

International IDEA
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Steering committee – questions for public the public view collection / focus group discussion

“The people of Nepal shall prepare their Constitution through the Constituent Assembly”

Interim Constitution

A constitution is a document that reflects and conveys ideas – about government, rights, and the place of the people in society. The first stage of constitution drafting is to ask; **What do we want to achieve?** Everyone in society can be involved in this stage. Many people will know what they want – and what they have not got in the past. They need not know a great deal about a constitution or how it works in order to have useful ideas about this aspect.

Thematic questions to be asked by the steering committee representatives

(Source: Discussion paper on Increasing women’s participation in the constitution making process: Why? How? Who? Author, Jill Cottrell, editor, Cecilia Bylesjo)

Representation of the people

In devising a system to select the representatives of the people to sit in the national Parliament, are any of the following important issues and how important do you think they are:

- Is it important that representatives should come from the area they represent and should be familiar with it?
- Should there be a system for representatives to keep in touch with those who have elected them between elections? How often do you think they should visit you village?
- Is it more important that the national government reflects the make up of the country? For example, if 10% of the population belong to a certain caste or ethnic group then about 10% of the Parliament should represent that group?
- Would it be possible to operate a system in which voters were asked to rank a certain number of candidates in order (perhaps the voting paper has a list of 10 people and the voter has to put 1 beside his or her first choice, 2 beside the second choice and so on)?

Ensuring that the nation has leaders it can trust

- Should there be any special qualifications to be able to be President or Prime Minister or other leader (apart from being elected according to the rules)?
- Should such qualifications be in terms of age? Of education? Some other types of qualification?
- Should there be special qualifications to be an MP – like education?

Ensuring the development of the nation

- Would you like the Constitution to say something about the priorities of government for national development?
- If so, since it is not possible for government to tackle all problems at once, can you make some suggestions about where government should place its major priorities?

Handling economy

- Who in your family decides about use of money?
- How are the needs in your family prioritized?
- Do you saving is important? Do you invest into something?

Justice

- Is it important that there should be courts of law within reasonably easy reach of everyone in the country?
- If the Constitution was to state some guidelines for the conduct of judges, what would you suggest these should contain?
- Do you believe that it is important for judges to be independent so that they are not influenced in making their decisions?
- What do you think are the main risks to the independence of the judges?
- Are there ways of settling disputes and doing justice in the Nepal context (different from the [District Courts etc.] that you think ought to be mentioned in the Constitution?

Participation of the people

- The people will be involved in the choice of government through elections, but do you believe that there should be ways in which the people are consulted and involved in decisions which affect them in other ways and between elections?
- If so, do you have any suggestions about how this can be done?

Ensuring accountability of government to the people

- Do you have any suggestions about how the Constitution might ensure that the people (especially people in your own circumstances, where you live etc) are fully informed about what is going on in government?

- If you have complaints about how members of the government or public servants are carrying out their responsibilities, can you complain to anyone? Who do you complain to? Would you wish to see the Constitution make provision for some special institution for this purpose?
- Is there a problem of corruption among public officials? If so – can you say what sorts of situations give rise to the problems of corruption? Should the Constitution set up some special machinery for dealing with this or do you think that the police could deal with it?
- Would you like to see the Constitution contain guidelines for the proper behaviour of politicians and public servants? If so, do you have any suggestions about important points that should be made?
- Should Parliament as the elected representatives of the people be able to vote to remove the President or the Government between elections?

Place of religion in the constitution

- How should the Constitution deal with the fact that there are many different religions in Nepal?
- If a religious group wants to establish a school should they be able to do so? If so, should they be able to restrict entry to children of that religion?

Bringing government close to the people¹

- What do you feel is most important to you: village government or [District] government?
- Are there ways in which village government [and District government] could be improved?
- Should there be a system of provincial government?
- How would you want to be able to influence decisions made at the local or provincial level?
- What sorts of matters should be decided at the local or provincial level?

Building and maintaining national unity

- Should the Constitution contain provisions that try to ensure that at the national level the whole nation is represented – so that all the members of the government are not drawn from a few castes and ethnic groups?
- Should this principle be extended to other institutions such as the public service, the police and the army? Do you have any suggestions as to how it can be achieved?
- Are there other ways in which a good government should try to ensure that everyone in the nation feels fairly treated?

Achieving social justice

- In your locality, which are included and which are excluded groups? (*Moderator to give examples*)?

¹ This may be overtaken by decisions about federalism

- Would you be prepared to see some extra national resources given to help disadvantaged/weaker sections of society?
- Are there basic rights which you think the Constitution should guarantee to all citizens to ensure a fair and just society?

Women

- Should the Constitution say anything specific about the role of women in politics and government?
- Should it say anything about the needs of women?
- If so, what should it say?

Responsibilities of the citizen

- Would you like to see the Constitution spell out some of the duties of the citizens to each other and to the country? If so can you suggest what would be the most important of these?

Symbolizing the nation and its values

- Would you wish the Constitution to refer to specific features of the history and the values of the country?
- How proud you are to be a Nepali?

Head of State

- Assuming that there is to be no King: would you find acceptable the idea of having a President who has few actual powers but performs the role of a symbol of the nation and guardian of the Constitution, while the real powers of government are exercised by the Government and a Prime Minister?
- Alternatively – would you rather have a President who is Head of the Government as well as Head of State and holds a lot of power?

Role of Parliament

- Would you want to see all the members of the Government (Ministers) appointed from among members of Parliament or would you prefer to see all or some of them come from outside Parliament?
- Should Parliament have any role in approving appointment of judges and other high officers of the country?

Parties

- Do you believe that political parties work for the good of all the people?

- Are there ways in which the constitution should control political parties?
- Should the organisation and financing of political parties be subject to the control of the law to some extent?
- Should it be allowed to have a political party that represents specially the interests of a certain section of the people: like a party for women, or for Buddhists, or for Dalits only etc?
- Should parties be allowed to participate in elections below the level of Parliament (for VDC etc)?

Additional questions

The Constitution must be made for the people and as far as possible reflect what is important for the people. So – do you have any other suggestions that could improve in general:

- The lives of ordinary people
- The trust the people have in government
- The effectiveness, the honesty or the reliability of government bodies at all level
- The unity of the country;

Basic information about the focus group representatives

Constituency of participant:

Village of participant:

Origin of participant:

Sex of participant:

Age of participant:

Educational background of participant:

Profession/Occupation of participant: