

# **Kathmandu Charter of Dalit Rights-2007**

## **PREAMBLE:**

### ***WE, DALITS OF NEPAL,***

**A**sserting that Nepali Dalits have been marginalized in political, economic, social, cultural, educational and other spheres of national life by the state system based on the feudal, Hindu caste system,

**R**emembering with respect and pride the participation of the Dalit community, their sacrifice and the role played by brave Dalit martyrs with the objective of ending untouchability prevalent in Nepali society and creating equality during the course of (each of) the revolutions and popular movements of the country and the 19-day historic movement in 2006

**A**nalyzing and seriously considering the failure to implement provisions of human rights(which are also Dalit rights) as outlined in the Universal Declaration of Human Rights 1948,the Covenant on Civil and Political Rights 1966, Covenant on Social, Cultural and Economic Rights 1966, International Convention on the Elimination of all Forms of Racial Discrimination 1965, Convention on the Elimination of all Forms of Discrimination Against Women 1979, Convention on the Rights of the Child 1989, Convention on Slavery 1926, and Convention Against Torture and the continued occurrence of incidents of racial discrimination and untouchability as gross violation of human rights,

**R**ecalling the political change in the country and in the context of achievements such as the Constitution of the Kingdom of Nepal 1990, the public Proclamation of the House of Representatives 2001, all declarations, understandings and agreements including the Comprehensive Peace Agreement, and the adoption of the principle of proportional inclusiveness by the Interim Constitution 2007,

**C**riticizing and condemning the continuance of untouchability and racial discrimination against Dalit community despite the provisions of equality before the law and prohibition of discrimination on the basis of one's caste in the *Naya Muluki Ain* (New Civil Code), the Constitution of Nepal 1990 and The Interim Constitution of Nepal 2007, and, in spite of the proclamation

made by the reinstated House of Representatives on June 4, 2007 to make the "nation free of untouchability",

**C**onvinced of the necessity for full implementation of the existing policies and laws and immediate formulation of required policies and laws for the empowerment of Dalit community (also) for their all round development, and to make them able to take part in all spheres of national life by fully abolishing untouchability and caste discrimination,

**D**eclaring that it is the democratic right of the Dalit community to be proportionately represented in all bodies of the state structure, and the realization that the democratic right to self rule and full control over themselves inherently lies with the Dalits and that Dalits have important roles and responsibilities towards society and the State but have been forcefully denied the opportunity to fulfil them,

**B**elieving in the need for fruitful and amicable continued collaboration among Dalit social organizations, caste-based organizations and sister organizations of political parties active in the areas of protecting Dalit rights, and in ensuring social rights, progress and all round development of the country's Dalit community,

**C**onsidering important spheres of life such as health, education, communications, politics, economy, cultural heritage, family and marital life, religion and culture from the perspective of social, economic and cultural rights as well as political and civil rights' and

**T**aking account of the demands and proposals endorsed by the participants in the five regional conferences held in Dadeldhura of Far-west, Dang of Mid-west, Pokhara of West, Birgunj of Central and Dharan of Eastern region, for the process of making a new constitution and restructuring of the state .

**B**eing nearly 300 participants of the National Dalit Conference (held at Godavari of Lalitpur from 13-14 December 2007) from 75 districts, **HEREBY DECLARE the Kathmandu Charter of Dalit Rights 2007 with the following demands for implementation by the forthcoming Constituent Assembly and the State restructuring process.**

## **Restructuring of state and Dalit participation:**

1. Constitutional and legal provisions should be made for the involvement of Dalits in all structures of the State, whether elected or appointed, or established by the constitution, law or in other ways, in proportion to their population in the country.
2. Radical change in governance of the State and restructuring of the institutions of the state, including by provision for reservations should be achieved to ensure proportional inclusion of Dalits in the security forces, in the bureaucracy and in all bodies operating under the government.
3. Provision should be made to ensure that the proportional representation of the Dalit community is representative of all sectors of the Dalits (Madhesi Dalits and Khash Parbate Dalits - both men and women) in the representative, constitutional, legal and all other bodies of the State on the basis of their population.
4. Provision should be made for accurate population census by an independent body in order to ensure accurate counting of Dalits and other members of the community.
5. Dalit rights should be clearly stated in the constitution in order to ensure their effective implementation by constitutional and all other bodies of the state including legislature, executive, and judiciary.
6. Provisions regarding Dalit rights should be implemented effectively in view of the adoption of the principle of proportional representation by (Article 21) the Interim Constitution 2007.
7. Since Dalits would not be able to have their own state in a federal Nepal, and would derive no benefit from a federal system as such, special provision should be made in the national constitution for arrangements that will address their economic, political, administrative and socio-cultural problems, and ensure that they are not disadvantaged by the federal system. Provisions should be made to ensure that autonomous states do not diminish the protective

provisions of the national constitution, though it should be possible for them to enhance those protective provisions.

