another so as to compensating.(mixed member proportional representation)
- c. Mention other, if any.....

34. If the proportional representation election system has to be adopted, how would it be appropriate to make representation?

- a. Single transferable vote system
- b. Non-transferable vote system
- c. Close list method

- d. Open list method
 - e. Mention other, if any
35. If the mixed election system has to be adopted, how would it be appropriate to determine the quota?
- a. Direct and proportional representation in equal number
 - b. More number in the direct and less in the proportional representation
 - c. Less number in the direct and more in the proportional representation
 - d. Mention other, if any.....
36. In the new Constitution, what minimum age for voting would be appropriate?
- a. 16 years
 - b. 18 years
 - c. 21 years
 - d. Other.....
37. What would be appropriate for taking a basis for delineation of an Election Constituency in the new Constitution?
- a. Only population
 - b. Only geographical territory
 - c. On the basis of population and geographical territory
 - d. On the basis of caste, tribal communities, languages, religions, classes or communities
 - e. Mention other, if any.....
38. How would it be appropriate to form a Commission on Election Constituency Delineation?
- a. At the discretion of the executive chief
 - b. By the executive chief on the recommendation of the Legislature
 - c. By the executive chief on the recommendation of a body like the Constitutional Council
 - d. Mention other, if any
39. How would it be appropriate to hold the election of the Provincial Legislature?
- a. Only on the basis of the first past the post system/ to elect a candidate (as in the past election to Parliament)
 - b. Only on the basis of proportional representation/ to elect a party
 - c. To adopt the parallel method by combining the first past the post system and the proportional representation system (as in the election to the Constituent Assembly) (parallel method)
 - d. Mention other, if any.....
40. If the first past the post system has to be adopted in an election of the Provincial legislature, how would it be appropriate to conduct?
- a. To reserve certain Election Constituencies and competition to be held only among the candidates belonging to the reserved classes or communities?
 - b. Not to make provision of reservation and all candidates to compete

- c. Mention other, if any.....
41. If the mixed election system has to be adopted in an election of the Provincial legislature, how would it be appropriate to determine the quota?
- a. Direct and proportional representation in equal number
 - b. More number in the direct and less in the proportional representation
 - c. Less number in the direct and more in the proportional representation
 - d. Mention other, if any.....
42. How would it be appropriate to elect local government?
- a. On party basis
 - b. On independent basis rather than party basis
 - c. Mention other, if any.....
43. In case anything remaining with regard to the election system.....

ON GOVERNMENT SERVICE:

44. How would it be appropriate to manage the employees at the provincial and local levels?
 - a. To adjust the employees at present
 - b. To appoint new employees entirely
 - c. To adjust only the employees who are in the special services
 - d. Mention other, if any.....
45. How to adjust the employees belonging to various services at present?
 - a. To make a provision in the Constitution itself that employees may be adjusted to provincial and local levels as provided for in an Act
 - b. Entire employees be put under the Union government
 - c. To handover them to the Province having fixed certain criteria
 - d. To adjust the present employees at local level in the same levels
 - e. Mention other, if any.....
46. What levels of government service would be appropriate to be set up?
 - a. Only one service under the Union
 - b. The Union and Province must have separate levels of services
 - c. The union, provincial and local government must have separate levels of service
 - d. There must be exclusive services only of the Union on certain subjects, of the Province in certain subjects and of the local government in certain subjects
 - e. Mention other, if any.....
47. Up to which levels would it be appropriate to set up the agencies of the Union government?
 - a. Only at the Union
 - b. Up to Province as may be necessary
 - c. Up to local level as may be necessary
 - d. Mention other, if any.....
48. What type of provision would be appropriate for qualifications/ eligibility while appointing to the services of the Provincial and local services?
 - a. Only the residents of the concerned region to be eligible for any of the services
 - b. Only the residents of the concerned region to be eligible for assistant level and the residents of anywhere in the country to be eligible for officer level
 - c. The residents of anywhere in the country to be eligible for any of the services
 - d. Mention other, if any.....

49. What provision should be made with regard to proportional inclusion in government services?
 - a. To provide for in the Constitution to be applicable all over the country
 - b. The Union, Provincial and local governments to make respective provisions on their own
 - c. To be as provided for in the laws
 - d. Mention other, if any.....
50. What could be the executive/administrative mechanism to be located only at the Union?
51. What could be the executive/administrative mechanism to be located only at the Province?
52. What could be the executive/administrative mechanism to be located only at the local government?
53. What could be the executive/administrative powers to be vested on the Union?
54. What could be the executive/administrative powers to be vested on the Province?
55. What could be the executive/administrative powers to be vested on the local government?
56. Which of the institution(s) would be appropriate to be held more accountable for ensuring good governance in the upcoming Constitution?
 - a. Executive
 - b. Legislature
 - c. Judiciary
 - d. Civil society
 - e. All of the above
 - f. Mention other, if any.....
57. What sort of Constitutional provisions would be appropriate to be made in the Constitution to ensure good governance?

.....

INTER RELATIONSHIP:

- 58. What type of powers would be appropriate to be conferred on the executive with reference to its inter-relationship (check and balance) with Legislature and Judiciary?
- 59. What type of powers would be appropriate to be conferred on which agencies with reference to its inter-relationship (check and balance) among the Provincial government, Union government and local government?
- 60. In case of development of a special circumstance like an emergency, on whom should the powers to declare the state of emergency to be conferred?
 - a. On the Provincial government
 - b. At the discretion of the Union government
 - c. At the Union government on the recommendation of the Provincial government
 - d. Mention other, if any.....
- 61. How would it be appropriate to confer the powers to maintain law and order?
 - a. Having mobilized provincial police
 - b. Through the Union Police
 - c. The union police to intervene only if provincial police is failed
 - d. The union police to intervene at the request of the provincial government
 - e. Mention other, if any.....
- 62. What sort of measure may be taken to control in case a provincial government begins to act in an unruly manner?
 - a. As per the principle of check and balance within the Province
 - b. By the representative (chief of Province) of the Union government
 - c. By the union government on the recommendation of the chief of Province
 - d. By the union government on its discretion
 - e. Mention other, if any.....
- 63. How would it be appropriate to settle a dispute that may arise between government of Province to Province, government of a Province and local government and local government to local government?
 - a. By the union government
 - b. By mutual understanding between the governments of the province/ local government which are parties to the disputes
 - c. A separate body to be created by the Constitution for settlement of such disputes
 - d. Mention other, if any
- 64. Please mention if you have any additional suggestions on the inter-relationship among the governments at various levels (Union, Provincial and Local)

