

**Constituent Assembly
Committee for Fundamental Rights and Directive Principles
A Report on Thematic Concept Paper and Preliminary Draft
2066 (2009-10 AD)**

Photo



**Constituent Assembly
Committee for Fundamental Rights and Directive Principles
Singhdurbar, Kathmandu**

Our Statement

Right Honourable Chairperson,
Constituent Assembly.

I express high regards to general people who participated in all the movements in past for the establishment and development of a democratic system while ensuring the people's liberation and human rights with a holy spirit that the people of Nepal should be allowed to live a dignified life with self respect and human norms and values. Moreover, I pay homage to all the martyrs that shed their lives during the past movements and struggles, and pray for the speedy recovery of the injured people.

Honourable Chairperson,

The Committee for Fundamental Rights and Directive Principles is one of the thematic committees provisioned by Rule 66 of the Constituent Assembly Rules, 2065. Rule 66 of the said Rules has outlined the following jurisdiction of the Committee for Fundamental Rights and Directive Principles:

- Identification of fundamental rights
- Bases of imposing sanctions against fundamental rights
- Provisions regarding the enforcement of fundamental rights
- Directive principles and policies of the state
- Provisions regarding the special protection of the rights and interests of women, children, youths, workers, farmers, Madhesis, *adiwasis janjatis*, *dalits*, backward regions, disabled (otherly challenged people), Muslims and all minority communities
- Provisions regarding the citizenship
- Other essential matters (issues) relating with the Committee's jurisdiction.

The jurisdiction of the Committee consists of working within the present jurisdiction and presenting a report before the Constituent Assembly along with the Preliminary draft and concept paper on the additional issues like "Fundamental Duties" and "State Responsibilities" in regards with preparing an Preliminary draft along with a concept paper in accordance with the Rule 73(1) (d) of the Committee Rules.

The Committee addressed the jurisdiction mentioned above through the subcommittees outlined in Appendix-5 and made a theoretical study and reviewed and analyzed the related legal provisions and different documents as well as discussed about the people's opinions and suggestions, made consultations with the experts and drew conclusions. Then the Committee formed a 13-member Concept Paper and Preliminary Draft Subcommittee consisting of the coordinators of the Subcommittees as the ex-officio members.

While preparing the report, the Committee convened 48 meetings altogether. In this regard, the Committee held discussions for 131.45 hours and the total discussion hours was 478 hours and 30 minutes including those of the Subcommittees. The number of the Committee and Subcommittee meetings and the time period taken therein has been detailed in Appendices-7 and 8. Similarly, the names and organizations that were consulted by the

Committee and Subcommittees have been mentioned in Appenix-11. Of the received suggestions, a total of 28,109 suggestions were received through filling the questionnaire under the suggestions and recommendations and public opinion collection programme held by the secretariat in Falgun-Chaitra 2065, and a total of 4,117 suggestions were presented to the team in writing, thus making a grand total of 32,226 suggestions; a total of 40,826 suggestions were received through Public Relations Committee and a total of 18,834 suggestions received directly by the Committee either in writing or through e-mail; thus the grand total of all the suggestions came up to 91,886.

The report has been prepared after an extensive discussion over the draft presented before the Committee which was prepared in tandem with the secretariat after making a study of the reports of all the thematic subcommittees and international covenants to which Nepal has been a party (signatory), and after making a comparative study of the constitutions of different countries, as well as on the basis of the constitutional exercise of Nepal and special circumstances. I want to inform the Assembly that we focused on the people's suggestions while preparing the report on the concept paper and draft of the Committee, and that it includes the suggestions and recommendations received from other committees of the Constituent Assembly as well after their study and analysis.

Honourable Chairperson,

I seek your permission to present before you the conclusion drawn after the discussion held about four areas specified for preparing the concept paper and Preliminary draft under the jurisdiction of the Committee.

The issue of citizenship has been extremely sensitive for Nepal owing to the special geo-political condition of Nepal, two giant neighbouring countries in terms of geography and population, cultural similarity among the neighbouring countries, open border and the like matters. Therefore, the concept paper and draft regarding the citizenship has been prepared on the basis of a stern policy of keeping intact the sovereignty, national independence, integrity of Nepal and unfathomable love of the Nepalese people for their country.

The Committee commenced the discussion on citizenship keeping in view the special geo-political condition and similarity of the nation as two awfully sensitive and significant aspects. The Committee was unanimous regarding the fact that the provision of granting Nepalese citizenship primarily on the basis of heredity will facilitate the children of Nepali citizens on the basis of their parenthood and on equal footing without any gender discrimination, will facilitate the obtaining of the certificate of citizenship by the Nepalese citizens along with gender identity but that it will prove illiberal about naturalized citizenship. I want to inform this esteemed Assembly through the right honourable chairperson that the draft was prepared keeping this very conclusion in view. I also wish to inform you that while the honourable members of the Committee approved of the major conclusion about the provision some expressed their dissension over it and the same has been included herein as a part of the report.

Honourable Chairperson,

The Committee has expanded the 20 fundamental rights as mentioned in the Interim Constitution of Nepal, 2063 and identified 31 rights as fundamental rights, and propose the same in order to guarantee and safeguard the highest rights of the citizens against the state by the constitution and ensure it constitutionally. Despite the trend of guaranteeing the civil and political rights, which are regarded as the first generation rights of the human rights, as

fundamental rights, we have accepted the fact that in a developing country like ours, sheer ascertaining the civil and political rights cannot fulfill the popular will, and therefore, we have guaranteed several economic, social and cultural rights, too, as fundamental rights. The state should provision for necessary means and resources and prerequisites for enjoying these rights. In this regard, the Committee believes that the state should progressively execute such rights of the basis of their propriety.

Obviously, it was not an easy task to make a balanced coordination between infinite popular wish and finite state capacity, and to identify the issues of the fundamental rights. Still, the Committee concluded that while addressing the popular wish the state should make a proper management of the existing means and resources and identify and mobilize additional means and resources, and safeguard the basic rights of the people as fundamental ones. At present, several rights have been proposed as directly enjoyable as against the past provision of enjoying them in accordance with the law. Nevertheless, we have mentioned that even the existing condition requires framing laws for implementing several rights, and so the state should do the needful. Besides, the Committee has proposed that the essential laws be framed within two years of the enforcement of the constitution for the execution of the fundamental rights so that they do not remain ineffectual in lack of state laws or due to delay in framing them.

Honourable members have expressed differences on certain issues regarding the fundamental rights. Basically, those differences were related with establishing political parties, right to property, provision for foresighted laws and social justice, and the Committee has cordially included them in the report for additional discussion.

Honourable Chairperson,

Right without **duty** is incomplete. Therefore, the Committee feels that we should be as conscious and aware of our duties as we are of our rights. As a result, the report provisions for the fundamental duties of the citizens as well. The Committee is optimistic that it will not only make the citizens aware about the encroachment of others' rights while enjoying their own but also assist in realizing their duties. The Committee hopes that the provision of fundamental rights will contribute towards adding a new dimension in the process of making a new Nepal as envisioned by common Nepalese people.

It is natural that differences in perspectives might affect every issue. The diverse perspectives are reflected also regarding fundamental duties. Accordingly, the report present the various viewpoints before the Assembly for a discussion.

Honourable Chairperson,

The **Directive Principles and Policies of the State** set a state character, future direction, and certain goals achieved in the process. However, in past general people believed that the Directive Principles and Policies of the State are just a matter of showcasing because of fallacious views regarding them.

The Committee was drawn towards such conceptions and comments prevailed about the Directive Principles and Policies of the State. I wish to inform you that consequently the Committee held a serious discussion over how to make this part effective. Eventually it drew a conclusion that the issues outlined in this part are aimed at directing the state and, therefore, are beyond any questioning in the court. Therefore, these should be an agenda for discussion among the people's representatives and the state should be made accountable. Moreover, I

want to state that the state duties include implementing fundamental rights, and the Directive Principles and Policies of the State.

The report proposes that in order to materialize this conclusion a report on the works and achievements in regards with the implementation of the Directive Principles and Policies of the State should be presented annually in federal legislative, and the same should be discussed among the people's representatives and the state should be made more accountable, serious and active towards public issues. A separate committee should be constituted in the federal legislative as a federal monitoring mechanism for its additional effectiveness, and a provision is made, I wish to inform this respected Assembly, that that committee will monitor independently. The Committee believes that, after the enforcement of the Constitution, all types of discrimination based on gender and race will end, and the state can be made oriented towards public welfare by alleviating inequality meted on the basis of class and region, and following the principle of equity.

Finally, I thank Right Honourable Chairperson of the Constituent Assembly and Honourable Vice Chairperson for facilitating the preparation of the report, and honourable members, all experts of the respective fields, stakeholder government and nongovernmental organizations, civil society and all general people for their involvement in preparing and writing up the report and facilitating and assisting in the process by presenting their suggestions on the issues pertaining to the jurisdiction of the Committee either through questionnaires or directly through the Committee or its secretariat, and the servants of the nation working at the secretariat and the entire family of the Constituent Assembly Secretariat for their assistance in preparing the report. Moreover, I cordially request all of you for your creative suggestions about the report, and with the permission of the Right Honourable Chairperson, present the report before the Constituent Assembly.

Date: 2066.7.22

Sd.
(Binda Pandey)
Chairperson

Constituent Assembly
Committee for Fundamental Rights and Directive Principles

Parliament Building, Singhdurbar

Date: 2066.7.18

Ref. No. 066/067

Desp. No.

Right Honourable Chairperson
Constituent Assembly.

Subject: Regarding the Concept Paper and Preliminary Draft Report of the Committee.

We, hereby, present this report keeping in view the responsibilities and jurisdiction outlined by the Constituent Assembly Rules and in accordance with the decision taken by the **Committee for Fundamental Rights and Directive Principles** held on 2066.7.18 to the effect that the present concept paper and Preliminary draft report be presented before the Constituent Assembly through the Right Honourable Chairperson.

S.No.	Name	Signature
1.	Hon. Binda Pandey (Chairperson)	Sd.
2.	Hon. Akalbahadur Thing	Sd.
3.	Hon. Arvind Sah	Sd.
4.	Hon. Angdawa Sherpa	Sd.
5.	Hon. Uma Regmi	Sd.
6.	Hon. Urmila Thapa	Sd.
7.	Hon. Urmila Devi Sah	Sd.
8.	Hon. Ushakala Rai	Sd.
9.	Hon. Karnajit Budhathoki	Sd.
10.	Hon. Kamala Rokka	Sd.
11.	Hon. Kumar Rai	Sd.
12.	Hon. Gagan Thapa	Sd.
13.	Hon. Ganesh Tiwari Nepali	
14.	Hon. Chandra Prasad Gajurel	Sd.
15.	Hon. Chandrika Prasad Yadav	Sd.
16.	Hon. Tilak Bahadur Thapa Magar	Sd.
17.	Hon. Dal Kumari Sunwar	Sd.
18.	Hon. Dharmaraj Niraula	Sd.
19.	Hon. Dharendra Bahadur Shrestha	Sd.
20.	Hon. Nandan Kumar Dutta	Sd.
21.	Hon. Parsuram Ramtel	Sd.
22.	Hon. Puja Khanal	Sd.
23.	Hon. Pradip Kumar Gyawali	Sd.
24.	Hon. Bhupendra Chaudhary	Sd.
25.	Hon. Mani (Khambu) Kirati	Sd.
26.	Hon. Maha Nepali	
27.	Hon. Mahalaxmi Aryal Upadhyay	Sd.
28.	Hon. Mohammed Safiq Miya	Sd.
29.	Hon. Ramesh Lekhak	Sd.

30.	Hon. Rajkaji Maharjan	Sd.
31.	Hon. Rajendra Mahato	Sd.
32.	Hon. Ramkrishna Yadav	Sd.
33.	Hon. Ramprit Paswan	Sd.
34.	Hon. Lalmani Chaudhary	Sd.
35.	Hon. Lila Nyayachyai	Sd.
36.	Hon. Vishnuprasad Chaudhary Tharu	
37.	Hon. Shivchandra Prasad Kushwaha	Sd.
38.	Hon. Satya Pahadi	Sd.
39.	Hon. Savitri Kumar Kafley	Sd.
40.	Hon. Sitadevi Baudel	Sd.
41.	Hon. Sita Pokharel	Sd.
42.	Hon. Sunilbabu Pant	
43.	Hon. Hemraj Bhandari	Sd.

Table of Contents

S.No.	Subjects	Page No.
Preliminary Draft Section		
a.	Draft Regarding Citizenship	1
b.	Draft Regarding Fundamental Rights	13
c.	Draft Regarding Fundamental Duties	59
d.	Draft Regarding the Directive Principles, Policies, and Responsibilities of the State	62
Dissension Section		92

Concept Paper Section

Part—One Preliminary

1.1	Background	125
1.2	Formation of the Committee	126
1.3	Jurisdiction of the Committee	127
1.4	Objectives of the Concept Paper	128
1.5	Limitations of the Report	129

Part—Two Concept Paper

Chapter—One Provisions for Citizenship

2.1.1	Concept of Citizenship	130
2.1.2	Development of Citizenship	131
2.1.3	Citizenship and Nationality	132
2.1.4	Bases of Obtaining Citizenship	132
2.1.5	Bases of Terminating Citizenship	133
2.1.6	Honorary Citizenship	134
2.1.7	Federal Structure and Citizenship	134
2.1.8	Polycitizenship (Multiple Citizenship) System	135
2.1.9	Diaspora and Citizenship	136
2.1.10	Citizenship and International Laws	137
2.1.11	A Comparative Study of Some Constitutions	138
2.1.12	Constitutional Provisions of Nepal Regarding Citizenship	139
2.1.13	Judicial Perspective of Nepal Regarding Citizenship	140
2.1.14	Exercise Regarding Citizenship	142
2.1.15	Conclusion	143

Chapter—Two Provisions for Fundamental Rights

(Provisions Regarding Identification of Fundamental Rights, Bases of Imposing Sanctions and Their Implementation)

2.2.1	Concept	147
2.2.2	Identification of Fundamental Rights	150
2.2.2.1	Right to a Dignified Life (Live with Dignity)	151

2.2.2.2	Right to Liberty (Freedom)	155
2.2.2.2.1	Right to Individual Liberty	157
2.2.2.2.2	Freedom of Thoughts and Expression	160
2.2.2.2.3	Freedom to Unarmed Peaceful Assembly	163
2.2.2.2.4	Freedom to Establish Organizations	166
2.2.2.2.5	Freedom to Establish Political Parties	169
2.2.2.2.6	Freedom to Movement and Settlement in Any Part of Nepal	174
2.2.2.2.7	Freedom to Run (Profess) Any Occupation, Employment, Industry, Trade and Business	177
2.2.2.3	Right to Equality	180
2.2.2.4	Right of Mass Communication	189
2.2.2.5	Right to Justice	194
2.2.2.5.1	Right to Notification Regarding the Reason for Arrest	196
2.2.2.5.2	Right to Seek Advice from the Legal Professionals	198
2.2.2.5.3	Right to Present Oneself Before the Official Probing into the Case	201
2.2.2.5.4	Right against Overarching (Overriding) Law	203
2.2.2.5.5	Right to Doubt of Innocence	207
2.2.2.5.6	Right against Double Threats	209
2.2.2.5.7	Right against Obligation to Witness against Oneself	213
2.2.2.5.8	Right to Get Notification about the Action	217
2.2.2.5.9	Right to Fair (Impartial) Hearing	218
2.2.2.5.10	Right to Gratis Legal Aids	223
2.2.2.6	Right of the Victims of the Crime	226
2.2.2.7	Right against Torture	229
2.2.2.8	Rights against Preventive Detention	232
2.2.2.9	Right against Untouchability and Discrimination	235
2.2.2.10	Right to Property	241
2.2.2.11	Right to Religious Freedom	246
2.2.2.12	Right to Information	250
2.2.2.13	Right to Secrecy (Privacy)	253
2.2.2.14	Right against Exploitation	256
2.2.2.15	Right to Environment	260
2.2.2.16	Right to Education	265
2.2.2.17	Right to Language and Culture	271
2.2.2.18	Right to Employment	276
2.2.2.19	Right to Labour	280
2.2.2.20	Right to Health	286
2.2.2.21	Right to Food	292
2.2.2.22	Right to Accommodation (Housing)	296
2.2.2.23	Rights of Women	301
2.2.2.24	Rights of Children	306
2.2.2.25	Rights of Dalit Community	313
2.2.2.26	Right to Family	319

2.2.2.27	Right to Social Justice	323
2.2.2.27.1	Women Community	335
2.2.2.27.2	Dalit Community	336
2.2.2.27.3	Madhesi Community	336
2.2.2.27.4	Muslim Community	338
2.2.2.27.5	Children	339
2.2.2.27.6	Youths	339
2.2.2.27.7	Elderly People (Senior Citizens)	343
2.2.2.27.8	Disabled (Otherly Challenged People)	346
2.2.2.27.9	Minority and Marginalized Communities	349
2.2.2.27.10	Adiwasi and Janjati Communities	350
2.2.2.27.11	Workers/Labour Class	354
2.2.2.27.12	Farmers (Peasants)	355
2.2.2.27.13	Oppressed Area	356
2.2.2.27.14	Destitute Class	358
2.2.2.27.15	Gender and Sexual Minorities (Minority Communities)	359
2.2.2.28	Right to Social Security	363
2.2.2.29	Consumers' Rights	367
2.2.2.30	Right against Exile	373
2.2.2.31	Right to Implementation of Fundamental Rights and Constitutional Treatment	375
2.2.3	Bases of Imposing Sanctions against Fundamental Rights	380
2.2.4	Emergency and Fundamental Rights	385
2.2.5	Provisions Regarding the Implementation of Fundamental Rights	391

Chapter—Three

Provisions Regarding Fundamental Duties (Responsibilities)

2.3.1	Concept of Fundamental Duties	397
2.3.2	Legal Concept	397
2.3.3	Provisions Outlined in International Laws	398
2.3.4	A Comparative Study of Some Constitutions	398
2.3.5	Constitutional Exercise of Nepal	399
2.3.6	Conclusion	400

Chapter—Four

Provisions Regarding Directive Principles

2.4.1	Concept	401
2.4.2	Development of Directive Principles and Policies	402
2.4.3	Need, Justification (Rationale) and Importance	404
2.4.4	Relations between Fundamental Rights, and Directive Principles and Policies of State	405
2.4.5	Provisions Regarding the State Responsibilities	406
2.4.6	A Comparative Study of Some Constitutions	407
2.4.7	Constitutional Exercise of Nepal	408
2.4.8	Directive Principles and Judicial Exercise of Nepal	410
2.4.9	Provisions Regarding the Implementation of Directive Principles and Policies	411
2.4.10	Conclusion	412

Details of Appendix

S.No.	Subjects	Pages
1.	Honourable Members of the Constituent Assembly Committee for Fundamental Rights and Directive Principles	416
2.	Judiciary of the Committee, Expansion of the Jurisdiction, Details of Work and Schedule of Work	418
3.	Questionnaire Endorsed by the Committee for Collecting Public Opinions (Consensus)	426
4.	A Synopsis of the Suggestions and Recommendations Obtained through the Committee for Collecting Public Opinions in 2065 Falgun-Chaitra and Those Received Directly by the Committee	428
5.	Formation of the Subcommittees and Work Details	462
6.	List of Names of the Officials and Personnel Affiliated to the Constituent Assembly, Committee Secretariat	468
7.	Summary of Committee Meetings and Minutes	469
8.	Summary of Subcommittee Meetings and Minutes	477
9.	Details of Additional Thematic Interactions Held Between the Committee and Subcommittees	491
10.	A Sample of Letter of Acknowledgement Tendered to the Experts and Other Stakeholders Participating for Their Presentation in the Committee and Subcommittees	492
11.	List of Names of the People Participating in the Thematic Discussions in the Committee and Subcommittees	503
12.	Recommendations Pertaining to the Committee for Fundamental Rights and Directive Principles as Obtained from the Team for Collecting Suggestions and Recommendations Consisting of the Members of the Constituent Assembly (2065 Falgun-Chaitra)	514
13.	List of Names of Different Organizations Providing Suggestions to the Committee and the Main Theme of the Suggestions	536
14.	Suggestions Received through E-mail, Post, Toll Free, Telephone and Other Media as well as Individually	560

Preliminary Draft Section

(a) Draft Regarding Citizenship

Part - Citizenship

S.No.	Subject Matter	Proposed Provision for the Constitution	Location in the Constitution	Rationale Behind Making the Provision
1	Provision for Unitary Federal Citizenship	Provision for Single Federal Citizenship: Nepal has a provision for single citizenship issued by the federal government along with regional identity.* ¹	Citizenship	It is found that in the federal state structure, federal government, state government or both federal government and state government issue the citizenship. In order to avoid complexities regarding the citizenship, and ascertain equal rights and duties of all the citizens as Nepalese citizens, and also to ensure administrative ease in future, it is provisioned that the federal government provide single citizenship on its own or through regional structure under the single citizenship system. This provision has been made in order to clearly mention the regional identity of the Nepalese citizens in their respective certificates of citizenship.
2	Identified as a Nepalese Citizen	Identified as a Nepalese Citizen: According to the Constitution, the following people living permanently in Nepal will be identified as Nepalese citizens: a. An individual that has obtained Nepalese citizenship while the Constitution		Every citizen has a right and duty to take part in every political issue of the nation as citizenship establishes a political relation between the nation and citizens. Most of the civil and political rights are provided only to the citizens. Moreover, the citizens should show their dedication and loyalty towards the nation. The provision is made in order to recognize the citizenship of those living in Nepal and having obtained or are going to obtain

