



**Women's Rights and Agenda
To Be Incorporated In The
New Constitution ***
(Draft)

PREFACE

The formation of the Constituent Assembly was an historic moment for Nepal, the result of a long struggle and many sacrifices by the Nepalese people. The main aim of Nepal's democratic movement (past and present) is to restructure the state by eliminating all remnants of feudalism and the patriarchal system. The main objective of the women's movement in Nepal is women's liberation and national liberation. The Constituent Assembly will have to deliver a constitution to the people of Nepal in line with these expectations. Everyone must be devoted to the country and its people, putting aside personal and party interests. National unity is the need of the day. Peace, a new constitution and sustainable development are only possible through national unity.

The presence of 197 women among the 601 members of the Constituent Assembly is a significant achievement of Nepal's women's movement. Women in Nepal have lived through a bitter reality; even though they are the mothers of all humanity, women have suffered from violence, mistreatment and injustice. Worldwide, women have fought in many struggles to be recognised as citizens and human beings with full and equal rights. In Nepal, women have also taken part in great struggles. The times are changing and human civilization is also changing with the times. With courage, human beings can change the world. Nepalese women, having spent a long time struggling, also want to bring change to this society in favour of equality, development and peace. This change will not be based on physical force as some past struggles have been, but on intellect. Wisdom and ideas can change the world. The Women's Caucus of the Constituent Assembly (Women's Caucus) is working to materialising all these things in the new constitution.

The constitution must ensure equal opportunity, access and respect for all. It must also make special provision for previously marginalised and disadvantaged groups. The Women's Caucus is a common forum for women members of the Constituent Assembly, constituted within the Constituent Assembly and bearing an historical obligation to represent the voice of women in the making of the new constitution. It is hoped that the new constitution will uphold women's rights as full and equal citizens and help to eliminate the discrimination and exploitation faced by Nepalese women. Towards this the Women's Caucus has been extensively debating women's issues in relation to the new constitution. Through the hard work of the Women's Caucus, the rights and interests of women have been raised in the Constituent Assembly and are to be inscribed in the new constitution, as presented in this publication.

This publication was prepared after studying the preliminary drafts and reports of the thematic committees of the Constituent Assembly and of the Constitutional Committee to assess whether or not all of the issues to do with women's rights have been incorporated. Discussions were also held with honourable women parliamentarians and suggestions received from party leaders, women's rights activists, organisations from across the country and various experts. Chapter 1 of this publication contains a short overview of the women's movement in Nepal to illustrate the necessity of ensuring women's rights. It then presents the main agenda of women in the Constituent Assembly focusing on the issues of women that have been overlooked by the 10 thematic committees of the Constituent Assembly and the Constitutional Committee. Chapter 2 sets out the rights and issues included in the reports of the thematic committees and the Constitutional Committee. Chapter 3 contains the reforms suggested by the Women's Caucus to protect women's rights and interests in the new constitution.

I would like to express my sincere gratitude to all women parliamentarians, women leaders of political parties, women's rights activists, members of women's rights organisations and everybody who provided suggestions on women's issues from all over the country. I would also like to thank constitutional law expert Mr Bhimarjun Acharya for his support and input in legal and other matters. I would like to express my sincere thanks to the members of the Executive Committee of the Women's Caucus, staff of the Women's Caucus Secretariat, and to the International Institute for Democracy and Electoral Assistance (International IDEA) for supporting in producing this publication.

Usha Kala Rai

Coordinator

Women's Caucus of the Constituent Assembly

CONTENTS

PREFACE	1
CONTENTS	4
Chapter 1: Nepalese Women's Movement and its Achievements	6
1. Background	6
2. Organisation Building in the Nepalese Women's Movement	6
3. Women's Movement in the Panchayat Era	7
4. The Change of 1990 and Efforts for Reform	8
5. People's Movement of 2006 and Rights Attained	9
6. Constituent Assembly, the Main Agenda of Women and the Women's Caucus	10
Chapter 2: Women's Rights and Agendas Contained in the Reports of Thematic Committees and Constitutional Committee of the Constituent Assembly	14
1. Committee on Fundamental Rights and Directive Principles	14
2. Committee on the Protection of the Rights of Minorities and Marginalized Communities	18
3. Committee on State Restructuring and Distribution of State Power	18
4. Committee for Determining the Structure of the Legislative Body	19
5. Committee for Determining the Form of Government	20
6. Judicial System Committee	21
7. Committee for Determining the Structure of Constitutional Bodies	21
8. Committee on Natural Resources, Financial Rights and Revenue Sharing	23
9. Committee for Determining the Basis of Cultural and Social Solidarity	23
10. National Interest Preservation Committee	24
11. Constitutional Committee	24
Chapter 3: Reform and Recommendations	25
1. Constitutional Committee	25
2. Committee on Fundamental Rights and Directive Principles	27
3. Committee on the Protection of Rights of Minorities and Marginalized Communities	30
4. Committee on State Restructuring and Distribution of State Power	31
5. Committee for Determining the Structure of the Legislative Body	32

6.	Committee for Determining the Form of the Government	34
7.	Judicial System Committee	36
8.	Committee for Determining the Structure of the Constitutional Bodies	41
9.	Committee on Natural Resources, Financial Rights and Revenue Sharing	41
10.	Committee for Determining the Basis of Cultural and Social Solidarity	43
11.	National Interest Preservation Committee	44

Chapter 1

Nepalese Women's Movement and its Achievements

1. Background

Nepal is a multiethnic, multi-religious and multicultural nation. Although the state is obliged to protect every caste, religion, race and sex, women in Nepal were compelled to follow set rules and abide by certain discriminatory norms and values. The feudal and patriarchal socioeconomic system, values and norms made women into slaves and second-class citizens. Women were deprived of their economic rights and were even burnt alive in the name of maintaining socio-cultural order in the practice known as *sati*. The *sati* custom was a black spot in history, and many women died on account of a single man. Improper practices were developed for torturing women. Many women suffered violence as slaves, bonded labourers, other traditional forms of slavery and under the feudal system. Nepalese women could no longer tolerate such injustice, suppression and exploitation; they initiated the women's movement in revolt.

The sacrificial revolt of Yog Maya Neupane in July 1932 AD (Ashad 1989 BS) can be taken as the start of the women's movement in Nepal. In the era of autocratic Rana rule, Yog Maya Neupane of Bhojpur Majuwabeshi initiated a peculiar and courageous sacrifice. She submitted a list of 268 demands to the government in the name of 'Satya Dharma Bhiksha' (truthfulness, duty, alms), including the elimination of all injustice and suppression. Her demands were in the favour of social justice and reform, widow's rights and the end of practices that create social disharmony and disorder such as superstition, the caste system and untouchability. When the Ranas detained her, she and her 68 followers committed suicide by drowning in the Arun River.

2. Organisation Building in the Nepalese Women's Movement

The first women's organisation in Nepal, the 'Women's Committee', was established in 1917 AD (1974 BS). This was the first step in organisation building in the women's movement in Nepal. Yog Maya Koirala presided over the organisation. Efforts to eliminate the veil system were initiated by Dibya Koirala. In 1947 AD (2003 BS), another organisation called Adarsh Mahila Samaj was established in Jayanagar, India and presided over by Rebant Kumari Acharya. Its main objective was to make women socially and politically aware. Nepal Mahila Sangh was established in Kathmandu in 1947 AD (2004 BS), and presided over by Mangala Devi Singh. Both organisations – Adarsh Mahila Samaj and Nepal Mahila Sangh – exerted pressure against the Rana regime generally, and against early marriage and the prohibition on education in Nepal. Akhil Nepal Mahila Sangh was established in 1950 AD (2006 BS) in Raxaul, India and presided over by Tara Devi. At the same time, Akhil Nepal Mahila Sangh was established in Nepal under leadership of Punya Prabha Devi. At the time of political change of 1951 AD (2007 BS), Nepal Mahila Sangh split and was presided over by Mangala Devi Singh, and Nepal Mahila Sanggathan was born and presided over by Kamakshya Devi. Both of these organisations had different political ideologies. Nepal Mahila Sangh was close to the ideology of the Nepali Congress, but Nepal Mahila Sanggathan was affiliated with the Communist Party of Nepal.

After the abolition of autocratic rule by the Rana regime in 1951 AD (2007 BS), an advisory assembly of 35 members was constituted without the inclusion of even a single woman. Mahila

Sangh and Sanggathan initiated a forceful struggle for the inclusion of women in this assembly. Four women were added as members in the second advisory assembly in 1954 AD (2010 BS). Around the same time (2009 BS), Sahana Pradhan was elected member of the Kathmandu Municipality from Nepal Mahila Sangh. She was the first woman elected by the people in Nepal. There were only 15 women candidates for 105 constituencies in the first general election of the House of Representatives held in 1959 AD (2015 BS). Most were independent candidates. Dwarika Devi Thakurani was the only woman who won a seat in that election. She was the first female minister in Nepal.

3. Women's Movement in the Panchayat Era

Nepal's first experiment in democracy ended in 1960 AD when the King took back power and implemented the Panchayat system. Political parties were banned after the first day of Paush 2017 BS (December 1960 AD). Several leaders were detained and others went underground. Shailaja Acharya and other women leaders were detained during a rally organised against the system and imprisoned. The women's movement and efforts towards women's development during this era can be examined from two separate points of view: (i) women's awareness, development and the granting of legal rights by the government under the Panchayat system and (ii) the people's movements for women's awareness along with change in the political system.

In 1962 AD (2019 BS), the government made efforts to increase women's income, security and literacy through the formation of Nepal Mahila Sanggathan, which was presided over by Bimala Maskey during the Panchayat Era. The first United Nations conference for the Asia and Pacific Region was held in Nepal and presided over by the same organisation. During the same period (1963AD/2020 BS), Nepal's Country Code was amended. Some women's rights were provided in the Code. The Code restricted unbalanced marriage, early marriage and polygamy. The first female legal advocate in Nepal, Shilu Singh, established Mahila Kanooni Sewa, to provide legal services to women. It was the belief of educated women that family law should be promulgated in Nepal and that daughters should have equal rights over property. An effort was made to bring women under one umbrella organisation by forming Nari Sewa Samiti in 1977 AD (2034 BS). An effort to involve non-governmental organisations in the education, health and development of women was also made. Women's units were established in various ministries. In 1982 AD (2039 BS) women's development sections were opened in the districts and women's training centres were opened in some areas to broaden women's participation in development under the Ministry of Panchayat and Local Development. However, all of these efforts were made only to show that the government was making reforms in keeping with the times, rather than for the civil liberties and human rights of women.

The international women's movement also had an effect on the Panchayat Era in Nepal. The United Nations celebrated 1975 AD to 1985 AD as the UN Decade for Women; Nepal also observed the UN Decade for Women. During this period, legal provisions were enacted to provide the same full partition rights for unmarried daughters of 35 years and over as for sons, instead of the previous half partition rights; separate living after marriage at women's will and alimony provided by the husband for five years; ancestral property rights for daughters where there is no son or grandson; and rights for widows to exclusively use movable property and to half of immovable property.