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Constituent Assembly

6. Committee on Protection of National Interests

For preparation of the Preliminary draft along with Concept Paper

The questionnaire for collection of opinions and suggestions on the subjects relating to the working areas of the Committee, 2009

QUESTIONNAIRE

Please tick [✓] on the option you chose as an answer to the objective questions relating to the working areas of the Committee referred to in clauses (a) to (g) as follows:-

A) Identification and definition of national interests of Nepal:

1. What do you understand by the term 'national interest'?
 - [a] To protect national integrity and sovereignty
 - [b] To achieve economic prosperity
 - [c] To secure national unity
 - [d] To maintain independence and identity of self respect in the international sphere
 - [e] All of the above
 - [f] If anything else.....:
2. What should be the main agenda of national interest of Nepal?
 - [a] Promotion of national recognition
 - [b] National security
 - [c] Social harmony
 - [d] Political stability
 - [e] Recognition of world peace
 - [f] Poverty alleviation
 - [g] Establishment of a society without discrimination
 - [h] All of the above
 - [i] If anything else.....

B) Measures for Constitutional safeguard of national unity, integrity and sovereignty

1. What type of Constitutional provision should be there in the Constitution to maintain national unity, integrity and the sovereignty of Nepal?

- [a] Providing rights and duties of citizens in the Constitution
- [b] Prohibiting maintaining foreign relations or making treaties or agreements which are against national unity, territorial integrity and sovereignty
- [c] Incorporating provisions for declaring the state of emergency when special circumstances arise but requiring it to be ratified by the people's representatives within a certain period of time
- [d] Providing autonomy to the endangered, marginalized, minority communities indigenous tribes *madhesis*, muslims and so on for their economic, social, cultural and political development without compromising to national integrity and the sovereignty
- [e] All of the above
- [f] If anything else.....

C) Conservation of national natural resources

1. Which of the following should be responsible for conservation of national natural resources?

- [a] Only the central government
- [b] Only the provincial government
- [c] Only the local government
- [d] Only the local community
- [e] All of the above
- [f] If anything else.....

2. Why is conservation of natural resources important?

- [a] As it is necessary for the present generation
- [b] As it is necessary for the future generation
- [c] For maintaining environmental balance
- [d] All of the above
- [e] If anything else.....

3. What type of natural resources are there in your surrounding? (forests, minerals, land, water, medicinal herbs, wild animals etc.)

- [a] land, forests, animals and medicinal herbs
- [b] Minerals
- [c] Water
- [d] All of the above
- [e] If anything else.....

4. What types of problems are there in your area for conservation of natural resources?
 - [a] Lack of national attention
 - [b] Lack of awareness in the people
 - [c] Poverty
 - [d] All of the above
 - [e] If anything else.....
5. What measures should be adopted for conservation of natural resources in an effective manner?
 - [a] Participation of local communities
 - [b] Increasing public awareness
 - [c] The state has to increase investment
 - [d] All of the above
 - [e] If anything else.....
6. What would be the ways to strengthen the role of local communities for conservation of natural resources?
 - [a] Formation of groups with participation of local communities
 - [b] Ensuring rights of local communities in the benefits
 - [c] Increasing capability of local communities
 - [d] All of the above
 - [e] If anything else.....
7. How could national natural resources be utilized?
 - [a] Recognizing the fact that it is the primary right of the local people over the natural resources
 - [b] Use natural resources in a way that does not affect the right of the future generation over the resources
 - [c] Use the resources in a way that that does not harm the environment balances
 - [d] Recognizing the principle that 'polluter should be responsible'
 - [e] All of the above
 - [f] If anything else.....

D) International treaties and agreements

1. What process would be appropriate for implementation of treaties to which Nepal is a party?
 - [a] Incorporating a provision of automatic execution after signature on a treaty
 - [b] Requiring provision to be implemented only after the ratification of, accession to acceptance of or approval of treaties by the legislature
 - [c] Requiring formulation of separate new law by the legislature
 - [d] If anything else.....

2. With whom the powers to conclude an international treaty and agreement should be vested?
 - [a] Absolutely with the central government
 - [b] If the subject matter of the treaty is relevant with the province then the power should be exercised by the centre upon consultation with provincial government
 - [c] If anything else.....

3. What types of treaties should be prohibited to be concluded by the state or government?
 - [a] The treaties that may be detrimental to the territorial integrity and sovereignty of Nepal
 - [b] The treaties that may be detrimental to national security
 - [c] Both of the above
 - [d] If anything else.....

4. What process should be adopted while ratifying, accessing to, accepting or approving treaties and agreements?
 - [a] Simple majority of legislature for all treaties
 - [b] Two third majority of legislature for major treaties and a simple majority for the treaties of ordinary nature
 - [c] As determined by the legislature
 - [d] To be ratified by the Head of the state
 - [e] If anything else.....

- E. International Relations
 1. What could be the bases of foreign policy to be adopted by Nepal?
 - [a] The Charter of the United Nations
 - [b] Non-alignment
 - [c] Principle of *panchsheel* (the Bandung principles)
 - [d] International law and world peace
 - [e] Promotion of national interest
 - [f] All of the above
 - [g] If anything else.....

 2. What type of relation should Nepal maintain with neighboring countries (India and China)?
 - [a] Special relation
 - [b] Relation of equi-distance
 - [c] Relation based on the principle of adjustment
 - [d] All of the above
 - [e] If anything else.....

F. International border management of Nepal

1. How do you see the initiatives/measures taken by Nepal for management of international border?
 - [a] Effective
 - [b] General
 - [c] Government attitude is apathetic
 - [d] Government efforts are inadequate
 - [e] If anything else.....
2. What type of Nepal-India border management should be there?
 - [a] Open border arrangement
 - [b] Regulatory border arrangement (requiring passport or identity card)
 - [c] Closed border (not having direct access to the adjacent countries) arrangement
 - [d] If anything else.....
3. What type of Nepal-China border management should be there?
 - [a] Open border arrangement
 - [b] Regulatory border arrangement (requiring passport or identity card)
 - [c] Closed border (not having direct access to the adjacent countries) arrangement
 - [d] If anything else.....
4. What should be done if Nepalese border has been encroached?
 - [a] Should inform immediately to the government or concerned authorities about the border encroachment
 - [b] Should pressurize the government for the resolution of the problem of border encroachment
 - [c] People should defend themselves
 - [d] Government should take initiatives immediately for resolution of the problem of border encroachment
 - [e] Should inform immediately to the legislature parliament about the encroachment
 - [f] All of the above
 - [g] If anything else.....

