

**Dalit NGO Federation (DNF)**  
**Lalitpur, Nepal**

**Dalit Agenda Paper to be addressed in the New Constitution of Nepal**  
**An Executive Summary**

**Background**

The history of Nepal observed various ways of constitution making process in different epochs. However, those constitutions were promulgated only by the ruler and by a group of people who ruled the country and consequently those constitutions represent the sentiment of the citizens and could not underpin the roadmap for the over all development of various castes and communities. All along the history, people could not find the inclusiveness and completeness in those constitutions. Today, after six decades down the history, Nepalese people are already in their forefront to write the constitution to address their own agendas and to establish their rights. On this auspicious occasion, it is the need of the time to identify and analyze the common agendas of entire Dalit, who are being marginalized from the mainstream society and have been oppressed for thousand of years, and to find solutions to transform and establish the various caste-based and gender-based agendas of Nepalese Dalits as a common agenda of the country. In this context, Dalit NGO Federation has attempted to identify, based on the feedbacks from all oppressed Dalits, the fundamental agendas of entire Dalit community to be established in upcoming Constituent Assembly by analyzing economic, social, political, and educational and health related issues. These agenda will get its final shape after rigorous discussion and feedback from and among various stakeholders and will be called for endorsement and solidarity from all aspects of society. The Dalit NGO federation has been obtaining feedback and endorsement from various stakeholders to influence the state machineries and the development agencies.

**A. Economic agenda in the new structure**

1. Employment as the fundamental rights: Provision of 20% reservation in all employment sectors including public service, military service, police, teaching profession, universities, judiciary sectors, private and nongovernmental sectors and also in foreign employment. The provision of easy loan service without the security bond.
2. Land ownership and Food Security: By identifying landless Dalit in Nepal, the provision must be made to distribute and transfer the ownership of land to Dalit through a scientific land reform program to guarantee fundamental land rights and to improve the economic situation. Special rights also to be reserved in natural resources and guarantee the food security as the fundamental rights of Dalit.
3. Modernization and systematization of traditional professions: By liberating the Dalits from discriminatory and conservative labour practices such as balighare (labour against kinds), Khaliya, Haliya (ploughman), carcass cleaner, Haruwa, Charuwa, the alternative employment opportunities must be created. The state must guarantee the necessary trainings to modernize and systematize these

traditional professions, credit without security bond to promote business as well as to promote market of the products. The profession originated and developed by Dalit community must be protected and registered with separate trademarks and patent rights in the name of Dalit.

4. Participation in development activities: The state must guarantee the participation of Dalits in all developmental activities and activities related to social change.
5. The economic issue of Dalit women: To strengthen the economic situation of Dalit women, the State must enforce special laws related to rights of land ownership, education, health and employment of Dalit women. A special 20% proportionate reservation of Dalit women must also be guaranteed in the proportion of women and Dalit in general.
6. Madhesi Dalit: Since the situation of Madhesi Dalit is even more miserable, alternative employment to them must be created by liberating them from conservative and disgraceful works such as carcass cleaner, attendee of women with childbirth etc.

#### **B. The issue of social uplifting of Dalit in New Structure**

1. Issue of caste discrimination: For the eradication of caste discrimination, the state must end impunity in discrimination issues through the enactment of the constitutional provisions to penalize the culprit terming it as the crime against the State. A special court must be rectified to look after the cases related caste discrimination. A special developmental remedy package must be implemented to uplift the *Badi* community.
2. Issues related to the entry into public places: No one should be prevented based on caste, to enter into the temples and pray as well as to practice religion. The act of such atrocity must be penalized as the crime against the State and humanity.
3. Issues related access to resources and products: Untouchability and the discrimination in sales of the products produced by Dalit community must be penalized and the use of public resources and services must be made accessible to all Dalit Communities.
4. Secularism: The State must be transformed to as the absolute secular State. The materials related to communal harmony and promoting the establishment of Dalit rights must be transmitted and published instead of those which fuel to communal violence.
5. Inter-caste marriage: By promoting and rewarding the inter-caste marriage, necessary employment opportunities must be created to those who are facing social outcaste due to this.

