

**Constitution of Nepal, 2072**  
**IDSN - Extracts on caste**  
**UNOFFICIAL TRANSLATION- PRELIMINARY DRAFT**  
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| <b>PREAMBLE</b>   |   |
| <p>Determining to create society based on equity on the basis of proportional inclusive and participatory principles to preserve and promote unity among diversity, socio-cultural solidarity, tolerance and harmony by internalizing the characteristics with multiethnic, multilingual, multi-religious, multicultural and geographical diversities, and to ensure economic equality, prosperity and social justice by ending class-based, ethnic, regional, lingual, religious, gender-based and all forms of <b>caste-based</b> untouchability;</p> |   |
| <b>PART 3</b><br><b>Fundamental Rights and Duties</b>   |   |
| <b>22. Right to Freedom:</b><br><br>(P.4)   | <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 which may jeopardize the harmonious relations subsisting among the federal units or peoples of various <b>castes</b>, tribes, religions or communities, or on inciting ethnic discrimination or untouchability or on any act of defamation, contempt of court or incitement to an offence, or on any act which may be contrary to public decency or morality.</p> <p>(3) Nothing in Sub-clauses (c) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the nationality, sovereignty and integrity of Nepal, or on spying against the state, breaching national privacy or on assisting any other foreign state, organization or representative leading to undermining of Nepal's security or on any act of treason or which may jeopardize the harmonious relations subsisting among the federal units or peoples of various <b>castes</b>, tribes, religions or communities, or on acquiring or prohibiting membership of any political party only on the basis of ethnicity, language, religion community or sex or on forming political parties discriminating among citizens or which may incite violent activities, or which may be contrary to public morality.</p> <p>(4) Nothing in Sub-clauses (d) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the nationality, sovereignty and integrity of Nepal, or on spying against the state, breaching national privacy or on assisting any other foreign state, organization or representative leading to undermining of Nepal's security or on any act of treason or which may jeopardize the harmonious relations subsisting among the federal units or peoples of various <b>castes</b>, tribes,</p> |

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|  | <p>religions or communities or which may incite violent activities, or which may be contrary to public morality.</p> <p>(5) Nothing in Sub-clauses (e) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine public interest or jeopardize the harmonious relations subsisting among the federal units or peoples of various <b>castes</b>, tribes, religions or communities or which may incite violent activities, or commit or incite offences or which may be contrary to public morality.</p>  |
| <p><b>23. Right to Equality</b><br/>(p.6)</p>            | <p>(1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.</p> <p>(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, <b>caste</b>, tribe, sex, sexual orientation, bodily condition, disability, status of health, marital status, pregnancy, financial status, origin, language or region, ideological conviction or any of these.</p> <p>(3) The State shall not discriminate against citizens among citizens on grounds of religion, color, <b>caste</b>, tribe, sex, sexual orientation, bodily condition, disability, status of health, marital status, pregnancy, financial status, origin, language or region, ideological conviction or any of these.</p> <p>Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of economically poor, socially or culturally backward women, <b>Dalits, Adibasi, Adibasi Janajati, Khas Arya, Madhesi, Tharu</b>, farmers, laborers, suppressed classes, <b>Muslim</b>, backward class, minorities, marginalized, endangered communities, youth, children, the aged, gender-based and sexually oriented minorities and the disabled or those who are physically or mentally incapacitated or citizens of backward regions.</p> |
| <p><b>24. Right to Mass Communication:</b><br/>(p.6)</p> | <p>(1) No publication, broadcasting or printing of any news item, editorial, feature, article or other reading and audio-visual material through any means whatsoever including electronic publication, broadcasting and printing shall be censored. Provided that nothing shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the federal units or peoples of various <b>caste</b>, tribes or communities, or on any act of treason, defamation, contempt of court or incitement to an offence, discrimination based on ethnicity or <b>caste</b> or gender, or on disregarding labor, or on any act which may be contrary to public decency or morality.</p>  |