Akhil Nepal Mahila Sangh was formed in 1976 AD (2033 BS) and presided over by Parijat. This organisation observed International Women's Day on 8 March for the first time in 1980 AD (2037 BS). It was also engaged in some struggles in relation to women's rights at the local level,

in particular against domestic violence, women trafficking and the dowry system. Akhil Nepal Mahila Sangh was also formed in 1980 AD (2037 BS) and presided over by Shanta Manavi. This organisation was a kind of underground organisation working against the socioeconomic, cultural and political exploitation of women in Nepal. Various women's organisations with different political ideologies, including Prajatantrik Mahila Sanggathan, were formed in this period and played a significant role in the movement against the Panchayat system. In this way, the women's movement moved ahead broadly, but in an underground way. All those organisations were established for political change and democracy. To restore democracy in the country and to release the country from the one party dictatorship system were some of the objectives of these movements. The women's movement was focused on attaining civil rights and the restoration of democracy, along with women's liberation.

4. The Change of 1990 and Efforts for Reform

In 1990 AD (2046 BS), the multiparty system was reinstated in Nepal, as a result of the people's movement initiated by the functional unity of the Nepali Congress and United Left Front. Sahana Pradhan led the United Left Front in this people's movement. The leadership of one side of the people's movement by a woman was a significant feature of this movement. Women played a vital role in this movement. Among them, the name of Mangala Devi Singh stands out for her significant role in leading the women's movement. Women courageously stood in front of assemblies and rallies across the country. Many women were wounded and seriously injured, and several women scarified their lives. Democracy was restored in Nepal on 8 April 1990 AD (26 Chaitra 2046 BS).

Sahana Pradhan was the only woman included in the Interim Government formed after the success of this historic people's movement. No women were included in the Constitution Recommendation Commission, which claimed that it comprised all sides; but, as women were not included in the Commission, clearly all sides were not represented. Similarly, the Constitution made by that Commission was not inclusive from a gender point of view. However, an effort was made to include some women's rights in the Constitution of the Kingdom of Nepal, which was promulgated on 9 November 1990 AD (23 Kartik 2047 BS).

A provision that "all citizens shall be equal before the law and restriction on discrimination on gender basis" was contained under the right to equality in the 1990 Constitution of the Kingdom of Nepal. A provision that there be no discrimination in regard to remuneration between men and women was also made in Article 11(5) of the Constitution, but this provision was not applied in practice. The Constitution also provided that all parties must have 5 per cent women candidates in elections for the House of Representatives and 3 per cent in elections for the national assembly.

The Parliament passed the Local Self-Governance Act in 1999 AD (2055 BS) which recognised the necessity for women to participate in politics at the national level and made provision for the mandatory election of one woman member in each ward of each village development committee and municipality. Women have succeeded in leading local governance bodies through this provision. Women politicians were vigorously active during this period. The issues of women's inclusion and empowerment were also evolving rapidly. The relatively open domestic environment and international influences supported the development of Nepalese women. Various organisations were established to work for women's rights, human rights, and women's health, education and employment, and to stop the trafficking of women and prevent crimes against women such as homicide, violence and rape. Foreign organisations also showed their concern by working for women's participation in politics and leadership development. The Women Security

Pressure Group (WSPG) was constituted in 1992 AD (2049 BS) under the leadership of Sahana Pradhan. This organisation was constituted by political personalities to fight against all types of violence against women. It also showed great leadership and contributed to the election of women parliamentary members in the election of 1991 AD (2048 BS). A bill relating to women's property rights was tabled in Parliament in 1991 AD (2048 BS). In the same year, Nepal signed the Convention on the Elimination of All Types of Discrimination against Women (CEDAW), 1967.

In 1995 AD (2052 BS), the Supreme Court issued a direction to the Government to enact and enforce a law on partition rights for daughters within two years. The eleventh amendment to the Country Code, 1963 AD (2020 BS) reforming women's rights was made in line with this decision. Provision for partition rights for unmarried daughters, equal rights for husbands and wives in divorce, mandatory provisions for men and optional provisions for women in relation to rearing children, legal recognition of abortion and provision for double punishment for rapist were made by that amendment. There were also other achievements during this period, such as provision for a discount on the registration fee for transferring land into a women's name, a 40-year age limit for women entering government service compared to 35 years for men, the opening of military service to women and the formation of a National Women's Commission. The establishment of various organisations working in women's rights at the local level also gained momentum during this period, and the mother's group Aama Samuha was formed and became active.

Many women took up arms and sacrificed their lives in the armed struggle by the CPN (Maoist) against feudalism, the patriarchal system, and class, caste and gender based discrimination and inequality. Thousands were seriously injured and many more displaced. Unfortunately, women and children were most affected by violence during this period.

5. People's Movement of 2006 and Rights Attained

The royal proclamation of 4 October 2002 AD (18 Ashoj 2059 BS) drove the nation towards recession by dismantling the democratic system. The autocratic monarchy became active after the step taken on 1 February 2005 AD (19 Magh 2061 BS) to dissolve the parliament. The economic, social and political condition of the nation deteriorated even further. Human rights and women's rights were degraded. This led to the people's movement of 2006 (Jana Andolan II). The international community, which is in favour of civil liberties, freedom and development, stood on the side of the people. Nepalese women faced more violence during this period. Despite this, they fought for their rights against the autocracy by being organised.

Nepalese women not only fought on the front line for their liberation, but also for national liberation. The people's movement of 2006 was based on a 12-point understanding between the seven political parties agitating against the autocratic monarchy and feudalism and the CPN (Maoist). Nepalese women significantly contributed to the success of this movement. The women's organisations affiliated with the agitating political parties actively participated in the movement under the banner of the United Women Organisations Struggle Committee. Women were leading the movement and senior women were motivating youth to participate in the movement. Young women filled with zeal laid on the ground with the other agitators during the struggle. Albeit of offence to the police and Army, women did not back down. Thousands of women were detained all over the country, and two women sacrificed their lives during the movement. Housewives, professionals, youth, students, professors, lawyers and women from all walks of life participated in this great people's movement.

(a) Reinstated Parliament and Historical Resolution Related to Women

The House of Representative, which was dissolved in May 2002, was reinstated after the success of the people's movement of 2006. The reinstated House of Representative passed a women's rights resolution (proposed by Mrs Bidhya Devi Bhandari and supported by Mrs Kamala Pant and others) of public importance with three historical points:

- Requirement of 33 per cent participation by women in each and every organ of the state
- Repeal of discriminatory laws relating to women
- Citizenship certificate through the name of the mother

Members of Parliament from the CPN (Maoist) were included in the reinstated parliament on 15 January 2007 AD (1 Magh 2063 BS), which became the legislature parliament. The CPN (Maoist) gave 47 per cent of places to women in this legislature parliament. In total, there were 57 women members in the 330-member legislature parliament, 31 of which were from the CPN (Maoist). The significantly high number of women in the parliament – the highest level of policymaking – was an historic event in Nepal.

(b) Women's Rights Incorporated in the Interim Constitution of Nepal, 2007

Initially, there was a complete lack of woman in the drafting committee for the Interim Constitution of Nepal, 2007. After protests by women activists, four women were included in the drafting committee. It is pledged in the Preamble of the Interim Constitution, 2007 that the restructuring of the state shall be progressively accomplished in order to solve the problems existing in the country relating to class, ethnicity, region and gender, mentioning that the sovereignty and state authority shall be vested inherently in the people of Nepal. Article 20 of Part 3 of the Interim Constitution makes provision for women's rights, including the following four rights:

- No discrimination of any kind shall be made against women by virtue of gender.
- Every woman shall have the right to reproductive health and reproduction.
- No woman shall be subjected to physical, mental or any other kind of violence.
- Sons and daughters shall have an equal right to ancestral property.

For the first time in the history of Nepal, women's rights were guaranteed constitutionally in separate headings under fundamental rights. Women's rights and agendas were also included in the provisions on the right to equality, right to social justice, and on rights relating to employment and social security. The Interim Constitution mentions, under 'obligations of the state', the progressive restructuring of the state to address the problems of backward classes and regions, including women.

6. Constituent Assembly, the Main Agenda of Women and the Women's Caucus

(a) Constituent Assembly

The Constituent Assembly is essential to the construction of a prosperous new Nepal by ending class, ethnicity, gender, and region based inequalities, and addressing the desires of the people for change, in line with the spirit of all movements for gender equality and a just society. Nepalese women's expectations are similar to that of Dalits, indigenous people, Madheshis, and

people from backward regions regarding the inclusion of various issues such as equality, co-existence, representation, access and participation in the new constitution, and have been expressed through the Constituent Assembly. The Constituent Assembly provides a significant opportunity for equal partnership for empowerment, from the household level to the national level, through the complete eradication of inequality and discrimination in Nepal.

The representation of women reached 197 of the 601 members of the Constituent Assembly, which is 32.78 per cent. These 197 members include 30 elected through the first-past-the-post system, 161 from the proportional system and 6 nominated by the Council of Ministers. The historical presence of women in the Constituent Assembly provides us with a significant opportunity to ensure that women's rights are protected constitutionally in the new constitution.

(b) Main Agenda of Women in the Constituent Assembly

The main agenda of women in the Constituent Assembly is as follows:

- Rights relating to inheritance
- Right to partition of property
- Right to participate in every structure of the state on the basis of the principle of proportional inclusiveness
- Special rights to education, health and employment
- Special rights over reproductive health and reproduction
- Right to motherhood
- Right to no discrimination of any kind against women by virtue of being a women
- Right against any sort of violence (physical, psychological, sexual, customary, traditional, cultural, or any other form)
- Right to no discrimination by virtue of being married
- No one shall be allowed to have more than one husband or wife at one time
- Equal right to acquire and terminate citizenship
- Right to identity
- Right to self-determination
- Right to empowerment
- Right against human trafficking
- Protection of all human rights of women
- Priority to the rights of women over natural resources and means of livelihood
- Respect of household labour and inclusion of this in the evaluation of national income
- Equal rights for women in marital life
- Equal pay for equal value of work
- Equal right and responsibility of the mother and father for nurturing, care and all round development of the children

- There shall be at least one woman among the Head of State, Head of Government or Speaker, and these positions and their deputy must be held by people of different sex.
- Women's Commission as a constitutional body.

(c) **Women's Caucus of the Constituent Assembly**

A women's caucus was first established in 2002 AD (2058 BS) to initiate the implementation of women's rights through state policies and programmes. This sort of institution formed inside the parliament to lobby for a particular agenda is called a 'caucus'. The current Women's Caucus is the successor to this first caucus and was established on 2 January 2009 AD (18 Paush 2065 BS) from the 197 women members of the Constituent Assembly. The Caucus was formed to unite the efforts of women members; provide them with a common mechanism to ensure that women's rights are included in the new constitution; and to enable them to play an effective role in the Constituent Assembly and its committees. Since the Caucus was formed it has had three conveners, pursuant to the rule that the convener be changed every four months: the first convener was the Honourable Dama Kumari Sharma, followed by the Honourable Mohammadi Siddhiki and currently the Honourable Usha Kala Rai.

The Caucus has been pressuring the government to ensure that women's rights are included in the new constitution, as well as for the implementation of provisions of existing Acts and laws. The Caucus prepared its concept note on the issues in relation to all 11 committees separately for the inclusion of women's rights in the new constitution. This concept note was submitted to the Right Honourable Speaker, Honourable Deputy Speaker and Honourable Chairperson of the Constitutional Committee, as well as the Honourable Chairpersons of all of the committees. The Women's Caucus has conducted various functions for at least 33 per cent participation by women in every organ of the state, women's participation in the peace process, a gender-based budget, the implementation of UN Security Council Resolutions 1325 and 1820, and the implementation of the Convention on Elimination of All Types of Discrimination against Women, as well as for a national consensus among parties for peace and the promulgation of a new constitution.

The Caucus has prepared a common agenda to ensure women's rights based on the suggestions of women members to be put forwarded while discussing and drafting the constitution in the Constituent Assembly and its thematic committees. The women members have expressed their views accordingly in the Constituent Assembly and committees, and have expressed dissenting opinions several times. The Women's Caucus has also been active in ensuring the proportionate (or 50 per cent) representation of women on the basis of population in the every organ of the state, as well as in raising issue of access and special reservation for women in education, health and employment. The women's agenda in government has been raised in the legislature parliament. The Domestic Violence (Crime and Punishment) Rules, as well as the issue of women participation at the local level of the Peace Committee, have successfully been ensured by coordinating with concerned bodies.

The organising of women's rights constitutionally in the new constitution is no less challenging now than ever, as patriarchal thought still exists in Nepal and longstanding discriminatory practices are still rooted in society and every individual. The Caucus has identified the issues to be included in the new constitution from a gender point of view, as well as agendas that have to be included and reformed in the preliminary draft reports submitted by the thematic committees and Constitutional Committee. The Caucus has also discussed and interacted with all women members of the Constituent Assembly, women leaders of political parties, representatives of sister organisations and constitutional experts.

The Women's Caucus is responsible for resolving all problems of gender discrimination that exist in Nepalese society, and for protecting human rights and women's rights in line with the spirit of the Nepalese women's movement (past and present). All endeavours of national development will be meaningless without gender inequality; therefore, gender equality is a pivotal issue in the construction of an equitable society and for the overall development of the country. All concerned parties, including women's organisations affiliated with political parties, women's rights activists, NGOs and INGOs working in the women's rights sector, and social organisations working at the local level, along with all political parties, human rights activists, civil society, and governmental bodies must work together for women's rights in the making of the new constitution.

Chapter 2

Women's Rights and Agendas Contained in the Reports of Thematic Committees and Constitutional Committee of the Constituent Assembly

Fourteen committees have been constituted in the Constituent Assembly. Of these, there are 10 thematic committees, one Constitutional Committee and 3 procedural committees. The main points related to women's rights and agendas mentioned in the preliminary draft of the thematic committees and the Constitutional Committee are given in this Chapter.

1. Committee on Fundamental Rights and Directive Principles

The Constituent Assembly Rules, 2065 (2008) lay down the jurisdiction of the Committee on Fundamental Rights and Directive Principles as the identification of fundamental rights; grounds for the restriction of fundamental rights; provisions relating to the implementation of fundamental rights; directive principles and policies of the state; the provision of special protection for the rights and interests of women, children, youth, labourers, peasants, Madheshis, indigenous people, Dalits, people from backward regions, and all minority groups including disabled people and Muslims; provisions related to citizenship; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

Provisions Relating to Citizenship

Citizenship by virtue of descent

- (1) The following persons who have their permanent domicile in Nepal shall acquire citizenship of Nepal by descent.
 - (a) An individual whose parents were Nepalese citizens during his/her birth
 - (b) An individual who was born in Nepal of a Nepali citizen, married to a foreign national, and living permanently in Nepal and both of whose parents have obtained Nepalese citizenship before he/she obtains the certificate of Nepalese
- (2) Every minor who is found within the Nepalese territory but whose parents are not identified will be recognized as a Nepali citizen on the basis of heredity till his/her parents are identified.

Provisions relating to naturalized citizenship

- (1) After the commencement of this constitution, a foreign national married to a Nepalese citizen can obtain naturalized Nepalese citizenship in accordance with the existing laws if he/she wishes so on the condition that he/she has lived legally in Nepal for fifteen years and denounces the citizenship of the foreign country. However, if a foreign lady married, prior to the commencement of the Constitution, to Nepalese male, wishes to obtain the certificate of Nepalese citizenship, she can obtain naturalized Nepalese citizenship after applying for denouncement of her citizenship of the foreign country.
- (2) Any person who is born in Nepal from the mother citizen of Nepal and the whereabouts of his/her father is not known may acquire the naturalized citizenship pursuant to the prevailing law.

- (3) An individual born in Nepal of a Nepali citizen married to a foreign national, and living permanently in Nepal and who has not obtained citizenship of a foreign country can obtain naturalized Nepalese citizenship in accordance with the existing laws of Nepal.
- (4) The federal government can provide, in accordance with the existing laws, the naturalized citizenship of Nepal to a foreign national who has made special contributions in economic and social development of Nepal after the beginning of this Constitution, and who has fulfilled the following terms and conditions besides others:
 - a. who can speak and write Nepali or any other language existing in Nepal,
 - b. who is involved in any profession in Nepal,
 - c. who has denounced the citizenship of another country,
 - d. who has lived legally in Nepal for at least fifteen years,
 - e. who holds the citizenship of a country that has legal provision or custom to provide naturalized citizenship to Nepalese citizens,
 - f. who bears good moral behaviour.
- (5) The details of naturalized citizenship provided in accordance with Clause (4) should be presented before the federal legislative.

Citizenship with descent basis and gender identity

Every citizen will be provided with Nepalese citizenship on the basis of his/her mother's or father's heredity and showing his/her gender identity.

Right to Equality

- (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
- (2) The State shall not discriminate against any citizen in the application of general laws on grounds of religion, colour, caste, tribe, gender, sexual orientation, biological condition, disability, health condition, marital condition, pregnancy, economic condition, origin, language or region, ideological conviction or other similar grounds.

Provided that, nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, *dalits*, indigenous ethnic tribes (*adiwasis janjatis*), Madhesis or farmers, workers, oppressed region, Muslims, backward class, minority, marginalized and endangered communities or destitute people, youths, children, senior citizens, gender or sexual minorities, disabled or those who are physically or mentally incapacitated and helpless people, who are economically, socially or culturally backward.

Explanation: For the purpose of this Part and Part ... (Directive Principles, Policies and Responsibilities of the State), the term —"destitute" refers to average citizens living under average poverty.

- (3) The State shall not discriminate among citizens on grounds of religion, color, race, caste, tribe, gender, sexual orientation, biological condition, disability, health condition, marital condition, pregnancy, economic condition, origin, language or region, ideological conviction or other similar grounds.

- (4) There shall be no discrimination with regard to remuneration and social security on the basis of gender for the same work.
- (5) All the children shall have equal right to ancestral property without any gender discrimination

Right against Exploitation

- (2) No person shall be exploited in the name of religion, custom, tradition and practice, or in any other way.

Rights of Women

- (1) Every woman shall have equal ancestral right without any gender discrimination.
- (2) There shall be no gender discrimination against women, in any form.
- (3) Every woman shall have the right regarding reproduction.
- (4) No physical, mental, sexual, psychological or other form of violence or exploitation shall be inflicted on any woman on the basis of religious, social, cultural tradition, custom or any other grounds, and such an act shall be punishable by law and the victim woman shall have the right to receive proper compensation.
- (5) Every woman shall have the right to proportionate participation in all agencies of the state mechanism on the basis of inclusiveness.
- (6) Every woman shall have the right to special opportunity in education, health, employment and social security on the basis of positive discrimination.

Rights Related to the Family

- (1) No one shall be allowed to have more than one spouse.
- (2) Every person shall have the freedom to marry and divorce in accordance with law.
- (3) No marriage shall be held against the wishes of the wedding parties or their full and independent consent.
- (4) The Couple shall have the right to property and in family affairs.
- (5) It shall be the common right and responsibility of the parents for the nurturing, care and all round development of the children whereas it shall be the common right and responsibility of every child to respect and nurture their parents and guardians.
- (6) The acts contrary to Clause (1) and (3) shall be punishable in accordance with law.

Right to Social Justice

- (1) Women, dalits, Madhesis, indigenous tribes (adiwasis janjatis), minorities and marginalized, Muslims, gender and sexual minority community, disabled people, youths, backward class, farmers and workers and oppressed groups, who are socially backward, shall have the right to participate in state structures on the basis of the principles of proportionate inclusion.

Right to Social Security

- (1) Destitute class, incapacitated and helpless people, single and helpless women, disabled people, children, senior citizens, people who cannot take care of themselves, and citizens of endangered tribes shall have the right to social security as prescribed by the law.

Fundamental Duties

Civil Duties: Every citizen shall have following duties.

- (1) To show honor and respect towards parents, children, elderly people (senior citizens), women, incapacitated and helpless people, disabled (differently challenged) people and humanity

Directive Principles

- (2) It shall be the social and cultural objectives of the State to end all kinds of discrimination, exploitation and injustice meted out on the basis of religion, culture, manner, system, tradition, custom or any other ground and create a civilized and equitable society and develop social and cultural values based on respect for national pride, democracy, people orientedness, respect for labour, enterprise, discipline, respect and tolerance, respect cultural diversity, maintain communal goodwill, solidarity and harmony while consolidating national unity.

Policy Related to Socio-cultural Transformation

- To end all kinds of discrimination, inequality, exploitation and injustice prevalent in the society in the name of religion, system, tradition, rituals or customs.

Policy Related to Economy and Trade

- To make a just distribution of the national incomes while giving special priority to the destitute group of citizens of all genders, regions, castes, tribes and community.

Policy Related to Basic Needs of the Citizen

- To reduce maternal and child mortality and increase average age while encouraging family planning for population management on the basis of the capacity and needs of the nation.

Policy Related to Social Justice and Inclusiveness

- To ascertain the right of every citizen to be able to live a dignified and respectable life while ending all kinds of social, cultural discrimination in accordance with equality and nondiscrimination
- To keep women, *dalits*, Madhesis, *adiwasis janjatis*, backward class, Muslims, minority and marginalized communities, oppressed class, sexual and gender minority, disabled (differently able) people, backward pushed region, the poor, farmers, workers, youths participating in the state structure of the nation on the basis of the principle of inclusiveness and in public services on the basis of the principle of proportionate participation,
- To make overall arrangement for livelihood of helpless, single women by giving them priority in employment
- To make women who are vulnerable and socially and family-wise excluded and victims of violence self-reliant through their rehabilitation, protection/patronage and empowerment,

- To ascertain the use of necessary services and conveniences by women in all conditions of reproduction while keeping in mind the women's reproductive responsibility as social responsibility,
- To make a special provision for inclusive proportionate participation of women in all the organs of the State,
- To calculate the economic value of the domestic chores as national income while developing a culture of partnership (sharing) among all the family members in domestic chores and making an economic evaluation of such work and contribution as nursing children and caring family,

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

The Rules lay down the jurisdiction of the Committee on the Protection of the Rights of Minorities and Marginalized Communities as the definition of minorities and marginalized communities; identification of backward or isolated or excluded classes and communities including castes; the provision of protection for minorities and marginalized communities; the means of their inclusion in the state system; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

- All Nepalese citizens shall have right to receive citizenship in the name of their father or mother or both.
- Any child who is born within territory of Nepal but the whereabouts of whose parents are not known shall have right to obtain citizenship as provided for in the laws.
- All Nepalese citizens shall have right to obtain citizenship by descent, caste or by providing details.

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

The Rules lay down the jurisdiction of the Committee on State Restructuring and Distribution of State Power as the state structure in the federal democratic republic; principles and grounds of determining the territory of federal units; the determination of each and every federal unit and its name; the sharing of legislative, executive and judicial rights among governments of various levels of federal units; agendas relating to the jurisdiction of various levels of federal units; and the determination of common agendas; the determination of the interrelation of legislative, executive and judicial rights among federal units; the mechanism for settling disputes among federal units; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

- (1) Women shall have equal rights as follows;
 - (a) Equal rights to man in parental properties, citizenship, descent and family affairs
 - (b) Rights to share equal protection and benefit in the eyes of laws.
 - (c) Rights to get equal remuneration for same job.
 - (d) Rights to divorce.

- (2) Apart from the rights mentioned in clauses (1) women shall have following deserved rights.
 - (a) Reproductive health and rights regarding reproduction
 - (b) Rights of safe motherhood
- (3) The Government of Nepal shall make arrangements for the need of means and resources to the provisions in section a) and b) of clause 2)
- (4) Apart from the rights mentioned in clause 1) and 2) women will be ensured with following special rights and opportunity in below given areas.
 - (a) The rights of proportionate representation along with inclusion based on population at all level and at the composition of the state.
 - (b) They shall have special rights in the areas of education, health, employment and social security.
 - (c) Special provisions of proportionate representation and participation of women at the leading positions in policy making level shall be fixed.
- (5) The proportionate representation of Madheshi women, indigenous nationality, and minority and Dalit women will be made in all rights subjected to women.

Rights of Dalits

The proportionate representation of hilly Dalit, Madeshi Dalit and Dalit women will be made in all rights received by the Dalit community.

Provision Related to the Commission

Nepal shall have a federal women commission. Such commission will be formed in states as well.

4. Committee for Determining the Structure of the Legislative Body

The Rules lay down the jurisdiction of the Committee for Determining the Structure of the Legislative Body as the structure and constituting procedures of the legislative in various federal units; legislative procedures; financial procedure; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

House of Representatives

- (3) As political parties select candidates for election to the House of Representatives, law shall ensure that women, madhesi, tharu, dalit, indigenous peoples, janajati, muslims, backward classes, regions, minorities, and other communities are equally represented on the basis of population and closed list of the provinces.

Explanation: "Other communities" shall mean those communities which are not mentioned above.

- (4) Following the House of Representatives elections, in case women do not constitute at least one-third of the elected representatives in accordance with clauses (2) and (3), an arrangement shall be made under clause (3) to ensure that at least one-third of the representatives are women

- The House of Representatives shall, as soon as possible, elect a Speaker and a Deputy-Speaker from among its members. Either speaker or deputy speaker shall be a woman. If the office of the Speaker or the Deputy-Speaker falls vacant, the House of Representatives shall fill the vacancy through election from among its members.

National Assembly

- (b) Thirteen members to be elected by the House of Representatives pursuant to law, on the basis of the system of proportional representation, by means of single transferable vote, from amongst: minorities, women, castes, languages, religions, backward groups or other communities that have not been able to participate in the House of Representatives of the federal legislature; people of high reputation who have rendered prominent service in various fields of national life; and experts.
10. After the commencement of its first session, the National Assembly shall, as soon as possible, elect a Chairperson and Vice Chairperson from among its members. Either chairperson or vice-chairperson shall be a woman. If the office of the Chairperson or the Vice-Chairperson falls vacant, the National Assembly shall fill the vacancy through election from among its members.

Provincial Assembly (Direct 18 & Proportional 17)

- (2) Following the direct and proportional elections, in case women do not constitute at least one-third of the elected representatives, law shall be introduced pursuant to the proportional election provision to ensure that at least one-third of the Provincial Assembly representatives are women. Law shall prescribe the method for determining election constituencies and the number of members to the Provincial Assembly.
- (3) As political parties select candidates for election to the Provincial Assembly, law shall ensure that women, madhesi, tharu, dalit, indigenous peoples, janajati, Muslims, backward classes, regions, minorities, and other communities are equally represented on the basis of population.

Provision of Speaker and Vice-Speaker of the Provincial Assembly

- (1) The Provincial Assembly shall elect a Speaker and a Deputy-Speaker from among its members, one of them shall be a woman. If the office of the Speaker or the Deputy-Speaker falls vacant, the Provincial Assembly shall fill the vacancy through election from among its members.

5. Committee for Determining the Form of Government

The Rules lay down the jurisdiction of the Committee for Determining the Form of Government as the nature and structure of governance system; the electoral system; structure of the executive organ at the various levels; the sharing of executive rights among the various levels; the interrelationship between various levels of government; the constitution; the operational procedures of government services; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

- (1) No election of President and Vice-president shall be held in a manner that the person belonging to the same sex shall be elected to the offices of the President and of the Vice President.

- (2) The Chief Minister has to appoint the ministers among the member of provincial legislature on the proportional inclusive basis.
- (3) Any political party which gives candidates for both of the post chair person and vice chair person has to give candidate from separate sex, caste or region.
- (4) The basis of guiding principle of public administration will be based on the appointment of staffs on the basis of basic qualification and efficiency. To provide for compensation to women, Dalits, indigenous/ caste, Madhesi and Muslims, based on human development index.

6. Judicial System Committee

The Rules lay down the jurisdiction of the Judicial System Committee as the mode of judicial structure; the level, structure and jurisdiction of the courts; appointment, dismissal, other terms of service, functions, duties and powers, and matters to do with judges; constitutional status, functions, duties and powers of the Attorney General; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

- While constituting court, a separate bench in the district/local court or a separate judicial organ under the same may be constituted in order to resolve disputes relating to family matters, domestic violence against women, children, untouchability of Dalits, disputes created by cultural, religious and traditional law of the minority communities including indigenous caste, Madhesi, Muslim pursuant to the provincial law.
- Principle of Proportional Inclusion shall be adopted in appointment of Judge: The judges of all level shall, on the basis of population, be appointed in accordance with the principle of proportional inclusion. The persons of backward communities including women, indigenous caste, Madhesi, Dalit, Muslim shall be appointed as judges while appointing in accordance with such principle of proportional inclusion.

7. Committee for Determining the Structure of Constitutional Bodies

The Rules lay down the jurisdiction of the Committee for Determining the Structure of Constitutional Bodies as the identification of constitutional bodies required for operation of governance and determination of their structure; the constitution, functions, duties and powers of constitutional bodies; the relationship of constitutional bodies with governments of various levels; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

- (1) In the preamble of the constitution: Imagination of creation of inclusive state on the basis of social justice by abolishing all kinds of discrimination and inequality and by making participation of women in the all organs of state on the basis of proportional representation and inclusiveness with abolishing all discriminations including gender discrimination.

Commission for the Investigation of Abuse of Authority

- (1) There shall be a Federal Commission for the Investigation of Abuse of Authority in Nepal, comprising of a chairperson and two other Commissioners appointed on the basis of proportional representation and inclusiveness.

Commission for Audit

- (1) There shall be a Federal Audit Commission in Nepal comprising a Chairperson and two other members on the basis of proportional representation and inclusiveness.

Public Service Commission

- (1) There shall be a Federal Public Service in Nepal consisting of a Chairperson and other members as deemed necessary on the basis of proportional representation and inclusiveness.

Election Commission

- (1) There shall be a Federal Election Commission in Nepal consisting of a Chief Election Commissioner and two other commissioners appointed on the grounds of proportionate representation and inclusiveness.

Human Rights Commission

- (1) There shall be a Federal Human Rights Commission Nepal consisting of the Chairperson and members on the basis of proportionate representation and inclusiveness.

Women's Commission

- (1) There shall be a Federal Women Commission in Nepal consisting of a Chairperson and two other members appointed on the basis of proportionate representation and inclusiveness.
- (3) A person shall be eligible to be appointed as the Chairperson or a member of the Federal Women's Commission if she has the following qualifications:
 - (a) is a woman who has contributed significantly in the field of women's rights, interests or gender justice or women development or human rights for at least ten years.

Functions, Duties and Powers shall be as follows:

- a) draft federal policies and programmes pertaining to women's rights and interests, and present the same to the Government of Nepal for implementation.
- b) monitor the implementation of the existing laws pertaining to women's rights and interests, or the implementation of the responsibility of any international treaties of which Nepal is a party and recommend to the Government of Nepal for the implementation of the same.
- c) review, monitor and assess the proportionate participation of women in all the organs of the state so as to accommodate them in the mainstream of national development as well as review, monitor and assess the policies and programmes implemented thereof, and recommend to the Government of Nepal for their effective implementation.
- d) study and investigate into gender equality, women empowerment and existing legal provisions relating to women, and recommend concerned authorities for necessary reform in such laws, and monitor the same.
- e) monitor the dispatch of reports from the Government of Nepal as required of Nepal and provisioned in international treaties and agreements relating women's rights to which Nepal is a party.

- f) make recommendations as deemed necessary , for lodging a case in the court, in accordance with law, against any person or organization preventing victims from exercising their right against violation or social malpractices or women rights in general.
- g) perform other functions as determined by law.

Dalit Commission

- (1) There shall be a Federal Dalit Commission in Nepal comprising a Chairperson and two other members appointed on the basis of proportionate representation and inclusiveness.

Adibasi/Janjati (Indigenous/Ethnic Communities) Commission

- (1) There shall be a Federal Adibasi/Janjati (Indigenous/Ethnic Communities) Commission in Nepal consisting of a Chairperson and other members on the basis of proportionate representation and inclusiveness.

Commission for Protection of the Rights of People with Disabilities, Minority and Marginalized Communities and People of Backward Regions

- (1) There shall be a Federal Commission for Protection of the Rights of People with Disabilities, Minority and Marginalized Communities and people of backward Regions in Nepal consisting of a Chairperson and other members as necessary on the basis of proportionate representation and inclusiveness.

Madheshi Commission

- (1) There shall be a Federal Madheshi Commission in Nepal comprising a Chairperson and two other members on the basis of proportionate representation and inclusiveness.

Muslim Commission

- (2) There shall be a Federal Muslim Commission in Nepal consisting of a Chairperson and other members appointed on the basis of proportionate representation and inclusiveness.

8. Committee on Natural Resources, Financial Rights and Revenue Sharing

The Rules lay down the jurisdiction of the Committee on Natural Resources, Financial Rights and Revenue Sharing as the division of financial resources and related subject matter; rules in relation to the sharing of financial resources; the financial relationship among governments of various levels; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

Right against Exploitation

- No person shall be exploited in the name of custom, tradition and practice, or in any other way.

9. Committee for Determining the Basis of Cultural and Social Solidarity

The Rules lay down the jurisdiction of the Committee for Determining the Basis of Cultural and Social Solidarity as determining the official language in various levels of federal units; the protection of culture and other languages of the nation and other matters related to language; determination of grounds for social harmony; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

Right to Social Justice

- (2) The backward class, communities and people (of backward regions), who are lagging behind from political, economic, social, and cultural as well as from gender and educational point of view, shall have the right to participate in various State structures on the basis of the principles of proportional inclusion.

10. National Interest Preservation Committee

The Rules lay down the jurisdiction of the National Interest Preservation Committee as the identification and definition of the national interest of Nepal; means of constitutional protection of sovereignty, integrity and national unity; the management of Nepal's international border; the protection of national natural heritage; international relations; international conventions and agreements; national security; the duties of the Nepal Army and its operation; and other essential matters related to the jurisdiction of the committee. The committee has, subject to its jurisdiction, made the following provisions in relation to women's rights and agendas.

- (2) It shall be the responsibility of the state to promote national interest through the enhancement of the protection and identity of the freedom of Nepal and self dignity of Nepali people in the international arena by safeguarding the sovereignty and national integrity, enhancement of national unity and national dignity, national security and political stability, preservation and promotion of natural and cultural heritages and women, Dalits, Indigenous, endangered castes, ethnicities, Muslims, Madhesis, languages, religions and cultures of various communities, economic prosperity, poverty alleviation, building of non-discriminatory society, guarantee of rights of all class, castes, gender, senior citizens, disabled, children and people from minority, marginalized communities and sectors, advocating for the rule of law, principles of Panchasheel and world peace.

State Policy

- The state shall pursue a policy to encourage the participation of women, landless and impoverished groups in local communities in the conservation of natural resources and cultural heritages of the country and to ensure the right to equitable access to the benefits earned through the conservation and promotion of such heritages.

11. Constitutional Committee

The Rules give the Constitutional Committee the major responsibility of preparing the draft constitution. Furthermore, the Constitutional Committee also has the responsibility of identifying the matters to be included in the constitution that do not fall into the jurisdiction of any of the thematic committees and the preamble of the constitution and to prepare the preliminary draft along with concept papers. The agendas and rights of women have been placed in the draft report prepared by the committee under the stipulated jurisdiction as follows.

- In the preamble: The pledge for the political parties includes, creating an equitable society on the basis of proportionate inclusive and participatory norms by ending all kinds of gender discrimination
- (c): There should be a provision for inclusive participation, representing the diversity of Nepal at different levels of the Executive Committee.

Chapter 3: Reform and Recommendations

1. Constitutional Committee

Heading	Proposed Provision	Required Reform and Recommendations	Proposed Insertion	Remarks
Preamble	<ul style="list-style-type: none"> ▪ "Recalling the pains of discrimination and oppression created by feudal, autocratic, centralized, unitary and patriarchal state polity....." (8th line of the preliminary draft). ▪ "Committing ourselves to build the foundation of socialism while adopting democratic norms and values including a system of people's competitive multiparty democratic proportionate inclusive rule, civic liberties, fundamental rights, human rights, adult franchise, periodical elections, freedom of the press, competent, impartial and independent judiciary and the concept of the state of law.... " (17th line of the preliminary draft). 	<ul style="list-style-type: none"> ▪ Replace 'Recalling with the phrase 'entirely eliminating'. ▪ Insert the term 'women's rights' after "...fundamental rights, human rights...". 	<p style="text-align: center;">Insert a provision confirming equal participation and rights of men and women in the preamble.</p>	
Political Parties	Article 4 (c): There should be a provision for inclusive participation, representing the diversity of Nepal at different levels of the Executive Committee	Insert the word 'proportionate' before the word 'inclusive' in the proposed draft.	Insert a provision for proportionate participation and the representation of women in the executive body and at every level of the political parties.	

<p>Miscellaneous: Nepalese Ambassadors and Emissaries</p>	<p>Article 15: The Head of the State on the recommendation of the Council of Ministers may appoint, on the basis of the principle of proportionate inclusion, ambassadors of Nepal and other emissaries for specified purposes.</p>	<p>Mention the equal participation of men and women during such appointments.</p>		
			<p>Amend the national anthem to include the words 'brave women'.</p>	
			<p>Insert a provision requiring that the name of the father and mother be mentioned in all public documents including governmental documents, instead of just the father.</p>	
			<p>Use gender neutral words in the language of the constitution.</p>	

2. Committee on Fundamental Rights and Directive Principles

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
Rights of Women Point No. 23 (1), (2), (3), (4), (5) and (6)	<ul style="list-style-type: none"> • Every woman shall have equal ancestral right without any gender discrimination. • There shall be no gender discrimination against women, in any form. • Every woman shall have the right regarding reproduction. • No physical, mental, sexual, psychological or other form of violence or exploitation shall be inflicted on any woman on the basis of religious, social, cultural tradition, custom or any other grounds, and such an act shall be punishable by law and the victim woman shall have the right to receive proper compensation. • Every woman shall have the right to proportionate participation in all agencies of the state mechanism on the basis of inclusiveness. • Every woman shall have the right to 		<p>Include the following rights:</p> <ul style="list-style-type: none"> ▪ Right against discrimination: this includes, equal protection, right to economic benefit, right to public participation and access ▪ Right against all kinds of prejudice, discriminatory customs/traditions, and improper practices against women ▪ Same right to acquire, alter and relinquish citizenship as men ▪ Same rights under civil law for married and unmarried women as for men ▪ Equal rights for men and women in relation to marriage, divorce, family and children in their capacity as husband and wife ▪ Right against early marriage, polygamy and forced marriage ▪ Right against all kinds of exploitation and trafficking 	

	<p>special opportunity in education, health, employment and social security on the basis of positive discrimination.</p>		<p>(including prostitution)</p> <ul style="list-style-type: none"> ▪ Equal right to property ▪ Right to reproductive health and safe motherhood ▪ Preference rights to women in relation to the benefits of natural means and resources ▪ Equality of outcomes and results at all the levels ▪ Equal pay for equal value of work 	
	<ul style="list-style-type: none"> ▪ Relating to Citizenship (Point No. 4) (1) Provision relating to Naturalized Citizenship: After the commencement of this constitution, the foreign person, who is married to the citizen of Nepal and has legally resided in Nepal for fifteen years, may, after relinquishing of foreign citizenship, acquire the naturalized citizenship pursuant to the prevailing law, if he/she desires to do so. (2) Any person who is born in Nepal from the mother citizen of Nepal and the whereabouts of his/her father is not known may acquire the naturalized citizenship pursuant to the prevailing law. 	<p>Insert a provision for conferring citizenship by virtue of descent for a person who is born in Nepal from a mother with citizenship of Nepal and where the whereabouts of his/her father is not known.</p>	<ul style="list-style-type: none"> ▪ Insert a provision that men and women shall have equal right to acquire, alter and relinquish citizenship, not discriminating on the basis of marital status. ▪ Insert a provision for acquiring citizenship by identification of husband or wife with free will. 	

Rights Relating to Public Media		Insert the phrase "contrary to public decency, morality or gender sensibility or jeopardising the rights or dignity of women" in the proviso to this clause.		
Policies of the State		Insert a provision that "the state shall pursue a policy of making special provision to make single women and women victims of forceful prostitution and trafficking and misconduct like witchcraft and <i>Deuki</i> self-dependant".	<ul style="list-style-type: none"> ▪ Insert a provision that "the state shall pursue a policy to formulate policies, programmes and an annual budget for the government that is women friendly". ▪ Insert a provision that "the state shall pursue a policy of women representation and participation in every organ of the state on the basis of population in accordance with the principle of proportional inclusiveness". 	
31. Implementation of Fundamental Rights and Right of Constitutional Remedies	(2) The state shall promulgate legal provision for implementation of the rights conferred by this part within two years as per necessity.	<ul style="list-style-type: none"> ▪ Delete the words "as per necessity". 		

3. Committee on the Protection of Rights of Minorities and Marginalized Communities

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
Preamble	“Accepting that democracy, the rule of law and long-lasting peace, stability and development is possible only through the building of a just, inclusive State that will ensure proportional representation of persons from all castes, tribes, religions, color, sex, class, and of dalits, of Tarai people, Madheshis, Muslims, the disabled and region at every level or agency in the system of government along with the full guarantee of rights of the minorities, marginalized communities, those that have been made backward or excluded...”	<ul style="list-style-type: none"> ▪ Insert a provision "accepting minority, marginalized groups including women in every level and organ of the state system...". 		
Citizenship	<p>(1) All Nepali citizens shall have the right to receive citizenships in the name of their father or mother or both.</p> <p>(2) Any child who is born within the territory of Nepal but the whereabouts of whose parents are not known shall have the right to obtain citizenship as provided for in the laws.</p> <p>(3) All Nepali citizens shall have the right to obtain citizenship by descent, caste or by providing details.</p>	<ul style="list-style-type: none"> ▪ Insert a provision deeming both maternity and paternity to be grounds for citizenship. 		

4. Committee on State Restructuring and Distribution of State Power

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
14. Rights of Women	(5) The proportionate representation of Madheshi women, indigenous nationality women, and minority and Dalit women will be made in all rights subjected to women.	Insert a provision giving priority to the poor, labourers, peasants and suppressed women in reference to proportional representation of women, guaranteeing their equal rights.		
			<ul style="list-style-type: none"> ▪ Ensure at least 50% representation of women as the heads of provincial states and in all their subordinate organs. ▪ Ensure that the provincial executive is inclusive with equal representation of men and women. 	

5. Committee for Determining the Structure of the Legislative Body

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
Constitution of House of Representatives	3(4): Following the House of Representatives elections, in case women do not constitute at least one-third of the elected representatives in accordance with clauses (2) and (3), an arrangement shall be made under clause (3) to ensure that at least one-third of the representatives are women.	While constituting the House of Representatives, ensure the equal participation of women in the House of Representatives on the basis of population. Insert the following provision: "While making such representation, the proportional inclusiveness of single, indigenous, <i>Dalit</i> , <i>Madheshi</i> , Muslim, and disabled women and women from backward regions shall be ensured".		
Constitution of National Assembly	4(1): The National Assembly shall consist of fifty-one members as follows:— (a) thirty-eight members to be elected by the Provinces (in equal) numbers as prescribed by law; (b) thirteen members to be elected by the House of Representatives pursuant to law, on the basis of the system of proportional representation, by means of single transferable vote, from amongst: minorities, women, castes, languages, religions, backward groups or other communities that have not been able to participate in the House of Representatives; people of high reputation who have rendered prominent service in various fields of national life; and experts	Insert the following provision: "The equal and inclusive representation of men and women shall be ensured in such constituted National Assembly on the basis of the principle of proportional representation". Insert the following provision: "While making such representation, the proportional inclusiveness of single, indigenous, <i>Dalit</i> , <i>Madheshi</i> , Muslim, and disabled women and women from backward regions shall be ensured".		