¹ *There has been a dissension to it. The details of the dissension are given the Dissension Section.

		came into effect,	<p>Nepalese citizenship committing them to participate in the political affairs of Nepal and to fulfill different duties towards the nation since citizens are political inhabitants of the nation.</p> <p>The provision is made in order to avoid the condition of constitutional lacuna, to provide legality and continuity to the citizenships obtained in accordance with the past constitutional and legal provisions, to legalize the works done or are to be done by the Nepalese citizens, to retain intact the Nepalese people's loyalty to the nation, and to end the situation that compels the citizens to re-obtain the citizenship, and to provide continuity to the Nepalese citizenship on the basis of heredity, naturalization, birth or honour that was issued by the constitution and law existing before the enforcement of the proposed constitution.</p>
		b. An individual that has obtained Nepalese citizenship after the commencement of this Constitution,	<p>The provision is made in order to recognize as Nepalese citizens the citizens that have obtained hereditary, naturalized and honorary citizenship or that inhabit any geographical region being merged/annexed, and to recognize as Nepalese citizens the citizens that obtain Nepalese citizenship after the introduction of the Constitution.</p>
		c. An individual that has obtained Nepalese citizenship in accordance with Article 3.	<p>It is a different matter to be a citizen and to obtain the certificate of citizenship, and it is not proper to consider those as non-citizens who have not obtained the certificate of citizenship or have not been able to obtain the certificate for certain technical reason. Therefore, the provision is made in order to recognize as Nepalese</p>

				<p>citizens those citizens who deserve hereditary citizenship but have not obtained the same. Section (b) of this Article has already provisioned for recognizing as Nepalese citizens those individuals that have obtained Nepalese citizenship on any basis after the enforcement of the Constitution. As regards the people obtaining naturalized citizens, they are regarded as Nepalese citizens only after obtaining the certificate of Nepalese citizenship. Therefore, this provision is made in order to recognize as Nepalese citizens the people who qualify for hereditary Nepalese citizenship but who have not obtained citizenship so far.</p>
3	Citizenship by Descent or Heredity	<p>Citizenship by Descent or Heredity:</p> <p>1. The following individuals that live permanently in Nepal will be provided Nepalese citizenship:</p> <p>a. An individual whose parents were Nepalese citizens during his/her birth,²</p>		<p>Heredity (<i>Jus Sanguinis</i>) is a prime basis of providing Nepalese citizenship. In Nepalese context, the provision is made in order to establish <i>Jus Sanguinis</i> as the basis of obtaining Nepalese citizenship, and to determine the qualification of the people who can obtain hereditary citizenship.</p> <p>In accordance with the norm of <i>Jus Sanguinis</i> of citizenship, this provision is made in order to ascertain the right of the children to obtain citizenship on the basis of the parents' citizenship, and to provide hereditary Nepalese citizenship to such children on the basis of the heredity of their mother or father who, during their birth, hold hereditary, naturalized or by birth citizenship. Besides, this provision is made in order to ascertain the right of the children who are born of Nepalese parents</p>

² * There was dissension regarding this provision.

				and whose parent/s have denounced Nepalese citizenship after their birth, and to ensure the right of the children born of Nepalese parents within the country or abroad but have been a permanent resident of Nepal.
		b. An individual who was born in Nepal of a Nepali citizen, married to a foreign national, and living permanently in Nepal and both of whose parents have obtained Nepalese citizenship before he/she obtains the certificate of Nepalese citizenship. ⁺³		The provision is made in order to provide hereditary Nepalese citizenship without any gender discrimination to those children who are born of the Nepalese citizen married to a foreign national and have been living permanently in Nepal, and who have not obtained foreign citizenship in the name of their parent/s, and both of whose parents have obtained Nepalese citizenship before they themselves obtain the certificate of Nepalese citizenship.
		2. Every minor who is found within the Nepalese territory but whose parents are not identified will be recognized as a Nepali citizen on the basis of heredity till his/her parents are identified.		The provision is made on basis of the Doctrine of <i>Parens patriae</i> (belief that the state protects those who have no one) and in order to save the minors from being stateless by automatically nullifying the case of their parents beings foreign national and by providing hereditary citizenship to those who are found within the Nepalese territory but whose parents cannot be identified.
4.	Provision Regarding Naturalized Citizenship	Provision Regarding Naturalized Citizenship: ⁻⁻⁴ 1. After the commencement of this Constitution, a foreign national married to a Nepalese citizen		The provision is made in order to recognize the fact that practically marital relation is a basis of providing naturalized relation, to end past gender discrimination, and to provide naturalized Nepalese citizenship to a foreign national married to a Nepalese citizen and living legally in Nepal for at least fifteen years

^{3 +} Dissension requiring an addition of other provisions.

^{4 --} Dissension to remove this provision.

		<p>can obtain naturalized Nepalese citizenship in accordance with the existing laws if he/she wishes so on the condition that he/she has lived legally in Nepal for fifteen years and denounces the citizenship of the foreign country. However, if a foreign lady married, prior to the commencement of the Constitution, to a Nepalese male, wishes to obtain the certificate of Nepalese citizenship, she can obtain naturalized Nepalese citizenship after applying for denouncement of her citizenship of the foreign country.^{#5}</p>		<p>and denouncing foreign citizenship.</p> <p>The Interim Constitution of Nepal, 2063, Article 8, Clause (6) and the existing laws provision for obtaining naturalized Nepalese citizenship by a foreign lady married to a Nepali national after applying for denouncement of her foreign citizenship whereas this Constitution provisions, after its commencement, for obtaining Nepalese citizenship by a foreign national married to a Nepali national only if he/she has lived legally in Nepal for fifteen years and denounces his/her foreign citizenship. Therefore, this provision is made in order to provide naturalized Nepalese citizenship to a foreign lady married to a Nepali national before the commencement of this constitution and willing to obtain Nepalese citizenship after applying for denouncement of her foreign citizenship.</p>
		<p>2. An individual born in Nepal of a Nepali citizen as a mother and living in Nepal but whose father is not identified can obtain naturalized Nepalese citizenship in accordance with the existing laws of Nepal.</p>		<p>The provision is made for obtaining naturalized Nepalese citizenship in accordance with the existing laws of Nepal by the children born through rape but whose father has not been identified, and by children born in wadi community, tobe, tobeni, deuki and the like communities and conditions and whose father has not been identified.</p>

⁵ # Dissention requiring additional provisions to it.

		<p>3. An individual born in Nepal of a Nepali citizen married to a foreign national, and living permanently in Nepal and who has not obtained citizenship of a foreign country can obtain naturalized Nepalese citizenship in accordance with the existing laws of Nepal.</p>	<p>There has already been a provision for obtaining certificate of Nepalese citizenship by descent by the children born in Nepal of Nepali citizen married to a foreign national, and living permanently in Nepal, and who has not obtained citizenship of a foreign country if both of their parents have obtained Nepalese citizenship before their children. This provision is made in order to obtain, in accordance with the existing laws of Nepal, naturalized Nepalese citizenship by an individual born in Nepal of parents, only one of whom is a Nepalese citizen, and by an individual born of a naturalized citizen before obtaining Nepalese citizenship and living permanently in Nepal and who has not obtained foreign citizenship.</p>
		<p>4. The federal government can provide, in accordance with the existing laws, the naturalized citizenship of Nepal to a foreign national who has made special contributions in economic and social development of Nepal after the beginning of this Constitution, and who has fulfilled the following terms and conditions besides others:</p> <p>a. who can speak and write Nepali or any</p>	<p>Since long there has been a custom of providing Nepalese citizenship on the foreign nationals through naturalization on the basis of their living and other different terms and conditions. The provision is made in order to provide, in accordance with the existing laws and the decision made by the (Council of Minister) federal government, naturalized citizenship of Nepal to a foreign national who has made special contributions in economic and social development of Nepal after the beginning of this Constitution, who can speak and write Nepali or any other language existing in Nepal, who is involved in any profession in Nepal, who has denounced the citizenship of another country, who has lived legally in Nepal for at least fifteen years, who holds the citizenship of a country</p>

		<p>other language existing in Nepal,</p> <p>b. who is involved in any profession in Nepal,</p> <p>c. who has denounced the citizenship of another country,</p> <p>d. who has lived legally in Nepal for at least fifteen years,</p> <p>e. who holds the citizenship of a country that has legal provision or custom to provide naturalized citizenship to Nepalese citizens,</p> <p>f. who bears good moral behaviour.</p>		<p>that has legal provision or custom to provide naturalized citizenship to Nepalese citizens, and who bears good moral behaviour, and on the basis of other conditions as specified by the laws. The provision is made in order to make arrangements for denouncing foreign citizenship by the foreign national before the government decision to provide citizenship to him/her while he/she does not have to denounce foreign citizenship during his/her application for obtaining naturalized citizenship of Nepal</p>
		<p>5. The details of naturalized citizenship provided in accordance with Clause (4) should be presented before the federal legislative.</p>		<p>The provision is made in order to present before the federal legislative details of naturalized citizenship provided in pursuant to the present Clause, Sub-clause (2) and hold discussion over them in order to make the issue of providing naturalized citizenship to a foreign national transparent and accountable.</p>
5.	Citizenship after Annexing a Region	Citizenship after Annexing a Region: An individual living in a region that is received by Nepal for annexation will be a citizen of Nepal in accordance with the existing laws.		<p>The provision is made in order to provide Nepalese citizenship to an individual living in a region that is received by Nepal for annexation will be a citizen of Nepal in accordance with the existing laws.</p>

6.	Citizenship Showing Descent and Gender Identity	Citizenship Showing Descent and Gender Identity: Every citizen will be provided with Nepalese citizenship on the basis of his/her mother's or father's heredity and showing his/her gender identity. ⁺⁶		The provision is made in order to provide certificate of Nepalese citizenship to an individual applying for the certificate of Nepalese citizenship in the name of his/her mother or father or both and showing his/her gender identity as male, female or third gender.
7.	Re-obtaining Citizenship	Re-obtaining Citizenship: An individual who has denounced his/her Nepalese citizenship and obtained foreign citizenship can be provided with the same kind of citizenship as provided before if he/she returns to Nepal, lives here for five years and denounces foreign citizenship. However, this provision will not apply in case of naturalized citizenship provided in accordance with Article 4, Clause (4). ^{*7}		The provision is related with a Nepali citizen who has denounced Nepalese citizenship and obtained foreign citizenship and with providing him/her back with Nepalese citizenship. This provision is made in order to provide the same kind of citizenship as before to all other types of Nepalese citizen who has denounced Nepalese citizenship and obtained foreign citizenship, apart from an individual who has lived in Nepal for at least fifteen years and contributed in the economic and social sectors of Nepal, if such individuals come back to Nepal, lives here for five years and denounces foreign citizenship.
8.	Honorary Citizenship	Honorary Citizenship: The federal government can confer honorary citizenship upon		The provision is made in order for the federal government to confer Nepalese citizenship upon internationally reputed individuals as an honour to them while preventing them from

^{6 +} Dissension asking for some additional provisions.

^{7 *} Dissension against this Article.

		internationally reputed individuals.		using any political right.
9.	Preventing Obtaining Fake Citizenship or Frequent Obtaining of Citizenship	<p>Preventing Obtaining Fake Citizenship or Frequent Obtaining of Citizenship: Nobody should obtain or provide citizenship by producing fake details or provide the same for more than once or from more than one place. Such activity will be culpable in accordance with laws.</p> <p>However, this Article will not be considered as prohibitory to making common written or typographical mistakes on the certificate of citizenship as well as to obtaining and providing a copy of certificate of citizenship on the basis of the evidences.</p> <p>Explanation: Common written or typographical errors on the citizenship documents regarding name, surname, address, etc will not deemed as fake</p>		<p>The provision is made in order to prevent someone from obtaining or providing citizenship through deception by producing fake details or descriptions or obtaining or providing the same for more than once or from the same or different regional governments, and in order to prohibit obtaining Nepalese citizenship by presenting false details or obtaining it frequently or providing it to any foreign national, and to make provision for declaring such act as a heinous crime and penalizing all those involved in accordance with the law.</p> <p>However, this provision is made in order to provide for no prohibition by this Article regarding obtaining a copy of the certificate of Nepalese citizenship on the basis of marriage, migration or by correcting written or typographical human errors regarding name, surname, etc, or obtaining a copy of the certificate of Nepalese citizenship owing to its loss or tear, etc and taking back the correctible one and provide another one or invalidating earlier certificate of citizenship and obtaining and providing the duplicate copy as a valid one on the basis of the main copy.</p> <p>Moreover, this provision is made in order to provide for no dismissing as fake details the common mistakes in writing or typography regarding the name, surname, address, etc on the documents presented by any</p>

		details for the purpose of this Article.		individual in order to obtain the certificate of citizenship.
10.	Investing into the Certificate of Citizenship	Investing into the Certificate of Citizenship: Notwithstanding what is written elsewhere in this Part, the federal government can probe into the certificate of Nepalese citizenship and nullify the certificate of Nepalese citizenship obtained by a non-Nepalese and can remove such individual from the Nepalese citizenship.		The provision is made in order for the federal government to probe into the citizenship obtained in past or to be obtained in future on the basis of heredity or naturalization through deception by presenting fake details or description and for which there have been various complaints, and in order to invalidate the citizenship obtained by a non-Nepalese from illegal means, and in order to provision for removing such individual from Nepalese citizenship.
11.	Not Retaining (Termination of) Citizenship	Not Retaining (Termination of) Citizenship: 1. The Nepalese citizenship of any individual will not be retained in the following conditions: a. If he/she voluntarily denounces Nepalese citizenship,		A person's citizenship may terminate if he or she voluntarily denounces his or her citizenship or due to other different reasons. The provision is made in order to terminate the Nepalese citizenship since it is a person's right choose, change and denounce his or her citizenship, and if he or she voluntarily denounces his or her citizenship.
		b. If he/she obtains foreign citizenship,		Since Nepal has not adopted the system of Multiple Citizenship, the provision is made in order to terminate the Nepalese citizenship of a person who chooses to obtain the citizenship of a foreign national or that of a person who obtains the Nepalese citizenship after having obtained the foreign citizenship.
		c. In		The provision is made in order to

		circumstances other than mentioned in this Part, if a non-Nepalese is evidenced as obtaining Nepalese citizenship.		terminate the Nepalese citizenship of a non-Nepalese person if he or she is evidenced to have obtained the Nepalese citizenship violating the terms and conditions provisioned in this Part for obtaining the Nepalese citizenship by a foreign national.
		2. If a person eligible to acquisition the Nepalese citizenship is also eligible to acquisition the citizenship of another country, he or she shall not remain a Nepalese citizen if such a person does not choose the Nepalese citizenship within two years of his or her eligibility or if a minor does not choose the Nepalese citizenship within two years of his or her attaining adulthood.		Owing to diversity of policies regarding the citizenship if a person happens to be a citizen simultaneously of Nepal and another country and if such a person retains the Nepalese citizenship within two years of such condition, then he or she should opt for the Nepalese citizenship, and if a minor experiences such condition of obtaining citizenships of both the countries, such a minor should opt for the Nepalese citizenship within two years of attaining adulthood failing which his or her Nepalese citizenship shall be terminated in accordance with this provision.
12.	Updating the Details	Updating the Details: The details of the children born of a foreign national married to a Nepalese national and of such couple in accordance with law.		There has been a provision for providing naturalized citizenship to a foreign national married to a Nepalese citizen and who has lived for 15 years in Nepal and has denounced his or her foreign citizenship, as well as for providing Nepalese citizenship to the children born in Nepal of such couple and who have been living in Nepal. Therefore, this provision is made in order to ensure if such a person has lived in Nepal or not, and to update, in accordance with law, the details regarding the marriage

				registration of foreign nationals, citizenship and domiciles prior to such marriage, address of stay in Nepal, profession, occupation, and those of the address of the birthplace of children born of such couple, their birth registration, academic details, address of stay, profession, occupation, and so on.
13.	Provision for the Citizens of the Authorities	Provision for the Citizens of the Authorities: ^{*8} 1. A person should be a Nepalese citizen by descent for being eligible to be elected or appointed as the Head of State (President) and Vice President, chief of federal or state level legislative, executive and judiciary, and the chief of constitutional bodies and security forces.	Miscellaneous	This provision is made in order for a person to be elected or selected or appointed as the Head of State (President) and Vice President, chief of federal or state level legislative, executive and judiciary of Nepal, and the chief of constitutional bodies and security forces.
		2. In accordance to this Constitution, a person eligible to be appointed for a constitutional post and having obtained naturalized Nepalese citizenship or Nepalese citizenship by birth must have lived in Nepal for at least ten years, and a person having		This provision is made in order for a person eligible to be appointed for a constitutional post and having obtained naturalized Nepalese citizenship or Nepalese citizenship by birth to have lived in Nepal for at least ten years, and a person having denounced the Nepalese citizenship and re-obtained hereditary Nepalese citizenship to have lived in Nepal for at least five years.

⁸ * Dissension against this provision.

		denounced the Nepalese citizenship and re-obtained hereditary Nepalese citizenship must have lived in Nepal for at least five years. ^{*9}		
14.	Nonresident Nepalese Identity Card (ID)	Providing Nonresident Nepalese Identity Card (ID): A nonresident Nepalese identity card (ID) may be provided to a Nepalese citizen who has denounced the Nepalese citizenship and obtained the foreign citizenship, allowing him or her to use economic, social and cultural rights in accordance with the law.	Miscellaneous	This provision is made in order to provide a nonresident Nepalese identity card (ID) to a Nepalese citizen who has denounced the Nepalese citizenship and obtained the foreign citizenship, allowing him or her to make social, cultural and economic rights in Nepal and to use other rights than franchise (right to vote) and holding a public post and legally prohibited ones.
15.	To be in Accordance with the Laws	To be in Accordance with the Laws: Other provisions regarding the citizenship will be made in accordance with the laws.	Citizenship	This provision is made as it is deemed necessary to make, through laws, arrangements related with work procedure regarding the citizenship without contradicting the provisions mentioned in the Constitution.

⁹ * Dissension against this provision.

b. Draft Regarding Fundamental Rights

Part – Fundamental Rights

S.No.	Subject Matters	Proposed Provision to be Included in the Constitution	Location in the Constitution	Reason or Explanatory Comments for Making Proposed Provision
1.	Right to Live with Dignity	<p>Right to Live with Dignity: 1. Every individual shall have the right to live with dignity.</p>	Fundamental Rights	<p>Every individual has been guaranteed a right to live. This right includes the right to live with dignity while maintaining one's material body and entire organs, identity and self respect. Since all other rights of the individual shall be useless in absence of this right which been a basic right of the individual, this right has been provisioned in order to ascertain every individual's right to live with dignity.</p>
		<p>2. No law which provides for capital punishment shall be made.^{*10}</p>		<p>This right has been provisioned in order to ensure that no individual shall be sentenced to capital punishment (death penalty) in the context Nepal has been a partner nation to International Covenant regarding Civil and Political Rights, Second Voluntary Protocol, 1989, the provision for capital punishment has been inappropriate as the nature and purpose of punishment has changed in essence, capital punishment has been removed from Nepal and every individual's right to live with dignity has been guaranteed as a fundamental right in this Article, Clause (1).</p>
2.	Right to Freedom (Independence)	<p>Right to Freedom (Independence): 1. Except as provided by the law, no person shall be deprived of his/her personal liberty.</p>		<p>Individual liberty is a liberty guaranteed to every individual. This liberty has been provisioned in order to prevent the State from depriving individual's right to liberty in an arbitrary and monopolized way. However, this right cannot be claimed against the</p>

¹⁰ * Dissension against the provision. Details of different opinions have been mentioned in the Different Opinions Section.

			<p>imposition of just, fair and proper law on the basis of protection and investigation into crime against public interest, national sovereignty and integrity. This provision has been made in order to ascertain that a person shall not be deprived of his or her individual liberty in an arbitrary and monopolized way except in accordance with the law.</p>
		<p>2. Every citizen shall have the following freedoms: a. Freedom of opinion and expression,</p>	<p>Right to freedom is a fundamental right guaranteed to citizens. Different freedoms of the individuals are provided to them prior to the existence of the State. It is imperative to prevent the State from impose injustice over minority through majority and protect the freedoms of the citizens also in order to maintain individual and social progress and prosperity. Independence is also a spring of rights. Therefore, following freedoms have been constitutionally guaranteed as the fundamental rights with the belief that independence is not absolute and unlimited and is subject to accepting proper sanction on the basis of just, proper and rightful laws, and that independence cannot be claimed against such sanctions, and in order to provide high quality legal and political protection to different freedoms of the Nepalese citizens.</p> <p>The freedom of opinion and expression, which is the mother of freedoms, has been a freedom guaranteed to every Nepalese citizen. This freedom includes the right of every citizen of any age group, gender, class and region to receive information for creating thoughts, to create thoughts individually or collectively in writing, orally, through gesture and his or her wishes, to express,</p>

			convey and flow his or her opinions, and to show dissension against the actions of the State. This provision has been made in order to constitutionally ascertain to every citizen the freedom of opinion and expression as subject to the prohibitory sentence of this section.
		b. Freedom to assemble peacefully and without any arms,	This freedom is a freedom guaranteed to every Nepalese citizen. This freedom comprises of the rights of the citizen to use his or her sovereignty, to receive and express opinions individually or collectively, to participate in administrative system, to hold discussions and interactions on public issues, to criticize, protest against or support the political, economic, social, cultural activities and public policies of the country. This provision has been made in order to constitutionally ascertain, as subject to the prohibitory sentence of this section, this freedom which is the basic civil and political freedom of an individual.
		c. Freedom to form unions and organizations,	This freedom has been guaranteed to every individual. In the context that the freedom to form political parties has been provisioned as a separate freedom in this Article, the right of the citizens to form social, economic, cultural, welfare organizations, child clubs, etc and to participate in or refrain from the activities of these unions and organizations either individually or collectively, has been protected and safeguarded under this freedom. This provision has been made in order to constitutionally ascertain, as subject to the prohibitory sentence of this section, the right of every individual to form unions and organizations.
		d. Freedom to	The freedom to form political

		form political parties,		parties is a freedom guaranteed to every citizen. This freedom, which is the pillar of multiparty democratic polity, includes the freedom of the individuals committed to equal political goals and programmes to form political organizations or parties as they wish, to run them, to participate in or refrain from them, and to publicize the same to get cooperation and support from the general people for their goals and programmes, to choose to be involved in or refrain from the parties. This provision has been made in order to constitutionally ascertain, as subject to the prohibitory sentence of this section, the freedom of every individual to form political parties.
		e. Freedom to move and reside in any part of Nepal,		This freedom consists of the basic freedom of the citizens to reside as sovereign citizens in a place of their choice, to travel to different places of the country for specific purpose, to reside in any state or region of the country as they wish, to use civil and political rights of the said state within the periphery of the Constitution, to migrate, to travel all over the country, to go abroad, and to return home from abroad. This freedom has been guaranteed to every Nepalese citizen. This provision has been made in order to constitutionally ascertain, as subject to the prohibitory sentence of this section, the freedom of every individual to travel or live in any part of Nepal.
		f. Freedom to engage in any occupation or be engaged in employment, industry and trade.		This freedom is a freedom guaranteed to citizens. This provision has been made in order to constitutionally ascertain, as subject to the prohibitory sentence of this section, the freedom of every individual to engage in any occupation, employment, industry,

				trade and profession either individually or collectively, to choose an occupation or employment as he or she likes, to quit such occupation or employment, to shut down industry or trade in accordance to the procedure determined by the law, to make economic gains from such employment, industry, trade, profession, and to engage in other economic activities.
	Prohibitory Provision	<p>Provided that,</p> <p>1. Nothing in sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and integrity of Nepal, or the harmonious relations subsisting among the federal units,^{*11} or which may jeopardize the harmonious relations subsisting among the people of various castes, tribes, religions or communities, or on any act of defamation, contempt of court or incitement to an offence, or on any act which may be contrary to decent public behaviour or morality.</p>		<p>It is made clear that unlimited freedom is not possible and desirable and the exercise of fundamental rights and freedom is possible only within the periphery of nation and constitution and national interest is always overriding to the individual liberty. Moreover, the policy-wise, theoretical and academic advocacy and comments on the issues related with judicial sector shall not be regarded as a contempt of court. However, this provision has been made in order to form an Act for the State to impose reasonable restrictions on the freedom of opinion and expression through just, fair and proper Act in order to discourage any act which may undermine the nationality, sovereignty, independence and integrity of Nepal, or the harmonious relations subsisting among the federal units, or which may jeopardize the harmonious relations subsisting among the people of various castes, tribes, religions or communities, or on any act of defamation, contempt of court or incitement to an offence, or on any act which may be contrary to decent public behaviour or morality as well as to discourage racial discrimination.</p>

¹¹ * The term “Federal units” used in this Part shall refer to states/provinces and local governments to be determined by the Constituent Assembly.

		<p>2. Nothing in sub-clause (b) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty, integrity or law and order situation in Nepal.</p>	<p>This provision has been made in order to form an Act for the State to impose reasonable restrictions on the freedom to assemble peaceably and without arms through just, fair and proper Act in order to maintain public interest and public peace and law and order, and restrict any act which may undermine the nationality, sovereignty and integrity of Nepal or harmonious relations among the federal units or undermine law and order situation, on any act which may be contrary to decent public behaviour or morality.</p>
		<p>3. Nothing in sub-clause (c) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the people of various castes, tribes, religions or communities, or which may instigate violence, or which may be contrary to decent public behaviour or morality.</p>	<p>This provision has been made in order to form an Act for the State to impose reasonable restrictions on the freedom to form unions and organizations through just, fair and proper Act in order to maintain public interest and public peace and law and order, and restrict any act which may undermine the nationality, sovereignty and integrity of Nepal, reveal the national secrecy of Nepal or assist any foreign country or organization or representative in a way that affects the external security of Nepal in case of war or peace, or undermine harmonious relations among the federal units, or act towards spreading racial or communal hatred, or undermine harmonious relations among different castes, tribes, religions and ethnic communities, or in order to discourage any violent activity or against any act which may be contrary to decent public behaviour or morality.</p>
		<p>4. Nothing in sub-clause (d) shall be deemed to prevent the making of laws which are in the interest of the general public, or</p>	<p>This provision has been made in order to form an Act for the State to impose reasonable restrictions on the freedom to form political parties through just, fair and proper Act in order to maintain public interest and public</p>

	<p>which are made to impose reasonable restrictions on any act which may undermine nationality, sovereignty and integrity of Nepal, or discourage any act of spying against the country, or revealing national secrecy, or assisting a foreign country or organization or representative (committing treason) in a way that affects the external security of Nepal in case of war or peace, or undermine harmonious relations among the federal units, or act towards spreading racial or communal hatred, or undermine harmonious relations among different castes, tribes, religions and ethnic communities, or in order to discourage an act of restricting citizens of certain caste, language, religion, community or gender to take the membership of any political party only on racial, linguistic, religious, communal or gender grounds, or to discourage an act of forming political parties in a way that makes discrimination among the citizens</p>		<p>behaviour, morality and to control crimes, and restrict any act which may undermine the nationality, sovereignty and integrity of Nepal, reveal the national secrecy of Nepal or assist any foreign country or organization or representative in a way that affects the external security of Nepal in case of war or peace, or undermine harmonious relations among the federal units, or act towards spreading racial or communal hatred, or undermine harmonious relations among different castes, tribes, religions and ethnic communities, or in order to discourage any violent activity or against any act which may be contrary to decent public behaviour or morality.</p>
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		or engaging in any violent activity or any activity which may be contrary to decent public behaviour or morality. ⁺¹²		
		5. Nothing in sub-clause (e) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the interest of general public or harmonious relations subsisting among federal units or undermine harmonious relations subsisting among different castes, tribes, religions or communities, or on any violent act or crime in order to discourage it.		This provision has been made in order to form an Act for the State to impose reasonable restrictions on the freedom to travel to and reside in any part of Nepal through just, fair and proper Act in order to maintain public interest and public peace and law and order, and restrict any act to discourage undermining it and taking part in criminal activities and restricting the use of this freedom in order to discourage such activities and any act which may undermine harmonious relations among the federal units, or the interests of general people or the harmonious relations among different castes, tribes, religions and ethnic communities, or in order to discourage any violent activity or against any act.
		6. Nothing in sub-clause (f) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine harmonious relations subsisting among federal units or be contrary to public health, decent behaviour, or morality or to confer on the State the exclusive right to		This provision has been made in order to form an Act for the State to determine certain conditions or qualifications for conducting any industry, trade, profession or services or impose restrictions on the freedom to engage in certain profession, employment, industry and trade through just, fair and proper Act in order to allow the State itself to engage in a certain industry, trade or service, and for the production and balanced distribution of goods or services in accordance with national necessities and to maintain public interest and public peace and law and order, and restrict any act

^{12 +}Dissension for additional provisions.

		undertake specific industries, businesses or services, or impose any condition or qualification for engaging in any industry, trade, profession or occupation.		which may undermine the harmonious relations among the federal units, or in order to discourage any activity which may be contrary to public health, decent public behaviour or morality.
3.	Right to Equality	Right to Equality: 1. All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.		This right has been guaranteed to all the citizens. The right to equality before law and the right equal protection of and benefits from the laws have been guaranteed within this right. Equality before law includes the right of all citizens being equal in the eyes of law since all individuals are independent and equal in human prestige by birth, and no citizen shall receive special privileges on the basis of his or her birth, religion, colour, gender, and any other grounds. Moreover, the right to equality has been provisioned in order to constitutionally ensure common protection and gains from the laws in order to further ensure the equality of all the citizens in the consequences of equal protection and benefits of the laws since equal treatment among all the citizens alone does not lead towards equal protection and benefits of the laws.
		2. The State shall not discriminate against any citizen in the application of general laws on grounds of religion, colour, caste, tribe, gender, sexual orientation, biological condition, disability, health condition, marital condition,		Since it is essential to ascertain that there is no unequal treatment while controlling it and providing all the citizens with the right to equality before law and equal protection of law, this right has been provisioned in order to ascertain that the State shall not discriminate against any citizen in the application of general laws on grounds of religion, colour, caste, tribe, gender, sexual orientation, biological condition, physical and

		<p>pregnancy, economic condition, origin, language or region, ideological conviction or other similar grounds.</p> <p>Provided that, nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, <i>dalits</i>, indigenous ethnic tribes (<i>adiwasis janjatis</i>), Madhesis or farmers, workers, oppressed region, Muslims, backward class, minority, marginalized and endangered communities or destitute people, youths, children, senior citizens, gender or sexual minorities, disabled or those who are physically or mentally incapacitated and helpless people, who are economically, socially or culturally backward.</p> <p>Explanation: For the purpose of this Part and Part ... (Directive Principles, Policies</p>	<p>mental disability, marital status, pregnancy, economic condition, origin, language or region, ideological conviction or all of them or other similar grounds.</p> <p>Moreover, it is not possible to achieve the national goal only through formal equality in a country like ours that has diverse social structures, opportunities, unequal distribution of economic means and resources, different types of educational level and is full of religious, cultural and linguistic diversity. Therefore, this provision has been made in order to enable the State to make positive discrimination through Acts and rules for the purpose of a short term, as in accordance with the needs and conditions, and on the basis of objective data and information for the protection, empowerment or advancement of women, <i>dalits</i>, indigenous ethnic tribes (<i>adiwasis janjatis</i>), Madhesis, Muslims, backward class or farmers, workers, or academically, economically, socially or culturally backward class or youths, children, senior citizens, gender or sexual minorities, those who are physically or mentally disabled or incapacitated or helpless people, in order to achieve substantial equality through social justice.</p> <p>In addition, this provision has been made in order to give clear information to the “destitute” citizens that live in a weaker condition than the average poverty determined on the basis of objective standard which is determined on federal or state level, for the purpose of the Part related with Fundamental Rights and the Part related with Directive</p>
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		and Responsibilities of the State), the term “destitute” refers to average citizens living under average poverty.		Principles, Policies and Responsibilities of the State under this Constitution.
		3. The State shall not discriminate among citizens on grounds of religion, color, race, caste, tribe, gender, sexual orientation, biological condition, disability, health condition, marital condition, pregnancy, economic condition, origin, language or region, ideological conviction or other similar grounds.		This right has been guarantee to the Nepalese citizens. It is provisioned in order to ascertain that the State is a patron of all the citizens and it shall not discriminate among the citizens on the basis of religion, colour, caste, tribe, gender, sexual orientation, biological condition, physical or mental disability, health condition, marital status, pregnancy, origin, language, region or ideological conviction or other similar grounds while operating any of its activities.
		4. There shall be no discrimination with regard to remuneration and social security on the basis of gender for the same work.		This provision has been made in order to ascertain the condition that all the citizens that perform equal work receive equal wages without any gender discrimination for any equal work of public or private nature, and to ascertain equal rights against gender discrimination inflicted in social security received from public or private sector.
		5. All the children shall have equal right to ancestral property without any gender discrimination. ⁺¹³		This provision has been made in order to ascertain the right of all the children to ancestral property without any gender discrimination.
4.	Rights Regarding Mass Communications	Rights Regarding Mass Communications: 1. There shall be no prior censorship of		Since an open and transparent society, conscious and creative citizens, a healthy, fair and moral social system and an accountable government and disciplined,

^{13 +} Dissension requiring additional provisions.

		<p>publication, transmission (broadcasting) or information flow or printing of any news item, editorial, article, feature or any other reading, audio, audiovisual materials by any means including electronic publication, transmission (broadcasting) and the press.</p> <p>Provided that, nothing shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine nationality, sovereignty or integrity or which may jeopardize the harmonious relations subsisting among federal units or the harmonious relations subsisting among the peoples of different castes, tribes or communities, an act of treason, any act that may harm the social prestige of an individual through publication or transmission of false (fake) materials, or that leads to a contempt of court, or to discourage crimes or an act that may be contrary to public health, decent</p>	<p>decent, professional and dynamic mass media are the pillars of democracy, this provision has been made in order to ascertain that there shall be no provision imposing full restriction in any form on the publication, broadcasting or information flow or printing of any news item, editorial, article, feature or any other reading, audiovisual materials through the means of all kinds of publication and broadcasting in order to make the activities of the government transparent and accountable, and to protect the people's right to get factual information, participate in decision-making process, add dynamism to the society, create fair and creative public opinion for the institutional development and consolidation of democracy.</p> <p>Provided that, national interest and public interest are always overriding the citizens' rights, and national interest, public decency and morality should be protected and crimes should be controlled, and therefore, this provision has been made in order to enable the State to make preventive laws to impose reasonable restrictions on any act which may undermine nationality, sovereignty or integrity or which may jeopardize the harmonious relations subsisting among federal units or the harmonious relations subsisting among the peoples of different castes, tribes, religions or communities, an act of infecting hatred or treason, any act that leads to a contempt of court, while making it clear that policy-wise, theoretical and academic advocacy and comments shall not be regarded as a contempt of court, or any act that may harm the social</p>
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		behaviour, or morality and to discourage untouchability and racial and gender discrimination.		prestige of an individual through publication or transmission of false (fake) materials, or to discourage crimes or an act that may be contrary to public health, decent behaviour, or morality and to discourage an act that may have detrimental effects on children or that make an obscene picture of them, or to discourage untouchability, racial and gender discrimination through just, fair and proper Act as deemed necessary.
		2. There shall be no closure, seizure or cancellation of registration of radio, television, online or any other types of digital or electronic, print or other media or equipment of communications on account of publication and transmission (broadcasting) or printing of any materials through the medium of audio, audiovisual or electronic equipment.		Since it is through impartial, independent, dauntless and safe media world alone that the citizens' right to express their opinions and get well informed is protected, this right has been provisioned in order to ascertain the condition preventing the State to close, seize or cancel the registration of radio, television, online or any other types of digital or electronic, print or other media or equipment of communications on account of publication and transmission (broadcasting) or printing of any materials through the medium of audio, audiovisual or electronic equipment.
		3. There shall be no closure, seizure or cancellation of registration of any newspaper, periodical (magazine) or press on account of printing or publishing any news item, article, editorial, feature, information or any other materials. Such act will be culpable in accordance with		This provision has been made in order to protect and safeguard the editorial independence of the publication medium that is a major medium of mass communications protecting and safeguarding the citizens' right to freedom of opinion and expression, and to ascertain that there shall be no closure, seizure or cancellation of registration of any newspaper, periodical (magazine) or press on account of printing or publishing any news item, article, editorial, feature, information or any other materials. Such act will be

		law and the victim of such act shall have a right to receive proper compensation.		culpable in accordance with law and the victim of such act shall have a right to receive proper compensation.
		4. Except in accordance with law, no press, electronic transmission and telephone and other means of communications shall be obstructed.		This right has been provisioned in order to ensure that the press, medium of electronic transmission and means of telecommunications that are basic needs of people which are all mediums of receiving information in order to protect and safeguard the citizens' freedom of opinion and expression and no one can obstruct them in an arbitrary or monopolized way, and if necessary, can do so only in accordance with law.
5.	Rights Regarding Justice	Rights Regarding Justice: 1. No person shall be detained without being informed of the ground for such an arrest.		This right has been provisioned in order to protect and safeguard the person's individual independence against arbitrary and monopolized detention by the State while ensuring that there shall be no encroachment of any person's individual independence in an illegal or arbitrary manner, that the person whose individual independence has been encroached shall receive information regarding his or her arrest in time in a language that he or she can understand and be able to make a legal defense in an easy and simple manner and that no person shall be detained without being informed of the ground for such an arrest.
		2. The person who is arrested shall have the right to consult a legal practitioner of his/her choice at the time of the arrest. The consultation made by such a person with the legal practitioner and the advice given thereon		This right has been provisioned in order to ensure the right of the person, detained on the basis that ignorance about law is inexcusable, to make legal defense, hold an informed decision regarding the charge or accusation made against him or her, take proper legal actions and ensure equal treatment to the aspects of the case (lawsuit) through proper representatives by employing a

		<p>shall remain confidential, and such a person shall not be denied the right to be defended by his/her legal practitioner.</p> <p>Provided that, this Clause shall not be applicable to the nonresident Nepalese (NRN) under preventive detention or to the citizen of an enemy country.</p> <p>Explanation: For the purpose of this Clause, the term “legal practitioner” means any person who is authorized by law to represent any person in any court.</p>		<p>legal practitioner in the process of investigation right after his or her arrest and take his or her advice, choose a legal practitioner, get or make to get defense or judicial enquiry and against being compelled to reveal about the counseling made privately with a legal practitioner. The provision of this right does not obstruct the State to make and enforce laws for arresting the convict (accused) and make judicial enquiry by detaining the convict in the cell during the investigation and probe into the crime under the subject of seeking legal defense or judicial enquiry through a legal practitioner. This provision has been made in a way that is not applicable to non Nepalese citizen or a citizen of an enemy state held under preventive detention since the national interest and security is more overriding than the individual right.</p>
		<p>3. Every person who is arrested shall be produced before a judicial authority within a period of twenty-four hours after such arrest, excluding the time necessary from journey from the place of arrest to such authority, and the arrested person shall not be detained in custody beyond the said period except on the order of such authority.</p> <p>Provided that nothing in this Clause shall apply to preventive detention of an individual or to</p>		<p>This provision has been made in order to ensure the condition of being released from illegal detention while protecting the individual liberty of every person, to prevent the State from encroaching upon the person’s individual liberty in an arbitrary and monopolized way, create a condition to enable the arrested person to lodge complaint against the acts of the arresting authority, present the arrested person, at the earliest, before the authority probing into the case, and get detained only in pursuant to the judicial order such an authority. This provision is made in a way that this right is not applicable in case of a person held under preventive detention on sufficient ground of his or her jeopardizing the sovereignty and integrity of Nepal or public peace and order</p>

		a citizen of an enemy state.		and in case of the citizen of an enemy state.
		4. No person shall be punished for an act which was not punishable by law when the act was committed, and no person shall be subjected to a punishment greater than that prescribed by the law in force at the time of the offence. ⁺¹⁴		This provision has been made in order to protect the individual liberty and to ensure his or her right of not being penalized for an act that was not regarded as an offence in past and not being subjected to a penalty greater than as prescribed by the law existing at the time of offence while not declaring the offence made by any person in past by making laws in future and not subjecting him or her to a penalty greater than what was existing at the time of offence but this principle shall not be applicable in the issue of decreasing the penalty given for a past offence or acquitting the accuse partially or fully, in order to prevent the State from turning arbitrary or monopolizing.
		5. No person accused of any offence shall be assumed to be an offender until proven guilty.		While believing that no person shall be accused of an offence till he or she is proved guilty by a capable court and in general citizens do not indulge in criminal activities, no person shall be held guilty on the basis of an accusation, necessary legal work procedure should be fulfilled for proving him or her guilty, he or she must have been indulged in an act that is regarded by law as a crime, a case should be lodged against such a person and judicial enquiry and investigation must have been made about him or her and a capable authority must have declared him or her guilty and similar processes should have been fulfilled. This provision has been made in order to ensure the right of not being accused till an offence is proved, without showing any prejudice towards a convict just on the ground of being accused

^{14 +} Dissension for additional provisions.