G. National security

1. What do you mean by national security?
 - [a] Protection of the state from external aggression
 - [b] Protection of People
 - [c] Protection of border

- [d] Social, economic, cultural, political protection of the state
 - [e] All of the above
 - [f] If anything else.....
2. Which institution should be responsible to protect the nation?
 - [a] Security organs of the government (national security council, ministry of defense, ministry of home affairs, Nepali army, armed police and national investigation department) should be responsible
 - [b] Nepalese people themselves should be responsible
 - [c] Security organs of the government and Nepalese people both should be responsible
 - [d] If anything else.....
 3. How should the National Security Council be composed of?
 - [a] The same as it is now
 - [b] There should be an advisory Committee comprising of independent security experts
 - [c] There should be representation of civil society
 - [d] All of the above
 - [e] If anything else.....
 4. How should be the role of citizen joined security system in the national security?
 - [a] Introduce compulsory military training for eligible youth citizens and use their services as and when needed for the state
 - [b] Self defense
 - [c] Provide civic education regarding national security
 - [d] None of the above is required
 - [e] If anything else.....
 5. What type of police organization is needed for internal security of the nation in a federal structure?
 - [a] Police organization to be established and mobilized by the central government
 - [b] Separate police organizations at the centre and province
 - [c] Only one police organization at the centre but to be controlled and mobilized by the concerned provincial government in case of the police deployed to the province
 - [d] If anything else.....
 6. Which of the security organs of the government could be most effective in respect to the border security of Nepal?
 - [a] Nepali Army
 - [b] Armed police force
 - [c] Nepal police
 - [d] If anything else.....

7. What should be the structure of armed police force under the federal structure?
 - [a] To be established and mobilized by the central government
 - [b] Establish separate forces in the centre and the province
 - [c] Only one force in the centre but to be controlled and mobilized by the concerned provincial government in case of police deployed to the province
 - [d] If anything else.....
8. In the changed context, under which organization should the National Investigation Department be kept?
 - [a] Under the Prime Minister
 - [b] Under the Ministry of Home Affairs as it is at present
 - [c] Under the National Security Council
 - [d] If anything else.....
9. What should be the role of National Investigation Department?
 - [a] The same role as it is at present
 - [b] To analyze internal and external challenges of national security and submit suggestions
 - [c] To investigate into crimes
 - [d] To assist the government in the formulation of national security policy
 - [e] If anything else.....
10. What should be the role of ex-army personnel in the national security?
 - [a] To be involved in the production of defense materials
 - [b] To be involved in internal security
 - [c] To be involved in the security of natural resources
 - [d] To be involved in the military service as needed to the state
 - [e] All of the above
 - [f] If anything else.....

H. Duty of the Nepali army and its operation

1. What name should be given to the Nepali army?
 - [a] Same Nepali army as presently given
 - [b] Nepali national army
 - [c] Nepali army
 - [d] If anything else.....
2. What should be the role of Nepali army in the changed context?
 - [a] To be involved in border security
 - [b] To be involved in the development works
 - [c] To assist in maintenance of international peace
 - [d] To protect of national heritage
 - [e] All of the above

- [f] If anything else.....
3. How much should be the number of Nepali army in the changed context?
- [a] 20,000 to 35,000
- [b] 35,000 to 50,000
- [c] 50,000 to 65,000
- [d] 65,000 to 70,000
- [e] 80,000 to 95,000
- [f] 95,000 to 120,000
- [g] If anything else.....
4. Which of the following criteria should be accorded priority while formulating security policy of Nepal?
- [a] Army
- [b] Foreign policy
- [c] Security of people
- [d] National interest
- [e] If anything else.....
5. How to maintain citizen's supremacy over the army?
- [a] Government should get ratification from the legislature while mobilizing the army
- [b] The Council of Ministers has to mobilize the army on the recommendation of the National Security Council
- [c] In normal situation, the Army should be kept totally under the control of Ministry of Defense
- [d] The Commander in Chief to be made accountable to the Minister of Defense
- [e] All of the above
- [f] If anything else.....
6. How to ensure inclusiveness in the Army?
- [a] Getting collective recruitment from eligible citizens into the military service from among the all castes and tribes in proportion to the population
- [b] Getting collective recruitment from eligible women into the military service in proportion to their population
- [c] Making provision for the proportional recruitment of eligible citizens into the military service from among the declining, marginalized, minorities, indigenous *Madhesis*, Muslim, tribal people, backward and excluded communities and so on.
- [d] The current provision is good.
- [e] If anything else.....

At the end:

1. Please give your comment or suggestions if any, in respect to the subject matters falling within the working areas of the Committee-

Answer:

Of the respondent:

1. Name :
2. Address : District..... Municipality/VDCWard No.....
3. Occupation :.....
4. Contact No :.....
5. Signature :.....

Thank you very much on behalf of the Committee for your participation in the historic work of Constitution making by providing important suggestions by responding to this questionnaire.

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Constituent Assembly

7. STRUCTURE OF LEGISLATIVE ORGAN DETERMINATION COMMITTEE

QUESTIONNAIRE

1. What type of legislature should be provided-with or without the head of the state-within the definition of Union (central) legislature?
 - [a] With the head of the state
 - [b] Without the head of the state
 - [c]
2. What type of Union (central) legislature should be made-whether unicameral or bicameral?
 - [a] Unicameral
 - [b] Bicameral
 - [c]
3. How should be the election system for the member of both Houses (upper and lower) of Union (central) legislature?
 - [a] It should be the same
 - [b] It should be different for both Houses
 - [c]
4. What should be the minimum age of voters for the election of members of Union (central) legislature and state (provincial) legislature?
 - [a] 16 years
 - [b] 18 years
 - [c] 21 years
 - [d]
5. Is it appropriate to incorporate the provision regarding the reservation to the Union (central) legislature and state (provincial) legislature?
 - [a] It is appropriate to incorporate the reservation provision
 - [b] It is not appropriate to incorporate the reservation provision
 - [c]

