

**National Consultation on Integrated Strategies in Promoting the Rights  
of Indigenous Peoples/Nationalities in Nepal**  
held at Dhulikhel in Kavre District (Central Nepal) from January 16 - 20, 2000

**Appendix 1 (a): Constitutional Issues**

1. Recommendation for Constitutional Amendment:

Constitution is not a universal document. It must be amended in accordance with time, need and will of the people.

SN	Article	Present Provision	Proposed Amendments	Rationales for Amendment
1	2	All Nepali people constitute a nation.	Instead of a nation there is the need of adding "multi-national kingdom."	Nepal is multi- ethnic or nations country. If it is named as 'nation', it refers to the country of one ethnic people.
2	4	Nepal is proclaimed as the Hindu kingdom	Proclaim Nepal as "Secular state"	The kingdom of Nepal is not only the country of Hindu. There are many religions as Hindu, Buddhism, Islam, Jain, Bon, Kirat, Christian, etc.
3	6:1,2	Article 6.1.1 recognises that Khas language is the Language of Nation and in Devanagari Script is official language. Article 6.1.2 says that all the languages spoken as mother language at different parts of Nepal are the national languages.	Eliminate the discrimination between Khas language and national language. All languages spoken in the country be named as National language. The state shall protect all languages equally	No theoretical base of distinction between the language of nation and the National languages. The state has to protect all the languages equally. The constitution should not discriminate between the different languages.
4	9.5	citizenship only to the foreign women with Nepalese man.	There must be the provision of citizenship through the equal process to the foreign men and women in case of married with Nepalese citizen.	To abandon the discrimination of citizenship that in case of the foreign women married with Nepalese citizen can have citizenship but in case of the foreign men married with Nepalese women can't have citizenship.
5	9.1	citizenship in accordance to father's kinship.	To add " mother"	Need to recognise the kinship of both Nepali father/mother.
6	9.2	Taken in accordance with fatherhood	To add "motherhood"	To recognise mother linep as well.
7	Preamble	No mention of the rights of all the languages, castes, nationalities and cultures of the country	"to provide equal rights to all the communities, castes, languages, art, culture of the country in the preamble of the	To recognise multi-ethnic, multi-lingual and multi-religious composition of Nepal.

			constitution."	
8	Schedule	No schedules for indigenous peoples and untouchable castes	To add schedules of different languages, nationalities, castes, religions, cultures in the constitution	Scheduled Castes and tribes as found in the constitutions of other country.
10	9.4a	The foreign citizen must speak and write Khas-Nepali language to get Nepalese certificate.	To add any one of the languages originated and centred in Nepal	With a view to make the foreigners able to speak and write the language chosen by them and also to give recognition to other languages as well.
11	11.3	No mention of non-discrimination on the basis of 'language'	To add 'language' also, to ensure that there will not be discrimination on the basis of 'languages'	There should be no discrimination in the language.
12	12.1	Occupational freedom	Instead of occupational freedom there must be stated right to employment.	Right to Employment is a Fundamental rights.
13	12.2 a,c,l	The basis of prohibition of fundamental freedom is the disharmony of the caste/ethnicity, languages, religions.	To void the basis of prohibition as 'ethnicity or caste, communities and religions	Can be abused of this article against indigenous peoples/nationalities.
14	17	The state can nationalise or take away rights of the property earnings, purchase and sale.	The sale and purchase of traditional lands be within the communities. The state should not make any laws to interfere, intervene, nationalise and transfer the such traditional rights of nationalities.	The state can at anytime intervene, interfere and extend.
15	18.2	Some limitations on the right to protection and promotion of education and culture.	The limitations up to primary level should be abandoned.	The right to education and cultural are the fundamental rights. Therefore the peoples must have right to education up to the higher level education through their own languages.
16	19	Freedom to follow and exercise the traditional religion.	This does mean that Hindus are free to do so but not for other religions.	All religions should be allowed to follow with equal rights.
17	26.10	This provision is no more active which is considered to be objectives of the state.	The rules be made according to the spirits of the State Directive Principles of the Constitution.	To fulfil the objective directed by the Directive Principles of the state.