6. Census and statistics: Population census must be done to update and make accurate the socio-economic situation of Dalit.
7. Cultural issues: Various Academies and *Guthis* must be established to commemorate personalities from Dalit community who have contributed in the areas of culture, arts and literature. All such academies and *Guthis* must be restructured so that they will reflect the culture, arts and literature of all castes, linguistics and communities. The language, arts and culture of Madhesi
8. Dalit must be accredited nationally and be protected and promoted simultaneously.

### **C. Political and Inclusion issue in the new structure**

1. Federal Republic and Decentralization: The new constitution must guarantee the proportionate representation of Dalit community in all the states in the new federal republican structure of the country.
2. Proportionate representation/Restructuring of the Nation: The representation of Dalit must be inclusive right from the beginning of the restructuring process. A complete proportionate representation must be guaranteed in all the structures of those federal states based on the population proportion of Madhesi Dalit, Newari Dalit, hill Dalit, Dalits of Karnali, and Dalit women. In each department of the political parties, at least 20 % representation of Dalit must be guaranteed on pro-rata basis.
3. National Dalit Commission: The current National Dalit Commission must be established as a Constitutional Commission and must be endowed with special rights and authorities.

### **D. Legal issues in the new structure**

1. The legal mechanisms must be enacted to prohibit and punish the caste discrimination and untouchability in aspects of human behavior by explicitly defining the forms of discrimination and untouchability. Actions must be taken to suspend and disqualify all the leaders and activists of political parties from the party leadership posts who have been in some forms involved in discriminatory activities and have practiced untouchability.
2. A National Labour Policy must be amended to dignify the traditional skills and profession of Dalit community which have endured a century long discrimination. *The Upekshit, Utpidit ra Dalit Barga Utthan Bikas Samiti* (Dalit Development Committee) must be reestablished as an independent Dalit Council.
3. A separate Act must be enacted to eradicate caste discrimination and untouchability for the multi-dimensional development of Dalit community.

#### **E. Educational Issues in new structure**

1. Access to education: A constitutional provision must be available to access to education as an inborn right of the entire citizen by making education from primary to higher education level free of cost. 20% special quota must be allocated to Dalit students to study higher level vocational education through internal competition among Dalits only.
2. Amendment of educational materials and books: It must be included in the new constitution itself the provision to publish books and educational materials to promote communal harmony and promote applied vocations by abolishing old educational materials and method which are fueling and reflecting the practices to discriminate and humiliate Dalit community.
3. Uniformity in the Educational System: Policy must be prepared to start and systematize uniform and quality educational system instead of two separate educational systems viz. private and public.
4. Discrimination free Educational Environment: The provision must be made and implemented to prohibit and penalize all forms of discriminatory behaviors and untouchability practices in all educational sectors which have a direct psychosocial affect on Dalit students.
5. Inclusion in educational sectors: A mandatory provision for meaningful representation of Dalits in all committees and subcommittees from center to local level of educational sectors must be included in the new constitution. A provision of one school-one Dalit teacher must be introduced by providing opportunity to at least one Dalit to be candidate to teach with/or without teaching license or teacher's training in a school.

#### **F. Health issues in the new structure**

1. Access to Medical treatment: Free medical treatment must be provided to entire Dalit community. Keeping in mind the difficulties of Dalits in medical treatment, special discount must be made available in all medical treatments and medicines in private hospitals and medical institutions. Since maternal and infant mortality rate and malnutrition is high among Dalit community, services must be made available to compensate all mother's with maternal stipend, free service while delivery, medicines and nutritious foods to all Dalit children below the age of five etc.
2. Access to fundamental elements of health: Since Dalit hardly have received the supply of clean drinking water, services such as clean drinking water, proper toilet and drainage and other health related services and elements must be provided with top priority.