				without impeding the State from making and enforcing laws .
		6. No person shall be prosecuted or punished for the same offence in a court of law more than once.		The custom of penalizing a person more than once for the same offence may be detrimental to his or her life and freedom and he or she may be perennially vulnerable for the State. Moreover, filing frequent suits against the same offence of a person does not only jeopardize his or her freedom but also leads to the misuse of the means and resources of the State. Therefore, no personal shall be tried or penalized for more than once after a capable court has declared its verdict for the same offence. This right has been provisioned in order to prevent the lodging of a case or penalizing the accused for more than once for the same offence. However, in case an act leads to two different natures of offence, in case some person revokes it and there is an administrative decision, this right shall not be applicable and other offenders involved in the same offence shall also be tried and penalized and there shall be no obstruction for the State for making additional charge against the accused taking the permission of the court on the basis of the given evidences.
		7. No person accused of any offence shall be compelled to be a witness against himself or herself.		While the State is collecting evidences in the process of investigation and probe, there may be attempts to use force, deterrence, fear, threat or any other temptation or pressure to prove the offence. Therefore, this right has been provisioned as a convenience for the accused for fair justice and not being compelled to be a witness against himself or herself under any deterrence, fear, threat or any other temptation or pressure except voluntarily. This provision has

				<p>been made in order to allow the convict to use such conveniences as keeping silent, defending against the accusation, not being compelled to present written or oral evidence against himself or herself unless and until he or she denounces such conveniences while the State can, in accordance with law or on the command of the court, search or study and observe and collect evidences against him or her from the places, materials or details belonging to him or her even without the consent of the convict for the purpose of investigation into the crime, and can collect his or her sample signature, thumb print, blood, semen, hair, saliva and other physical evidences.</p>
		<p>8. Every person undergoing trial shall have the right to be informed about the proceedings of the trial.</p>		<p>If a person does not get timely information against himself or herself or about the action of his or her concern, he or she cannot make an informed decision, make proper legal defense in lack of information, and there shall be a violation of his or her rights regarding life, freedom and property. Therefore, this right has been provisioned in order to provide timely information to the person accused of the crime about the accusation against him or her, order or action, verdict or decision, and actions regarding the appealing for the case in an legible language, either personally or through his or her representative. However, the authorities concerned shall not be compelled to provide information that should be kept confidential in accordance to law.</p>
		<p>9. Every person shall be entitled to a fair trial by a fair, free (independent) and competent court</p>		<p>It is a natural right of a person to approach a judicial authority for the use of his or her rights if the same are violated. Therefore, this right has been provisioned in order</p>

		or judicial authority.		to protect a person's rights like fair hearing by impartial, independent and capable judicial authorities, such hearing should be held in open and publicly, getting sufficient time and proper opportunity to express his or her feelings, employing a legal practitioner, presenting witnesses and evidences and cross examining the witnesses of the defendant, giving verdict on the basis of the evidences while using the judicial heart???, and appealing for the case. This provision has been made in order to ensure the right of every person to fair hearing while also making the semi judicial agencies impartial, independent and capable as they also execute judicial acts, and enhancing the ability and professional skill of the authorities engaged in such agencies and making judicial observation and supervision effective, not allowing, in general, the semi judicial agencies to sentence any person to imprisonment or making a provision of executing such penalty only after the consent of judicial agencies as deemed essential.
		10. Any indigent person shall have the right to free legal aid in accordance with law.		This right has been provisioned in order to ensure an equal access of all to justice, in accordance with the norm of distributive justice and principle of equality, and to prevent creating a condition of providing or not providing an access on the basis of economic prosperity or destitution. This right has been provisioned in order to ensure the representation of a legal practitioner for an economically poor party on a definite and objective basis, receive free legal assistance, expand such assistance from preparing the legal documents up to defense, and

				waive government charges and fees for judicial activities for an economically destitute person, provision for interrelatedness of such issues and provide free legal assistance to economically poor convict, victims of the crime or any party of the case by the State.
6.	Rights of the Victims of the Crime	Rights of the Victims of the Crime: 1. The victims of the crime shall have the right to information about the investigation, probe and action taken in the case in which he/she is victimized.		This provision has been made in order to guarantee the right of the victim of the crime to receive information from the investigating and probing authorities regarding the investigation and probe into the crime of which he or she is a victim and about such cases.
		2. The victims of the crime shall have the right to social rehabilitation and compensation in accordance to law.		The State that plays the role of a patron in regards with protecting the victims suffering as a consequence of any crime and the victims that require protection should be more accountable. In this context, it is imperative to protect and safeguard the right of the victim of the crime to live with dignity and penalize the guilty person in order to protect human value and prestige. As of today, the existing provision of practicing the legal and criminal justice in Nepal is not favourable to distributive justice since the State has been charging penalty from the offender and depositing the amount in State treasury but the victim gets no relief from the State. Therefore, this provision has been made in order to ensure the protection of the right of the victim of the crime, provide immediate medical treatment to such a person from the government and create a condition in which the victim gets social rehabilitation and compensation in accordance with law.
7.	Right	Right Against		The right against torture is

	Against Torture	Torture: 1. No person who is detained during investigation, probe or enquiry or for trial or for any other reason, shall be subjected to physical or mental torture, or be treated in a cruel, inhuman or degrading manner.		received by any person that is detained during investigation, probe or judicial enquiry or in any other manner. Inflicting torture is a crime against human respect and prestige and a serious violation of human right. The person held under state control is likely to be subjected with physical and mental torture, cruel, inhuman or insulting behaviour, and owing to torture, he or she may get involved in a crime and thereupon his or her life and freedom can be hazardous. Therefore, this provision has been made for the protection of the person's basic rights and in order to provide constitutional guarantee to keep intact the human freedom, justice and peace and human dignity, prevent the State from being arbitrary, and prevent the State or its agencies from inflicting torture on a person during investigation, probe, judicial enquiry or in any other manner and from inflicting cruel, inhuman or disgraceful treatment while he or she is detained.
		2. Any such an act pursuant to clause (1) shall be punishable by law, and any person victimized by such a treatment shall have a right to proper compensation.		This provision has been made in order to ensure the condition of receiving proper compensation by the victim of the torture while making the State and the involved authorities personally responsible and accountable as deemed essential in the given condition for inflicting physical or mental torture, cruel, inhuman or disgraceful treatment on a person detained for investigation, probe or judicial enquiry or in any other manner, and make such act punishable in accordance with law.
8.	Right Against Preventive Detention	Right Against Preventive Detention: 1. No person shall be held under preventive detention unless		This right has been guaranteed to all the Nepalese and non-Nepalese citizens. Since the national interest is more overriding than the personal interest and the provision of preventive detention has been

		there is sufficient ground to believe in the existence of an immediate threat to the sovereignty and integrity of, or the law and order situation in, Nepal.		accepted as a necessary evil towards controlling the personal freedom by temporarily curbing his or her undesirable activities in such a specific condition that some of his or her internal and external activities may exert negative effect on public security and state defense, in order to protect national sovereignty and integrity, public peace and order, this provision has been made in order to ensure a condition in which the State may not detain any person in an arbitrary and monopolized way.
		2. Except in case of the individual that undermines sovereignty or integrity of the State of Nepal, seriously jeopardizes the public peace and law and order by spreading communal riots, and in case of the citizens of an enemy state, the family members of other individuals held under preventive detention shall be informed of their conditions.		This provision has been made in order to provide information in a mandatory fashion to the family members of the detainee by the detaining authorities about his or her condition except in case of a person who undermines the sovereignty or integrity of the state of Nepal, and instantly and seriously jeopardizes public peace and order by spreading communal riots, and in case of a citizen of an enemy state.
		3. If an authority detains a person under preventive detention contrary to law or in bad faith, the person detained is entitled to compensation under the law.		This provision has been made in order to stop violation of personal freedom in an arbitrary and monopolized way, stop the misuse of the provision regarding this, and to ensure the condition of getting released from detention in case a person is held so without sufficient grounds and receiving proper compensation for the loss incurred thereof, in accordance with law, and the amount of compensation and other provisions shall be in accordance with law.
9.	Right Against	Right Against Untouchability and		This provision has been made in order to ensure the right against

	<p>Untouchability and Racial Discrimination</p>	<p>Racial Discrimination: 1. No person shall, on the ground of caste, tribe, descent (origin), community, occupation or physical condition, be subject to discrimination and untouchability in any form.</p>	<p>discrimination of a person on the basis of his or her caste, tribe, origin, community or occupation or discrimination of woman on the basis of her menstruation or that of physically or mentally disabled people or of any patient on the basis of his or her specific condition while eradicating all kinds of untouchability practiced on the basis of caste, tribe, origin, community or occupation or physical condition.</p>
		<p>2. No person belonging to any particular caste or tribe shall, in relation to the production or making available of any goods, services or conveniences, be prevented from purchasing or acquiring such goods, services or conveniences; and no such goods, services or conveniences shall be sold or distributed only to members of a particular caste or tribe.</p>	<p>This provision has been made in order to ensure the right against racial discrimination in the use of goods, services or conveniences while preventing the obstruction of certain caste or tribe from purchasing or acquiring any goods or services or conveniences while producing or distributing or providing them, and preventing the practice of producing or distributing or providing any goods or services or conveniences for sale, distribution or availing of them only to a person of a specific caste or tribe as well as to ensure the condition of preventing the purchase or acquisition of any goods or services or conveniences by a person of certain caste and tribe.</p>
		<p>3. No one shall be allowed to purport to demonstrate superiority or inferiority of any person or a group of persons belonging to any caste, tribe or origin; or to justify social discrimination on the basis of caste and tribe or untouchability; or to disseminate ideas based on</p>	<p>This provision has been made in order to prevent the purport of demonstrating superiority or inferiority of any person or a group of persons belonging to any caste, tribe or origin or justifying social discrimination on the basis of caste and tribe or untouchability or disseminating ideas based on untouchability or caste superiority or hatred justifying social discrimination or encouraging caste discrimination in any form.</p>

		untouchability or caste superiority or hatred justifying social discrimination; or to encourage caste discrimination in any form.		
		4. No person shall be subjected to any form of discrimination by engaging him or her in an act or work contrary to his or her will, by practicing or not practicing untouchability on the basis of caste or tribe.		This provision has been made in order to prevent a person from being subjected to any form of discrimination by engaging him or her in an act or work contrary to his or her will, and in any kind of public or private workplace, by practicing or not practicing untouchability on the basis of caste or tribe.
		5. All forms of untouchability and discriminatory acts shall be punishable in accordance with law and an individual victimized by such act shall have a right to proper compensation.		This provision has been made in order to ensure, in accordance with this Clause, that all forms of untouchability and discriminatory acts shall be punishable in accordance with law and an individual victimized by such act shall have a right to proper compensation.
10.	Right regarding Property	Right Regarding Property: 1. Every citizen shall, subject to the existing laws, have the right to acquire, own, sell and otherwise dispose of property. ⁺¹⁵		The right regarding property is guaranteed to every citizen. This provision has been made in order to ensure the rights of every citizen to, subject to the existing laws, have the right to acquire, own, sell, make professional benefits from, and otherwise dispose of movable, immovable, reputation, patent, design, trademark, artistic creation and other intellectual property.
		2. The State shall impose (levy) taxes on individual property as deemed necessary in		This provision has been made in order for the State to impose (levy) taxes on individual property as deemed necessary in accordance with progressive taxes and in

¹⁵ +Dissension for additional provisions.

		accordance with progressive taxes.		accordance with the inherent right of State to levy taxes of property within the State.
		<p>3. The State shall not, except in the public interest, acquire, or create any encumbrance on the property of any person.⁺¹⁶</p> <p>Provided that this Clause shall not be applicable to property acquired by any individual through illegal means.</p>		<p>The right regarding property is a personal right. Except levying taxes on personal property, the State cannot acquire, or create any encumbrance on the property of any person. The State can acquire or obtain the property of a person on the basis of the power of eminent domain in the legal property of a person only for public interest. Therefore, this provision has been made in order to ensure that the State shall acquire, obtain or create any kind of right over the legal property of a person only for public interest and that the State cannot acquire, obtain or create any kind of right over the legal property of a person, except as mentioned in the preventive sentence of this Clause. This right cannot be claimed in case of the property acquired by any individual through illegal means and the State can seize, obtain and create right over such property.</p>
		<p>4. Compensation shall be provided, in accordance with law, for any property requisitioned, acquired or encumbered by the State in distributing land to landless farmers and squatters for implementing scientific land reform programmes or in the public interest in accordance with Clause (3). The</p>		<p>Land is a natural heritage and major means of production. Therefore, this provision has been made in order to ensure the condition to receive proper compensation by a person affected by the state acquisition or obtaining of his or her legal property or creating any kind of right over such property which should be done only in accordance with law and for which legal procedure and work method should be adopted while establishing the ownership of the farmer over the land in an agricultural country like ours, and implementing scientific land</p>

¹⁶ Dissension for additional provisions.

		<p>amount and basis of compensation, and relevant procedure shall be as prescribed by law.^{*17}</p> <p>5. The State can make laws for regulating and managing land in order to enhance the production and productivity of the land, and to effect modernization and professionalization of agriculture, protection (conservation) of environment, systematic housing and urban development.</p>		<p>reform in order to increase land production and productivity, and make its proper management.</p>
11.	Right to Religious Freedom	<p>Right to Religious Freedom: 1. Every person shall have the freedom to profess, practice and preserve his or her own religion in accordance with his or her faith, or to refrain from any religion.</p> <p>Provided that no person shall be entitled to act contrary to public health, decent behaviour and morality, to indulge in activities of jeopardizing public peace or to convert a person from one religion to another, and no person shall</p>		<p>This right is guaranteed to every person. The right to religious freedom consists of the freedom of every person to religious faith, thought, wisdom, freedom to adopt and practice a religion of his or her choice, right to convert on his or her will, no discrimination by the state on the basis of religion, right to perform religious activities, rituals or prayers and freedom to not follow any religion or to be free from adopting a religion. Moreover, this provision has been made to protect and patronize religious rights of every person. This right cannot be claimed by any person engaged or making to get indulged in any activity contrary to public health, decent behaviour and morality, get indulged in activities of jeopardizing public peace or converting a person from one religion to another, and acting or</p>

¹⁷ * Dissension against this provision.

		act or behave in a manner which may infringe upon religion of others.		behaving in a manner which may infringe upon religion of others. This provision has been made in order to make such an act culpable.
		2. Every religious denomination shall have the right to maintain its independent existence, and for this purpose to manage and protect its religious places and religious trusts, in accordance with law.		This right has been provided to all religious denominations under the community right. This right includes such rights as State shall make equal treatment to all, people can adopt and practice religion in a collective way, can perform prayers and religious activities, can form religious trusts and organizations in accordance with law and operate the same in a transparent way. This provision has been made in order to ensure the condition that the State shall show equal feelings towards all the religions and shall, keeping in mind the right and responsibility of the nation, strengthen religious tolerance, social good will and national unity in the country and protect and promote the religious and cultural heritages of national importance, and a person shall not undermine the religious freedom others while adopting and practicing a religion, and every religious denomination shall form and run religious activities and organizations in a transparent manner.
12.	Right to Information	Right to Information: 1. Every citizen shall have the right to demand or obtain information on any matters of concern to himself or herself or to the public. Provided that nothing in this Article shall be deemed to compel any person to		This right has been guaranteed to every citizen. This right is an extended form of the citizens' freedom of opinion and expression. This provision has been made in order to ensure the right of the citizen to access to information prevalent basically in the state mechanism for the all round national development while institutionalizing and consolidating democracy by creating an open and transparent society, ensuring meaningful participation of people in

		<p>provide information on any matter about which confidentiality is to be maintained according to law.</p>	<p>governance, making the state mechanism open, transparent and accountable, increasing people's participation in the process of public decision making, and creating an open and transparent culture. This provision has been made to ensure the right of every citizen to demand any printed, written or other forms or mediums of information and data available in the state mechanism or public agencies or demand information about the activities of such agencies as well as information available therein, and to obtain written, printed or audiovisual copy of such information, obtain information available in electronic or other forms or mediums, and also visit the location of such information.</p> <p>Provided that this right cannot be claimed in case of national security, personal privacy, business, monetary secrecy, crime investigation, immature information in the process of action and other information of national importance that has to be kept confidential in accordance with law and information on any matter about which confidentiality is to be maintained according to law since there can be no claim of the right to information on such information</p>
13.	Right to Privacy	<p>Right to Privacy: Except in circumstances provided by law, privacy in relation to the person, and to his or her residence, documents, records, statistics and correspondence, and his or her reputation are inviolable.</p>	<p>This right is provided to every person. This provision has been made to respect and protect a person's privacy unless the issues related with a person's autonomy, respect and dignity like privacy in relation to the person, and to his or her residence, documents, records, statistics and correspondence, and his or her reputation harm the State and unless it is deemed essential to protect national or public interest. This right cannot</p>

				be claimed in circumstances prescribed by law while making a proper balance between national security, public interest, purpose of tax, crime investigation and other personal rights and national or public interests.
14.	Right Against Exploitation	Right Against Exploitation: 1. Every person shall have the right against exploitation.		Man is born free and equal in rights and dignity, therefore, exploitation of a person is violation of his or her rights and dignity. This provision has been made in order to constitutionally guarantee the inborn right of every citizen to be free from any form of exploitation, oppression and injustice and live a dignified and respectful life while ensuring that any form of exploitation and oppression inflicted by a person on another person on political, legal, economic, social, cultural or any other grounds cannot be justified.
		2. No person shall be exploited in the name of religion, custom, tradition and practice, or in any other way.		This right has been provisioned in order to end all forms of exploitation, oppression and injustice on economic, social, cultural or religious grounds against a person's right to live with dignity and respect and end exploitation and misbehavior that takes place in the name and form of <i>kamaiyas</i> , <i>kamlaris</i> , <i>haruwas</i> , <i>charuwas</i> , <i>haliyas</i> , domestic workers, eunuchs, <i>natuwas</i> , sexual slavery, and national and foreign employments.
		3. No person shall be subjected to human trafficking, slavery or bonded labour. Such an act shall be punishable in accordance with the law and the victim shall have the right to receive proper compensation from the victimizer.		This provision has been made in order to guarantee the condition for every person to live with dignity and respect, and make punishable human trafficking, slavery or boded labourers for flesh trade, trafficking of human organs and any other purpose in accordance with law and provision for providing proper compensation to the victims by the victimizers.
		4. No person		Every person has the freedom to

		<p>shall be subjected to forced labour.</p> <p>Provided that nothing in this Clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes.</p>		<p>select a work of his or her choice. This provision has been made in order to ensure a provision that no person shall be employed against his or her wish and no person shall be exploited by employing him or her against his or her will.</p> <p>Provided that, every person has different responsibilities like showing a sense of service to nation, serve the nation in calamity and so on. The right to not being employed against one's will cannot be claimed in the context that it is matter of the right of the State and the responsibility of a conscious citizen that the State employs the citizens in services and in the context that the State can make laws for public purpose and employ the citizens for compulsory services.</p>
15.	Right Regarding Environment	<p>Right Regarding Environment: 1. Every person shall have the right to live in a healthy, clean and sustainable environment.</p>		<p>The right to healthy, clean and sustainable environment is provisioned since the right to clean and healthy environment is interrelated with the dignity, prestige and honour of every person and to ensure that every person of the present generation has the right to clean environment as well as for enjoying economic, social and cultural rights and to protect the right of future generation to equal justice to inherit clean and fair environment.</p>
		<p>2. Every person shall have the right to conditioning to safeguard himself or herself from the ill effects of climate change.</p>		<p>This provision has been made in order to ensure the right of every person to conditioning while mitigating the bad effects of climate change so that he or she shall get prior information about the probable effects of climate change and remain safe from the bad effects of climate change.</p>
		<p>3. The victim of environmental pollution or degradation shall have the right to</p>		<p>This provision has been made in order to ensure the right of every citizen to receive compensation, in accordance with the principle of Polluters Pay from the individual</p>

		compensation in accordance to law.		or organization that causes ecological pollution or environmental degradation while making the act of causing or making to ecological pollution or environmental degradation punishable in accordance with law.
16.	Rights Regarding Education	Rights Regarding Education: 1. Every citizen shall have the right to access over basic education.		This right to basic education is guaranteed to the citizens. This provision has been made in order to ensure the right of every citizen of any age group willing to receive education, to receive basic education, through formal or informal means, as is deemed essential for the sustenance of life.
		2. Primary education shall be compulsory and free of cost. Every citizen shall have the right to obtain free education up to secondary level. ^{*18}		Although the State can at times make necessary provisions in educational system and educational levels, as deemed essential, this provision has been made in order to ensure the right of every citizen child to study up to secondary level while accepting, at this stage of constitution drafting, the education up to eighth grade as primary education and education from grade eight up to grade twelve as secondary education, accepting that sports and extracurricular activities, in accordance the age and condition of students, are an inseparable part of standard education and all round development of the students, and that the State shall provide all with primary education, compulsorily and free, along with day meal and school uniform and parents, patrons and guardians all shall compulsorily provide primary education to the children of prime school age group.
		3. The citizens of destitute class shall have the right to free higher education as		This is a right guaranteed to the citizens. This provision has been made in order to ensure the right of qualified (eligible) students of economically destitute class to

¹⁸ * Dissention persisted regarding this provision.