<p>Committees</p>	<p>22. The House of Representatives may, by forming rules, regulate the constitution and management of Committees on Finance, Public Account, Human Rights, Foreign Relations, Natural Resources, Protection of the Environment, Population and such committees on other subjects as required.</p>	<ul style="list-style-type: none"> ▪ Insert a provision for the constitution of a Women’s Rights and Agendas Committee into the provision for the constitution of various committees in the House of Representatives. ▪ Insert the following provision: "Fifty percent women members shall be elected as the president of various committees of the House of Representatives". 		
<p>Constitution of Provincial Legislature</p>	<p>44(2):Following the direct and proportional elections, in case women do not constitute at least one-third of the elected representatives, law shall be introduced pursuant to the proportional election provision to ensure that at least one-third of the Provincial Assembly representatives are women. Law shall prescribe the method for determining election constituencies and the number of members to the Provincial Assembly.</p>	<p>While constituting the Provincial Assembly, ensure equal participation of women in such constituted Provincial Assembly on the basis of population. Insert the provision: "While making such representation, the proportional inclusiveness of single, indigenous, <i>Dalit</i>, <i>Madheshi</i>, Muslim, and disabled women and women from backward regions shall be ensured".</p>		

6. Committee for Determining the Form of the Government

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
President	(1) There shall be a President in Nepal.	<ul style="list-style-type: none"> Use the word "Head of State" instead of President. 		
Vice-President	(8) Vice-President: (1) There shall be a Vice-President in Nepal.	<ul style="list-style-type: none"> Use the word "Deputy Head of the State" instead of Vice-President. 	Make provision that a woman must be elected either in the post of Head of State or Deputy Head of State. Insert a provision that the Head of State and Deputy Head of State shall be from different provinces and communities.	
Formation of Council of Ministers	The President shall form the Council of Ministers in his/her chairpersonship from amongst members of the legislature on the ratio of the number of seats secured by parties representing to the legislature on the basis of principle of proportional inclusion.	<ul style="list-style-type: none"> Insert a provision confirming equal and inclusive representation of men and women while appointing Deputy Prime Ministers and Ministers, upon the recommendation of the Prime Minister, by the Head of State. 		
Provincial Executive	The Chief Minister has to appoint the ministers among the member of provincial legislature on the proportional inclusive basis.	<ul style="list-style-type: none"> Insert a provision confirming equal and inclusive representation of men and women while appointing Ministers by the Chief Minister. 		
Provision	3(2): Any political party which gives	<ul style="list-style-type: none"> Insert a provision confirming the 		

<p>Relating to Election of Chairperson and Vice-Chairperson (Local Executive)</p>	<p>candidates for both of the post chair person and vice chair person has to give candidate from separate sex, caste or region.</p> <p>5: The chairperson shall nominate the members from the political parties having representation at local level legislative body according to their seats on the basis of proportional inclusive principle and shall made the work division among members.</p>	<p>election of different genders for the posts of Chairperson and Vice-chairperson.</p> <ul style="list-style-type: none"> ▪ Insert the phrase "the chairperson shall also have to make their work division" instead of the phrase "the chairperson shall also make their work division". 		
<p>Election Constituency Delimitation Commission</p>	<p>Commission on Delimitation of Constituency:</p> <p>(1) The Head of the State on recommendation of council of Ministers may constitute a Commission on Delineation of Election Constituency for the objectives of holding the periodic election of federal and provincial legislature, which will consists the chair person and members as follows;</p> <p>(a) Retired judge of the Supreme Court Chair</p> <p>(b) Geographer Member</p> <p>(c) Sociologist/Anthropologist -Member</p> <p>(d) Administration Expert -Member</p> <p>(e) Special class officer of Government of Nepal- Secretary</p>	<p>Ensure women's representation in the proposed commission.</p>		
			<p>Women's proportional representation must be ensured on the basis of population no matter what election system is adopted.</p>	

<p>Appointment and Qualifications of Chief Justice and Judges of the Federal Supreme Court</p>	<p>6(3): Any Nepali citizen who has a Bachelor’s Degree in law and has worked as the Chief Judge or a judge of a Provincial High/Supreme Court for at least seven years; or has a Bachelor’s Degree in law and has practiced as an advocate or senior advocate for at least fifteen years continuously; or for at least fifteen years has worked in the field of law ; or has worked at least 12 years as a gazetted first class officer or above than gazetted first class officer in the Judicial Service shall be deemed eligible for appointment as Chief Justice and other judges at the Federal Supreme Court.</p> <p>Explanation: For the purpose of this clause, the tenure of the judges of the Appellate Court before the promulgation of this Constitution shall be counted as worked as a judge of a Provincial High/Supreme Court.</p>		<p>Insert the phrase "while conducting such appointment equal representation of men and women shall be ensured" in the proposed provision.</p>	
<p>Appointment and Qualification of Chief Judge and other Judges of Provincial High/Supreme Court:</p>	<p>16(3): Any Nepali citizen who has a Bachelor’s Degree in law and has worked as a judge of District/Local Court for at least seven years; or has a Bachelor’s Degree in law and has practiced as an advocate or senior advocate for at least ten years continuously; or for at least 10 years, has either taught law or conducted research thereon or worked in any other field of law</p>		<p>Insert the phrase "while conducting such appointment, equal representation of men and women shall be ensured" in the proposed provision.</p>	

	or justice, or has worked at least seven years as a gazetted first class officer in the Judicial Service, shall be deemed eligible for appointment as Chief Judge and other judges at the Provincial High/ Supreme Court.			
Appointment, Qualifications, Conditions of service and privileges of Judges of District/Local Court:	26(2): Any Nepali citizen who has a Bachelor's Degree in law and has worked as a gazetted second class officer for at least three years in the Judicial Service; or has a Bachelor's Degree in law and has practiced as an advocate for at least eight years continuously; or for at least eight years, has either taught law or conducted research thereon or worked in any other field of law or justice, shall be deemed qualified for appointment as Chief Judge and other judges at the Provincial High/ Supreme Court.		Insert the phrase "while conducting such appointment equal representation of men and women shall be ensured" in the proposed provision.	
Federal Legislature Special Judicial Committee, Provincial Legislature Special Committee, District/Local House of Representative Special Judicial Committee:	29 (1) (c): Not exceeding nine members, as elected by the Federal Legislature amongst its members, based on the number of population represented in the Legislature, proportionally and on the basis of the principle of inclusiveness- Members 29 (3) (5) (c): Not exceeding nine members		Make provision for the equal representation of men and women in the Federal Legislature Special Judicial Committee as referred to in Article 29(1)(c) of the proposed draft. Make provision for the equal representation of men and women in the State/District/	

<p>State Legislature Special Judicial Committee and District and Local Special Judicial Committee</p> <p>District/Local House of Representatives Special Judicial Committee</p>	<p>as elected by the Provincial Legislature amongst its members, based on the number of population represented in the Legislature, proportionally and on the basis of the principle of inclusiveness- Members</p> <p>29 (3) (8) (b): Not exceeding eight members as elected by the District/Local House of Representative amongst its members, based on the number of population represented in the Legislature, proportionally and on the basis of the principle of inclusiveness- Members</p>		<p>Local Special Judicial Committee, similar to in the Federal Legislature Special Judicial Committee.</p>	
<p>Federal Judicial Service Commission</p>	<p>30(2): The Federal Judicial Service Commission shall consist of the following as its Chairperson and members</p> <p>(a) The Chief Justice of the Federal Supreme Court - Chairperson</p>	<p>Make provision for senior-most women judges in the Federal Supreme Court in clause (c).</p>		

	<p>(b) The Federal Minister of Law and Justice - Member</p> <p>(c) The Senior-most Judge of the Federal Supreme Court - Member</p> <p>(d) The Chairperson of the Federal Public Service Commission - Member</p> <p>(e) The Federal Attorney General - Member</p>			
State Judicial Service Commission	<p>31(2): The Provincial Judicial Service Commission shall consist of the following as its Chairperson and members</p> <p>(a) The Chief Judge of the Provincial High/ Supreme Court - Chairperson</p> <p>(b) The Provincial Minister of Law and Justice - Member</p> <p>(c) The Senior-most Judge of the Provincial Supreme Court - Member</p> <p>(d) The Chairperson of the Provincial Public Service Commission - Member</p> <p>(e) The Provincial Attorney General - Member</p>	<p>Make provision for senior-most women judges in State/Provincial Courts in clause (c).</p>		

8. Committee for Determining the Structure of the Constitutional Bodies

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
Women Commission	6: (1) There shall be a Federal Women's Commission in Nepal consisting of a Chairperson and two other members on the basis of proportionate representation and inclusiveness.	Insert a provision for a woman chairperson and other members when constituting the commission. Pursue the principle of inclusiveness while constituting the commission.		
			<ul style="list-style-type: none"> ▪ Insert a provision that while constituting the Federal Women's Commission the selection shall be free from party politics and represent distinguish women stakeholders from different backgrounds. ▪ Ensure the representation of women in the other Constitutional Commissions. 	

9. Committee on Natural Resources, Financial Rights and Revenue Sharing

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
1. Preamble	To ensure prior use rights to the indigenous, ethnic and other communities in natural recourses and their use.	<ul style="list-style-type: none"> ▪ If this provision is mentioned in the preamble of the new constitution, insert a provision "to ensure the first right to the local community, including indigenous castes and women, in the utilization of natural resources". 		

<p>2. Economic Rights</p>	<p>(9): State shall establish equality of women in economic rights.</p>	<p>In Article 9 under economic rights, insert the following provision: "The economic rights of women including to employment, ancestral property, family property, labour, tenancy and equal remuneration for same work shall be ensured".</p>		
<p>Responsibilities, Principle and Policies of the State</p>	<p>4(11): (1) State has responsibilities to protect and promote natural resource, and to provide equitable distribution of benefits to the local communities prioritizing their rights in the sustainable use of natural resources</p> <p>(2) State shall protect, promote and secure genetic resources and traditional knowledge, skills and practices relating to cultural heritage of indigenous, dalit and local communities, and shall arrange equal benefit sharing from these resources.</p>	<ul style="list-style-type: none"> ▪ Change sub-clause (1) to read as follows: "To give priority to the needs of women and local communities while preserving, promoting and sustainably utilizing natural resources and to distribute equitably the benefit gained from the same to women and local communities." <p>Change sub-clause (2) to read as follows: "To preserve, promote and protect traditional knowledge, skill and practice related to cultural heritage and genetic sources of women, indigenous castes, <i>Dalits</i> and local communities and to distribute equitably the benefit gained from the same."</p>		
<p>Budget Formulation</p>	<p>6.15: (1) The budge of federal, provincial and local governments shall be formulated so as to strengthen effective management of the entire economic system, transparency and accountability.</p> <p>(2) The framework of budget, time to present the budget, and the relation with the federal budget management shall be as prescribed by federal law.</p>	<ul style="list-style-type: none"> ▪ Insert the following provision: "The proportional participation and representation of women shall be ensured while making the budget for women's participation in the budget making process." 		

National Natural Resources Commission	<p>24 (34): There shall be a National Natural Resources Commission to which there shall be maximum three members including the Chairperson:-</p> <p>(a) A person from among the experts having specialization in natural resources or environmental law and who has made outstanding contribution Chairperson</p> <p>(b) Two persons from among the expert on natural resources, water resources, geography, and economist Members</p>	<ul style="list-style-type: none"> Insert the following provision: "There shall be a National Natural Resources Commission, which shall consist of a chairperson and up to three members including at least one woman." 		
National Finance Commission	<p>25 (37): There shall be a National Financial Commission consisting of three members including the Chairperson.</p>	<p>Insert the following provision: "There shall be a National Finance Commission which shall consist a chairperson and up to three members including at least one woman."</p>		

10. Committee for Determining the Basis of Cultural and Social Solidarity

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
			<ul style="list-style-type: none"> Insert a provision that "Discrimination, violence, defamation and insults against women shall be deemed a crime and punishable by law". 	