6. How should be the qualification in terms of education to be a candidate for the Union (central) legislature and state (provincial) legislatures?
 - [a] Education qualification is not needed
 - [b] Ordinary literate
 - [c] S.L.C. passed
 - [d] Graduated
 - [e]

Regarding Upper House of Union (central) Legislature

7. If Union (central) legislature should be made bicameral, what name should be given to the upper House of the legislature?
 - [a] State assembly
 - [b] Upper House
 - [c] House of Representatives
 - [d]
8. How many members should be there in the upper House of Union (central) legislature?
 - [a] 31
 - [b] 41
 - [c] 51
 - [d]
9. What should be the basis while determining the number of members to be elected to the upper House of Union (central) legislature?
 - [a] To be elected equal number of members from each state (province)
 - [b] To the proportion of geographical area covered by the state (province)
 - [c] To the proportion of population of the state (province)
 - [d]
10. Which election system would be suitable for the election of members of the upper House of Union (central) legislature?
 - [a] One member elected under the first-past-the-post system (direct election system)
 - [b] Proportional election system
 - [c] Mixed election system
 - [d]
11. What should be the minimum age of member to be elected for the upper House of Union (central) legislature?
 - [a] 30 years
 - [b] 35 years

- [c] 40 years
 - [d]
12. How many years should be the tenure of members of the upper House of Union (central) legislature?
- [a] 5 years
 - [b] 6 years
 - [c]
13. What should be the nature of upper House of Union (central) legislature whether permanent or periodic?
- [a] Should be made permanent (with the provision that the term of certain number of members to expire in certain period of time and vacancies to be fulfilled)
 - [b] The same as the lower House
 - [c]

Regarding Lower House of the Union (central Legislature)

14. What name should be given to the lower House of Union (central) legislature?
- [a] Parliament
 - [b] Legislature
 - [c] House of Representatives
 - [d]
15. What should be the maximum number of members in the lower House of Union (central) legislature?
- [a] 115
 - [b] 151
 - [c]
16. Which election system would be appropriate for the election of members to the lower House of Union (central) legislature?
- [a] The first-past-the-post-system (direct election)
 - [b] Proportional election system
 - [c] Mixed election system
 - [d]
17. What should be the minimum age of candidate to be elected for the member of lower House in the Union (central) legislature?
- [a] 21 years
 - [b] 25 years
 - [c]
18. How many years should be the tenure of office of the members of lower House of the Union (central) legislature?
- [a] 4 years

- [b] 5 years
 - [c]
19. Would it be appropriate to incorporate a provision that the lower House of Union (central) legislature may be dissolved?
- [a] Incorporate the provision regarding the dissolution
 - [b] Not incorporate the provision regarding the dissolution
 - [c]

Regarding the Legislature of State (province)

20. What name should be given to the legislature of state (province)?
- [a] Provincial assembly
 - [b] State assembly
 - [c]
21. What should be the maximum number of members in the state (province) legislature?
- [a] 25
 - [b] 35
 - [c] 51
 - [d]
22. Which type of election system would be suitable for the election of members to the state (province) legislature?
- [a] First-past-the-post system (direct election system)
 - [b] Proportional election system
 - [c] Mixed election system
 - [d]
23. What should be the minimum age to be candidate for the member of state (province) legislature?
- [a] 21 years
 - [b] 25 years
 - [c]
24. How many years would be appropriate to determine the terms office of the members of state (province) legislature?
- [a] 4 years
 - [b] 5 years
 - [c]
25. Would it be appropriate to incorporate a provision that a state (provincial) legislature may be dissolved prior to completion of its full tenure?
- [a] Incorporate the provision regarding the dissolution
 - [b] Not incorporate the provision regarding the dissolution

- [c]
- 26. Would it be appropriate to make provisions relating to the form and structure of local bodies in the Constitution itself or it could be made in the laws?
 - [a] It is appropriate to provide in the Constitution itself
 - [b] It is appropriate to be provided by law
 - [c]

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Constituent Assembly

8. CONSTITUTIONAL COMMITTEE

QUESTIONNAIRE

Prepared for collection of suggestions from people on the subjects falling within the working areas of the Constitutional Committee of the constituent Assembly in respect to the Constitution making.

Name.....

Address.....

(Not required to be mentioned in case one desires to maintain confidentiality)
(Not required to be mentioned in case one desires to maintain confidentiality)

1. Which subject matters you think to be appropriate to be incorporated in the preamble to the future Constitution?

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2. In the context that basic structure and values of the Constitution are used to be mentioned in the preamble of the Constitution, what may be the basic structure and values to be incorporated in the forthcoming Constitution?

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.....

3. Are there any basic structure and value you have identified in the question No. 2 that is amendable in future? Whether or not is it appropriate to make them amendable?

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4. Who and how to exercise the sovereign powers and state authority inherent in the people and what would be the proper procedures to exercise them?

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5. Is it necessary to define 'nation' in the Constitution? If yes, how to define it?

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6. What should be the features of the state of Nepal?
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 7. Is it necessary to mention anything in the Constitution as to the national symbol (flower, color and so on)? If yes, what are those things that should be mentioned as the national emblem?
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.....
 8. Is it necessary to change the present national anthem and the coat-of-arms?
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 9. What type of provisions should be made regarding to an amendment to the Constitution?
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.....
 10. Whether or not it is appropriate to adopt the practice of referendum in relation to any article, sub-article and clause in the process of Constitution making? If it is appropriate to adopt such practice, what would be the subjects requiring referendum?
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.....
 11. Whether or not it is appropriate for the constitution to make any provision unchangeable? It is appropriate to make unchangeable, what are those subjects that could not be changed?
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.....
.....
 12. What should be the role of Union legislature and legislatures of federal units in the amendment to the Constitution?
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.....
 13. What provisions should be incorporated as to the terms and conditions for forming a political party?
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- 14. What type of rules and procedures would be appropriate for the purpose of the registration of a political party for election and its operation?
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- 15. What provisions should be made to make political parties furthermore inclusive?
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- 16. Whether or not is it necessary to incorporate a provision in the Constitution for assurance of accountability towards the people and the transparency of income and expenditure of the political parties?
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.....
- 17. Whether or not is it necessary to make the provision in the Constitution for the declaration of the state of emergency and if it is necessary, in whom such powers should be vested with?
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- 18. What may be the circumstances in which the state of emergency could be declared?
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.....
- 19. How long should the state of emergency continue?
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- 20. Whether or not is it necessary to incorporate the provision requiring that the declaration of the state of emergency to be approved by the legislature?
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- 21. Which of the fundamental rights of the citizens be protected from being suspended even in the state of emergency?
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22. Is it necessary to incorporate the provision regarding the removal of difficulties in case any difficulty arises due to such constitutional crisis which the Constitution has not foreseen or due to the condition in which the formation of Constitutional body could not take place?