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| <p><b>29. Right against Untouchability and Discrimination:</b></p> <p>(p. 8)</p> | <p>(1) No person shall be discriminated against as untouchable and subjected to discrimination in any form, on grounds of <b>caste</b>, race, community, origin, occupation or bodily condition in any public or private place.</p> <p>(2) In producing or distributing any goods, serves or facilities, no person belonging to any particular <b>caste</b> or tribe shall be prevented from purchasing or acquiring such goods, services facilities nor shall such goods, services facilities or facilities be sold or distributed only to the persons belonging to any particular <b>caste</b> or tribe.</p> <p>(3) No such act as to purport to demonstrate any superiority or inferiority of the person or persons belonging to any <b>caste</b>, tribe, origin or bodily condition or to justify social discrimination on the ground of <b>caste</b> or race or to publicize ideology based on racial superiority or hatred or to encourage <b>caste</b> discrimination in any manner shall be allowed.</p> <p>(4) Discriminating against as untouchable or touchable in any form shall not be allowed in workplace.</p> <p>(5) All forms of acts of untouchability and discriminatory treatment contrary to this article shall be punishable as serious social offence, and the victim shall be entitled to such compensation as determined by law.</p> |
| <p><b>45. Right of Dalits:</b></p> <p>(p.13)</p>                                 | <p>(1) Person from <b>Dalit</b> community shall have right to get employment in civil service, army, police and all other agencies and areas of the State on the principle of proportional inclusive principles. Special provision shall be made for empowerment, representation and participation of <b>Dalit</b> community in public service and other sectors of employment as provided by the law.</p> <p>(2) Provision of free education including scholarship shall be made from primary level to higher education for <b>Dalit</b> students as determined by law. Special provision shall be made for <b>Dalits</b> in technical and professional higher education in accordance with the law.</p> <p>(3) Special provision shall be made according to the law to provide health and social security for the <b>Dalits</b>.</p> <p>(4) <b>Dalit</b> community shall have the right to preserve and develop their traditional occupation, knowledge, skill and technology. State shall provide necessary skills and resources by prioritizing <b>Dalits</b> in the modern professions related to the traditional occupations of <b>Dalits</b>.</p> <p>(5) State shall once provide land to landless <b>Dalits</b> by making necessary laws.</p> <p>(6) State shall make provision of housing to homeless <b>Dalits</b> by making necessary laws.</p>    |

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|   | (7) The facilities provided by this article for <b>Dalit</b> community should be justifiably distributed among <b>Dalit</b> women, men and all communities on proportional basis.   |
| <b>47. Right to Social Justice:</b><br><br>(p. 13)                                  | 47. Right to Social Justice: (1) Socially backward women, <b>Dalits</b> , <b>Adibasi</b> , <b>Adibasi Janajati</b> , <b>Khas Arya</b> , <b>Madhesi</b> , <b>Tharu</b> , farmers, laborers, suppressed classes, <b>Muslim</b> , backward class, minorities, marginalized, endangered communities, youth, children, the aged, gender-based and sexually oriented minorities and the disabled or those who are physically or mentally incapacitated or citizens of backward regions shall have the right of participation in structure of the State and public service on the basis of inclusive principles. |
| <b>PART 4</b><br><b>Directive Principles, Policies and Obligations of the State</b> |   |
| <b>55. Policies of the State:</b><br>(p. 15)  | <b><u>(a) Policies related to national unity and national security:</u></b><br><br>(2) Maintaining the national unity by developing mutually cooperative relation among federal units by establishing mutual harmony, tolerance and solidarity among different <b>castes</b> , ethnicity, religion, language, culture and communities,<br><br><b><u>(f) Policies related to development:</u></b><br><br>(1) Developing the physical infrastructures in balanced, environment friendly and sustainable way by prioritizing the <b>backward</b> regions in terms of development,                            |
| <b>PART 8</b><br><b>Federal Legislature</b>   |   |
| <b>88. Constitution of House of Representatives:</b><br>(p.30)                      | (2) Provision of providing representation of women, <b>Dalit</b> , <b>Adibasi</b> , <b>Janajati</b> , <b>Adibasi Janajati</b> , <b>Khas Arya</b> , <b>Madhesi</b> , <b>Tharu</b> , <b>Muslim</b> , backward regions and minority communities on the basis of geography, population and balance among states in filing the candidacy by the political parties for proportional electoral system through closed list, shall be made by law.   |
| <b>PART 13</b><br><b>State Legislature</b>  |   |
| <b>175. Constitution of state assembly:</b><br>(p.54)                               | (4) Provision of providing representation of women, <b>Dalit</b> , <b>Adibasi</b> , <b>Janajati</b> , <b>Adibasi Janajati</b> , <b>Khas Arya</b> , <b>Madhesi</b> , <b>Tharu</b> , <b>Muslim</b> , backward regions and minority communities on the basis of geography, population and balance  |

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|  | among states in filing the candidacy by the political parties for proportional electoral system through closed list, shall be made by law.   |
| <b>PART 16</b><br><b>Local Executive</b>           |  |
| <b>218. District Assembly:</b><br>(p. 65)          | (3) District Assembly shall elect a District Coordination Committee including one Head, one Deputy Head, at least three women and at least one from <b>Dalit</b> or minority groups.   |
| <b>PART 27</b><br><b>National Dalit Commission</b> |  |
| <b>253. National Dalit Commission</b><br>(p.84)    | <p>(1) There shall be a National <b>Dalit</b> Commission of Nepal, consisting of a Chairperson and a maximum of five members.</p> <p>(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and other members.</p> <p>(3) The term of office of the Chairperson and other members shall be six years from the date of appointment.</p> <p>(4) The office of the Chairperson and other members shall be deemed vacant in any of the following circumstances:</p> <p>(a) if he or she tenders resignation in writing to the President;</p> <p>(b) if he or she is sixty five years old,</p> <p>(b) if a motion of impeachment is passed against him or her</p> <p>(c) if he or she dies.</p> <p>(5) No person shall be eligible to be appointed as the Chairperson or member of National Women Commission unless he or she possesses the following qualification:</p> <p>(c) Has contributed at least ten years in empowerment of <b>Dalit</b> issues, <b>Dalit</b> communities or human rights, advocacy or law,</p> <p>(d) Holds at least Bachelor's Degree from a university recognized by the Government of Nepal for the position of Chairperson,</p> <p>(b) Is not a member of any political party immediately before the appointment;</p> <p>(c) Has attained the age of forty five years; and</p> <p>(d) Possess a moral character</p> <p>(6)The remuneration and other conditions of service of the Chairperson or member of National <b>Dalit</b> Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson or member of National <b>Dalit</b> Commission shall not, so long as they hold office, be altered to their disadvantage.</p> |

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|  | <p>(7)A person once appointed as the Chairperson or member of National <b>Dalit</b> Commission shall not be eligible for appointment in other government service.</p> <p>Provided that-</p> <p>(a) nothing in this Clause shall be deemed to be a bar to the appointment of the member of National <b>Dalit</b> Commission as Chairperson of National <b>Dalit</b> Commission, and when member is so appointed as the Chairperson of National <b>Dalit</b> Commission, his or her term of office shall be so computed as to include his or her term as member.</p> <p>(b) nothing in this clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.</p>  |
| <p><b>254. Functions, duties and powers of National Dalit Commission:</b></p> <p>(P. 85)</p> | <p>(1) The functions, duties and powers of National <b>Dalit</b> Commission shall be as follows:</p> <p>(a) To identify and recommend different issues to be studied and researched related to <b>Dalits</b>,</p> <p>(b) To prepare national policy and program to for ending the discrimination on the basis of <b>caste</b>, creed, suppression and for the development of <b>Dalit</b> community,</p> <p>(c) To study and analyze the legal provisions on <b>Dalit</b> empowerment and other <b>Dalits</b>- related laws and recommend the concerned authorities for improvement and monitor the improvement,</p> <p>(d) To monitor the work of Government of Nepal regarding the reports to be sent by Nepal according to the requirements of international treaties and protocols to which Nepal is a party,</p> <p>(e) To recommend filing of cases to concerned authorities regarding violence against <b>Dalits</b>, victimizations of social traditions, barring from <b>Dalit</b> rights against any person or organization,</p> <p>(f) Other works according to the law.</p> <p>(2) National <b>Dalit</b> Commission can delegate its certain power to its Chairperson, member, committees, sub-committees or personnel of officer level or officer of Government of Nepal as necessary.</p> |
| <p><b>PART 28</b><br/><b>National Inclusive Commission</b></p>                               |   |
| <p><b>253. National Inclusive Commission</b></p> <p>(p.85)</p>                               | <p>(7)A person once appointed as the Chairperson or member of National <b>Dalit</b> Commission shall not be eligible for appointment in other government service.</p> <p>Provided that-</p> <p>(a) nothing in this Clause shall be deemed to be a bar to the appointment of the member of National <b>Dalit</b> Commission as Chairperson of National</p>   |

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|  | Inclusive Commission, and when member is so appointed as the Chairperson of National Inclusive Commission, his or her term of office shall be so computed as to include his or her term as member.   |
| <b>254. Functions, duties and powers of National Inclusive Commission:</b><br>(p.86) | (1) The functions, duties and powers of National Inclusive Commission shall be as follows:<br>(a) To identify and recommend different issues to be studied and researched related to protection, empowerment or advancement of economically poor, socially or culturally backward women, <b>Dalits</b> , <i>Adibasi</i> , <i>Adibasi Janajati</i> , <i>Khas Arya</i> , <i>Madhesi</i> , <i>Tharu</i> , farmers, laborers, suppressed classes, <i>Muslim</i> , backward class, minorities, marginalized, endangered communities, youth, children, the aged, gender-based and sexually oriented minorities and the disabled or those who are physically or mentally incapacitated or citizens of backward regions. |
| <b>PART 30<br/>NATIONAL DEFENCE COUNCIL</b>  |  |
| <b>262. Provisions relating to the Nepal Army:</b><br>(p.90)                         | (2) Entry of women, <b>Dalit</b> , indigenous and ethnic nationalities, <i>Khas Arya</i> , <i>Madhesi</i> , <i>Tharu</i> , <i>Muslim</i> , citizens from backward class and backward region into the service of the Nepal Army shall be ensured based on the principle of equality and inclusivity in accordance with laws.  |
| <b>Part 34<br/>Miscellaneous</b>   |  |
| <b>276. Review and revision of Special Rights:</b><br>(p.96)                         | The Government of Nepal shall review and revise, along with census of every ten years, the provisions regarding special rights of the women and <b>Dalit</b> community and its implementation and effectiveness based on human development index.  |