

Civil Society Outreach for Constituent Assembly Submission

**Suggestions to the CA Committee for Determining the Structure of the
Legislative Body**

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur
E-mail: csocas.jaghrith@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. It will be appropriate for Federal (Central) Legislature to be unicameral.
2. First-Past-the-Post System (Direct Election System) should be adopted for the election of the members of the Upper House of the Federal (Central) Legislature.
3. The elected members in the Upper House of Federal (Central) Legislature should have attained at least thirty years of age.
4. It would be appropriate to adopt Mixed Election System for the election of the members of the Lower House of Federal (Central) Legislature.
5. It would be appropriate to adopt Mixed Election System for the election of the members of the Legislature of the Constitutional Units (Provinces).
6. The tenure of office of the members of the Legislatures of the Constitutional Units (Provinces) should be for four years.
7. Provision should be made to dissolve the Legislatures of the constitutional Units (Provinces) before the completion of its tenure.

Civil Society Outreach for Constituent Assembly Submission

Suggestions to the CA Committee for Determining the Basis of Cultural and Social Solidarity

Suggestions Collected for the CA through Democratic Dialogue with the Tharu Community in Rupandehi District

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur**

**E-mail: csocas.jaghrnit@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. The language of the official business of the Central Government should be determined on the basis that it is spoken by majority of the people.
2. Determination of the Provincial language should be based on the language which spoken by majority of the people and linguistic population (majority mother tongue).
3. The language of the official business at Local Level Bodies should be determined on the basis of the languages spoken at the provincial and local level.
4. It is essential to make education in mother tongue compulsory.
5. The following works will have to be done for social-cultural change:
 - a) End of caste discrimination and untouchability.
 - b) End of all types of exploitation and discriminations against women,
 - c) Social evils and practices such as dowry and polygamy should be made legally punishable,
 - d) Women should have equal access to paternal property.

Civil Society Outreach for Constituent Assembly Submission

**Suggestions to the CA Committee for Determining the structure of
Constitutional Bodies**

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur
E-mail: csocas.jaghrith@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. Future structure of the Constitutional Bodies in the Federal Governance System should be as follows:

S.No.	Constitutional Bodies	Central	Provincial	Mixed
a.	Public Service Commission			√
b.	Election Commission	√		
c.	Commission for the Investigation of Abuse of Authority	√		
d.	Human Rights Commission	√		
e.	Attorney General	√		
f.	Other Commissions		√	√

2. The following Constitutional Bodies will be needed for the Governance System of the country:
- Public Service Commission
 - Election Commission
 - Women Commission
 - Ethnicity Commission
 - Commission for the Investigation of Abuse of Authority
 - Dalit Commission
 - Human Rights Commission

Civil Society Outreach for Constituent Assembly Submission

**Suggestions to the CA Committee for Protection of the Rights of Minorities
and Marginalized Communities**

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur**

**E-mail: csocas.jaghrnit@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. Communities with their distinct identity (Language, Religion, Culture), who are lagging behind in every sector should be identified as minority communities.
2. What could be the criteria to identify ethnic, religious and linguistic and gender groups, as well as those from the backward regions as those who were marginalized in economic, social, educational, political and employment sectors?
3. Communities under the poverty line should be identified as the most marginalized communities. What should be the basis for the identification of such groups?
4. The identity of marginalized, isolated and excluded groups could be established by identifying ethnic, religious and linguistic and gender groups, as well as those belonging to backward regions, who are lagging behind in economic, social, educational, political and employment sectors.
5. Provision of right to positive discriminations (reservation, quota and special rights) should be made in the new constitution, including ethnic, religious and linguistic autonomy for minority groups.
6. It will be appropriate to include a provision regarding the right to positive discriminations (reservation, quota and special rights) for marginalized communities in the new constitution, as well as equal rights that are enjoyed by members of other communities.
7. It will be appropriate to include the rights of isolated, excluded, or backward caste, or communities in the new constitution that should be equal to the rights of marginalized communities.
8. Following works should be done for the protection of minority communities:
 - a. By giving ethnic, linguistic and religious autonomy, independence for gender and sexual minorities, as well as class and regional autonomy for minority communities
 - b. By providing equal right to minority communities that are similar to rights enjoyed by the people of other communities,
 - c. By making constitutional provisions of equal rights (that are enjoyed by other people) for minority communities, including the right to positive discrimination (reservation, quota and special rights).
9. Equal rights for marginalized communities (like those enjoyed by the members of other communities) along with positive discrimination (reservation, quota and special rights)
10. By making constitutional provision for the protection of isolated, excluded caste/ ethnic groups, class or communities with equal rights that are

enjoyed by the people of other communities, along with the provisions of positive discrimination (reservation, quota and special rights).

- 11.** Marginalized communities could be included in the State system with their proportionate representation in public offices.
- 12.** The State system should be made inclusive through proportional representation of isolated, or excluded, caste/ethnic groups or communities in public offices.

Civil Society Outreach for Constituent Assembly Submission

Suggestions to the CA Committee for Preserving National Interests

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur**

E-mail: csocas.jaghrith@gmail.com

Phone No. 5521797

Mainhiya and Harnahiya VDC (Rupandehi District)

1. Political Stability should be the main issue of national interest of Nepal.
2. The conservation of (national) natural heritage should solely be the responsibility of the provincial government.
3. It will be better if the legislature formulates a separate legislation and implements the treaties to which Nepal is a signatory.
4. The government or the concerned authority should be informed immediately if there is any encroachment in the border.
5. Reservation of a few years should be made for the marginalized, indigenous groups, Madhesis, Muslims, ethnic groups, and backward and excluded groups and the communities that are on the verge of disappearance.