18	26.2	The state shall follow the policy of unity between language and culture and upliftment of rural people and policy of raising backward community	Review of Local Autonomy Act and delegate power to legislation on local affairs.	The local Self government Act is not effective and Beneficial.
19	112,113	caste or community can not form political party.	This provision should be void.	It is indicated to Indigenous peoples.
20	7.2	National Symbols	Determine national symbol in accordance with secularism	It shows intolerance to other religions.
21		No	There must be the constitutional provision for right to self-determination and autonomy.	For unity and integrity of the state.
22	12.2 d	Freedom of movement and settlement throughout the kingdom.	Add a prohibitive sentence: It will not be considered as a restriction to make special law for the protection and promotion of the rights traditional of indigenous peoples/nationalities	It adversely affects the language, religion, art and culture of the indigenous peoples.
23		No	(a) There must be the reservation proportional to population of indigenous peoples and Dalits in decision - making bodies of the state. (b) To provide proportional reservation in employment, education and scholarship for indigenous peoples and untouchables according to their populations. (c) provide 50% reservation to indigenous women in the decision making bodies and in employment, education, and health.	To make the representation of all communities at the decision making level.
24	114	5% women candidates in parliamentary election	Increase to 10% and give fifty percent to indigenous women and low caste women.	To have the representation from indigenous women and low caste women.
25	102	Examination of Public Service Commission.	To add "no discrimination will be made on the basis of language and any other ground, while taking examination".	With the aim to provide equal opportunity at executive bodies.

26	113, 2d	"National Party" with 3% votes.	Void this clause.	It is against multi-party system.
27	116	Parliament is designated for Constitutional amendment and for law making. The first constitution was drafted by the appointed commission. The arrangement of the articles 116 and 126 for the constitutional amendment is not sufficient.	To add a clause to establish, a elected "constitution assembly" or "referendum" to decide the matters of political importance such as drafting constitution.	The sovereignty is belonged to people. Therefore the people have the right to participate in the decision making process of the country. Referendum and elected Constitution Assembly will be the best options for wider participation of the peoples directly.

## 2. Strategies:

1. The state should translate constitution, act and other laws in mother languages.  
To form national committee at public level for constitutional amendment. The committee will prepare priorities the recommendation given by the national consultation. The committee consists of constitution expert, Human rights activists and sociologists, linguistics, historians and political scientists, indigenous women who have actively participated in indigenous movement.
2. NEFEN will publish the proceedings of the national consultation.
  - To send the amendment proposals to the parliament through communications and lobbying with parliamentarians, parliamentary committee and political parties.
  - To conduct awareness programmes at the member organisations of NEFEN.
  - To encourage involvement of all unorganised persons and indigenous communities by organising themselves in the indigenous movement.
  - To conduct joint programmes in co-ordination with another communities relating to religious, regional, lingual, women and dalits.

## Appendix 1: (b) Common Law (Muluki Ain)

### 1. Recommendations for Amendment of Muluki Ain:

#### 1) Wage and Remuneration

- a) To abandon the provision of 'pipa' from the section wage and remuneration.
- b) To protect the rights of the indigenous communities living from generations upon the incomes derived from the historical, religious and cultural places (income from tourism) and also upon the natural resources.
- c) To establish legal rights of the indigenous communities over the royalty or other kinds of benefits from the natural resources to finance the local developments.

#### 2) Registration and cultivation fo land

- a) To acquire inalienable rights of indigenous communities over the lands attached with their own cultural, religious importance.
- b) To remove dual ownership

#### 3) Part of 'Jari': To void

#### 4) Part of marriage: To void

#### 5) Part of 'Adal': To void the compulsory and make at the good wishes of the citizens.

#### 6) Intercourse with animal:

To have uniform legal provisions for all the she-cattle.

#### 7) Part of Cattle:

To remove the whole part of cattle from the Muluki Ain.

### 2. Strategies:

SN	Topics	Aims and Objectives	Plan of Actions	Executive organs
1	labour and Wage Remuneration	Protection of areas and control of indigenous communities over the income.	? Increase people's awareness. ? Identify areas to be protected. ? Create public pressure (seminar, debates, interaction/pamphlets, poster/audio-visual resources, and use/street programme. ? Legislation	Indigenous organisations/People's representation, Local organs. His Majesty's Government
	Child Labour	Survival, education, health	? Create public pressure Creation of law. Supervision of Rock Mark Supervision of work of labour ministry	Indigenous organisations, People's representation co-ordination with Rock Mark
2	Cultivation of land/registration	To control migration	? To increase public awareness. ? To frame law.	NEFEN and its member organization People's representatives.

3	Part of Adal (no.8)	Protection of personal freedom and prestige.	To create awareness and increase peoples' pressure. To amend the articles of constitution.	NEFEN& indigenous organisations, people's representatives of His Majesty's Government
4	Intercourse with animal	To get uniformity in law.	Peoples' pressure (in accordance to other number) Amendment of article.	NEFEN, indigenous organisations. Peoples' representative.
5	Part of cattle	Do	Do	Do.

