

Backward Society Education (BASE)
Constitution Making Process Support Programme
Dang, Banke, Bardiya, Kailali and Kanchanpur Declaration

Translated into English by Dinesh Suddhakar, April 7, 2009

We participants of Civil Participation in Constitution Making Process Support Programme express the commitment signing the declaration as follow in order to ensure the issues and the rights of all marginalized communities for new Nepal by institutional development of a federal democratic republic and sustainable peace and building a democratic constitution by the Constituent Assembly.

1. Committee on Fundamental Rights and Directing Principles

- 1.1. Names of the parents should be mentioned in all academic certificates received by the citizens.
- 1.2. Mandatory provision for inclusion of indigenous, janjati, dalit, muslim, madhesi, endangered and minorities peoples in the government service on the basis of population.
- 1.3. Each political party should mandatorily have inclusion within the party on the basis of population.
- 1.4. Women's reproductive rights should be maintained.
- 1.5. Equal right for men and women to property
- 1.6. Health education, transportation, drinking water and communication services should be made available easily.
- 1.7. Provision of proper protection to single male and female, incapable and disable people by categorizing them according to their situation.
- 1.8. Provision of equal right for men and women in divorce case.
- 1.9. The State should make provision of food, cloth and shelter.
- 1.10. Domestic violence against women should be eliminated.
- 1.11. Child labour should be eliminated.
- 1.12. Provision of free medical treatment to women from underprivileged group.
- 1.13. Provision of senior citizen allowance to the people of age 60 years and above.
- 1.14. The labours in the industries and factories should be provided with permanent appointment.

- 1.15. Names of the parents should be mentioned in the citizenship certificate.
- 1.16. Provision of equal wages for men and women for equal work.
- 1.17. Provision of one family one employment for freed bonded labourers
- 1.18. Freed bonded labourers should get free health services on the basis of their ID card.
- 1.19. Declaration that Tharus as 'Son of Soil of Tarai' should be mentioned in the constitution.
- 1.20. The State should be immediately implemented the ILO Convention No. 169 ensuring the rights of indigenous janjati Tharu.

2. Committee on Protection of the Rights of Minorities and Marginalized Groups

- 2.1. Education for marginalized community up to Master's Degree should be free (of cost) for the Tharu (*Dangaura, Kathriya, Rana Tharu, Khuna Tharu, Sonaha, Raji, etc.*) community.
- 2.2. There should be a provision of unemployment allowances if the government could not provide employment to all marginalized communities.
- 2.3. Mandatory inclusion of people from Tharu, Indigenous Janjati, Dalit, Muslim, Madhesi, Endangered and Minorities groups in every state body and mechanism in a proportional way on the basis of size of the population.
- 2.4. The government should arrange the ration cards for marginalized and poor people.
- 2.5. Provision of skill based training to both men and women to make them self-dependent.
- 2.6. Provision of the widow allowance from the day of demise of husband.

3. Committee on Restructuring of the State and Distribution of the State Power

- 3.1. One university in each (federal) state and one higher secondary school in each VDC should be established.
- 3.2. Access to the three major bodies of the government - legislature, executive and judiciary - should be made for women, indigenous, janjati, dalit, madhesi, muslim, minorities endangered and backward peoples on the basis of population.

- 3.3. Division of regions comprising Mountain, Hill and Tarai regions; but while dividing the regions on the basis of ethnicities and population, a region should be made comprising Banke, Bardiya, Kailali, Kanchanpur, and Dang districts.
- 3.4. Distribution of seven regions and proportionate districts
- 3.5. Provision of high court in each state/province
- 3.6. Delegation of power of local governance to VDC
- 3.7. Provision of three layers government

4. Committee to Decide the Forms of Legislative Body

- 4.1. There should be unicameral legislature with 305 members and the provision of opposition in the legislature.
- 4.2. Provision of all party government during the general election (for legislature parliament).
- 4.3. Amendment in the constitution should be made or passed out only by votes of minimum two-third members out of total members in the legislature parliament.
- 4.4. The central body of the federal state should be located in Nepalgunj, Banke.

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

- 5.1. There should be the ceremonial President and the executive Prime Minister.
- 5.2. Provision of the Presidential candidacy from the individuals in the civil society
- 5.3. Provision of limitation of the terms of the President up to two occasions.
- 5.4. Fifty percent representatives should be elected through direct election system and rest 50 percent from proportional election system, and provision of quota for highly marginalized endangered communities/ethnicities.
- 5.5. Periodic election should be conducted every 5 years.

6. Committee on Judicial System

- 6.1. There should be four layers of judiciary as, local, district, provincial and supreme.
- 6.2. Strict laws should be practically implemented in order to control human trafficking and sales, and drugs.