			<ul style="list-style-type: none"> ▪ Insert a provision making all kinds of superstition, misconduct and improper customs such as <i>Deuki, Jhuma, Badi</i>, multiple husbands, <i>Kamlari</i>, witchcraft, polygamy, and dowry punishable by law by clearly mentioning the same as a social crime in the constitution. ▪ Insert a provision that a person will be liable to life imprisonment if he/she is found involved in any activities such as trafficking, prostitution or any other misconduct against the identity of women which are considered as violation of human rights. 	
--	--	--	---	--

11. National Interest Preservation Committee

Heading	Proposed Provision	Required Reform and Recommendations	To be Inserted	Remarks
			<ul style="list-style-type: none"> ▪ Insert a provision making it a state obligation to make special provision for the equal participation of women in the national security forces. ▪ Insert a provision that special consideration be made by the state in relation to security for women labourers. 	
			<ul style="list-style-type: none"> ▪ Insert a provision that special consideration be made by the state in relation to the security of women in the border areas. 	

Annex-1**Name List of Honorable Women Members of the Constituent Assembly**

S. No	Name of the CA Members	Affiliated Political Party
1	Ambika Basnet	Nepali Congress
2	Amrita Thapa Magar	Unified Communist Party of Nepal (Maoist)
3	Aangdawa Sherpa	Unified Communist Party of Nepal (Maoist)
4	Araju Rana Deuwa	Nepali Congress
5	Asha Kumari Sardar	Madesh Janadhikar Forum
6	Babina Moktan Tamang	Rastriya Prajatantra Party Nepal
7	Babita Devi Dhobi	Rastriya Prajatantra Party
8	Basanti Jha	Tarai Madesh Loktantrik Party
9	Bhagwati Chaudhari	Communist Party of Nepal (UML)
10	Bharatkumari Regmi Sharma	Unified Communist Party of Nepal (Maoist)
11	Bhotni Devi Khawas	Nepali Congress
12	Bimala K.C	Unified Communist Party of Nepal (Maoist)
13	Bimala Mijar	Unified Communist Party of Nepal (Maoist)
14	Bimala Nepali	Nepali Congress
15	Bimala Subedi	Unified Communist Party of Nepal (Maoist)
16	Bina Gyawali	Communist Party of Nepal (UML)
17	Bina Paudel	Nepali Congress
18	Binda Pandey	Communist Party of Nepal (UML)
19	Bishnukumari Rai	Unified Communist Party of Nepal (Maoist)
20	Bishnumaya Bishwakarma	Communist Party of Nepal (UML)
21	Biva Kumari Karki	Communist Party of Nepal (UML)
22	Budhanidevi Mahato	Unified Communist Party of Nepal (Maoist)
23	Chanda Devi	Unified Communist Party of Nepal (Maoist)
24	Chandan Shah	Tarai Madesh Loktantrik Party
25	Chiyama Rai	Rastriya Janamukti Party
26	Dal Kumari Sunuwar	Rastriya Prajatantra Party
27	Dama Kumari Sharma	Unified Communist Party of Nepal (Maoist)
28	Devi Khadka	Unified Communist Party of Nepal (Maoist)
29	Dharmasila Chapagain	Unified Communist Party of Nepal (Maoist)
30	Dhirendra Kumari Upadhyaya	Unified Communist Party of Nepal (Maoist)
31	Dolma Tamang	Communist Party of Nepal (UML)
32	Dudh Kumari Hamal	Nepali Congress
33	Durga Jayanti Rai	Unified Communist Party of Nepal (Maoist)
34	Durga Kumari B.K	Unified Communist Party of Nepal (Maoist)
35	Durga Pariyar	Communist Party of Nepal (UML)

36	Durgadevi Mahato	Madeshi Janadhikar Forum Nepal- Loktantrik
37	Durgidevi (Paswan)	Unified Communist Party of Nepal (Maoist)
38	Ganga Parajuli	Unified Communist Party of Nepal (Maoist)
39	Gauri Mahato Koiri	Sadbhawana Party
40	Gayatri Shah	Nepal Janta Dal
41	Geeta Thaguna	Unified Communist Party of Nepal (Maoist)
42	Goma Pathak	Unified Communist Party of Nepal (Maoist)
43	Halinakhatun Sokhin	Unified Communist Party of Nepal (Maoist)
44	Hasina Miya	Communist Party of Nepal (UML)
45	Himkumari Sunar	Unified Communist Party of Nepal (Maoist)
46	Hira Gurung	Nepali Congress
47	Hisila Yami	Unified Communist Party of Nepal (Maoist)
48	Indra Maya Gurung	Unified Communist Party of Nepal (Maoist)
49	Indramati Yadav	Unified Communist Party of Nepal (Maoist)
50	Indrawati Adhikari (Danuwar)	Unified Communist Party of Nepal (Maoist)
51	Ishwari Neupane	Nepali Congress
52	Janak Kumari Chalise	Communist Party of Nepal (ML)
53	Jaya Ghimere	Communist Party of Nepal (UML)
54	Jayapuri Gharti	Unified Communist Party of Nepal (Maoist)
55	Jubba Soren	Unified Communist Party of Nepal (Maoist)
56	Julikumari Mahato	Communist Party of Nepal (UML)
57	Junkumari Roka (Wali)	Unified Communist Party of Nepal (Maoist)
58	Jwalakumari Shah	Unified Communist Party of Nepal (Maoist)
59	Kabita Sardar Batar	Nepali Congress
60	Kalawati Devi Dusad	Madeshi Janadhikar Forum Nepal-Loktantrik
61	Kalpna Devi Subedi	Unified Communist Party of Nepal (Maoist)
62	Kalpna Dhamala	Unified Communist Party of Nepal (Maoist)
63	Kalpna Rana	Communist Party of Nepal (United)
64	Kalpna Sop	Nepali Congress
65	Kalyani Rijal	Nepali Congress
66	Kamal Sharma	Communist Party of Nepal (UML)
67	Kamala Panta	Nepali Congress
68	Kamala Rokka	Unified Communist Party of Nepal (Maoist)
69	Kamala Thapa	Nepali Congress
70	Karima Begum	Madeshi Janadhikar Forum Nepal-Loktantrik
71	Kashidevi Jha	Tarai Madesh Loktantrik Party

72	Khuma Subedi	Unified Communist Party of Nepal (Maoist)
73	Kiran Yadav	Nepali Congress
74	Kirankumari Raya	Communist Party of Nepal (UML)
75	Krishna Amatya	Nepali Congress
76	Krishna Kumari Pariyar	Nepali Congress
77	Krishna Thakur	Nepali Congress
78	Kumari Moktan	Unified Communist Party of Nepal (Maoist)
79	Kunti Shahi	Rastriya Prajatantra Party Nepal
80	Lakki Sherpa	Communist Party of Nepal (UML)
81	Lalita Kingring	Nepali Congress
82	Lalitikumari Shah	Unified Communist Party of Nepal (Maoist)
83	Lalita Shah	Madeshi Janadhikar Forum Nepal- Loktantrik
84	Laxmi Gurung	Unified Communist Party of Nepal (Maoist)
85	Laxmikumari Chaudhary	Unified Communist Party of Nepal (Maoist)
86	Laxmi Pariyar	Nepali Congress
87	Leela Devi Meheta	Unified Communist Party of Nepal (Maoist)
88	Leela Kumari Bagale Somai	Unified Communist Party of Nepal (Maoist)
89	Leela Kumari Bhandari	Unified Communist Party of Nepal (Maoist)
90	Leela Naichain	Nepal Majdoor Kisan Party
91	Leela Subba	Nepali Congress
92	Mahalaxmi Aryal Upadhyaya	Nepali Congress
93	Mahalaxmi Shrestha	Unified Communist Party of Nepal (Maoist)
94	Malamatidevi Rana	Sadbhawana Party
95	Mani Khambu	Unified Communist Party of Nepal (Maoist)
96	Maya Chepang	Unified Communist Party of Nepal (Maoist)
97	Meena Pandey	Nepali Congress
98	Meena Pun	Rastriya Janamorcha
99	Minakshi Jha	Nepali Congress
100	Mohammadi Siddiqui	Nepali Congress
101	Munni Kumari Gupta	Nepali Congress
102	Nabodita Chaudhary	Rastriya Prajatantra Party
103	Narayani Devi Ghimere Aryal	Communist Party of Nepal (UML)
104	Nilam Barma	Madeshi Janadhikar Forum Nepal- Loktantrik
105	Nilam K.C (Khadka)	Communist Party of Nepal (UML)
106	Nima Lama	Unified Communist Party of Nepal (Maoist)
107	Nir Kumari Kunwar	Unified Communist Party of Nepal (Maoist)
108	Nirmala Prasai	Nepali Congress
109	Onsari Ghartimagar	Unified Communist Party of Nepal (Maoist)
110	Padma Kumari Aryal	Communist Party of Nepal (UML)
111	Pampha Bhusal	Unified Communist Party of Nepal (Maoist)
112	Parvati Mahato (Kumal)	Communist Party of Nepal (UML)

113	Parvati Rasaeli	Unified Communist Party of Nepal (Maoist)
114	Parvati Thapa Shrestha	Unified Communist Party of Nepal (Maoist)
115	Phulamati Devi Chaudhary	Rastriya Janashakti Party
116	Pramila Devi Yadav	Unified Communist Party of Nepal (Maoist)
117	Pramila Rai	Nepali Congress
118	Prativa Rana	Rastriya Prajatantra Party
119	Puja Khanal	Unified Communist Party of Nepal (Maoist)
120	Purnakumari Subedi	Unified Communist Party of Nepal (Maoist)
121	Pushpa Bhusal	Nepali Congress
122	Radha Devi Timsina	Communist Party of Nepal (Unified)
123	Radha Gyawali	Communist Party of Nepal (UML)
124	Rama Guragain	Nepali Congress
125	Ramani Ram	Tarai Madesh Loktantrik Party
126	Rambha Devi	Madeshi Janadhikar Forum Nepal
127	Ramkumari Devi Yadav* ¹	Unified Communist Party of Nepal (Maoist)
128	Ramrati Ram	Communist Party of Nepal (UML)
129	Ramshila Thakur	Communist Party of Nepal (United)
130	Ramwati Chaudhary	Nepali Congress
131	Ratna Devi Gurung	Communist Party of Nepal (UML)
132	Ratna Serchen	Nepali Congress
133	Reema Kumari Nepali	Communist Party of Nepal (UML)
134	Renu Chand (Bhatta)	Unified Communist Party of Nepal (Maoist)
135	Renu Dahal	Unified Communist Party of Nepal (Maoist)
136	Renu Kumari Yadav	Madeshi Janadhikar Forum Nepal
137	Renuka Chaulagain	Unified Communist Party of Nepal (Maoist)
138	Rukmini Chaudhary	Sanghiya Loktantrik Rastriya Manch
139	Rupa B.K	Unified Communist Party of Nepal (Maoist)
140	Rupa Chaudhary	Unified Communist Party of Nepal (Maoist)
141	Sabina Baram	Unified Communist Party of Nepal (Maoist)
142	Sabitadevi Yadav	Madeshi Janadhikar Forum Nepal
143	Sabitra Bhusal	Communist Party of Nepal (UML)
144	Sabitra Gurung Dura	Unified Communist Party of Nepal (Maoist)
145	Sabitri Singh	Nepali Congress
146	Sakuntala Lepcha	Communist Party of Nepal (UML)
147	Salma Khatun Mikarani	Madeshi Janadhikar Forum Nepal