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23. How and from whom would it be appropriate to exercise the powers to remove hurdles?

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24. What type of transitional provision should be made while entering into the situation created by the new Constitution from the old situation?

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25. Whether it would be appropriate to rest the powers to confer titles, honors or decorations on behalf of the nation on the federal government or such powers to be vested on the provincial units as well?

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26. What would be the appropriate name of to the future Constitution of Nepal?

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Note: If the space is not sufficient to answer any question, separate sheet can be used.
Adopted by the meeting held on 2065-10-23

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Constituent Assembly

9. STRUCTURE OF CONSTITUTIONAL BODY DETERMINATION COMMITTEE

QUESTIONNAIRE

For the collection of people's suggestions with a view to secure more and more participation of people in the process of Constitution making.

1. Are the existing Constitutional bodies (Public Service Commission, Commission for the Investigation of Abuse of Authority, National Human Rights Commission, Election Commission, Auditor General) adequate?
 - [a] Adequate []
 - [b] Not adequate []
 - [c] Do not know []
2. Mention with reasons if any other Constitutional bodies should be added in the forthcoming Constitution?

S.N.	Other bodies needed	Reasons and justification

3. What should be the future structure of Constitutional bodies under the federal government system? (Put the tick mark)

S.N.	Constitutional Body	Central	Provincial	Mixed
A.	Public service Commission			
B.	Election Commission			
C.	Commission for the Investigation of the Abuse of Authority			
D.	National Human Rights Commission			
E.	Auditor General			
F.	Other Commission:			

	(a)			
	(b)			
	(c)			
	(d)			
	(e)			

4. How is the existing structure of the Public Service Commission?

	Appropriate <input checked="" type="checkbox"/>	Not appropriate <input checked="" type="checkbox"/>	Do not know <input checked="" type="checkbox"/>	If not appropriate, how should it be
Composition				
Appointment process				
Qualification				
Age				
Term of office				
Grounds for relieving from the office				
Terms and conditions of service				
Existing jurisdiction				
Jurisdiction to be added				
Functions, duties and powers and descriptions to be contained in the annual report and the authority to which it has to be submitted				
If anything else.....				

5. How is the existing structure of National Human Rights Commission?

	Appropriate <input checked="" type="checkbox"/>	Not appropriate <input checked="" type="checkbox"/>	Do not know <input checked="" type="checkbox"/>	If not appropriate, how should it be
Composition				
Appointment process				
Qualification				
Age				
Term of office				
Grounds for relieving from the office				
Terms and conditions of service				
Existing jurisdiction				
Jurisdiction to be added				
Functions, duties and powers and descriptions to be contained in the annual report and the authority to which it has to be submitted				
If anything else.....				

6. How is the existing structure of the Election Commission?

	Appropriate <input checked="" type="checkbox"/>	Not appropriate <input checked="" type="checkbox"/>	Do not know <input checked="" type="checkbox"/>	If not appropriate, how should it be
Composition				
Appointment process				
Qualification				
Age				
Term of office				
Grounds for relieving from the office				
Terms and conditions of service				

	Appropriate <input checked="" type="checkbox"/>	Not appropriate <input checked="" type="checkbox"/>	Do not know <input checked="" type="checkbox"/>	If not appropriate, how should it be
Existing jurisdiction				
Jurisdiction to be added				
Functions, duties and powers and descriptions to be contained in the annual report and the authority to which it has to be submitted				
If anything else.....				

7. How is the existing structure of the Auditor General?

	Appropriate <input checked="" type="checkbox"/>	Not appropriate <input checked="" type="checkbox"/>	Do not know <input checked="" type="checkbox"/>	If not appropriate, how should it be
Composition				
Appointment process				
Qualification				
Age				
Term of office				
Grounds for relieving from the office				
Terms and conditions of service				
Existing jurisdiction				
Jurisdiction to be added				
Functions, duties and powers and descriptions to be contained in the annual report and the authority to which it has to be submitted				
If anything else.....				

8. How is the existing structure of the commission for the investigation of the Abuse of Authority?

	Appropriate <input checked="" type="checkbox"/>	Not appropriate <input checked="" type="checkbox"/>	Do not know <input checked="" type="checkbox"/>	If not appropriate, how should it be
Composition				
Appointment process				
Qualification				
Age				
Term of office				
Grounds for relieving from the office				
Terms and conditions of service				
Existing jurisdiction				
Jurisdiction to be added				
Functions, duties and powers and descriptions to be contained in the annual report and the authority to which it has to be submitted				
If anything else.....				

9. If any other commission are there mention about them?

.....

10. Are the existing Constitutional provisions adequate to maintain independence and autonomy of existing Constitutional bodies? yes /no
 (If no, mention reasons)

- [a]
- [b]
- [c]
- [d]

11. What should be the relationship of Constitutional bodies with different level of governments under the federal structure?

S.N.	Constitutional Body	Suggestions
A.	Public service Commission	
B.	Election Commission	
C.	Commission for the Investigation of Abuse of Authority	
D.	National Human Rights Commission	
E.	Auditor General	
F.	Other Commission	
	(a)	
	(b)	
	(c)	
	(d)	
	(e)	

12. Mention if anything else..... in this regard?

- [a]
- [b]
- [c]
- [d]

(If the space given is not sufficient, separate sheet may be used)

Name:.....

Occupation:

Address:District.....Municipality/VDC

Organization/Firm/group:.....

Contact No: :.....

Thank you for the participation to the historical Constitution making process providing your valuable suggestions.

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Constituent Assembly

10. COMMITTEE FOR PROTECTION OF RIGHTS OF MINORITIES AND MARGINALIZED COMMUNITIES

Questionnaire for Common People

Respondent's Name, Cast Address

Profession Age Sex

Community..... Language Religion

Tick () any are answer you choose. Write on the last if you want to add anything.