- 6.3. Launch/run public awareness programmes from the governmental side at the local level in order to eliminate ill practices and traditions prevailed in the society.
- 6.4. Judicial procedure, in case of the victim women, should be promptly and effectively implemented by the court that is suitable or assessable to her.
- 6.5. There should be the provision of impeachment by the public against an individual holding public authority if s/he cannot be impeached by the legislature.
- 6.6. Anti Corruption Commission should be implemented effectively.
- 6.7. Pardon on punishment in murder related crime should be ended.
- 6.8. *Please see in the point 8.15, put under appropriate heading.*
- 6.9. Provision of strict legal action against the offender of ill treatment
- 6.10. The security policy should be effective and strict.
- 6.11. Provision of 10 years imprisonment for a driver in case of killing a person deliberately in the accident, and compensation worth of Nrs. 500,000/- from the concerned transport entrepreneur committee to the family of demised person.
- 6.12. Act of justice dispensing should not be based only on written evidences but also on practical and reality.
- 6.13. Man/woman having polygamy/polyandry should be sentenced for 10 years imprisonment.
- 6.14. Provision of strict legal punishment against both persons asking and/or executing the test of sex of foetus.
- 6.15. The dowry system should be completely eliminated.

7. Committee to Decide on the Structure of the Constitutional Bodies

- 7.1. The traditional practice of '*Badh-ghar*' in Tharu community should be provided the legal recognition.
- 7.2. Provision/establishment of Disabled People's Commission, Senior Citizens Commission, National Women Commission, National Dalit Commission, Indigenous/Janjati Commission, Agricultural Commission, Land Reform Commission Freed Bonded Labourers, Child Bonded Labourers and *Kamalari* (esp. a girl bonded labour) Rehabilitation Commission should be made.
- 7.3. Provision of Peace and Reconciliation Commission
- 7.4. Provision of Wildlife Conservation Commission

8. Committee on the Division of Natural Resources, Financial Rights and Public Revenue

- 8.1. The State should arrange for employment on the basis of qualification, education, and knowledge and skills.
- 8.2. Provision of equal right to resources, and the provision of equal mobilization of generated revenues.
- 8.3. No tax should be imposed in agriculture.
- 8.4. *Depo* (Sales office) for sales and distribution of fertilizers and seeds should be established as according to geographical situation, and privileged agricultural loan with low interest rate should be provided.
- 8.5. The government should compensate in case of harm made by wild animals in the national park adjacent areas.
- 8.6. The government should arrange for agricultural markets and, the price of agricultural products should be determined through the agricultural organization/s.
- 8.7. Should be maintained '*Chakla Bandi*' system for the farmers for easy farming and increased production.
- 8.8. Services of canal, water lane (*Kulo*) and boring should be provided at free of cost for irrigation.
- 8.9. The government should make proper arrangement of the agricultural road.
- 8.10. Provision of agricultural technical training to the farmers regarding seasonal crops and arrangement of agricultural expert/s time by time.
- 8.11. Landless working farmer should be provided agricultural loan without collateral.
- 8.12. Scientific land reform should be enforced.
- 8.13. The ownership paper should be provided by registering the land in the name of concerned person/s on the basis of settlement and use.
- 8.14. The first right of Tharu people in water, land and forest should be ensured in the respective areas.
- 8.15. All rights related to community forest should be provided to the community in order to make the forest policy people oriented. (Put here from point 6.8)

9. Committee to Decide on the Basis for Cultural and Social Commitments

- 9.1. There should be uniformity in the curriculum of government and private schools.
- 9.2. Provision of education up to lower secondary level in mother tongue, and practical education, and health, physical education, sports education should be enforced from lower secondary level.

10. Committee on Preservation of the National Interest

- 10.1. Border dispute should be resolved permanently.
- 10.2. Provision of severe legal action against the poacher.
- 10.3. Allowances to the President, the Prime Minister, the Ministers and the Legislatures should be fixed according to the capacity of the treasury.

Involved organizations in this Campaign

1. Backward Society Education (BASE)- Nepal
2. Rural Women Upliftment Centre, Dang
3. Vote for Community Development, Dang
4. Sustainable Upliftment Civil Society, Nepal, Dang
5. Sahayog Samaj Nepal, Dang
6. Women and Children Development Centre, Banke
7. Tharu Cultural Family, Banke
8. Kamasu Sustainable Development Nepal, Bardiya
9. Jogani Janasewa Kendra, Bardiya
10. Tharu Women Upliftment Centre, Bardiya
11. Bonded Labourers Elimination Society, Kailali
12. Bhunihar Samaj Bikas, Kailali
13. Free Bonded Labourer Women Development Forum, Kailali
14. United Youth Club, Kailali
15. Nepal Rana Tharu Society, Kailali
16. Kamasu Nepal, Kanchanpur
17. Tharu Women Forum, Kanchanpur