		prescribed in the law.		receive up to higher education free as provisioned in the law.
		4. Every Nepalese community inhabiting Nepal shall have the right to run and operate schools and academic institutions in order to provide education in mother tongue.		This provision has been made in order to safeguard the collective right of every linguistic community residing in Nepal to receive education in mother tongue as prescribed in law, while establishing and operating schools or academic institutions for that purpose as well as proving the children of their community with education in mother tongue.
17.	Rights Regarding Language and Culture	Rights Regarding Language and Culture: 1. Every person and community shall have the right to use their own language.		This right is guaranteed to communities and people of the respective communities. This provision has been made in order to ensure the right of every linguistic community and the people of such community to use their languages.
		2. Every person and community shall have the right to participate in the cultural life of their community.		Cultural right is guaranteed to every cultural community and people of that community. This provision has been made in order to ensure the right of every person and community to participate in cultural life of their community, and to prevent the State from violating such right.
		3. Every Nepalese community inhabiting Nepal shall have the right to protect and promote their language, script, culture, cultural civilization and heritage.		This provision has been made in order to ensure the collective right of every Nepali community residing in Nepal to protect and protect their language, script, culture, civilization and cultural heritage.
		4. Every individual shall have the right to create arts and literature, develop them, and protect, in accordance to law, their intellectual heritage, and reap gains thereof.		This right has been guaranteed to every person. This provision has been made in order to ensure the right of every person to create arts, music and literature through a language, script or medium of his or her choice, develop them, protect such heritage, own them in accordance with law and reap gains from such creation as

				prescribed by law.
18.	Rights Regarding Employment	Rights Regarding Employment: 1. Every citizen shall have the right to employment. The terms and conditions of the employment shall be as prescribed by the law.		The right to employment has been guaranteed to every citizen. This provision has been made in order to ensure the right of every citizen to employment and determine the terms and conditions of the employment in accordance with law while creating a condition in which no citizen shall remain unemployed.
		2. Every citizen shall have the right to select / choose employment.		The right to select employment is guaranteed to every citizen. This provision has been made in order to ensure the right of every citizen to pursue an employment in accordance to his or her will and against being compelled to pursue an employment contrary to his or her will.
		3. Every unemployed citizen shall have the right to receive allowance in accordance to law.		This right is guaranteed to every citizen. This provision has been made in the context where the right of a person to pursue an employment in accordance to his or her will has been ensured, and in order to provision for minimum unemployment allowance from the State as a protection and as prescribed by law for sustenance in the condition that he or she has got no opportunity in government, nongovernment or self and other forms of employment.
19.	Rights Regarding Labour	Rights Regarding Labour: 1. Every worker shall have the right to proper work practices.		This right has been guaranteed to the worker engaged in any form of physical or mental labour and working in any organized or unorganized sector. Every worker shall be allowed to select a work that behooves his or her will, ability, capacity, and level, to pursue a proper work, entertain and rest, to not be compelled to pursue a hazardous work, to not be compelled to pursue a substandard work. Moreover, children shall be protected from being employed as child labourers. The workplace should be dignified and disabled-

			friendly, there shall be on discrimination of any form in the workplace, and the work shall be pursued in accordance with labour agreement. This provision has been made in order to ensure the provision for these rights as well as for the right of proper labour exercise.
		2. Every worker shall have the right to proper wages, conveniences and social security.	This right is guaranteed to every worker. The State should provision for minimum wages to every worker engaged in any organized or unorganized sector and pursuing any physical or mental labour for his or her sustenance on the basis of current market cost, nature of labour, time of labour and so on, as well as on the basis of theories like Subsistence Theory, Wage Fund Theory, Surplus Value Theory, Marginal Productivity Theory, Bargaining Theory. The worker should receive equal wages for equal amount of work. There shall be no gender discrimination in wages. This provision has been made in order to ensure the right of every worker to enjoy leaves from the institution or organization he or she is working in as prescribed by law, to receive extra allowance and other proper conveniences for extra work, and to receive social security during sickness, accident, incapacitation, delivery, decrease or blockade of incomes, condition of family and children care and old age and retirement from labour-related services. Moreover, this provision has been made in order to ensure the right of the worker to receive bonus, accommodation, additional conveniences and incentives and monetary and non-monetary conveniences and incentives in proportion to the profits of the institution he or she has been working in.

		<p>3. Every worker shall have the right to form trade unions, participate in them and engage in collective bargaining and strikes in accordance with law.</p>	<p>This right has been ensured for every worker. In accordance with International Labour Organization (ILO) covenants no. 87 and 98, it is the basic right of the worker to form trade unions, get organized and engage in collective bargaining for protecting their rights and interests. This right includes the worker's rights like freedom of opinion and expression, forming organizations, participating in or refraining from them, and run appropriate programmes for his or her rights and interests. The trade union rights play an important role in ending the exploitation and injustice towards the worker, protecting the collective rights of the working class, establishing worker relation between the worker and management, solving the disputes and conflicts between the worker and the employer in a peaceful manner, and increasing the profits by producing quality goods and services, and benefiting the working class as well from the same. Moreover, it is imperative to guarantee the right to collective bargaining in order to promote collective interests, solve collective problems and complaints, remove duality (duplication) in work, solve the industrial disputes in a peaceful and participatory manner. The basic rights of the worker class include holding pressure programmes and even strikes in the condition where there is no appropriate alternative to solving the disputes in a procedural way while trying to solve the collective problems, complaints and demands by placing them peacefully before the management. This provision has been made in order to ensure the right of every</p>
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				worker to form trade unions, participate in them, engage in collective bargaining and hold strikes in accordance with law regarding the formation of trade unions, their prerequisites, issues of collective bargaining and determining the areas of holding or not holding strikes.
20.	Rights Regarding Health	Rights Regarding Health: 1. Every citizen shall have the right to free basic health services and no person shall be deprived of emergency health services.		<p>The right to free basic health is guaranteed to every citizen. This provision has been made in order to ensure the right of every citizen to reproductive health service, immunization service, treatment of leprosy, treatment of tuberculosis (TB), treatment of child disease, right of the pregnant mother and children to nutrition, right the treatment of infection of uterine prolapse, primary dental treatment, primary treatment of deafness, basic treatment of ear, nose and throat (ENT), treatment of blindness, treatment of infectious disease and epidemics, treatment of common diseases and injuries, primary treatment of mental disease, treatment of HIV/AIDS and to other health services determined by the State as basic health services and to define them as the same, and receive free basic health services from the health institutes of the State on the basis of the nature of treatment, available means and resources and technology.</p> <p>Besides, this provision has been made in order to ensure the right to get immediate treatment to the person injured in accidents and crimes, treatment of snake bite, free health services like emergency health services as determined by the State. This provision has been made also in order to provide even additional medicines and conveniences gradually free while defining the</p>

				basic health services and emergency health services of the State in accordance with the available means, resources and capacity.
		2. Every person shall have the right to reproductive health.		The right to reproductive health has been provided to every person without any gender discrimination. This provision has been made in order to ensure the right of every person to highest level of sexual and physical and mental health, delivery service, post-delivery service and newly born child service as well as the right regarding safe motherhood and newly born child's health, safe abortion service, family planning service, HIV and other sexually transmitted diseases (STD) and prevention and treatment of infertility (sterility), right regarding adolescent, youth and middle aged people's health, right against sexual exploitation and forced flesh trade, right to access to information regarding sexual health, right to access to intensive sexual education, and right regarding secrecy of health.
		3. Every person shall have the right to informed health services.		This provision has been made in order to ensure the right of every person to provide informed decision regarding his or health while creating a responsibility of providing information regarding health so as the health institutes provide all the information regarding health in a clear manner and enable him or her to provide informed decision about his or her health, and providing full information about all the alternatives and technology of medical treatment.
		4. Every citizen shall have the right to equal access to health services.		This provision has been made in order to ensure equal access of any citizen of any area, gender, class or community or any social, physical condition or disability to

				health services without any discrimination, and provision against such discrimination in health services except as prescribed in the Constitution and law.
		5. Every citizen shall have the right to an access to clean (pure) drinking water and sanitation (cleanliness).		This provision has been made in order to ensure the access of every person to the conveniences of hygienic drinking water and sanitation on the basis of national standards as well as equality and nondiscrimination since the right to health cannot be ensured without clean drinking water and sanitation.
21.	Rights Regarding Food	Rights Regarding Food: 1. Every person shall have the right to food.		This right has been guaranteed to every citizen. Every citizen should be supplied with sufficient amount of culturally acceptable and nutritious food in all conditions and in accordance with his or her physical condition. There should be physical access of all to food. The State should fulfill its responsibility of making proper storage and distribution of hygienic, safe and nutritious food, and its effective regulation in order to make it economically accessible and reasonable. This provision has been made in order to ensure that the State makes available clean, hygienic and sufficient amount of food to every citizen in all conditions, and makes proper arrangement to provide food to those citizens who are unable to get it.
		2. Every citizen shall have the right to protect himself or herself from the vulnerable condition of life owing to the scarcity of food (provisions).		The right regarding food has been guaranteed to every citizen. Since food is a basic need of every person, his or her life can be vulnerable in lack of food, and can directly affect his or her political, civil and other rights. Therefore, this provision has been made in order to ensure that no citizen shall lose his or her life due to the lack of food even during starvation,

				famine, epidemics, drought, and other calamities. The State should provision for a condition in which every citizen remains safe from falling vulnerable in lack of food.
		3. Every citizen shall have the right to food sovereignty in accordance with law.		The right regarding food sovereignty is primarily related with food production, distribution and regulation. This provision has been made in order to ensure such rights of every person as to determine issues regarding agriculture, food and land use as prescribed in law and according to his or her national necessities and specific environmental, social, economic and cultural condition, to preserve local seeds and saplings, and the responsibility of the State to provision for effective, legal protection for the same.
22	Rights Regarding Accommodation	Rights Regarding Accommodation: 1. Every citizen shall have the right to an access to proper accommodation.		The right regarding accommodation is guaranteed to every citizen. Hygienic, safe and proper accommodation is a basic need of every citizen. This provision has been made in order to ensure the right of every citizen to legal ensuring of access to period, availability of prerequisites, reasonably priced, habitable, accessible, properly located and culturally appropriate and hygienic, safe and proper accommodation. The State shall identify those citizens who cannot arrange for their accommodation on an objective and definite basis and gradually arrange for their accommodation on the basis of its means, resources and capacity.
		2. Except in accordance with law or ordered by the court, no person shall be evacuated from his or her habitation (residence) or no encroachment shall		This right has been guaranteed to every citizen. It ensures the right of every citizen to live with respect and dignity and guarantees that he or she shall not be evacuated from his or her legally owned accommodation in a monopoly way or by force. This provision has been made in order

		made on the same.		to ensure that there shall be no encroachment on a citizen's accommodation of any kind, and no citizen shall be evacuated from his or her accommodation or no encroachment shall made on it except in the condition prescribed by law or by the command of the court.
23	Rights Regarding Women	Rights Regarding Women: 1. Every woman shall have equal ancestral right without any gender discrimination.		This provision has been made in order to ensure that every child receives equal amount of blood cells from his or her parents, male and female have equal participation in reproduction, and the role of mother is more important in the birth and nurturing of the child than that of the father. Therefore, the existing gender discrimination should be ended and females should be provided equal hereditary right on their children on biological basis.
		2. There shall be no gender discrimination against women, in any form.		This provision has been made in order to ensure the right against any form of gender discrimination against women in order to end all kinds of discrimination inflicted in any sector on the basis of gender.
		3. Every woman shall have the right regarding reproduction.		The right regarding reproduction is an issue of women's natural and biological right and responsibility. This provision has been made in order to protect and safeguard different rights under this biological right and responsibility such as right to reproduction, to bear or refrain from bearing children, right to determine the number of children to be borne or the time interval of such births without any discrimination and pressure and in accordance with national policy, right to safe motherhood and right related to the health the newly born babies, right to safe abortion, right to family planning and making other decisions, right regarding family ??? planning, right to safe

				reproduction, right to keep mother and child safe, right against undesirable pregnancy and other rights.
		4. No physical, mental, sexual, psychological or other form of violence or exploitation shall be inflicted on any woman on the basis of religious, social, cultural tradition, custom or any other grounds, and such an act shall be punishable by law and the victim woman shall have the right to receive proper compensation.		This provision has been made in order to control physical, sexual, mental and any other forms of violent act or exploitation against and over women in any condition and on the basis of religious, social, cultural traditions or any other grounds. It also ensures to end the exploitation and injustice that has been inflicted on Nepalese women during their specific physical conditions—delivery or menstruation. Moreover, such act shall be declared punishable and the women who are victims of such violent act or exploitation shall receive compensation in accordance with law.
		5. Every woman shall have the right to proportionate participation in all agencies of the state mechanism on the basis of inclusiveness.		This provision has been made in order to ensure the participation of women of different regions, classes and communities in all the organs and agencies of the State on the basis of the principle of inclusion while implementing the commitment of at least one-third of participation by women community in all the organs and agencies of the State as targeted by proportionate participation which is outlined in the resolution proposal passed the restored House.
		6. Every woman shall have the right to special opportunity in education, health, employment and social security on the basis of positive discrimination.		This provision has been made in order to protect the right of women to receive short-term and long-term privilege in education, health, employment and social security.
24.	Rights Regarding	Rights Regarding Children: 1. Every child shall have the		This provision has been made in order to ensure the right of every child to naming and birth

	Children	right to his or her name along with his or her identity and registration of his or her birth.		registration along with his or her religious, social and ordinary identity.
		2. Every child shall have the right to education, health, be nurtured, to proper care, sports, entertainment and personality development from his or her family and state.		This right has been provisioned in order to ensure that every child shall be provided protection by his or her parents, guardians and other family members, and state protection in absence of them on the basis of the Doctrine of <i>parens patriae</i> . Moreover, he or she shall have the right to receive education, health, proper nurturing, proper care, sports, entertaining and sufficient opportunity for his or her personality development.
		3. Every child shall have the right to Preliminary child development along with proper care.		Preliminary childhood is a very significant phase of human development and a child experiences major development in this period. Therefore, his right has been provisioned in order to ensure the condition of complete development of children through nutritious meal, child care, children's park and other arrangements from conception to their school going age.
		4. Every child shall have the right to receive education in his or her mother tongue.		This right has been provisioned in order to ensure the right of every child to get education in his or her mother tongue.
		5. No child shall be employed in factories, mines or in any other hazardous work.		Childhood is a stage in which a child is not capable of doing in physical and mental labour. Therefore, this right has been provisioned in order to ensure the condition that no child shall be employed in factories, mines or any other hazardous work.
		6. No child shall be subjected to child marriage, illegal trafficking and abduction or hostage.		This right has been provisioned in order to ensure the right that no child shall be forced into early marriage, illegal trafficking, abduction, hostage and other similar acts.
		7. No child shall be		This right has been provisioned in

		recruited or used in army, police or armed conflict or group, or be subjected to maltreatment, negligence through any medium or in any form in the name of cultural or religious practice, or to physical, mental, sexual or other types of exploitation or inappropriate use. ⁺¹⁹		order to ensure the right that no child shall be recruited or used in army, police or armed conflict or group, or be subjected to maltreatment, negligence through any medium or in any form in the name of cultural or religious practice, or to physical, mental, sexual or other types of exploitation or inappropriate use.
		8. No child shall be tortured at home, school or any other place and in any condition, either physically, mentally or in any other forms.		This right has been provisioned in order to ensure the right against being tortured at home, school or any other place in the name of penalty or security and in any condition, either physically, mentally or in any other forms and such act shall be prevented.
		9. Every child shall have the right to child-friendly justice.		This right has been guaranteed to every child. This provision has been made in order to ensure the right that any kind of child offence or juvenile delinquency (felony) shall not be put to hearing by administrative or semi judiciary agency, such disputes should be tried only by special courts and in camera hearing in a child-friendly environment, arrangements should be made for compulsory representation of a legal practitioner on behalf of the child, and for the participation of a psychologist as deemed necessary, provision should be made for age-relative improvement or proper penalty for a child accused of felony, and for providing child-friendly justice also in crimes against children while taking care of child psychology, children's character and child development issues.

¹⁹ +Dissension for additional provisions.

		10. Helpless, orphaned or mentally retarded, disable children, children who are victims of conflict or displaced and children at risk shall have the right to receive special protection and privileges from the State to ensure their secure future.		This provision has been made in order to ensure the right of the helpless, orphaned or mentally retarded, disable children, children who are victims of conflict or displaced and children at risk to receive special protection and privileges from the State by establishing child welfare home, child home, and similar institutions as well as other appropriate mediums to ensure their secure future.
		11. The acts pursuant to Clauses (5), (6), (7) and (8) shall be punishable in accordance with law and children who are victims of such acts shall have the right to receive proper compensation from the victimizer.		This provision has been made in order to ensure the right of the children who are victims of exploitative acts to receive proper compensation from the victimizer while declaring them punishable in accordance with law. Accordingly, no child shall be tortured at home, schools or any other place and in any other condition, physically, mentally or any other way, he or she shall not be employed in any factory, mine or other such hazardours work, or shall not be recruited or used in army, police or armed group, shall not be used in any armed group or conflict, or shall not be misbehaved, neglected or physically, mentally, sexually or in any other way exploited or abused.
25.	Rights Regarding Dalit Community	Rights Regarding Dalit Community: 1. No discrimination, humiliation, intolerant behaviour or discrimination shall be inflicted against the <i>dalit</i> community on the ground of caste and tribe and untouchability. Such an act shall be regarded as a social		This right has been guaranteed to every person. Every person is equal in right and prestige. Therefore, this provision has been made in order to ensure the right that no person shall be racially discriminated on the basis of his or her caste, tribe or social origin or his or her community or profession, either in public or private location. He or she shall not be subjected to any form of discrimination, disgrace, humiliation, hate speech, and intolerant behaviour. Moreover,

		crime and punishable in accordance with law. The person who is victim of such act shall have a right to receive proper compensation.		this provision has been made to declare discriminatory act of untouchability against <i>dalit</i> community as punishable in accordance with law and make the victimizer provide compensation to the victims of such act.
		2. The <i>dalit</i> community shall have the right to participation in all the organs, agencies and sectors of the state mechanism on the basis of inclusive proportionate system, along with compensation. The provision for compensation shall be as prescribed by law.		This provision has been made in order to ensure the right to participation in all the organs, agencies and sectors of the state mechanism on the basis of proportionate inclusion along with compensation owing to historical oppression in past, politically, economically and socially, as well as backwardness economically, socially and from the viewpoint of human development. The method and procedure of such compensation shall be determined by law and the <i>dalit</i> community shall be provided the right to participate in all the organs, agencies and sectors of State of Nepal,
		3. The <i>dalit</i> community shall have the right to special privileges in education, health, employment and social security on the basis of positive discrimination.		This provision has been made in order to ensure the right of the <i>dalit</i> community to receive special privileges from the State in education, health, employment and social security on the basis of positive discrimination.
		4. The destitute <i>dalits</i> shall be given priority while provisioning in accordance with Clause (3).		This provision has been made in order to ensure the right to create a condition for the destitute <i>dalit</i> citizens to get special opportunities in education, health, employment and social security on the basis of positive discrimination while developing certain indexes and identifying the destitute <i>dalits</i> on the basis.
		5. The <i>dalit</i> community shall have the right to get special privileges for		This provision has been made in order to ensure the right to receive special opportunities from the State protect, promote and develop

		the use, protection and development of their traditional occupation, knowledge, skill and technology, and for reaping professional gains thereof in accordance with law.		the use of traditional profession, knowledge, skill and technology of the <i>dalit</i> community. The community shall have the right to use their profession, knowledge, skill and technology in a professional manner and to receive just share of the gains incurred thereof.
26.	Rights Regarding Family	Rights Regarding Family: 1. No one shall be allowed to have more than one spouse.		This provision has been made in order to uproot polygamy or polyandry prohibiting marriages simultaneously with more than one person or marriage with another person while he or she is already married. After the commencement of this Constitution, there shall be a prohibition of simultaneous marriages with more than one person or marriage with another person while he or she is already married, and if any person marries in that way, his or her marriage shall not be legally recognized and consequently nullified, and such act shall be made punishable in accordance with law.
		2. Every person shall have the freedom to marry and divorce in accordance with law.		This provision has been made in order to ensure the right of every person, who has attained the minimum age and fulfilled other conditions as determined by the law, to marry with a person of his or her choice, and there shall be no restriction on a legally nubile person to make such marriages. Moreover, he or she can divorce as and when he or she wishes in accordance with the procedure determined by law, and there shall be no restriction on him or her for such divorce.
		3. No marriage shall be held against the wishes of the wedding parties or their full and independent consent.		The right to marry or not to marry is a natural right of every person. This provision has been made in order to allow a marriageable person to marry with a person of his or her choice, and restrict a person from marrying with another person without his or her will or

				full and free consent of the marrying parties.
		4. The couple shall have the right to property and in family affairs.		This provision has been made in order to ensure the equal role and right of the couple in family property and all other kinds of family affairs while ending the gender discrimination between the couple since they have equal status as the members of the family.
		5. It shall be the common right and responsibility of the parents for the nurturing, care and all round development of the children whereas it shall be the common right and responsibility of every child to respect and nurture their parents and guardians.		Family is regarded as a symbol of love and affection and for children family and family environment are regarded as their guardian and school. This provision has been made in order to ensure the equal right and responsibility of parents while accepting the primary role of the family in their children's nurturing, care and all round development, and ending the gender discrimination in the right and responsibility by giving the responsibility to the family for the use of their economic and social rights. Moreover, this provision has been made for every child to honour his or her parents and other guardians of the family, show respect and not shirk away from his or her responsibility to care them in sickness.
		6. The acts contrary to Clause (1) and Clause (3) shall be punishable in accordance with law.		This right has been provisioned in order to ensure that after the commencement of this Constitution polygamy and polyandry has been uprooted disallowing a person to marry simultaneously with more than one person or to marry with some person while he or she is already married, and declaring the act of marrying some person against his or her will or without the full and free consent of the marrying parties as punishable as determined by the law.
27.	Rights Regardin	Rights Regarding Social Justice: 1.		This right has been guaranteed to a citizen. Participation and inclusion

	g Social Justice	Women, <i>dalits</i> , Madhesis, indigenous tribes (<i>adiwasis janjatis</i>), minorities and marginalized, Muslims, gender and sexual minority community, disabled people, youths, backward class, farmers and workers and oppressed groups, who are socially backward, shall have the right to participate in state structures on the basis of the principles of proportionate inclusion. ^{*20}		are major means of social justice. Therefore, this provision has been made in order to guarantee the right of women, <i>dalits</i> , Madhesis, indigenous tribes (<i>adiwasis janjatis</i>), minorities and marginalized, Muslims, gender and sexual minority community, disabled people, youths, backward class, farmers and workers and oppressed groups, who are socially backward, to participation in all the political structures of the State and public service on the basis of proportionate inclusiveness.
		2. The economically destitute citizens shall be given priority while making provisions pursuant to Clause (1).		This provision has been made in order to give priority to the destitute citizens of all the communities, classes and regions mentioned in Clause (1) while making necessary provisions pursuant to Clause (1) to their participation in the State structure and public services.
		3. Destitute class, disabled people and citizens of endangered communities shall have the right to get special privileges in education, health, accommodation, employment, food and social security for their protection, uplifting, empowerment and development, and for reaping professional gains		This provision has been made in order to guarantee the right of women, <i>dalits</i> , Madhesis, oppressed regions, farmers, workers, and destitute class, physically and mentally disabled people and citizens of endangered communities to get special privileges in education, health, accommodation, employment, food and social security for their protection, uplifting, empowerment and development, and for reaping professional gains thereof in accordance with law.