1. Which community would you like to say to be affiliated with?
 - [a] Majority Community
 - [b] Minority Community
 - [c] Marginalized Community
 - [d] Extremely Marginalized Community
 - [e] Community that's being declining
 - [f] Community that is deliberately back-warded, isolated or excluded.
2. Why do you say yourself to belong to that community?
 - [a] Because of being ethnically back-warded
 - [b] Because of being linguistically back-warded
 - [c] Because of being religiously back-warded
 - [d] Because of being economically, educationally and politically back-warded
 - [e] Others
3. What is the major problem you are facing at present?
 - [a] Economic social and educational backwardness.
 - [b] Lack of ethnic religions and linguistic autonomy
 - [c] Inequality and discriminatory treatment
 - [d] Untouchability based on caste, gender and regional discrimination
 - [e] Others
4. What could be the solution of the problems you are facing at present?
 - [a] By eliminating economic, social and educational backwardness
 - [b] By providing ethnic, religions and linguistic autonomy
 - [c] By eliminating unequal and discriminatory treatment
 - [d] By providing special measures such as, positive discrimination or reservation.
 - [e] Others

5. What do you mean by a minority group?
 - a) Ethnic, religious, linguistic, disabled or incapable (orphan, aged) class or regional groups or communities having less population
 - b) Ethnic, religious, linguistic, sexual, disabled or incapable (orphan, aged) class or regional groups or communities having a small population and rendered backward in every walk of life
 - c) Community having no or less access to resource (economic, social, political and educational), means and power
 - d) Communities discriminated ethnically, sexually and regionally. e) Others
- 6) What do you mean by marginalized Community?
 - a) Community with low population
 - b) Community having no access to resources (economic, social, political and educational) and powers
 - c) Community excluded in terms of economic, social, educational and employment
 - d) Others
7. What do you mean by extremely marginalized group?
 - a) Community having extremely low population
 - b) Community having no or less access in resources (economic social, education) and power
 - c) Community extremely excluded economically, socially, politically and educationally and excluded from employment opportunities
 - d) Others
- 8) What do you mean by declining Community?
 - a) Community being declined
 - b) Community whose original identity is being disappeared
 - c) Community having no access in resource (economic, social, political, education) and power
 - d) Community back-warded in terms of social, political economic and employment
 - e) Others
- 9) What do you mean by back-warded, isolated and excluded castes or tribes?
 - a) Community having low population
 - b) Community having less or no access in resources (economic, social, political, education) and power
 - c) Community which is economically socially, politically excluded
 - d) Others

10. Which are minority communities in your opinion?
 - a) Ethnic, religious and linguistic community having a small population
 - b) Community having no or less access in resources (economic, social, political, education) and power
 - c) Ethnic indigenous, *dalit*, women, disabled, incapable (orphans aged) and sexual minorities
 - d) Others

11. In your opinion which communities are marginalized communities?
 - a) All ethnic, religious, linguistic, and sexual minorities belonging to various classes and regions who have been back-warded in terms of social, educational, economic, political and employment opportunities
 - b) All women *Dalit*, Indigenous, ethnic, Tarains, disables incapable (orphans, aged) and sexual minorities of all classes and regions who have been economically, socially, politically, educationally back-warded.
 - c) Community as mentioned in category (a) having no or less access in resources (economic, social, political and educational) and powers
 - d) Community as mentioned in category (b) having no or less access in resources (economic, social, political, education) and powers
 - e) Others

12. In your opinion which are the Extremely marginalized community?
 - a) Community living below poverty line
 - b) Community fully dependent on natural resources with their indigenous knowledge and skills
 - c) Community having no access in resources (economic, social, political, education) and powers
 - d) Community back warded in terms economy, social, political and education and employment
 - e) Others

13. In your opinion which communities are declining communities?
 - a) Community of which the population in declining
 - b) Community whose original identity has been losing
 - c) Community living below poverty line
 - d) Community fully dependent on natural resources with their indigenous knowledge and skills
 - e) Community having no access in resources (economic, social, political, education) and powers
 - f) Community back warded in terms of economy social politics and employment
 - g) Others

14. In your opinion which communities are back-warded, isolated, and excluded groups and communities?
- All ethnic religious, linguistic, gender and sexual communities back-warded in terms of economy politics, social and employment
 - Women, *Dalit*, Indigenous, ethnic, *tarains*, disabled, incapable (orphans aged) *Madhesi*, gender and sexual communities back-warded economically socially, politically and educationally
 - Community as mentioned in category (a) having no access or less access in resources (economic, social, political, education) and powers
 - Community as mentioned in category (b) having no access or low access in resources (economic, social, political, education) and powers
 - Others
15. In your opinion what may be the criteria to identify the minority communities?
- The tribal, religious, linguistic, communities having a small population and having no or less access in resources (economic, social, political, education) and powers
 - The communities belonging to different castes, tribes, religions, languages, regions, and sexual minorities and aged people who have been discriminated and treated unequally
 - Back-warded communities having their own identity (language, religion, culture)
 - Community discriminated on the basis of untouchability, gender and region
 - Other
16. In your opinion what may be the measures to identify the marginalized communities?
- Ethnic religious, linguistic, class and regional community having a small population
 - Ethnic religious linguistic, regional community discriminated and back-warded in each sector of state
 - Gender and class, regional, ethnic, religious and linguistic community back-warded in terms of economic social, politics and employment
 - Others
17. In your opinion what may be the measures to identify the Extremely marginalized community?
- Community living below poverty time
 - Community living traditional life and fully dependent on natural resources using their indigenous knowledge and skills
 - Community having no access in resources (economic, social, political, education) and powers
 - Ethnic religious, linguistic community of different classes and region back-warded in terms of economic, social, educational opportunities and in politics and employment
 - Others