## Appendix 1 (c): Statutes:

### 1. Recommendations for Amendment/addition/void/review the existing special laws in order to ensure the rights of indigenous peoples/nationalities

SN	Name of the Acts	Related Articles	Present Provisions	Addition or amendment requirements	Words / sentence to be void	Rationales
1.	Local self government Act- 2055	3	Protection, preservation and development of religion, language and culture of the different respective communities residing over local level.	After the word preservation, add "and to use and make use" (be added)		In the absence of concrete the word "and to use and make use", Supreme Court's decided against Kathmandu, Rajbiraj and Dhanusha DDC.
2.	Local self government Act- 2055	25	Protection, preservation and development of religion, language and ethnicity with in ward.	And to use and make use (these words must be added)		"
3.	"	28 (1) I (2)	To protect and make protection of different languages, religion and culture and to develop.	After the word develop, " and to use and make use" ( these words must be added)		"
	"	93	Develop, Protect and preserve the languages of different caste and communities within ward.	After the word preservation " and to use and make use" ( these words to be added)		"

5.		238 (1) (a)	In case of any undertaking done against the sovereignty, integrity, nationality and communal harmony .		After the word nationality, should be void "and /or" word be used in between the word integrity & nationality	"in case of any undertakings against sovereignty, integrity or nationality and the against the constitution of the kingdom of Nepal are enough.
6.	Election (crime & punishment ) Act- 2047	6 (b)	spread hate and enmity on the basis of religion, community, caste, ethnicity, language or regionality		Void the word "caste, ethnicity, language "	It is enough to say "to create hate and enmity on the basis of religion, community or regionality".
7.	Nepal citizenship Act- 2020	6 (1) (a)	One who can read and write Nepali (Rastra Bhasa) national language	After the word "Rastra Bhasa", the word "Rastriya Bhasa " to be added.		Both Rastra Bhasa and Rastriya Bhasa has got constitutional recognition.  Discriminate is not justifiable on the basis of language.
8.	Nepal citizenship Act- 2020	3 (5)	To get the citizenship right to a child born at the reasonable time after the father's death, the mother's right will maintained at the death of the father..	Need to exist a provision that citizenship should be given from both father and mother line.		there is no provision for the recognition for the female line, i.e. motherhood.

9.	Nepal citizenship Act 2020	6(b)		There must be r easy & simple process of getting and leaving citizenship rights upon in - migration and out migration from the country		It is no more necessary to arrange complex system for getting the citizenship to the Nepalese origin or born persons.
10.	Conference and organization Act- 2005	5 (i)	To create and to be created the enmity, jealousy, envy, hates among the caste, ethnicity , citizens		To avoid the word "caste, ethnicity".	It is enough to say "to create, and to be created enmity, jealousy, envy, hatred among the Nepalese citizens".
11.	Alcohol related Act- 2031	2(a)	"By wine" we must understand all types of liquor which is prepared with fruits, grains or any other things. No one shall produce wine without permission and those, who have got permission, cannot produce wine if they are not compliance with	Amend as permission is needed if the production is for sale and purchase or export and more than a certain quantity.		This Act is against the traditional of indigenous communities in Nepal, because of wine/liquor is necessary in their religious and cultural rituals.

12.	Private forests nationalisation Act 2031	2 (a)	By "private forest" we mean all kinds of land areas covered by forest, which have been used by some person and enjoying the ownership rights of having full or some portion of free revenue to the government before the implementation of the present Act	amendment for the exclusion of kipat lands from nationalization.		Nationalisation of private forest has eliminated the constitution rights to private property. The Kipat areas is an inalienable rights of the people.
13.	Land (measurement and Survey) Act- 2019	Article 5(a)	The surveyor need to conform the demarcation of government land and public land before the land survey.	After the words "government land" the word like "special community ownership provision land including Kipat land" are to be added		Legally the Kipat land still exist
14.	Lands Act 2021, land Reform-2024	Article 6	Kipat land could not be totally resigned in accordance with the law and custom before. In case of the lease of land loan be deducted from interest in accordance with part (d)		Article 6 is to be void	Kipat land being the special traditional.

15.	Act to nationalize the meadow "Kharka" land	2 (a)  3	By "Kharka land" we understand the land which was used for cattle herding with or without registration  All "Kharka land " are nationalized. But (a) even if used for personal hearing the register can keep the land with him in accordance with the ceiling decided by the prevailing law of Nepal.	After the state land, kibat to be added and is to mention that Kibat land can be enjoyed without registration		Firstly, there is the legal existence of Kibat and secondly, due to that provision, the Kharka land of Kibat being nationalized and Kibat has been badly affected.
16.	Land Tax Act	24 (4)		The prevailing registered land and kibat should not come under this Act.		
17	Forest Act 2049	2 (e)	" National forest" refers to all the lands within the kingdom of Nepal where forest demarcation has been made or not, excluding the private forest, that includes the lands and paths inside the forest, pond, lake or rivers and streams and also the fallow land.	After the word individual forest , "Kibat area" to be added.		Kibat area has not been considered as the individual forest .

18.	Forest Act 2049	11	Restriction on acquisition of private land inside the demarcation of national forest	After the word private forest, add "and Kipat land areas"		
19.	Water Animal Protection Act-,2017		Amendment to protect the traditional rights of fisher folks whose survival is associated with this activities.			It is not appropriate to remove the people from their traditional customary occupation.
20.	Education Act 2028	prohibitive clause 7(1)	"Up to primary level education can imparted in mother language."		To avoid the word "up to primary level"	To avoid the word "up to primary level" it seems to be discriminatory.
21.	Ancient Monument Protection Law, 2013	3	Can declare Restricted monument area.	To declare, permission from indigenous peoples or the related organisations must be taken. Their right to participation in the protection should be ensured.		To ensure the protection of monument and protected areas.
22.	Citizen rights Act 2012	Article 4	" No discrimination on the basis of religion caste , creed or sex"	To "language" after them		Not to repeat Discrimination on the basis of language, again as did by the Supreme Court of Nepal last year.

22.	Citizenship right Act 2012			Add "right to work" and right to choose the work" should be considered as the rights.		no developments until there is respect the right to work
	Citizenship right law 2012			" To use and to make use of one's own mother language along with its development, preservation & protection" is to be incorporated as the Citizenship right.		legal remedies will be available in case of restrictions in rights only if there is a provision in the Act.
23.	National Wild Life protection Act 2029, King Mahendra Nature Conservation Act 2039, Protection of plants Act 2029, Forest Act 2049.			The rights and interests of indigenous communities who have been in close with the wild life, forests and natural resources to be ensured.		to enhance the role of indigenous communities to the protection and management of forest, wild life and nature.
24.	Land and watershed protection law, 2039, water-resource law 2049, Tourism law 2035			These laws must be to give benefits and safeguard the rights and interests of indigenous peoples.		to stop the displacement of indigenous peoples from the original occupation and places

25	Mine and Mineral Substance Act 2042.			To ensure the participation of local peoples in mining and in the benefits from that activities, amendments be needed.		.
26.	Scholarship Act 2021			reservation in scholarship for the backward nationalities and low caste		It seems essential to fill up the prevailing big gap among high caste and nationalities .
27.	Royal Nepal Academy law 2050	Articles 7,10,13		representation or participation of nationalities /indigenous peoples should made into the Academy.		To make the Royal Nepal Academy of all language communities.
28.	Mahendra Sanskrit University Act 2021				Act must be void	Because it seems to be one sided, unequal and discriminatory law.
29.	Nepali Language Publication Committee Act 2021			Add the word Rastriya Language wherever the use of the words Nepali Language have been used.		It is discriminatory against the other languages

30.	Guthi Sasthan Act 2033	30	Buy and sell of tenancy rights	<p>i) Prohibition of the sale of the tenancy rights belonging to indigenous peoples.</p> <p>ii) Amend the law to ensure the role and participation tribe peoples in their private Guthi.</p>		To protect the weaker sections of the society.
31.	Body (kill and sale) Control Act 2043	government party as a petitioner		It is necessary to be enable the public as a party or petitioners		By this means, petition can be made by the police. If police are reluctant, no case can be filed against
32.	Election area determination commission Act 2047	4	Determination of election area and the number of members.	Looking at decreasing number of election area in the mountain, it is necessary to have provision to maintain the number fixed.		It is no more suitable to reduce the number of representatives from the mountain areas, which covers high land area of Nepal from the geographical point of view.
33	Co-operative Law 2048			The registration process must be made simple and easy and high priorities to indigenous peoples		It seems reasonable to raise the economy position of the backward caste and ethnicity in an organized way.

34	Compensation Act 2019	4	In case of abolition of some Nepalese law, to get or have or to be got or had compensation of property may be provided or gives as a stock under this law.	After the word “ have abolished or not abolished according to law yet ended practically” these word are to be inserted.		Kipat System is not abolished but ended practically,
35.	Authority Abuse investigation commission law 2048, Election commission law 2047, Justice council law 2047, Nepal lawyer's council law 2050 Human Rights Commission law 2053, Election Area determination commission Law 2047	Organizational process		involve the representation and participation of all different nationalities and indigenous communities.		If any commission council under takes the responsibility in the policy formation and execution on the National level, the organization should reflect the social composition of the country..
36.	Public Security Act 2046	3.2	local officer has the absolute power to quit the person from the place or to send the person to the custody .		Void the phrase “different ethnicity and communities”	The word “ interest of common people” seems sufficient.

37.	Crime and punishment against state Act 2046	Proposal	to keep communal harmony among different caste, creeds, religions and communities and to protect sovereignty, integrity and national unity of the kingdom of Nepal.		The words as caste, communities and religions and language are to be void.	It seemed enough to say "To protect sovereignty, diversity and unity of the kingdom of Nepal"
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## 2. Strategies:

The state should make policy to establish autonomy for indigenous peoples for their different social, cultural and political development with due respect to the rights of self determination.