Civil Society Outreach for Constituent Assembly Submission

Suggestions to the CA Committee on Judicial System

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur**

E-mail: csocas.jaghrnit@gmail.com

Phone No. 5521797

Mainhiya and Harnahiya VDC (Rupandehi District)

1. It will be appropriate to have a three-tier law courts on the new constitution.
2. It would be appropriate to appoint a Judge on the recommendation of the Chief Judge.
3. In order to be appointed as a Judge a person should be at least 45 years of age
4. The retirement age for a Judge should be 65 years.
5. In order to be appointed as a Judge a person should have the following qualifications:
 - a. S/he should be a Nepali Citizen,
 - b. S/he should have attained certain age,
 - c. S/he should have certain legal qualifications and experience,
 - d. S/he should not be convicted of criminal offence, indicating moral degradation.
6. A judge will cease to be in the office on the basis of:
 - a. Lack of competency in work
 - b. Bad behavior
 - c. Failure in following code of conduct
 - d. Involvement in criminal offence, indicating moral degradation.

Civil Society Outreach for Constituent Assembly Submission

Suggestions to the CA Committee on Fundamental Rights and Directive Principles

Suggestions Collected for the CA through Democratic Dialogue with the Tharu Community in Rupandehi District

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur
E-mail: csocas.jaghrith@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. A person should acquire Nepali citizenship on the basis of his/her birth within the boundary of Nepal.
2. Nepal should be a secular state and all religions should be equally respected.
3. Ethnic communities should not be looked down on just because they happen to belong to the group.
4. The following provisions should be included in the Constitution to protect ethnic rights:
 - a. Ethnic groups should be given equal rights as the ones enjoyed by other caste groups.
 - b. Reservations in all sectors.
 - c. Giving names to provinces/states on the basis of ethnicities.
5. Madhesis have to be face the following problems just because they happen to be Madhesi:
 - a. Less access to the national level services
 - b. Looked down on in many places as Madhesis
6. The following provisions should be included in the Constitution to protect Madhesi rights:
 - a. Provisions of inclusive representation should be made in the Constitution.
 - b. Madhesi Commission should be formed.

Civil Society Outreach for Constituent Assembly Submission

**Suggestions to the CA Committee on Natural Resources, Economic Rights
and Sharing of Revenues**

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur
E-mail: csocas.jaghrith@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. The revenues generated from national rivers should be collected at the central level and other revenues should be collected at the provincial level.
2. The revenues generated from natural resources should be distributed at all levels..
3. The criteria for the distribution of sources of revenues should be determined on the basis of:
 - a. Population
 - b. Geographically remote areas
 - c. Available resources
 - d. Backward regions
 - e. Various Economic Indicators
4. Conflicts that may arise between the Centre and provinces, or between the provinces, or between the province and a local body regarding the distribution of natural resources, financial rights and revenues distribution should be resolved through the following mechanisms:
 - a. The Judicial Mechanism
 - b. The Judicatory Mechanism
 - c. The Administrative Mechanism
 - d. The Constitutional Mechanism

Civil Society Outreach for Constituent Assembly Submission

**Suggestions to the CA Committee on Restructuring the State and Sharing of
State Power**

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur
E-mail: csocas.jaghrith@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. The following should be the bases for the restructuring of Nepal into Constituent Units (States/Provinces):
 - a. Geographical (Natural Topography)
 - b. Population
 - c. Economic Feasibility/Strength
 - d. Ethnicity, Language, Historical Identity.
2. It would be appropriate to name the Constituent Units (States/Provinces) on the basis of the following:
 - a. Religious Sites
 - b. Cultural Identity
 - c. Regional Identity
 - d. Historical Identity
3. It would be appropriate to structure Nepal into a three-tier Constituent Units (provinces/states).
4. It would be appropriate to determine the boundary of the Constituent Units (Provinces/States) on the basis on districts.
5. A three-tire government would be needed in Nepal.
6. It would be appropriate to distribute power equally among the Constituent Units.
7. It would be appropriate to adopt the following mechanisms to resolve conflicts between the Centre and States, or between the States:
 - a. The Constitutional Court
 - b. The Federal (Centre) Legislature
 - c. The Federal Court

Civil Society Outreach for Constituent Assembly Submission

**Suggestions to the CA Committee for Determining the Structure of
Governance of State**

**Suggestions Collected for the CA through Democratic Dialogue with the
Tharu Community in Rupandehi District**

**Submitted by,
Jagrit Nepal
Jwagal, Kopundole
Lalitpur
E-mail: csocas.jaghrith@gmail.com
Phone No. 5521797**

Mainhiya and Harnahiya VDC (Rupandehi District)

1. Provision should be made for the President and not the Prime Minister to have all the powers.(a Presidential System)
2. The chief of the State should be called 'The Head of the State'.
3. The President should be elected by an Electoral College consisting of the members of the Federal and Provincial Legislatures, and representatives of Local Authorities.
4. It would be appropriate for the office of the President and the elected Prime Minister to be of five years.
5. It will be appropriate to elect the Prime Minister through a direct election (in case of the provision of a Prime Minister).
6. It will be appropriate to have a provision for a person to be elected to the office of the Prime Minister twice.
7. It will be appropriate for the tenure of office of the chief of a province for four years.