¹ * Died on 14 August 2010

148	Samita Karki	Unified Communist Party of Nepal (Maoist)
149	Santoshi B.K	Unified Communist Party of Nepal (Maoist)
150	Sapana Pradhan	Communist Party of Nepal (UML)
151	Sarada Devi Kumal	Communist Party of Nepal (UML)
152	Sarada Ghimere	Unified Communist Party of Nepal (Maoist)
153	Sarada Jha	Communist Party of Nepal (UML)
154	Sarada Nepali	Communist Party of Nepal (ML) Samajwadi
155	Sarala Regmi	Unified Communist Party of Nepal (Maoist)
156	Sarala Yadav	Communist Party of Nepal (UML)
157	Saraswoti Chaudhary	Nepali Congress
158	Sarita Giri	Nepal Sadbhawana Party (Anandadevi)
159	Satya Pahadi	Unified Communist Party of Nepal (Maoist)
160	Sewaki Devi Tyatma	Madeshi Janadhikar Forum Nepal -Loktantrik
161	Shandhaya Devi	Madeshi Janadhikar Forum Nepal
162	Shanta Chaudhary	Communist Party of Nepal (UML)
163	Shanta Neupane	Unified Communist Party of Nepal (Maoist)
164	Shantamaya Tamang	Unified Communist Party of Nepal (Maoist)
165	Shanti Basnet (Adhikari)	Communist Party of Nepal (UML)
166	Shanti Jirel	Communist Party of Nepal (UML)
167	Shantidevi Chamar	Communist Party of Nepal (UML)
168	Shantidevi Rajbanshi	Unified Communist Party of Nepal (Maoist)
169	Shantimaya Tamang	Communist Party of Nepal (UML)
170	Shila Katila	Communist Party of Nepal (UML)
171	Sita Devi Boudel	Unified Communist Party of Nepal (Maoist)
172	Sita Gurung	Nepali Congress
173	Sita Kumari Poudel	Communist Party of Nepal (UML)
174	Sita Pokhrel	Janamorcha Nepal
175	Sonam Chejung Lama	Communist Party of Nepal (UML)
176	Sukadaiya Chaudahary (Tharu)	Unified Communist Party of Nepal (Maoist)
177	Sumitra Devi Roy	Terai Madesh Loktantrik Party
178	Sun Devi Joshi	Nepali Congress
179	Sunitakumari Mahato	Unified Communist Party of Nepal (Maoist)
180	Suprabha Ghimere	Nepali Congress
181	Suritakumari Shah	Madeshi Janadhikar Forum Nepal
182	Sushila Kandanwa	Unified Communist Party of Nepal (Maoist)
183	Sushma Sharma Ghimere	Unified Communist Party of Nepal (Maoist)
184	Tara Ghartimagar	Unified Communist Party of Nepal (Maoist)

185	Tasi Sangmo Gurungseni	Communist Party of Nepal (UML)
186	Tham Maya Thapa Magar	Communist Party of Nepal (UML)
187	Uma Bhujel	Unified Communist Party of Nepal (Maoist)
188	Uma Gothe (Kapali)	Unified Communist Party of Nepal (Maoist)
189	Uma Karki Bista	Unified Communist Party of Nepal (Maoist)
190	Uma Regmi	Nepali Congress
191	Uramila Devi Shah	Communist Party of Nepal (UML)
192	Urmila Mahato Koihiri	Tarai Madesh Loktantrik Party
193	Urmila Thapa	Nepali Congress
194	Usha Gurung	Nepali Congress
195	Ushakala Rai	Communist Party of Nepal (UML)
196	Yasoda Gurung (Subedi)	Unified Communist Party of Nepal (Maoist)
197	Yasodha Devi Adhikari	Unified Communist Party of Nepal (Maoist)

Total Number of Honorable Women Members (Party-wise)

S. No.	Political Party	Total Number
1	Unified Communist Party of Nepal (Maoist)	79*
2	Nepali Congress	39
3	Communist Party of Nepal (UML)	38
4	Madheshi Janadhikar Forum, Nepal (Loktantrik)	7
5	Madheshi Janadhikar Forum, Nepal	6
6	Terai Madhesh Loktantrik Party	6
7	Rastriya Prajatantra Party	4
8	Communist Party of Nepal (ML)	3
9	Communist Party of Nepal (United)	2
10	Sadbhawana Party	2
11	Rastriya Prajatantra Party Nepal	2
12	Rastriya Janashakti Party	1
13	Rastriya Janamorcha	1
14	Nepal Worker Peasant Party	1
15	Communist Party of Nepal (Unified)	1
16	Rastriya Janamukti Party	1
17	Nepal Sadbhawana Party (Ananda Devi)	1
18	Nepali Janata Dal	1
19	Sanghiya Loktantrik Rastriya Manch	1
20	Communist Party of Nepal (ML-Socialist)	1
	Total	<u>197</u>

* One member died on 14 August 2010

Annex-2**Name List of Members of the Executive Committee, Women's Caucus of the Constituent Assembly**

S. No.	Name and Surname of Honorable Members	Affiliated Party
1	Hon. Ms. Usha Kala Rai- Coordinator	Communist Party of Nepal (UML)
2	Hon. Ms. Neelam Barma- Deputy Coordinator	Madheshi Janadhikar Forum, Nepal (Loktantrik)
3	Hon. Ms. Durga Jayanti Rai- Secretary	Unified Communist Party of Nepal (Maoist)
4	Hon. Ms. Kalpana Rana- Treasurer	Communist Party of Nepal (United)
5	Hon. Ms. Dama Kumari Sharma- Member	Unified Communist Party of Nepal (Maoist)
6	Hon. Ms. Mohmaddi Siddhiki- Member	Nepali Congress
7	Hon. Ms. Shanti Basnet (Adhikari)- Member	Communist Party of Nepal (UML)
8	Hon. Ms. Ishwari Neupane- Member	Nepali Congress
9	Hon. Ms. Kunti Kumari Shahi- Member	Rastriya Prajatantra Party Nepal
10	Hon. Ms. Gayatri Sah- Member	Nepali Janata Dal
11	Hon. Ms. Gauri Mahato Koiri- Member	Sadbhawana Party
12	Hon. Ms. Chhi Maya Rai- Member	Rastriya Janamukti Party
13	Hon. Ms. Dal Kumari Sunwar- Member	Rastriya Prajatantra Party
14	Hon. Ms. Neelam K.C. – Member	Communist Party of Nepal (ML)
15	Hon. Ms. Phulmati Devi Chowdhary- Member	Rastriya Janashakti Party
16	Hon. Ms. Basanti Jha- Member	Terai Madhesh Loktantrik Party
17	Hon. Ms. Mina Pun- Member	Rastriya Janamorcha
18	Hon. Ms. Radha Timalsena- Member	Communist Party of Nepal (Unified)
19	Hon. Ms. Rukmini Chowdhary- Member	Sanghiya Loktantrik Rastriya Manch
20	Hon. Ms. Rupa B.K. – Member	Unified Communist Party of Nepal (Maoist)
21	Hon. Ms. Lila Nyaichyai- Member	Nepal Worker Peasant Party
22	Hon. Ms. Sarita Giri- Member	Nepal Sadbhawana Party (Ananda Devi)
23	Hon. Ms. Sunita Kumari Mahato- Member	Unified Communist Party of Nepal (Maoist)
24	Hon. Ms. Surita Kumari Sah- Member	Madheshi Janadhikar Forum, Nepal

Name List of Advisory Members of Women's Caucus of the Constituent Assembly

S. No	Name and Surname of Honorable Members
1	Hon. Jayapuri Gharti
2	Hon. Suprabha Ghimire
3	Hon. Radha Gyawali
4	Hon. Renu Yadav
5	Hon. Prativa Rana

Annex 3

Progress about the formation of the subcommittee and development of the report

S.N	Activities
1.	On behalf of the Women’s Caucus a sub-committee under the coordination of Hon Usha Kala Rai, was formed for the preparation of the concept paper on women’s rights to present to the 11 thematic committees of the Constitution Assembly. The concept paper that was prepared after discussions with experts, legal experts and women right activists was submitted to Rt. Honorable Chairperson, Honorable Vice Chairperson and President of the all the committees, including the president of the Constitutional Committee.
2.	Discussion with members of the National Women’s Commission over the women's right issues that need to be included in the New Constitution.
3.	A Sub-committee was formed with Hon Mina Pun and Hon Lila Nyaichai, under the coordination of Hon Usha Kala Rai to prepare the issues to be included in the concept papers and preliminary drafts from a gender perspective, prepared by the thematic committees of the Constituent Assembly.
4.	Interaction with legal experts Bhimarjun Acharya and Yuvaraj Sangraula, and women CA members to discuss on the issues that are missing in the concept papers and preliminary drafts of the thematic committees from the perspective of women’s rights and concerns.
5.	The report highlighting the issues to be included in the concept papers and preliminary drafts of the thematic committees from a gender perspective was submitted to the Executive Committee by the sub-committee formed under the coordination of Hon Usha Kala Rai.
6.	Discussion on the report submitted to the executive committee in meetings conducted at different times
7.	An interaction programme was organized to collect the suggestions and comments of 197 women CA members on the points about women’s rights and concerns prepared by the sub-committee
8.	Re- discussion in the executive committee after incorporating the suggestions collected from the interaction programme.
9.	Legal advice from legal expert Bhimarjun Acharya was taken about the women rights and concerns to be included in the New Constitution.
10.	Discussion with women political party leaders was organized to identify the additional issues and concerns of women to be included in the New Constitution.
11.	Finalization of the report by the executive committee through the Committee Coordinator after incorporating the suggestions of different women’s organizations.

Annex 4

Reference Materials related to Chapter-1

1. Constitution of the Kingdom of Nepal, 1990
2. Local Self Governance Act, 1999
3. Interim Constitution of Nepal, 2063
4. Declaration of House of Representative, 2007
5. Disaggregated Statistics based on gender, 2008 - National Women's Commission
6. Development of legal rights of Nepali Women- Usha Kala Rai, LLB Thesis, 2003
7. Sahana Pradhan, Smritika Aakhijhyalbata- Sushila Shrestha
8. Eleventh amendment of country code
9. Samajik aandolan ki aagrani Yogmaya- Nepal Study Center
10. Proposed concept papers of thematic committees of the Constituent Assembly
11. Brief history of Nepal communist movement- Pushpalal Memorial Foundation
12. History of Nepali Congress- Suryamani Adhikari
13. Various International treaties, conventions