Restructure the present administrative areas according to indigenous communities' majority population and historical association with the region as the local administrative unit under the present structure is no more suitable for the development of indigenous peoples and nationalities and their representation also has been lacked.

Reorganise the election system to have greater representation of the majority people.

Recognise the customary rights of indigenous peoples and nationalities for protection of indigenous knowledge and skill and technologies as the prevailing intellectual property right as prepared in accordance with the western individual rights which can no more protect the collective rights of our peoples.

Amend the related laws to ensure the control and access of indigenous peoples over the customary land and other resources and their management.

Ensure the participation and decisive role of indigenous peoples in National wild life preservation fund and other organisations related with.

Enact separate laws relating to National Janajati Utthan Pratisthan, Education, Health, Cultural Heritage Protection and Employment law.

Review the laws relating to destruction, punishment and compensation, public security and revise it in order to ensure the rights and interests of indigenous peoples and nationalities.

## Appendix 1(d): Indigenous Women Issues:

### (a) Recommendations for Indigenous Women

- 1) The government should make law for the protection of customs which will be beneficial to indigenous women.
- 2) There should be the provision of special quota for indigenous women for representation at local level.
- 3) Sexual discrimination should be avoided from the present constitution according to their commitment to international laws.
- 4) The state should make available all legal documents and information in indigenous languages, most of the indigenous women do not understand official languages.
- 5) The state should introduce a special programme for indigenous women for their empowerment and development.
- 6) The state should give reservation in decision making level.
- 7) The indigenous organisations also must encourage to bring their women in forefront at every area.
- 8) There must be the separate government budget for indigenous peoples.
- 9) The skills and knowledge of indigenous women must be protected.

### (b) Strategies:

SN	Programme	Responsible org.	Short-term	Long-term
1	To void the laws and rules which go against the interests of indigenous women	Different indigenous organisations, including indigenous women's organisation	To execute in co-ordination with indigenous parliamentarians	For the amendment of constitution and law, members of parliament should follow up the process.
2	To make laws according to the best practices and customary laws of indigenous peoples.	Do	Do	Do.
3	To establish the department of indigenous women in the Ministry of women	Do	Do	Do.
4	Employment to Indigenous women where they have their majority.	Do	To create public awareness at the local level by creating net work	To force His Majesty's Government as well as parliamentarians.
5	To protect and develop the indigenous knowledge, skills and technologies	Do	Do	
6	To abandon the discrimination and exploitation of women labour.	Do	Do	

(b) Demands:

The laws and rules for indigenous women should be made on the basis of natural law.

There must be reservation at education, scholarship, representation in the parliament, employment etc. for indigenous women.

There is no special law to control the women trafficking till now. Law in the participation of affected communities be made for their control and rehabilitation.

There is the need of women empowerment through recognising their customary law.

The state should pay compensation for the sufferer indigenous women who were forced to stay as girls in the palaces and to trafficked to Indian brothels.

According to Tamang cultural tradition, surname of women can not be changed . But according to the prevailing law of the state, the wife can only have right over the property when her surname and the husband's surname is same. therefore, the state should recognise the traditional rights of the Tamang peoples.

Language, costumes, religion, knowledge, script, cultural arts, skill, technology are properties of indigenous women. The rights of women should be guaranteed over immovable properties by establishing their customary rights.

The indigenous women should have control over and access to natural resources.

There must be the separate provision of minimum qualification for the employment in case of the indigenous women.

**Appendix 2 : Recommendations to prepare strategies for promoting the rights of indigenous/ nationalities by the advisory seminars of eastern, mid and eastern regions.**

1. Population Census : There is no correct population data of indigenous/ nationalities. So they themselves should be engaged in census of the areas heavily populated by the indigenous peoples.  
Likewise, the concerned organization of particular indigenous group must make its community aware of stating, the name of its community is the form of census.
2. Change of religion : Singisa tribe means Bhote. This tribe is changing its religion due to poverty. So to check the foreign cultural penetration in its language and religion, the Federal Council of Nepal Indigenous Federation is requested to help this nationalities.
3. Holidays in the cultural festival of the indigenous peoples : To make demand for the compulsory holidays on Baisakh 2 and 3 for the Sirua festival of Rajbanshi tribe in government and semi-government offices which should be included in the list of public holidays.
4. Provision to prohibit the sale of indigenous peoples' lands : Provision for free education to the children of Mudiyari tribes, leading very miserable life, should be registered in their names, and provision to prohibit the sale of such lands to other peoples should be made.
5. Indigenous Judges : There should be provision to appoint the judges representing indigenous tribal groups to look into the cases of these peoples.
6. Separate Academy and museum should be established to protect and promote the language, literatures, cultures and traditional materials of indigenous tribal peoples.
7. Education in mother tongue : His Majesty's Government should take steps with full responsibility of total finance and management to provide education in the mother tongues of indigenous tribal peoples.
8. Participation : The government should get suggestions and advices of indigenous peoples and their institutions to launch a plan or programme.
9. Foreign Scholarship : To put demand before the government to provide a definite quota of scholarship for the poor and intelligent students of indigenous tribal and minority groups in order to make them technical experts and efficient manpower.