18. In your opinion what may be the criteria to identify the declining community?
 - a) Community with declining population
 - b) Community losing their original identity
 - c) Community living below poverty line
 - d) Community living a traditional life style and fully dependent on natural resources, using their indigenous knowledge and skills
 - e) Community having no access to resources (economic, social, political, education) and powers
19. How back-warded, isolated and excluded caste, class and community could be identified?
 - a) By identifying each household of people belonging to all tribal, religious linguistic communities and sexual minorities who are back-warded in economic, social, political educational sector
 - b) By identifying ethnic, religious, linguistic communities who are back-warded in economic, social, educational political and employment sector
 - c) By identifying each back-warded House holds within the ethnic religious linguistic communities, which are backward in economic social, political, educational sector
 - d) Others
20. What sorts of minority rights should be mentioned in forthcoming Constitution?
 - a) Rights equal to the rights to other communities
 - b) Rights of equal treatment against ethnic, religious, gender and sexual, linguistic discrimination
 - c) Positive discrimination (reservation, quota, special rights) including ethnic, religious and linguistic autonomy
 - d) Rights according to ILO convention no. 169
 - e) Others
21. What sorts of rights need to be included in the forthcoming Constitution for marginalized community?
 - a) Right equal to the rights to other communities
 - b) Rights equal to the persons of minority community
 - c) Equal rights as to the person of other community including positive discrimination (reservation, quota, special rights)
 - d) Others
22. What sorts of rights need to be included in forthcoming Constitution for Extremely marginalized community?
 - a) Rights equal to the rights to other communities
 - b) Rights equal to the rights to minority communities
 - c) Rights equal to the rights to marginalized communities
 - d) Rights equal to the person of other community including positive discrimination (reservation, quota and special rights)
 - e) By providing total responsibility to the government for the protection and development of extremely marginalized community

- f) Others
23. What sorts of rights need to be included in forthcoming Constitution for declining community?
- a) Rights equal to the rights to other communities
 - b) Rights equal to the rights to minority communities
 - c) Rights equal to the rights to marginalized communities
 - d) Rights equal to the person of extremely marginalized community
 - e) Equal rights as to the person of other community including positive discrimination (reservation, quota, special rights)
 - f) By providing total responsibility to the government for the protection and development of declining community
 - g) Others
24. What sorts of rights need to be included in forthcoming Constitution for backward isolated and excluded class and community?
- a) Rights equal to the rights to other communities
 - b) Rights equal to the rights to minority communities
 - c) Rights equal to the rights to marginalized communities
 - d) Equal rights as to the person of other community including positive discrimination (reservation, quota, special rights)
 - e) Others
25. How the rights of the minorities could be protected?
- a) By providing linguistic, religious, gender and sexual and regional autonomy to minorities
 - b) By providing rights as to the persons of other community
 - c) By providing equal rights as to the person of other community including positive discrimination (reservation, quota, special rights) in the Constitution
 - d) Others
26. How the rights of the marginalized community could be protected?
- a) By providing rights as to the persons of other community
 - b) By providing equal rights as to the person of minorities community
 - c) By providing equal rights as to the person of other community including positive discrimination (reservation, quota, special rights) in the Constitution
 - d) Others
27. How can the extremely marginalized community be protected?
- a) By providing the rights equal to the person of other community
 - b) By providing rights equal to the person of minority community
 - c) By providing rights equal to the person of marginalized community
 - d) By providing equal rights as to the person of other community including positive discrimination (reservation, quota, special rights)
 - e) By providing total responsibility to the government for the protection and development of Extremely marginalized community

- f) Others
28. How can the declining community be protected?
- a) By providing the rights equal to the person of other community
 - b) By providing rights equal to the person of minority community
 - c) By providing rights equal to the person of marginalized community
 - d) By providing equal rights as to the person of other community including positive discrimination (reservation, quota, special rights) in the Constitution
 - e) By providing total responsibility to the government for the protection and development of declining community
 - f) Others
29. How the back-warded, isolated and excluded class and community could be protected?
- a) By providing rights equal to the person of other community
 - b) By providing rights equal to the person of minority community
 - c) By providing rights equal to the person of marginalized community
 - d) By providing equal rights as to the person of other community including positive discrimination (reservation, quota, special rights) in the Constitution
 - e) Others
30. What may be the measures for the inclusion of minority in state system?
- a) By giving equal treatment and respect to minorities as to the other community
 - b) By protecting the original identity of minorities
 - c) By ensuring the participation of minorities in policy, planning, program, execution and monitoring process of the concerned state
 - d) By ensuring proportional representation in public authorities
 - e) By positive discrimination (reservation, quota, special rights)
 - f) Others
31. What may be the measures for the inclusion of marginalized community in the state system?
- a) By giving equal treatment and respect to marginalized community as to the other community
 - b) By ensuring the participation of marginalized community in policy, planning, program, execution and monitoring process of the concerned state
 - c) By ensuring proportional representation of marginalized group in public authorities
 - d) By positive discrimination (reservation, quota, special rights)
 - e) Others
32. What may be the measures for the inclusion of extremely marginalized community in the state system?
- a) By giving equal treatment and respect to extremely marginalized community as to the other community

- b) By ensuring the participation of extremely marginalized community in policy, planning, program, execution and monitoring process of the concerned state
 - c) By ensuring proportional representation of extremely marginalized group in public authorities
 - d) By positive discrimination (reservation, quota, special rights)
 - e) Others
33. What may be the measures for the inclusion of declining community in the state system?
- a) By giving equal treatment and respect to declining community as to the other community
 - b) By ensuring the participation of declining community in policy, planning, program, execution and monitoring process of the concerned state
 - c) By ensuring proportional representation of declining community in public authorities
 - d) By positive discrimination (reservation, quota, special rights)
 - e) Others
34. What may be the measures for the inclusion of back-warded, isolated and excluded class and community in the state system?
- a) By giving equal treatment and respect to them as to the other community
 - b) By ensuring the participation of those people in policy, planning, program, execution and monitoring process of the concerned state
 - c) By ensuring proportional representation of those peoples in public authorities
 - d) By positive discrimination (reservation, quota, special rights)
 - e) Others
35. How do you feel for getting the opportunity for providing suggestion to the Committee for the Protection of Rights of Minorities and Marginalized Community?

Thank you for providing the invaluable suggestions to this Committee. The Committee assures you that due attention shall be given to these suggestions while formulating the new Constitution.

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Constituent Assembly

11. COMMITTEE FOR DETERMINATION OF CULTURAL AND SOCIAL SOLIDARITY

Questionnaire

Constituent Assembly has initiated its work by constituting various subjective and procedural committees in the process of making a new Constitution for Nepal through the constituent Assembly. In order to ensure participation of sovereign Nepalese peoples in the making of the new constitution, the Committee has prepared the following questionnaire with respect to its working areas as to the matters to be dealt with in the new constitution. The Committee hereby requests to cooperate by furnishing suggestions/comments to these questionnaires.