²⁰ *Dissension against this provision.

		thereof in accordance with law.		
		<p>4. Every farmer shall have the right to land for farming activity, to selection and protection of local seeds and saplings and agricultural species which are used and adopted in a traditional manner, to access to proper cost and market of agricultural output and agricultural production, and to special privileges for their empowerment and development, and to benefits thereof.</p>		<p>This provision has been made in order to ensure the right of every farmer to land for farming activity, right to economic, social, environmental, and cultural development through the gains reaped from prehistoric biological diversity, hereditary sources and its use by the farmers or farmer group or community, right to selection of local seeds and saplings and agricultural species which are used and adopted in a traditional manner, to protect livestock and cattle rearing, fishery, and such trade and profession, to access to proper cost and market of agricultural output and agricultural production, and to special privileges for their empowerment and development, and to benefits thereof.</p>
		<p>5. The <i>adiwasi, janjatis</i> shall have the right to their identity, to protection, promotion and development of their language and culture, and to special privileges with priority for their empowerment and development, and to benefits thereof.⁺²¹</p>		<p>This provision has been made in order to ensure the right of every <i>adiwasi, janjati</i> community to special privileges with priority for their empowerment and development, and to benefits thereof while provisioning for such rights as to their identity, to protection, promotion and development of their language and culture, cultural heritage, inventions, arts, literature, to benefits of the use of original and traditional knowledge, skill, and practice, to protection and development of their knowledge and skill regarding seeds and saplings, medicines, animals and vegetation, to adoption and development of cultural heritages, to participation in the process of making decision concerning the <i>adiwasis</i>, to be well informed, to receive just compensation against</p>

²¹ +Dissension for additional provisions.

				negative environmental, economic, social, cultural or spiritual effects..
		6. The minority communities shall have the right to special privileges for maintaining their identity and for enjoying their social and cultural rights, and to benefits thereof.		This provision has been made in order to ensure the right of Muslim and racially, linguistically, religiously and gender and sexually minority communities to special privileges and benefits from the State while retaining their independent identity, and enjoying their rights like following their religions, adopting and practicing culture and other social and cultural rights along with the members of the community.
		7. The Madheshi communities shall have the right to equal distribution of economic, social and cultural opportunities and benefits, and to special privileges for protection, uplifting, empowerment and development of the destitute and backward classes of the same communities, and to benefits thereof. ⁺²²		This provision has been made in order to ensure the right of the Madheshi community to special privileges and benefits from the State at par with the citizens of other communities while receiving equal economic, social and cultural opportunities and benefits, and for protection, uplifting, empowerment and development of the <i>adiwasi</i> , <i>dalit</i> , Muslim, and other minority communities as well as destitute and backward classes within the Madheshi community.
		8. The citizens of the oppressed regions shall have the right to special privileges for their protection, uplifting, empowerment, development and fulfillment of basic needs, and to benefits there.		This provision has been made in order to ensure the right of Karnali and other oppressed regions to special privileges and benefit from the State while provisioning for prerequisites of proper management and development of education, health, accommodation, employment and food and for protection, uplifting, empowerment, development and fulfillment of basic needs of the citizens residing in that region.
		9. The disable people shall have the right to diverse		This provision has been made in order to ensure the right of the people with disability to equal

²² +Dissension for additional provisions.

		identity, to live with grace and dignity and to public services and conveniences.		access, at par with other citizens of the society, to identity of diversity on the basis of the condition of disability, to living with dignity and respect like other citizens of the society and to public services and conveniences.
		10. Every youth shall have the right to special privileges in sectors like education, health, employment, to personality development, and to proper opportunities for contributing towards the all-round development of the State.		This provision has been made in order to ensure the right to the youth partnership in the all round national development while ensuring the right of every youth to receive special privileges from the State in education, health, employment and other sectors and providing opportunities for extracurricular activities and sports, development of entrepreneurship and capacity, opportunity for employment, facility of receiving educational and professional loans through collateral of educational and professional certificates, and stopping the youths immigration (escapism) by providing equal opportunities for employment and personality development within the country, access to reproductive and sex education and services, controlling drug and other additions, controlling their use in criminal activities, providing conveniences of healthy recreation, establishing information and dialogue centres, and promoting and encouraging youth development through collective work between family and community.
		11. The martyr families, the families of the disappeared ones, and disabled and injured people of past all people's movements, people's war and Madhesh movement shall have the right		This provision has been made in order to ensure the right of the martyr families, the families of the disappeared ones, and disabled and injured people of past all people's movements, people's war and Madhesh movement to participation in all the state structures, special conveniences in government and public services,

		to participation in all the state structures, special conveniences in government and public services, education, health, employment, accommodation, social security, relief and pension. ^{*+23}		education, health, employment, accommodation, social security, relief and pension.
28.	Right Regarding Social Security	Right Regarding Social Security: Destitute class, incapacitated and helpless people, single and helpless women, disabled people, children, senior citizens, people who cannot take care of themselves, and citizens of endangered tribes shall have the right to social security as prescribed by the law.		It is a natural right of every person to live with dignity and respect. However, no person's life can be dignified and respectful in absence of proper economic, social and cultural environment. It is the responsibility of the State to provide, as the patron, social security to those citizens who cannot fulfill basic needs for their subsistence. This provision has been made in order to enable the citizens with special needs to receive from the State food, clothes, accommodation, basic health, education, unemployment allowance, pension, social insurance and the like for fulfilling basic needs, and to ensure the right of the destitute class, incapacitated, helpless people, single and helpless women, people with disability, children, senior citizens, people who cannot take care of themselves, and citizens of endangered tribe, who are economically and socially backward, to receive social security from the State as prescribed by law.
29.	Rights Regarding Consumers	Rights Regarding Consumers: 1. Every consumer shall have the right to quality goods and services.		This right has been guaranteed to every citizen or person. The extension of this right is related with goods and services provided by any government or private sector charging or not some price. This provision has been made in

²³ +Dissension for additional provisions.

* Dissension against the provision.

				order to ensure the right of every consumer to receive quality goods and services. Meanwhile every consumer shall get an opportunity to receive information and knowledge about the cost, quantity, purity, quality and the like of consumable goods and services, to select consumable goods and services at a competitive and reasonable price. There shall be proper hearing regarding the protection of the rights and interests of the consumers, they shall receive education about consumable goods or services and shall be protected from the sale and distribution of consumable goods and services that might harm their person, life, health and property, and there shall be a provision for effective regulation of the market by the State.
		2. The person who incurs loss from substandard goods and services shall have the right to receive proper compensation.		This provision has been made in order to ensure the right of the victim to receive proper compensation from the producer, distributor and seller of such substandard goods and services as harm him or her while making the producer, distributor and seller of such substandard goods and services responsible for the same.
30.	Right Against Exile	Right Against Exile: 1. No citizen shall be exiled.		This provision has been made in order to exile the foreigners who have been residing in the country in an illegal manner while ensuring that no citizen shall be exiled as a punishment or for any other reason.
31	Rights Regarding Implementation of Fundamental Rights and	Rights Regarding Implementation of Fundamental Rights and Constitutional Treatment: 1. The State shall make appropriate provisions for the		This provision has been made for the purpose of making appropriate legal and other provisions by the State so that the State shall make appropriate provisions for the implementation of the rights provisioned in this Part, such as rights regarding education, rights regarding health, rights regarding

	Constitutional Treatment	implementation of the rights provisioned in this Part, such as rights regarding education, rights regarding health, rights regarding employment, rights regarding accommodation, rights regarding food, rights regarding social justice and rights regarding social security.		employment, rights regarding accommodation, rights regarding food, rights regarding social justice and rights regarding social security since it is believed that the State makes no inappropriate intervention in the use of fundamental rights of civil and political nature and that the State shall play a positive role in the use of the fundamental rights of economic, social and cultural nature.
		2. The State shall make legal provisions, within two years as deemed necessary, for the implementation of the rights provided in this Part.		This provision has been made in order to make provision regarding the State's responsibility and period of framing all the laws within two years of the enforcement of this Constitution for the execution of the rights mentioned in this Part as it is essential to make legal provisions as well for the effective implementation of some fundamental rights.
		3. The right to take measures in accordance with the documentation in Article ... (Article related with the jurisdiction of federal supreme court) and Article ... (Article related with the jurisdiction of regional/state level supreme/high court) for the exercise of the rights provided by this Part is reserved.		The purpose of any right is reflected in its successful implementation. Therefore, this provision has been made in order to ensure also the right to treatment and non-violation of that right from the State, by making effective implementation of every fundamental right mentioned in this Part, and by providing the right to effective judicial treatment through the jurisdiction of writ from the federal supreme court and high court of the concerned federal unit.

c. Draft Regarding Fundamental Duties (Responsibilities)

Part –

Fundamental Duties (Responsibilities)

S.N.	Subject Matters	Proposed Provision to be Included in the Constitution	Location in the Constitution	Reason or Explanatory Comments for Making Proposed Provision
1.	Fundamental Duties (Responsibilities)	Civil Duties (Responsibilities): 1. Every individual shall have following duties (responsibilities)	Fundamental Duties (Responsibilities)	Rights and responsibilities are complementary to each other. Therefore, this provision is made keeping in view that a citizen's following his or her responsibilities helps other citizens to use their rights as well as provides a ground for using his or her own fundamental rights. Moreover, mentioning the responsibilities makes the citizens aware of their accountability towards society and nation, and therefore, it is a responsibility of every citizen to be disciplined, graceful, moral and dutiful.
		a. To show loyalty and allegiance towards the nation and safeguard the nationality, sovereignty and integrity of Nepal,		This provision regarding civil responsibility is made in order to make every citizen affect loyalty and allegiance towards the nation, and to maintain the nationality, sovereignty and integrity of Nepal, and to promote national unity.
		b. To maintain national secrecy (privacy),		This provision is made in order to determine civil responsibilities about not revealing any information and details about sensitive issues regarding the national security, sovereignty and integrity that the citizens might have received or obtained since such information and details might be detrimental to national security as well.
		c. To abide by the Constitution and law,		Rights and responsibilities are complementary to each other and the constitution and law determine the civil rights and responsibilities. Therefore, this provision is made in order to determine the civil responsibility as to abide by the constitution and law and keep constitutional supremacy and rule of law in mind.

		d. To enroll for mandatory service when required by the nation, ^{*24}		Citizens are not only the builders of the State but are also entitled to the right to get protection from the State. Citizens can receive their rights, facilities and opportunities only when the nation remains intact. Therefore, this provision is made in order to determine the civil responsibility towards getting ready to face circumstances created by the harsh condition falling upon the nation for different reasons and enroll for mandatory service during disaster, calamity or national crisis and as deemed necessary by the nation.
		e. To protect and promote public and national property,		This provision is made in order to determine civil responsibility towards protecting public and national property keeping in view that protecting and promoting public and national property help enjoy civil rights and that such property is the common property of the nation.
		f. To pay tax in accordance with law,		The State needs means and resources for its administration and therefore, this provision is made in order to determine civil responsibility towards paying taxes to the State in accordance with law so as to help the State run everyday administration, consolidate national security and ensure the environment for enjoying civil rights, make special provision for the destitute people and make them equal in reality, and avail of means and resources necessary for an overall, economic, social, cultural development of the nation.
		g. To use one's freedom (independence) and right without encroaching upon national, social and other individuals' rights,		This provision is made in order to remind the citizens that while using their rights and freedoms they are also accountable to the nation and society, and should not encroach upon others rights. Therefore, citizens should respect the rights and freedoms of the nation, society and other individuals while enjoying their own rights and freedoms in order to make a proper balance between their own and others' rights and freedoms.

²⁴ * Dissensions for additional provisions.

		h. To respect labour,		This provision is made in order to determine civil responsibility of every citizen towards respecting all kinds of labour because by respecting labour, regardless of its kinds so long it is useful for humanity, makes citizens disciplined, graceful and enterprising.
		i. To show honour and respect towards parents, children, elderly people (senior citizens), women, incapacitated and helpless people, disabled (differently challenged) people and humanity,		Family is the first school of an individual. Therefore, This provision is made in order to determine civil responsibility towards showing due respect and honour towards their parents and guardians who play a major role in his or her birth, bringing up and education, as well as to show respect and honour towards children, elderly people (senior citizens), women, incapacitated and helpless people, disabled (differently challenged) people and humanity, and fulfill their role as civilized, cultured and moral citizens.
		j. To protect and promote environment, natural, historical and cultural heritage. ⁺²⁵		The interrelation and interdependence between vegetation, wildlife and ecology helps towards protecting environment. Therefore, this provision is made in order to protect green and brown environment and make the citizens dutiful towards living in a dignified manner in accordance with the nature, and protecting and promoting natural, historical and cultural heritage.

d. Draft Regarding Directive Principles, Policies and Responsibilities of the State

^{25 +} Dissensions for additional provisions.

Part –
Directive Principles, Policies and Responsibilities of the State

S.N.	Subject Matters	Proposed Provision to be Included in the Constitution	Location in the Constitution	Reason or Explanatory Comments for Making Proposed Provision
1.	To Remain as a Guidance	To Remain as a Guidance: 1. The directive principles and policies mentioned in this part shall remain as a guidance to state administration.	Directive Principles, Policies and Responsibilities of the State	This provision has been made in order for the principles and policies mentioned in this Part to guide the State towards run state administration on the basis of these principles and policies since they are the road map of the state determined for future.
		2. The State shall mobilize or administer the mobilization of means and resources as deemed necessary for implementing the principles and policies mentioned in this Part.		This provision has been made in order for the State to not confine itself to the means and resources available in the State and make proper management for additional means and resources as well as for implementing the principles and policies mentioned in this Part.
2.	Directive Principles	Directive Principles: 1. It shall be the political objective of the State to establish a public welfare state administration by establishing a just system in all fields of national life through a rule of law, fundamental rights and norms and values of human rights, inclusiveness, participation and social justice, manipulate the relations subsisting among the federal units ^{*26} on the basis		This provision has been made in order to determine the political objective of the State to establish a federal democratic republic system by establishing a public welfare state administration by through the establishment of a just system in all fields of national life through a rule of law, fundamental rights and norms and values of human rights, inclusion and participation of all genders, classes, regions and communities in all the bodies and organs of the State and social justice, manipulate the relations subsisting among the federal units ^{*28} on the basis of Cooperative Federalism based on mutual cooperation, ensure the condition of reaping the benefits of

²⁶ * The term “federal units” as mentioned in this Part refers to the states/provinces and local governments determined by the Constituent Assembly.

²⁸ * The term “federal units” as mentioned in this Part refers to the states/provinces and local governments determined by the Constituent Assembly.

		<p>of federalism based on mutual cooperation, ensure the condition of reaping the benefits of democracy by adopting the people's inclusive, proportionate system in the governance on the basis of local autonomy and decentralization, and establish a federal democratic republic system while at the same time hoisting high the sovereignty, independence and integrity of the nation and protecting the lives, property, equality and liberty of the people.⁺²⁷</p>		<p>democracy by adopting a system of inclusion and proportionate participation of all genders, classes, regions and communities in the governance on the basis of local autonomy and decentralization, while at the same time hoisting high the sovereignty, independence and integrity of the nation and protecting the lives, property, equality and liberty of the people.</p>
		<p>2. It shall be the social and cultural objectives of the State to end all kinds of discrimination, exploitation and injustice meted out on the basis of religion, culture, manner, system, tradition, custom or any other ground and create a civilized and equitable society and develop social and cultural values based on respect for national pride, democracy, people orientedness, respect for labour, enterprise, discipline, respect and tolerance, respect cultural diversity,</p>		<p>This provision has been made in order to determine the social and cultural objectives of the State to end all kinds of discrimination, exploitation and injustice meted out on the basis of religion, culture, manner, system, tradition, custom or any other ground and create a civilized and equitable society and develop social and cultural values based on respect for national pride, democracy, people orientedness, respect for labour, enterprise, discipline, respect and tolerance, respect cultural diversity, maintain communal goodwill, solidarity and harmony while consolidating national unity.</p>

^{27 +} Dissension for additional provisions.

		maintain communal goodwill, solidarity and harmony while consolidating national unity.		
		3. It will be the economic objective of the State to develop an economy oriented towards socialism by making the national economy self-reliant, independent and progressive through creating a society free of exploitation while making a just distribution of means and resources, ending all kinds of economic exploitation and inequality and making sustainable economic development and just distribution of the achievements resulting thereof through optimum use of the available means and resources through public, cooperative and private sectors.		This provision has been made in order to determine the economic objective of the State to develop an economy oriented towards socialism by making the national economy self-reliant, independent and progressive through creating a society free of exploitation while making a just distribution of means and resources of production available in the country, ending all kinds of economic exploitation and inequality, making an independent development of cooperative and private sectors as well as and making sustainable economic development and just distribution of the achievements resulting thereof through optimum use of the available means and resources through public, cooperative and private sectors.
		4. The international relations of the State shall be directed towards enhancing the national respect in the global community by protecting the sovereignty, integrity, independence and national interest of the country and establishing international relations on the basis of		This provision has been made in order to direct the international relations of the State towards enhancing the national respect in the global community by hoisting high the sovereignty, integrity, independence of Nepal and promoting national interest and developing and expanding relations with all the friendly nations on the basis of sovereign equality and establishing relations with the neighbouring nations on the basis of equidistance.