10. Constitutional amendments : To make demand for the constitutional amendments for the rights, interests development and security of indigenous tribal and minority groups, as the present constitution is unable to safeguard them.
11. Free education for indigenous women : To make demand for the provision of compulsory free higher education for indigenous tribal women.
12. Regarding Newar community : It is said that Newars have got the status of Khas. But it is not just to evaluate all the Newars that they are equal to Khas community in status, though some of the aristocrat Newar families have developed close relations with Khas community. Thus, to demand for necessary steps for the upliftment of backward Newar community.
13. Law to maintain old names : To make native entitlement let in order to restore the historical titles, and to discourage the process of changing old names, which is being done at present through hindulisation process.
14. Compensation to displaced people : Majhi, Darai, and Bote tribes, who were serving people by their professions, on the banks of different rivers and lakes of Nepal, are now unemployed because the government has given those rivers, springs and lakes on contract. So the system of contract should be closed. The riverbank jobs should be registered in the name of those Majhi group who are working there. Those Majhis (boatman) who have been displaced from their traditional jobs should be given compensation without any delay by the government.
15. Protection of languages and scripts : The government should make policy regarding protection of languages, script, arts and culture of indigenous peoples, having contract with the associations and organizations of indigenous peoples, and should implement this policy soon.
16. Main problems seen in the legal and constitutional process and their solutions : Existing constitutional and legal provisions but not executed :
  - a. Education in mother tongue : There is constitutional provision for giving education in mother tongue, but no law has been made so far to execute it. Therefore, in the coming winter session the government should present a bill in this regard so that it should be enforced in the coming educational session of 2057/58.
  - b. Citizenship to Indigenous Peoples : As regards the constitutional provision of citizenship, the indigenous groups of tarai eg. sSanthal, Jhangada, Meche, Koche, Rajbanshi, Tajpuria, and others are not enjoying civil rights, which is

their birth –right. Therefore, the government should provide them citizenship certificates as soon as possible.

- c. Local Self-government Act : The Local Self –government Act 2055 has made the legal provision of using mother tongue in day-to-day governmental works. It should be implemented as soon as possible.

17. Negative provisions in the existing constitution and laws:

- a. Forest and wildlife : In the name of conservation laws regarding wildlife, water animals, forest, and environment have affected the life style (vocation, culture) of indigenous peoples directly by displacing them. Therefore, legal provision should be made to protect, promote and manage these things by the concerned indigenous peoples selves.
- b. Private Forest Act : The last article of the private forest act should be dismissed, and a law should be framed to give the ownership of the trees to such land owners who have got the ownership certificate of the land, and rehabilitated by Jhoda commission.
- c. Compulsory Sanskrit Education : Compulsory Sanskrit education should be stopped.
- d. Non-formal education : The legal provision to get permission for conducting non-formal education class should be dismissed.
- e. Kipat system : The land measurement and land reformation act has removed Kipat system unlawfully. So its alternative and compensation should be arranged as soon as possible.
- f. Removal of glorification : Few unknown words in Sanskrit written on the heads of the constitution and other acts and laws should be removed.
- g. Provision of reservation : In civil, military, police services as well as in university, campus, school and in all other government services certain definite quota for indigenous peoples should be reserved.
- h. National Indigenous Council : In order to execute policies, rules and regulations for the alround development of indigenous/ nationalities, the National Indigenous Council, as indicated in the ninth plan, should be composed.
- i. Reorganization of administrative districts : Areas of the politic-administrative units organized during Panchayat period are hindrances in the way of democratic exercise and indigenous peoples development. Therefore,

administrative areas should be divided on the ground of the majority of ethnic groups population.