1. Name/caste/ (Association).....
2. Sex.....
3. Profession.....
4. Academic qualification.....
5. Age.....
6. Religion.....
7. Address (Please mention if you are associated with any organization)
.....
8. Mother tongue.....
9. Which language you use in writing and speaking.....
10. What may be the basis to determine the official language of the central government?
 - On the basis of majority-people spoken language
 - On the basis of linguistic population (mother tongue)
 - Others
11. How many languages to be determined as official language?
 - One
 - Two
 - Three
 - Any others
12. What will be the proper basis for the determination of provincial language?
 - On the basis of majority-people spoken language
 - On the basis of linguistic population (mother tongue)
 - Any others

13. What will be the appropriate basis to determine the communicating language between central and provincial government?
 - Official language of the central government
 - Any others
14. What will be the appropriate basis to determine the inter-provincial communicating language?
 - Official language of the central government
 - Any others
15. What will be the basis to determine the official language in local level?
 - On the basis of the central language
 - On the basis of the provincial language
 - On the basis of the local language
 - Any others
16. Is it necessary to provide education in mother tongue?

.....

.....
17. What could be done for the development and protection of language declining?

.....

.....
18. How to develop and protect all cultures in the country like Nepal which has diverse cultures?

.....

.....
19. What provisions to be included in new Constitution for cultural solidarity?

.....

.....
20. What measures could be adopted for protection and development of the cultures which are declining?

.....

.....
21. What measures could be adopted for protection and development of folk literature and culture?

.....

.....
22. What measures could be adopted by the state for protection and development of original art skills and traditional knowledge?

.....

.....

23. What should be done for development and protection of places of religions faith and places of archaeological importance?

.....
.....

24. What may be the basis for social solidarity?

Protection of Human rights

Guaranty of social justice

Elimination of social discrimination and creation of equal society region in resources and mechanism of state.

Promotion of good faith

Guaranty of peace and order

To adopt a policy of special priority for women, *dalit*, disabled, minority and marginalized people.

All of the above

Any others

25. What could be done for social cultural development?

Elimination of caste discrimination and untouchability

Elimination of all forms of discrimination against women

To make punishable by law the dowry, polygamy and all bad cultures

All of the above

Others

26. What additional efforts should be made for social solidarity when the country is going to be federal?

.....
.....

27. Please mention any other thing to be included in the Constitution for linguistic, cultural and social solidarity.

.....
.....

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Constituent Assembly

12. COMMITTEE ON RESTRUCTURING AND ALLOCATION OF POWERS

Questionnaire for Public Opinion

Note : The questionnaire contains objective question from Q.N. 1-11 and Q.N. 12 contain subjective question. In relation to Q. Nos. 1-11, chose any three from amongst the options given and write down the respective serial numbers of the options in the box printed at the margin and write down only one serial number in the box in relation to the question seeking only one option. In case of Q.N. 12, write down your suggestions in the prescribed place in a point wise manner.

Respondent's Name, Cast

District Municipality/VDC

Sex Age Qualification

1. What may be the measure to divide Nepal in a federal unit (state/province)? Among the given option put the options you chose in priority basis in the box given in right side.

[1] Geography (natural geo-structure) [2] Caste

[3] Language [4] Culture

[5] Population [6] Financial potentiality

[7] Historical identity [8] Natural resources/heritage

[9] Area [10] Others

--	--	--

2. Which of the following would you think be appropriate to name a province. Mention any three options in box given in the margin.

[1] Caste [2] Religious place

[3] Cultural identity [4] National hero

[5] Language [6] Geography

[7] Mountains/ peaks [8] Rivers

[9] Historical places [10] Regional identity

[11] Others

--	--	--

3. How many federal units (province/states) Nepal can be divided into? Mention any one option in the box.

[1] 3 [2] 4 [3] 5 [4] 6 [5] 7

[6] 8 [7] 9 [8] 10 [9] 11 [10] 12

--

[11] 13 [12] 14 [13] 15 [14] Others

4. Which will be the appropriate basis to determine the provincial boundary? Mention only one option in the box.

[1] District [2] Village Development Committee

--

5. How many tiers of the government will be appropriate for Nepal? Give any one option in the box.
 [1] 3 tiers [2] 4 tiers [3] Others
6. What will be the appropriate basis for the allocation of power in federal units (states/province)? Give any one option in the box.
 [1] By providing equal rights to all federal units
 [2] By providing special rights [3] Others
7. What will be the appropriate mechanism for resolution of disputes between Federal units and disputes between center and province? Mention any three options in the box.
 [1] Supreme Court [2] High level commission
 [3] Referendum
 [4] Coordinating authority among federal units [5] Constitutional court
 [6] Union (central) legislature [7] Others
8. How will it be appropriate to allocate the power between center, federal unit (state/provinces) and local government? Mention any one option in the box.
 [1] By enlisting the power excisable only by the central government
 [2] By enlisting the power excisable only by the provincial government
 [3] By enlisting the power excisable only by the local government
 [4] By making a common list of rights excisable by both central and provincial government
 [5] By making a common list of the rights excisable by both provincial and local government
 [6] By making a common list of rights excisable by all central, provincial and local government
 [7] By making a separate list of rights excisable by central, provincial and local government
 [8] Others
9. To whom would it be appropriate to rest the residuary powers not dealt with in the Constitution? Give any one option in the box.
 [1] To the central government [2] To provincial/state government
 [3] Union legislature [4] Others
10. Do you think it is necessary to form a extra geographical federal unit for *Dalits*? Give any one option in the box.
 [1] Yes [2] No

11. Do you think it is necessary to guarantee gender rights while allocating the legislative executive and judicial powers among federal units? Give any one option in the box.

[1] Yes

[2] No

12. If you have any suggestion about the jurisdiction of Committee on Restructuring and Allocation of Powers? Please mention below.

[1]

[2]

[3]

[4]

[5]

[6]

[7]

[8]

Jurisdiction of the Committee	
❖	Principles and basis for the determination of area of federal units
❖	Naming and determination of the area of federal units
❖	List of the power of federal units and common list
❖	Dispute resolution mechanism for federal units
❖	Allocation of legislative, executive and judicial power between federal units and inter-relationship between them

Address for submission of the suggestion:

Secretariat of Committee on Restructuring and Allocation of Powers, Singhadarbar, Kathmandu

Phone: 014200094, Fax:- 014200094

Website: www.parliament.gov.np, www.can.gov.np

E-mail: nparl@ntc.net.np, restruct.state@can.gov.np

P.S. This questionnaire needs to be sent to the Committee within the last date of Chaitra of 2065. This questionnaire could also be submitted to a VDC, Municipality or the concerned District Administration Office.

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