		sovereign equality.		
3.	State Policies	<p>State Policies: The State shall adopt the following policies:</p> <p>a. Policies Regarding National Security and National Unity:</p> <p>1. To protect the sovereignty, independence and integrity of the country and keep the national unity intact,</p>		<p>It is the primary task of every nation to protect the sovereignty, independence and integrity of the country from any internal or external condition or reason. Moreover, it is impossible of imagine about citizens and civil rights without a sovereign and independent nation. Therefore, this provision has been made in order to protect the sovereignty, independence and integrity of Nepal and keep the national unity intact.</p>
		<p>2. To promote national unity by maintaining mutual goodwill, tolerance and solidarity among different castes, tribes, religions, languages, cultures and communities, and by developing mutually cooperative relationships among the federal units,</p>		<p>This provision has been made in order to promote national unity by maintaining mutual goodwill, tolerance and solidarity among different castes, tribes, religions, languages, cultures and communities, and by developing mutually cooperative relationships among the federal units, while keeping in mind the religious, social and cultural diversity in a country that teems with them.</p>
		<p>3. To maintain peace, law and order by developing a national security system,</p>		<p>This provision has been made in order to determine the major policy of the State to maintain peace, law and order by developing a national security system and making it strong, capable and effective for integrated security management of the entire nation in the changed context in which the nation has ushered in federalism.</p>
		<p>4. To guarantee an overall human security,</p>		<p>This provision has been made in order to determine the national policy regarding security in order to ensure complete human security along with political, economic, social, cultural, food, health and environmental security and relief and personal and collective</p>

				security in the state of disaster while consolidating national security in accordance with the changing norm and context of security.
		5. To make army, police and all the organs of security strong, consolidated, professional, inclusive and accountable to people on the basis of national security policy, ⁺²⁹		This provision has been made in order to guarantee national and public security while making army, police and all security organs strong, consolidated, professional and accountable to people.
		6. To keep citizens alert and able for the service of nation in accordance with national necessity.		National interest is always supreme and to assist during national disaster, crisis and calamity is the primary responsibility of every nation towards his or her mother land. Therefore, this provision has been made in order to make a provision to compulsorily employ every citizen of certain age in national service on the basis of his or her qualification and capability while preparing alert, conscious and committed citizens for national service at any time of national crisis and calamity in accordance with national necessity.
		b. Policies Regarding: 1. To guarantee the best interest and progress of the people through economic, social and cultural transformation by protecting, consolidating and developing the attained political achievements,		This provision has been made in order to guarantee the best interest and prosperity of the people through social and economic transformation while protecting, consolidating and developing the political achievements attained from the sacrificial revolution of the Nepalese people.
		2. To maintain the		This provision has been made in

²⁹ + Dissension for additional provisions.

		rule of law while protecting and promoting the human rights,		order to determine the agenda of maintaining the rule of law while protecting and promoting the human rights as the major policy of the State administration.
		3. To implement the international agreements and treaties regarding human rights of which Nepal has been a party,		This provision has been made in order to determine the issue of implementing the international agreements and treaties regarding human rights of which Nepal has been a party.
		4. To guarantee good governance by ensuring equal, easy and unhindered access of the people in the services and facilities received from the State while making the public administration fair, able, impartial, ready (swift), transparent, accountable to people, and participatory,		This provision has been made in order to guarantee good governance by ensuring equal, easy and unhindered access of the people in the services and facilities received from the State while making the public administration fair, able, impartial, ready (swift), transparent, accountable to people, and participatory and through optimum mobilization of human resources, information and technology (IT), and all other available means and resources.
		5. To ensure the people's right to be well informed by making the mass media fair, healthy, safe, graceful, responsible and professional and making necessary provisions for the same,		This provision has been made in order to ensure the people's right to be well informed by making the press, electronic publication and transmission (broadcasting) and all other mass media fair, healthy, safe, graceful, responsible and professional and making necessary provisions for the same, as they are powerful medium of using people's right to opinion, expression and information.
		6. To ensure the general people's access to information by flowing the information available with the		This provision has been made in order to ensure the access of people of remote and backward or backward pushed regions and disabled people to information by flowing the information available with the state mechanism and

		state mechanism and developing and extending the communications in order to build and develop an open and transparent society,		developing and extending the communications in order to build and develop an open and transparent society.
		7. To develop and expand the sweet and cooperative relationship between the federation and federal units while sharing the responsibilities, means and resources and administration,		The State has been transformed from unitary form into federal one wherein mutual cooperation and relations among federation and federal units—regional units, and local units and federal units are an important aspect. Therefore, this provision has been made in order to develop and expand the sweet and cooperative relationship between the federation and federal units while sharing the responsibilities, means and resources and administration since our country has not yet been economically prosperous.
		c. Policies Regarding Social, Cultural Transformation: 1. To end all kinds of discrimination, inequality, exploitation and injustice prevalent in the society in the name of religion, system, tradition, rituals or customs,		This provision has been made in order to determine a social and cultural policy that shall end all kinds of racial discrimination, untouchability, linguistic, religious, gender, and other forms of inequalities, discrimination, exploitation and injustice prevalent in the society in the name of religion, system, tradition, rituals or customs.
		2. To build a well-cultured and civilized society based on healthy and harmonious social relations by developing democratic culture, ⁺³⁰		This provision has been made in order to determine a policy of building a well-cultured and civilized society based on healthy and harmonious social relations by developing democratic culture.

^{30 +} Dissension for additional provisions.

		3. To protect and develop languages, scripts, cultures, literatures, arts and heritages of different castes, tribes and communities on the basis of equality and co-existence while maintaining the cultural diversity of the country,		This provision has been made in order to protect and develop languages, scripts, cultures, literatures and arts of different castes, tribes and communities on the basis of equality and co-existence while maintaining the cultural diversity existing in the society.
		4. To study, research, excavate, protect, promote and publicize the historical, archaeological and cultural heritage in order to protect, promote and develop such heritage,		This provision has been made in order to identify, protect, promote, study, research, excavate, and publicize the historical, cultural, archaeological and natural heritages of national and international importance in order to use such heritages in national development.
		5. To make community development by enhancing local people's participation while promoting and mobilizing the creativity of the local community in social, cultural and service-oriented works,		People can themselves produce and distribute different services and conveniences in the form of a community by means of increasing participation of local people in community, social, cultural and charity (benevolent) acts, and this can make significant contribution towards protecting rights of economic, social and cultural nature and enhancing the people's standard of living. Therefore, this provision has been made in order to make community development by promoting and utilizing the creativity of the local community in education, health, social service, community service and charity (benevolent) works.
		6. To emphasize on the development of arts, literature		This provision has been made in order to determine the policy of emphasizing on the development

		and music that have remained as national heritage,		of national, social and cultural heritages like arts, literature and music.
		<p>d. Policies Regarding Economics and Trade:</p> <p>1. To consolidate national economy through partnership and independent development of public, cooperative and private sectors,^{*31}</p>		This provision has been made in order to develop economy oriented towards socialism by making national economy self-reliant, independent and progressive through partnership and independent development of public, cooperative and private sectors.
		2. To achieve economic prosperity through optimum mobilization of the means and resources,		This provision has been made in order to determine a policy of achieving economic prosperity through optimum mobilization of the means and resources available with public, cooperative and private sectors..
		3. To mobilize the capital of the cooperative sector in national development while prioritizing this sector,		This provision has been made in order to mobilize the capital of the cooperative sector in national development while prioritizing cooperativism in micro finance, agriculture and all such sectors.
		4. To encourage and mobilize the investment and contribution of the private sector for all round national development while provisioning for regulation in order to maintain fairness, accountability and competition in the same,		Private sector plays a significant role in all sectors of national development. Therefore, this provision has been made in order to encourage and mobilize the investment and contribution of the private sector for all round national development while provisioning for its effective regulation in order to maintain its professionalism, accountability and fair competition as a development partner, on the basis of national needs and priority.
		5. To make a just distribution of the benefits of the		This provision has been made in order to make a just distribution of the benefits of the economic means

³¹ * Dissension against this provision.

		economic means and resources and development,		and resources and development while ensuring the condition that the economic means and resources available in the country shall not be centred around a particular person or group.
		6. To diversify and expand the goods and services markets by identifying the sectors of comparative benefits and promoting exports,		This provision has been made in order to diversify and expand the markets of goods and services produced in the country by identifying the sectors of comparative benefits and enhancing investments in such sectors and promoting exports.
		7. To protect the interests of the consumers by maintaining professional fairness and discipline while controlling the perversion and anomalies like black marketing, syndicating, monopolizing and creating artificial scarcity,		This provision has been made in order to protect and safeguard the rights of the consumers by maintaining professional fairness, competition and discipline while controlling the perversions and anomalies like black marketing, syndicating, monopolizing, and creating artificial scarcity, cartelling and so on.
		8. To prioritize national investments based on Nepalese labour, skill and raw materials by protecting and promoting national industries and means and resources for developing national economy,		This provision has been made in order to determine a policy of prioritizing national investments based on Nepalese labour, skill and raw materials, and protecting and promoting national industries and means and resources for developing national economy.
		9. To prioritize the national interests in service sectors and make it further competitive by		This provision has been made in order to prioritize the national interests in service sectors and make it further competitive by developing it as an industry for the development of national economy.

		developing it as an industry for the development of national economy,		
		10. To mobilize the investment of foreign capitals and technologies in the field of import restoration and export promotion as is favourable to the national interests,		This provision has been made in order to adopt a policy of industrialization for mobilizing the investment of foreign capitals and technologies in the field of foreign import restoration and export promotion keeping the national interests as supreme.
		11. To make the foreign aids transparent and incorporate the amount received from the foreign aids in national budget while accepting the foreign aids on the basis of national needs and priorities,		This provision has been made in order to enhance the efficiency of foreign aids by making the foreign aids transparent and incorporating the amount received thereof in national budget while accepting the foreign aids on the basis of national needs and priorities in a transparent manner.
		12. To make a just distribution of the national incomes while giving special priority to the destitute group of citizens of all genders, regions, castes, tribes and community, ⁺³²		This provision has been made in order to make a just distribution of the national incomes while prioritizing the destitute group of citizens of all genders, regions, castes, tribes and community.
		13. To utilize the knowledge, skill, technology and capital of the nonresident Nepalese (NRNs) in		This provision has been made in order to utilize, in national development, the knowledge, skill, technology and capital of the nonresident Nepalese (NRNs) who have denounced Nepalese citizenship and obtained foreign

³² +Dissension requiring some additional provisions.

		national development.		citizenship and are foreign nationals of Nepalese origin as well as of the Nepalese citizens living abroad.
		<p>e. Policies Regarding Agriculture and Land Reform: To make scientific land reforms by ending double ownership of land,^{*+33}</p>		This provision has been made in order to make scientific land reforms by immediately ending double ownership of landlord and tenant over land and establishing the right of ploughman over it and by scientifically determining the limitation of the land in accordance with the need of nation.
		1. To increase production and productivity by discouraging the absent land ownership and plotting the land in small strips,		This provision has been made in order to increase production and productivity by discouraging the existing absent land ownership—the condition in which the landlord, despite the ownership, makes no use of such land and deserts it as infertile and leads to its decreasing production and productivity, and plotting the land in small strips in a systematic and scientific way by providing relative available irrigation facility for the unsystematic and scattered land strips of the citizens.
		2. To professionalize agriculture and agro-based industrialization while protecting and promoting the rights and interests of the farmers,		The State shall provide the farmers with such agricultural materials as agricultural tools, fertilizer, seeds, chemicals, medicines that are basic needs for agricultural production and farmers at a reasonable at and in an easy and simple way. It shall also provide the farmers with training and study. Besides, it shall provision for ensuring such rights as easy agricultural loan, grants, agricultural and cattle insurance, agricultural market to receive minimum price on the basis of cost, select farming, protection of local (native) seeds, and technical service. The State shall encourage the farmers and provide land to the landless farmers, determine minimum wages of the agricultural

³³ *+Dissension against this provision persisted.

			<p>workers, ensure the right of collective bargaining, and encourage the cooperativism and biological agricultural system in agriculture in order to increase the productivity of agricultural sector that has remained as the backbone of the national economy.</p> <p>Moreover, this provision has been made in order to adopt a policy of professionalizing agriculture and developing agriculture as an industry in order to develop a systematic and professional agricultural system in lieu of the existing subsistence farming.</p>
		<p>f. Policies Regarding Development:</p> <p>1. To develop physical prerequisites in a balanced, environment-friendly and sustainable manner while prioritizing those regions which are backward from the developmental point of view,</p>	<p>In past there was no equal physical development in all sectors of the country through the unitary state polity. Therefore, this provision has been made in order to run development programmes and make a sustainable and balanced development of all regions by making an all round physical development of the nation through prioritizing those regions which are backward from the developmental point of view.</p>
		<p>To enhance participation of local people in the process of development making,</p>	<p>This provision has been made in order to enhance participation of local people in all the processes of development making like selecting, operating, monitoring a plan and its cycle.</p>
		<p>2. To enhance investments in invention, elevation and development of scientific study and research of science and technology and protect scientific, technological, intellectual and distinguished</p>	<p>Scientific investigation, study and research contribute to national development. Therefore, this provision has been made in order to enhance state investments and promote general investments in elevation and development of scientific study and research of science and technology, and protect scientific, technological, intellectual and distinguished talents in these fields, and promote.</p>

		talents in these fields,		
		3. To develop and extend information and technology in accordance with national necessity and ensure the easy and simple access of the general people to them and make optimum use of science and technology in national development,		Development and extension of science and technology helps to use information technology in the fields of national life. Therefore, this provision has been made in order for the State to develop and extend information and technology in accordance with national necessity and ensure the easy and simple access of the general people to them and make optimum use of science and technology in national development since it does not merely facilitate to execute different activities of the State but also enhances easy and simple access of the people to state administration.
		4. To give priority to destitute people (citizens) in the distribution of the benefits of development,		This provision has been made in order to give priority to destitute people (citizens), who are economically, socially and culturally backward or pushed backward, in the distribution of the benefits of development made in all the sectors of national life for ensuring the just distribution of the benefits of development.
		5. To make an integrated management of all kinds of information and details of the citizens by developing an integrated national identity management information system and affiliate it with the services and facilities provided by the State and with national development project,		It is not possible to get information about the citizen's property, conduct as well as economic and social condition in an easy and simple way in absence of a systematic and integrated information system. Moreover, it is necessary to have an integrated national information management system for crime control. Therefore, this provision has been made in order to make an integrated management of all kinds of information and details of the citizens by developing an integrated national identity management information system and affiliate it with the services and facilities provided by the State and with national development

				project.
		6. To update the demographic data and link it with national development project,		National planning cannot be factual and realistic, and consequently, expected results cannot be achieved in absence of demographic and other different national statistics. Therefore, this provision has been made systematize national census and collect disaggregated data of different sectors of the citizens, and determine planning and public policy on the basis of such statistics and information.
		<p>g. Policies Regarding Protection, Promotion and Use of Natural Means and Resources:</p> <p>1. To make a just distribution of the benefits gained while keeping in mind the norms of behooving the national interest and inter-generational equal justice, protecting, promoting and making a sustainable use in an environment-friendly manner of the natural means and resources available in the country, and giving priority to the local communities,⁺³⁴</p>		This provision has been made in order to make a just distribution of the benefits gained while keeping in mind the norms of behooving the national interest and inter-generational equal justice, protecting, promoting and making a sustainable use in an environment-friendly manner of all such natural means and resources available in the country as land, water, forest, air and environment, and giving priority to the local communities.
		2. To make a proper use of land while making a study of and research into it and regulating		This provision has been made in order to make a scientific use of land while making a scientific study of and research into the land of the country that has remained as

^{34 +} Dissension asking for adding some more provisions.

		and managing it on the basis of its productivity (fertility), nature and ecological balance,		natural heritage, and regulating and managing it on the basis of its productivity (fertility), nature and ecological balance as well as making provisions for farming in fertile and arable land, developing towns and settlements in proper locations of habitation, and managing forests in proper locations for forests.
		3. To develop water resources (hydro-potentials) for multiple use while prioritizing the national investment on the basis of people's participation,		This provision has been made in order to develop water resources (hydro-potentials), that has been significant resource of national economy, for sustainable and multiple use while prioritizing the national investment on the basis of local people's participation.
		4. To ensure the fair and easy supply of reliable energy and make a proper use of energy for fulfilling the basic needs of the citizens through production and development of renewable energy,		This provision has been made in order to ensure the fair and easy supply of reliable energy and make a proper use of energy for fulfilling the basic needs of the citizens through production and development of renewable energy for regular and sustainable supply of energy in accordance with national needs.
		5. To develop sustainable and reliable irrigation system while managing the waterborne (induced) disaster control and rivers,		This provision has been made in order to develop sustainable and reliable irrigation facilities while controlling the waterborne (induced) disaster and ending the system of monsoon-based farming.
		6. To protect, promote and sustainably use forests, wildlife, birds, vegetation and biological diversity while enhancing awareness among general public about environmental		This provision has been made in order to protect, promote and sustainably use forests, wildlife, birds, vegetation and biological diversity in an environment-friendly manner while enhancing awareness among general public about environmental protection, and the bad effects through its mediums and environmental destruction, and alleviating danger to environment owing to industrial

		cleanliness and alleviating danger to environment owing to industrial and physical development,		and other physical development.
		7. To maintain forest area in at least forty percent of the total land of country for ecological balance,		This provision has been made in order to maintain ecological balance by always maintaining forest area in at least forty percent of the total land of country for ecological balance.
		8. To mitigate the possible bad effects on climate change and make climate change relative adaptation through preventive as well as curative measures,		Climate change has been seen as a major environmental problem and its bad effect can befall human world as well as other sectors. Therefore, this provision has been made in order to mitigate the possible bad effects on climate change and make climate change relative adaptation through preventive as well as curative measures by flowing information in time and effectively about all kinds bad consequences resulting from climate change.
		9. To adopt proper measures in order to uproot or mitigate negative ecological results in the condition that there has been or might be negative effects on nature, environment or biological diversity,		This provision has been made in order to determine a policy of adopting proper measures for uprooting or mitigating negative ecological results in the condition that there has been or might be negative effects on nature, environment or biological diversity.
		10. To make laws and policies regarding environment on the basis of such theories of sustainable environmental development as		This provision has been made in order to make laws and policies regarding environment on the basis of such theories of sustainable environmental development as given, precautionary and pre-informed agreement.

		given, precautionary and pre-informed agreement.		
		<p>h. Policies Regarding Basic Needs of Citizens:</p> <p>1. To expand the opportunities and standard of education, health, accommodation, food and employment in order to enhance the living standard of general people,</p>		This provision has been made in order for the State to enhance the living standard of general people while provisioning for additional means and resources in accordance with the means and resources available in the States, and ensuring the rights as education, health, accommodation, food and employment that have been basic needs of people.
		<p>2. To make a provision for easy, simple and equal access of all the citizens in quality education while ensuring that there is no condition that any citizen remains illiterate,</p>		Education is an issue of basic needs of man for earning knowledge and subsistence. However, more than one-third of people of our country are illiterate. Therefore, this provision has been made in order to maintain an easy, simple and equal access of all the citizens in quality education while ensuring that there is no condition that any citizen remains illiterate and provision is made also for multiple language education, education in mother tongue, informal and open education and for use of information technology in education.
		<p>3. To prepare manpower that is able, competitive and dedicated to the national interests while making education scientific, technical, professional and practical,⁺³⁵</p>		This provision has been made in order to prepare manpower that is able, competitive and dedicated to the national interests through scientific, technical, professional and practical education while developing textbook, educational system and human and physical prerequisites.
		<p>4. To regulate</p>		This provision has been made in

³⁵ +Dissension for additional provisions.

		private investment in and discourage commercialization of education while enhancing state investment in educational sector,		order to regulate current private investment in, and discourage commercialization, of education while enhancing state investment in educational sector.
		5. To make higher education easy, standard and accessible and gradually make it gratis,		This provision has been made in order to provide higher education free for the citizens of the destitute class, women, <i>dalit</i> and endangered communities while maintaining equal access of all citizens in basic education, provisioning for providing basic education in formal and informal way and making primary education compulsory and free, secondary education free and gradually compulsory.
		6. To make local community participate in educational development while making necessary arrangements for providing education to children in mother tongue, ^{*36}		This provision has been made in order for the State to make local community participate in the development, extension and management of a quality and participatory educational system while making necessary arrangements for providing education to children in mother tongue.
		7. To establish and promote community information centre and library for personality development of the citizens,		This provision has been made in order to establish and promote community information centre and library for personality development of the citizens since library and information centres play a significant role in personality development owing to access to knowledge and pieces of information.
		8. To increase necessary investment of the State in the field of public health in order to keep the		Healthy citizens are an architect of a prosperous nation building. Therefore, this provision has been made in order to increase necessary investment of the State in the field of public health in

³⁶ * Dissension against this provision.

		citizens healthy,		order to keep the citizens healthy.
		9. To ascertain easy, simple and equal access of all to quality health services while keeping in mind the basic health as a human right,		This provision has been made in order to ascertain easy, simple and equal access of all to quality health services while keeping in mind the basic health as a human right and ensuring clean food, drinking water, proper sanitation and quality health services, producing skilled and professional health workers right in the country, determining the social responsibilities of health organizations of private sector and mobilizing the health workers available in the country right here.
		10. To discourage commercialization of health sector by regulating and managing the private investment in this sector while enhancing the state investment in this field,		This provision has been made in order to discourage commercialization of health sector by regulating and managing the private investment in this sector while enhancing the state investment in this field.
		11. To increase the number of health institutions and health workers while stressing on health research in order to make health services accessible to all and qualitative,		This provision has been made in order to increase the number of health institutions and health workers while provisioning for the establishment of health organizations, enhancement of quality and health insurance, and stressing on health research in order to make health services accessible to citizens of any class, regions, gender and community, as well as make it qualitative.
		12. To reduce maternal and child mortality and increase average age while encouraging family planning for population management on		This provision has been made in order to reduce maternal and child mortality and increase average age while encouraging family planning for proper population management on the basis of the geographical area and production and capacity of the nation.