18. To mention Kirant religion in census, and to develop Hasposha as multilingual children's school.
19. The government should proceed to implement to tripartite agreement on the problems of Gorkha military.
20. The books in Newari, Maithali, Bhojpuri, Limbu were published, but Tamang, Tharu, Rai, etc. are in confusing state. Books should be published in ones own script. Himalayan indigenous peoples might use Sambota script. The government has interfered in the use of scripts.
21. Religion : The present constitution has defined Nepal as Hindu state. Therefore religious liberty and equality should be guaranteed by eliminating the words "Hindu state", and by making the provision of secularism.
22. Land : The rights of land of the original dwelling place of indigenous / nationalities should be recognized legally. At the same time, the legal provision for the rights of indigenous/ nationalities peoples on the local natural resources should also be made.
23. Language : Different mother tongues of the country should be recognized as national languages, and various academic research centers, schools, universities should be established in order to protect, promote and study those languages.
24. To declare null and void : Those provisions of Mulki Ain and other laws which are against the customs, traditions and usages of indigenous peoples, should be nullified. Necessary legal provsions should be made to protect and promote social and culterreal originality. Likewise, social, cultural and religious festivals of indigenous groups should be recognized on national levels and public holidays should be declared on the occasion of important festivals.
25. Education in Mother Tongues : Compulsory free primary education in mother tongues should be given. Similarly the medium of instruction in higher education should also be mother tongues. The use of mother tongues in communication media, government offices, courts and local units should be recognized authoritatively. Instead of compulsory Sanskrit education in lower secondary level it should be made optional.

Similarly for grade six to ten there should be an optional group of various mother tongues from which students will select and read the concerned language.

Dictionary, grammar, curriculum, text book of each mother tongue should be prepared on governmental level.

26. Political House of nationalities : The First National Assembly should be replaced by the House of Nationalities.
27. Candidature to indigenous peoples : There should be a legal provision according to which each party's candidate must belong to the indigenous / nationalities of the concerned electoral district whose population is in majority. Similarly, in constitutional organs and other political structures there should be a legal provision of 50% reservation for indigenous peoples, and for the indigenous women, separate provision should be made.
28. Self-government : There should be constitutional and legal provision for the right of self-determination and self-right of self government of the indigenous peoples.
29. To provide citizenship : Knowledge of any one of the various native languages, along with the national language, should be an essential condition for the foreigners to acquire citizenship of Nepal. And only after fulfilling various conditions naturalized citizenship should be provided.
30. Economic Problem : There should be a provision of land distribution for the landless indigenous peoples.
31. Along with Kipat, total property under the ownership of indigenous/ nationalities have been taken away in the name state. So compensation should be provided to them for this.
32. Kamaiya (Bounded labour) system : In the field of agriculture eradication of Kamaiya system should be declared without any delay, and provision for their rehabilitation should be made legally.
33. Technical Training : For the agricultural development of indigenous / nationalities special plan along with modern technology should be prepared.
34. Protection of skills : By protecting and promoting the original skills and professions of indigenous/ tribal peoples, provision for training, raw materials, bank loan, etc. should be made on government level for their development and modernization.
35. Formulation of Plan and Budget : The National Planning Commission should prepare such a plan through which certain necessary amount should be appropriated in the national budget for the development of indigenous/ nationalities, and it should be implemented through the concerned organ for the developmental works of concerned indigenous peoples.

36. Problems of Ex-Gorkha Military : According to the bilateral treaty regarding the equal treatment of ex-Gorkha military equivalent to the British citizens, they should be paid salary pension and other facilities equivalent to British military.
37. Ministry of Indigenous Peoples : The ministry of indigenous peoples should be constituted as soon as possible, for their political development.
38. Human rights Education : There should be provision of launching special training programme to educate indigenous community about constitution, human rights and other laws and rules.
39. National Reward : For the development of other native languages, the Royal Nepal Academy should like national language (Nepali), protect, do research in publish literary works and honour the writers, poets and scholars of the mother tongues with national rewards.
40. Free legal service : The government should make arrangement for free legal service in offices and courts to indigenous peoples. There should be easy – available justice for them.
41. Control over girls trafficking : Those who are involved in the crime of girls trafficking should be given harsh punishments, and the victim girls should be rehabilitated, providing them good jobs and roles in society.
42. Participation in Policy –making : The indigenous women also should be participated on preferential basis in state affairs and policy making structures.
43. Property right of women : Indigenous women and men should have equal rights in all fields along with ancestral property right, through legal provision.
44. Equal wages : The indigenous women have to work for this livelihood and Nepal has already signed on the universal declaration of Human Rights. So the legal provision of equal wages to men and women should be enforced.
45. Academy for the Development of Indigenous Peoples (Indigenous Peoples Development Academy): His Majesty's Government should frame, without any delay, the law to constitute Indigenous Peoples Development Academy.

### Appendix 3 : Recommendations for Communication

1. Constitutional guarantee for free press and amendments in constitution : Although the constitution of the kingdom of Nepal has guaranteed the freedom of expression and press, many prejudicial phases against indigenous peoples have been used unnecessarily in several articles and clauses. Such articles and clauses should be dismissed from the constitution.
2. Law regarding the Right to Information: Laws regarding the right to information should be in accordance with article 16 of the Constitution of the Kingdom of Nepal, and following provisions should also be included in such laws.
  - 2.1 Citizens' right to get information in ones mother language should be made definite.
  - 2.2 A separate information center for the indigenous peoples should be established.
3. Dismissal of the discriminatory legal provisions : Articles 14 (d) and 16 (d) of Press Publication (first amendment) Act, 2048 are useless for free press. So these provisions should be dismissed soon.
4. Review by the government:
  - 4.1 The communication policy 2049 enforced by the government is one –sided, and against the multi-ethnic, multi-lingual, multi-religious multi-cultural structure of the society. So this policy should be reviewed.
  - 4.2 National News Committee (RSS) is communicating news only in Nepali and English. So this institution should be developed as means to communicate news even in national languages.
  - 4.3 Governmental Communication media eg. N.T.V., Radio Nepal, Gorkhapatra, etc. are published such news, views and programmes which are against the social structure of the kingdom of Nepal. So the circle of information and communication should be widened in accordance with the environment through the participation of indigenous tribal peoples.
5. Rural-central Communication : General Media of communication are urban-centred. So to extend the media to the majority of the people a strategy should be framed to make those rural centred. For this purpose infrastructures should be developed.
6. Strategy to prepare manpower : Majority of the communicators of media belongs to Khas language as a mother language. It is essential to attract those persons to journalism who speak national languages. For this purpose, following strategies should be adopted by the government.
  - 6.1.1 Instead of graduation or 10 years experience as the qualification for editorship, only 5 years experience should be required for the indigenous groups.
  - 6.1.2 Provision of graduation or experience seems unpracticable, improper and discouraging for those who like to publish magazines in national languages. Provisions should be made to certify by a organization of nationalities that a particular man has got knowledge of national language.

- 6.2 A programme of giving training of journalism to the indigenous tribal origin journalists.
7. Advertisement Policy
- 7.1 Policy regarding the measuring rod of distributing governmental advertisements should be based not on the category of newspapers but on the basis of social justice.
- 7.2 Government information related to public message and awareness should be published and broadcasted in national languages.
- 7.3 As regards the advertisements of information mentioned in 7.2, first preference should be given to the newspapers and magazines of such national languages which are under the reach of indigenous peoples. Private sector newspapers and magazines of a particular indigenous community based on the total participation of the members of that community should be given second preference. Similarly, third preference should be given to such newspapers and magazines which are regularly published in order to highlight the problems of indigenous peoples by publishing conscious developing materials.
- 7.4 Like non-indigenous community, a policy should be adopted to express greetings by the government structures on the occasions of indigenous festivals.
8. Reformation in the standard of scrutinising distribution of newspapers and magazines.
- 8.1 In order to scrutinise the distribution of newspapers and magazines by the press council, the system of marking to language is vague. This clause should be excluded.
- 8.2 The minimum size and volume of the newspapers and magazines mentioned in the regulations of press and publication are not suitable for those published in national (mother) languages, and for the interest of backward communities. The minimum size and volume of such papers and magazines should be as follows:
- | Papers and Magazines                     | Size | Page |
|--|------|------|
| a. Daily                                 | 6x11 | 2    |
| b. Half-weekly                           | 5x9  | 4    |
| c. Fortnightly, monthly, quarterly, etc. | 5x7  | 6    |
- 8.3 While categorizing the newspapers and magazines of national languages, only distributive aspect is evaluated, and on this basis additional marks are given, whereas regularity, seniority, area of distribution, news materials, articles, decoration, prints, pictures and diagrams, professionalism, etc. are neglected. So these aspects should also be evaluated and marks obtained should be multiplied 5 times in order to adopt encouragement policy.
- 8.4 The above said provision should also be applied for the newspapers and

magazines published for the indigenous peoples by the journalist related to the group. The privileges and facilities should also be provided to such papers.

9. The high inland postal charge on newspapers and magazines should be lessened. The postal department must guarantee that papers would not be lost, be reached on the destination timely.
10. Provision under clause 3 of the code of conduct for journalists announced by the Press Council, being useless, should be dismissed and replaced by such provision as journalist will not give any place to those news and views which might affect the sovereignty and integrity of the kingdom of Nepal.
11. Report prepared by H.M.G. on national language policy should be implemented.
12. Programmes for the protection and promotion of the scripts of indigenous peoples should be launched.
13. Professional Journalists Regulations should be executed.
14. Loan, help, aid should be provided to those newspapers and meagreness published for the indigenous-Tribal peoples, and which monetary technology they want to keep in themselves.
15. A case against any newspaper or journal on the ground of dissatisfaction or any other cause for the materials published should be filed only in the district court where the concerned newspaper or journal has been registered. such type of legal provision should be made.