		the basis of the capacity and needs of the nation,		
		13. To identify the homeless people on the basis of objectivity and gradually make arrangement for proper accommodation,		This provision has been made in order to make definite and objective identification of the citizens of the destitute class who cannot arrange for their own accommodation and gradually make arrangement for their proper accommodation.
		14. To manage haphazard accommodation and develop planned and systematic settlements (colonies),		This provision has been made in order to manage haphazard accommodation and develop planned and systematic settlements (colonies) while managing the tradition of unsystematic and insecure accommodation.
		15. To make an arrangement for sustainable production, supply, storage, security and distribution of food for its easy and effective distribution while increasing investments in agricultural sector, and encouraging the food production suitable for climate and land in accordance with the norm of food sovereignty,		This provision has been made in order to make an arrangement for sustainable production, supply, storage, security and distribution of food for its easy and simple distribution at a reasonable price, while the State shall increase investments in agricultural sector, and encouraging the food production suitable for climate and land in accordance with the norm of food sovereignty.
		16. To make arrangement for planned supply by giving special priority to the remote and backward pushed region		This provision has been made in order to make arrangement for planned supply while by giving priority to the remote and backward pushed region while ascertaining equal access of all the citizens of any gender, class, region and community and of any

		while ascertaining equal access of all the citizens in basic goods and services,		physical condition in basic goods and services.
		17. To make the transport sector safe, systematic and disabled-friendly by encouraging the public transport and regulating the private transport while ascertaining easy, simple and equal access of the citizens in transport facilities, increasing investments in transport sector and prioritizing environment-friendly technology. ⁺³⁷		This provision has been made in order to make public transport sector safe, systematic and disabled-friendly while provisioning easy, simple and equal access of all citizens, regardless of the fact they live in any state or region, to transport; extending the investment of government and private sectors in transport sector; adopting different measures to make the transport sector environment-friendly; encouraging and promoting environment-friendly technology; encouraging public transport; controlling non-professional activities that might occur in this sector; provisioning for encouraging and making effective regulation also for service-oriented competition and professional fairness; and preventing and controlling road accidents.
		i. Policies Regarding Labour and Employment: 1. To ascertain the condition for all to work and make the labour power (work force) that has remained as the major social and economic power skilled and professional and use it right in the country,		This provision has been made in order to ascertain that no person remains unemployed and all get to work in public and private sectors; make the labour power (work force), that has remained as the major social and economic power, skilled and professional through technical and vocation education, training and other similar mediums.
		2. To guarantee social security to professions while		This provision has been made in order to guarantee basic rights and social security of the workers

³⁷ +Dissension requiring additional provisions.

		ascertaining the basic rights of the workers of all sectors and types in accordance with the concept of dignified (graceful) labour,		while keeping in view the concept of dignified (graceful) labor along with such rights as that every worker can select employment, receive proper wages, learn vocational skills, work in safe workplace, form trade unions, engage in collective bargaining; no discrimination, in any form, at workplace; insurance, pension, motherhood protection, profession-wise health and security, leave and establishment of child care centre.
		3. To end all kinds of labour exploitation including child labour,		This provision has been made in order to end all kinds of labour exploitation while ending any form of labour exploitation including the use of child labour, forced and mean labour, and discrimination at workplace.
		4. To ascertain the participation of workers in management of enterprises,		This provision has been made in order to ascertain the participation of workers in management of enterprises while increasing production and maintaining good industrial relations through participatory enterprise management.
		5. To regulate and manage foreign employment in order to make it free from exploitation, safe and systematic and guarantee employment and right to workers,		This provision has been made in order to make foreign employment free from exploitation, safe and systematic in accordance with international covenants regarding the rights of expatriate workers and their families while making optimum use of the available labor power in the country itself; effectively protecting the citizens going abroad for foreign employment; provisioning an appropriate mechanism to end all kinds of exploitation, deception, non-transparency that take place in foreign employment business within the country as well as abroad; and provisioning for effective regulation by concerning ministry, department and Nepalese embassies in foreign countries,

				consuls.
		6. To encourage investment of capital, skill, technology and experience earned from foreign employment in national productive sector.		This provision has been made in order to encourage investment of capital, skill, technology and experience of the Nepalese engaged in foreign employment, earned from foreign employment, in national productive sector.
		<p>j. Policies Regarding Social, Justice and Inclusiveness:</p> <p>1. To ascertain the right of every citizen to be able to live a dignified and respectable life while ending all kinds of social, cultural discrimination in accordance with equality and nondiscrimination ,</p>		This provision has been made in order to ascertain the responsibility of the State to help every citizen to be able to live a dignified and respectable life while guaranteeing the right of equality that the citizens of any gender, class, region and community receives equal treatment and protection and gains from the law; making no discrimination on the basis of the citizens' religion, colour, caste, race, gender, sexual orientation, physical condition, health condition, marital status, pregnancy, origin, language or region, ideological conviction and any other grounds; and ending all kinds of social and cultural discrimination.
		2. To keep women, <i>dalits</i> , Madhesis, <i>adiwasis janjatis</i> , backward class, Muslims, minority and marginalized communities, oppressed class, sexual and gender minority, disabled (differently able) people, backward pushed region, the poor, farmers, workers, youths participating in the state structure of the nation on the basis of the		This provision has been made in order to make women, <i>dalits</i> , <i>adiwasis janjatis</i> , minority and marginalized communities, Madhesi community, sexual and gender minority, disabled (differently able) people, oppressed class, backward region, poor, farmers and workers class participate in the state structure of the nation and public institutions on the basis of proportionate participation.

		principle of inclusiveness and in public services on the basis of the principle of proportionate participation,		
		3. To make overall arrangement for livelihood of helpless, single women by giving them priority in employment,		The single women of Nepal have a poor economic, social and cultural life of helplessness. Therefore, this provision has been made in order to provide helpless, single women with preferential right in employment to ensure their right to live with dignity and self respect while making proper arrangement for their subsistence.
		4. To make women who are vulnerable and socially and family-wise excluded and victims of violence self-reliant through their rehabilitation, protection/patronage and empowerment,		This provision has been made in order to make women who are vulnerable due to their exploitation and oppression in the name of human trafficking, sexual exploitation and oppression, religion, culture, system, and tradition and so on, and are socially and family-wise oppressed and are victims of domestic and any other types of violence, self-reliant through their protection, empowerment and proper rehabilitation.
		5. To ascertain the use of necessary services and conveniences by women in all conditions of reproduction while keeping in mind the women's reproductive responsibility as social responsibility,		This provision has been made in order for the State to adopt a policy to ascertain the use of necessary services and conveniences by women during menstruation, pregnancy, delivery, breastfeeding while keeping in view the responsibility of reproduction received by women in the form of biological right and responsibility as their social responsibility.
		6. To make a special provision for inclusive proportionate participation of women in all the		This provision has been made in order to make a policy-wise provision for a special provision for inclusively proportionate participation of women of different regions, classes and

		organs of the State,		communities in all the organs and agencies of the State structure.
		7. To calculate the economic value of the domestic chores as national income while developing a culture of partnership (sharing) among all the family members in domestic chores and making an economic evaluation of such work and contribution as nursing children and caring family,		This provision has been made in order to calculate the economic value of the domestic chores as national income while ending the trend of imposing all the responsibilities of domestic chores only on women, developing a culture of partnership (sharing) among all the family members in domestic chores, and making an economic evaluation of such work and contribution as nursing children and caring family.
		8. To guarantee the right, respect and social security of destitute, incapacitated people, children, disabled (differently able), senior citizens and helpless people,		This provision has been made in order to guarantee the right, respect and social security of the people of destitute class, physically incapacitated people, children, physically and mentally disabled (differently able), people, senior citizens and helpless people, regardless of class, region, gender or community, and classified according to the national standard on the basis of objectivity like incomes, educational condition and health. They shall be provided with medical treatment, health insurance, rehabilitation centre, old homes, economic concession or waiver, and necessary means and resources for their subsistence.
		9. To identify free <i>kamaiyas</i> , <i>kamlharis</i> , <i>haruwas</i> , <i>charuwas</i> , <i>haliyas</i> , landless, squatters and make a provision of providing housing for their		This provision has been made in order to end exploitation, suppression, injustice over domestic helpers, free <i>kamaiyas</i> , <i>kamlharis</i> , <i>haruwas</i> , <i>charuwas</i> , <i>haliyas</i> , landless, squatters who are oppressed by different forms of exploitation, suppression, and injustice; identify them objectively in order to ensure their right to live

		accommodation and arable land or employment for their sustenance, and rehabilitate them,		with respect and make a provision of providing housing for their accommodation and arable land or employment for their sustenance, and rehabilitate them.
		10. To provide the families of the martyrs, disappeared, disabled and injured people of all past people's revolutions, people's war, Madhesh movement for participation in all the mechanisms of the State, and for providing special conveniences in government and public services, and education, health, employment, accommodation, social security, relief and pension,		This provision has been made in order to provide the families of the martyrs, disappeared, disabled and injured people of all past people's revolutions, people's war, Madhesh movement for participation in all the mechanisms of the State, and for providing special conveniences in government and public services, and education, health, employment, accommodation, social security, relief and pension.
		11. To provide special rights to the <i>dalit</i> community along with compensation on the basis of positive discrimination while declaring racial discrimination and untouchability exculpable,		This provision has been made in order to provide special rights to the <i>dalit</i> community, which was excluded and oppressed in the past state administration, along with compensation on the basis of positive discrimination while declaring racial discrimination and untouchability made in the name of religion, culture, system, tradition or any other form, a social crime and punishing the person committing such act in accordance with law.
		12. To use the		This provision has been made in

		<p>knowledge, skill and experience of the senior citizens in national development while ascertaining their right to get care (nursing), health services and security in order to live in respectable life in harmony with family and society,</p>		<p>order to use the knowledge, skill and experience of the senior citizens in national development while ascertaining their right to get care (nursing), health services and security in order to live a respectable life as the first responsibility of the family; protecting and promoting their right to independence, respect, participation, self-nursing and care; developing the culture of taking their experience, knowledge and skill as the heritage of the family and society; and providing them social security through equality, nondiscrimination, social security, social insurance and other mediums.</p>
		<p>13. To provision for a proper policy and structure for youth mobilization and participation while making necessary investments in the all round development of the youths in tandem with family and society, enhancing youth participation in national development, and creating an environment conducive to full use of political, economic, social and cultural rights,</p>		<p>This provision has been made in order to create an environment conducive to making full use of the political, economic, social and cultural rights of the youths while developing them as creative, skilled, enterprising and responsible citizens; mobilizing youth power for protecting national independence and establishing justice and peace; enhancing inclusive participation of the youths in all the sectors of the nation; ensuring equal access in opportunities and employment; developing and extending sports; using the knowledge, skill and capacity of the youths; making proper provisions for encouraging and promoting youths in scientific invention and research; enhancing necessary investments in the all round development of the youths in tandem with family and society.</p>
		<p>14. To make special provisions for ascertaining the right of racially,</p>		<p>This provision has been made in order to make a provision for ascertaining the right of racially, religiously and linguistically</p>

		<p>religiously, linguistically minority and marginalized communities to live dignified and respectful life along with their identity,</p>		<p>minority and marginalized communities to live a dignified and respectful life along with their right to social and cultural identity; right to protect religion, culture, language and script; right to enjoy political, economic, social, religious and cultural rights; and right to participation in the state structure on the basis of positive discrimination.</p>
		<p>15. To make special provisions for the protection, uplifting, empowerment and development of backward or backward pushed or remotely located communities,</p>		<p>This provision has been made in order to adopt a policy of making special provisions for the protection, empowerment, uplifting and development of backward or backward pushed regions in terms of political, economic, social and educational and physical prerequisites after being subjected to exclusion and oppression by the past unitary state administration.</p>
		<p>16. To make a provision for prioritization in natural means and resources while making special provision for ascertaining the right of <i>adiwasis janjatis</i> to live a dignified life along with their distinct identity, making them participate in decisions concerning this community, and protecting and promoting the traditional knowledge, skill, culture, social tradition and experience of <i>adiwasis</i></p>		<p>This provision has been made in order to make a provision for preferential rights of the <i>adiwasis, janjatis</i> in natural means and resources in a proper way while provisioning for ascertaining their right to live a dignified life along with their independent existence and distinct identity; ending social, economic, political, cultural and gender discrimination; provisioning for the right to mother tongue; making them participate in issues concerning the <i>adiwasis, janjatis</i>; and protecting and promoting the traditional knowledge, skill, culture, social tradition and experience of <i>adiwasis janjatis</i> and local communities; obtain intellectual ownership over such knowledge and skill; and reaping professional gains from them.</p>

		<i>janjatis</i> and local communities, ⁺³⁸		
		17. To make special provisions for ascertaining the right of the gender and sexual minorities to lead a dignified and respectful life,		This provision has been made in order to make special provisions like equality, nondiscrimination, equal treatment, equal access, participation and inclusiveness for ascertaining the right of the gender and sexual minorities to lead a dignified and respectful life.
		18. To make special provisions for ascertaining the right of the disabled (otherly able) people to lead a dignified and respectful life, rehabilitate in the society, and maintaining equal access in the field of public services like mass media, transport, education, health, employment, and creating condition conducive to enjoying such services and facilities,		This provision has been made in order to ensure a condition for ascertaining the right of the disabled (otherly able) people to lead a dignified and respectful life, right to respect for prestige and diversity, right to equal access from the perspective of right-orientedness, provision for changing social perspective, equality and nondiscrimination, participation in state structure, social security and social rehabilitation for social inclusion and subsistence, and equal access in the field of public services like mass media, transport, education, health, employment through disabled-friendly technology, and creating condition conducive to enjoying such services and facilities.
		19. To give priority to the destitute people of all genders, regions and communities while the State provides social security and		This provision has been made in order to give priority to the destitute people of all genders, regions and communities prioritized by State under the provision of positive discrimination while it provides priority, special rights and benefit to the economically, humanely and

^{38 +} Dissension demanding additional provisions.

		social justice to them, ⁺³⁹		developmentally destitute citizens in education, health, accommodation, employment, food and social security.
		20. To make a planned investment in sports and sportspersons in order to prepare healthy, able and disciplined citizens, and develop sports as a medium of consolidating national unity and enhancing national respect in international arena,		This provision has been made in order to make a planned investment in sports and sportspersons in order to prepare healthy, able and disciplined citizens, and develop sports as a medium of consolidating national unity and enhancing national respect in international arena.
		21. To adopt one door system for community and national or international nongovernmental organizations and involve such organizations only in national needs and priority sectors while making their investment and role accountable and transparent, and for establishment, approval, operation, regulation and management of such organizations.		This provision has been made in order to make the investment and role of community and national or international nongovernmental organizations, which are working as partners in the development of the nation, accountable and transparent, seek approval from the concerned government agencies for such activities, analyze cost and profit, provision for making account and auditing system of such organizations systematic and transparent, adopt one door system for establishment, approval, operation, regulation and management of such organizations, and involve them only in national needs and priority sectors.
		k. Policies		This provision has been made in

³⁹ + Dissension for more provisions.

		<p>Regarding Justice and Penal System:</p> <p>1. To make legal (judicial) administration swift, accessible by all, economical, impartial, effective and accountable to people,</p>		<p>order to make judiciary and judicial administration participatory, swift, accessible by all, economical, impartial, independent, effective and accountable to people.</p>
		<p>2. To adopt alternative measures like compromise, interference (intervention) for resolving simple issues,</p>		<p>This provision has been made in order to enhance the efficiency of judicial administration, while mitigating the trend of seeking solution for all kinds of disputes only from the court, resolving business, simple issues of civil type, family disputes through mutual agreement between the given parties by using mediation (intervention), compromise and other mediums, establishing compromise and intervention centres at local level, encouraging the system of alternative measures of resolving disputes, and reducing the workload of the courts.</p>
		<p>3. To make a provision of an effective mechanism for controlling (curbing) corruption and irregularities in political, administrative, social and all other sectors,</p>		<p>This provision has been made in order to develop a corruption-free public administration while making it people-oriented, neutral, impartial and accessible, and make a provision of an effective mechanism for controlling (curbing) corruption and irregularities in political, administrative, social and all other sectors.</p>
		<p>4. To determine punishment in proportion to the amount (seriousness) of one's offence while making provision for life</p>		<p>The existing penal code has maintained a maximum period of twenty years for life imprisonment. Consequently, the same applies even to sinister crimes. Moreover, the prisoners convicted of any severe crimes get released prior to that period on the</p>

		<p>sentence as deemed necessary for life sentence,</p>		<p>basis of his or her good behaviour and other grounds. In many cases, they are even withdrawn. This has led to an increase in the number heinous crimes and a culture of impunity due to the maximum life sentence of twenty years. Therefore, this provision has been made in order to amend criminal law in a way to increase the period of imprisonment punishment in proportion to the amount (seriousness) of one's offence while making provision for life sentence as deemed necessary.</p>
		<p>5. To maintain a proper balance between imprisonment and penalty,</p>		<p>This provision has been made in order to maintain a proper balance between imprisonment and penalty as is deemed in the existing law of Nepal and also keeping in view the amount or proportion of the crime.</p>
		<p>6. To adopt a policy of penalizing, enabling the victim of the offence to receive proper compensation.</p>		<p>At present, the penalty amount received as a result of crime is deposited in the government fund but the victim of the crime gets no compensation from the offender. Nor does he get any proper relief and assistance from the State. Therefore, this provision has been made in order to adopt a policy of penalizing, enabling the victim of the offence to receive proper compensation.</p>
		<p>I. Policies Regarding Tourism: 1. To develop environment-friendly tourist industry and give priority to local people in distributing the benefits reaped thereof on the significant ground of national economy by identifying, protecting, promoting and</p>		<p>This provision has been made in order to ensure that the State shall develop environment-friendly tourist industry and give priority to local people in distributing the benefits reaped thereof on the significant ground of national economy by identifying, protecting, promoting and publicizing historical, cultural, archaeological and natural heritages of national and international importance.</p>

		publicizing historical, cultural, archaeological and natural heritages, ⁺⁴⁰		
		<p>m. Policies Regarding International Relations:</p> <p>1. To administer foreign policy on the basis of United Nations Charter, principles of nonalignment and Panchsheel, international laws and the recognition of global peace while keeping active towards safeguarding national sovereignty, integrity, independence and interest,</p>		This provision has been made in order to administer foreign policy on the basis of United Nations Charter, principles of nonalignment and Panchsheel, international laws and the recognition of global peace while keeping active towards safeguarding national sovereignty, integrity, independence and interest, and safeguarding national interest and enhance national pride in international arena.
		2. To review the past treaties, denounce or terminate unequal treaties and sign agreements and treaties on the basis of equality and mutual interests,		This provision has been made in order to review the past bilateral and multilateral treaties, denounce or terminate unequal treaties signed by Nepal, as deemed necessary, and sign agreements and treaties on with the friendly nations on the basis of sovereign equality.
		3. To establish relations with the neighbouring friendly countries on the basis of equidistance.		This provision has been made in order to adopt a policy of establishing and extending mutually friendly relations with the neighbouring friendly countries on the basis of equidistance.
4.	State Duties	State Duties (Responsibilities)		This provision has been made in order for the State to keep intact

^{40 +} Dissension for adding other provisions.

	(Responsibilities)	: It will be the responsibility of the State to keep intact the sovereignty, national independence and integrity of Nepal, protect and promote fundamental rights and human rights, follow the directive principles of the State and gradually implement the policies of the State.		the sovereignty, national independence and integrity of Nepal, ensure a proper environment conducive to enjoying fundamental rights, protect and promote, and implement fundamental rights, follow the directive principles of the State and gradually implement the policies of the State.
5.	To Present a Report	To Present a Report: The Head of State shall present an annual report before the federal legislative about the measures taken in order to execute the principles and policies mentioned in this Part, and achieved gains, ⁺⁴¹		This provision has been made in order to make the State more responsible towards implementing economic, social and cultural rights and to ensure the progressive implementation of the policies by the Head of State by presenting annually a report before the federal legislative and informing the federal legislative about the programmes and activities adopted by the federal and regional states in the last fiscal year for the progressive implementation of these principles and policies.
6.	Provision Regarding Monitoring	Provision Regarding Monitoring: 1. There shall be a committee in the federal legislative in order to monitor progressive implementation of the principles and policies mentioned in this		This provision has been made in order to provision for a committee in the federal and regional legislatures in order to monitor the measures adopted for progressive implementation of the principles and policies mentioned in this Part and to make them a factual analysis of the means and resources available in the State, and measures taken and achievements made by it.

^{41 +} Dissension for adding other provisions.

		Part,		
		2. The formation, work procedure and other provisions of the committee in pursuant to Clause (1) shall be as prescribed by the law.		This provision has been made in order to make provision for the formation, work procedure and other provisions of the monitoring committee of the legislative.
7.	Questions Not to Be Raised in a Court	Questions Not to Be Raised in a Court: No question shall be raised in any court as to whether provisions contained in this Part are implemented or not.		This provision has been made in order that no question shall be raised in any court as to whether the directive principles and policies of the State are implemented or not since the directive principles and policies of the State are subject to gradual implementation on the basis of the means and resources, ability of the State and political ground, and since a separate mechanism of implementing these principles and policies and monitoring the same has been provisioned, these are implemented in accordance with the ability and means and resources of the State, and therefore, the same cannot be implemented under the presence of the court.