8. Provision should be made, in the constitution and in the law, to fully guarantee Dalit rights at provincial and local system of governance while building a federal system in the country. The allocation of powers under such a system should not give any 12 concession to any religion or cultural heritage that allows caste discrimination and untouchability towards Dalits in any way.

### **Dalit participation in Constituent Assembly:**

9. The Constituent Assembly is taking place for the first time in the history Nepal. It is a democratic right, under international law, of all Nepali citizens belonging to different communities, caste/ethnic groups and regions to send their representatives to the Assembly to make a new constitution.
10. The procedures of the Constituent Assembly should ensure that all members of the Assembly, whatever their background and experience, should be able to participate fully and make a full contribution to the deliberations. Political parties must facilitate the Dalit members of different parties working together to achieve the social inclusion aims of the *jana andolan*.
11. The procedures of the CA should ensure that all sectors of Nepali society are able to make input into the Assembly, through their parties, civil society organizations and as individuals. To this end the procedures of the CA must allow sufficient time, and must ensure that the public are made aware of the issues, and understand the processes adopted by the Constituent Assembly to make a new constitution of Nepal so that Dalits and all other marginalized backward communities would be able to use their sovereign right to express their aspirations, thoughts, feelings and issues independently and without any fear.

### **Politics and political parties:**

12. The right of the Dalits to register political parties to represent their community, or affiliate themselves with existing political parties to

engage themselves in the service of the country, people and their own community must be protected in the Constitution.

13. The new constitution should guarantee that political parties that purport to be national in composition and programme must be inclusive in their structures and choice of candidates to that proportional participation and representation in and access of the Dalit community is assured.
14. Codes of conduct for leaders and cadres of all political parties should be required by the Constitution, and should be made and implemented effectively against caste discrimination and untouchability.

### **Economic and employment opportunities:**

15. Economic policy has neither linked the economic role of Dalits with the policy of the country nor formulated plans/policies and launched programmes to maintain, promote and modernize their professions. Prevailing social, economic and other obstacles have constrained Dalit participation in economic activities. Due to lack of economic and social security Dalits have been dislodged from their chosen professions and businesses. So it is necessary to ensure Dalits' economic rights for empowerment and all round development of the community. There is a need for constitutional provision to guarantee access for Dalits giving priority to the economic sector including by Affirmative Action.
16. Land ownership for landless Dalit communities should be ensured through radical land reform.<sup>13</sup>
17. The Constitution must include the right to work, and to work of one's choice and the State must take all necessary steps to implement it for the benefit of Dalits and other disadvantaged communities.
18. The State must take seriously the Right to Development, for which it has voted in United Nations forums
19. The Constitution should recognise the right to food – which means that the State must respect that right, must protect it against

- interference by others and must if needed fulfil it – so as to guarantee food security for the Dalit community.
20. The State should make arrangements for government subsidy and loan without collateral to promote business for Dalit community by setting up small enterprises and modernizing the skills needed for Dalits' professions, and ensure market for their products. Also, provision should be made for easy access of Dalit communities to micro finance services.
  21. All kinds of bonded labours and forms of exploitation of labour as established by the feudal land-use system such as *Haliya*, *Kamaiya*, *Haruwa*, *Charuwa*, *Baligharey*, *Doli*, *Bhund*, *Sino khaney* and *phyankney*, *Bethbegari*, *Kamlary* and *chaukidari* in Madhesh should be abolished and necessary arrangements made to rehabilitate *Haliyas* (tillers) and landless Dalits by providing them with required piece of land and a place to live, and the Constitution must recognise these rights.
  22. Reform in the justice system must ensure that justice is given in labour law courts regarding incidents that are relate to feudal land use system.
  23. Policies should be formulated for fair and compulsory participation of Dalit community in the planning of all development and other activities of the government that are aimed to bring about social change and in all programmes launched by international and national non-governmental organisations.
  24. Proportional participation of Dalits in industries and enterprises wholly or partly owned or run should be ensured, on the basis of constitutional principles. The State should also adopt a policy of encouraging employment of Dalits in the private sector on similar basis, and in the case of larger industries of requiring affirmative action to ensure Dalit employment.
  25. Special arrangements for employment and other benefits should be made for those in special need including single women and those Dalit women who have to support their families.

26. In view of the fact that most of the Dalit communities live under the poverty line and that the poverty alleviation programmes have not been able to reach such communities, the State should formulate and implement effective policies in this regard to reach the target groups.
27. Recognising the difficulties faced by Dalits in obtaining education, the age limit for Dalit candidates should be five years higher in comparison to other candidates while applying for civil service, Nepal Army, Nepal Police, educational institutions, corporations and other sector 14

**Effective mechanisms to end caste discrimination and untouchability:**

28. The new Constitution must state in unequivocal language that untouchability is an abomination and is contrary to the Constitution and is abolished.
29. Caste discrimination and untouchability should be clearly defined. The social, economic and political conditions of Dalit community should be analysed, and comprehensive legislation should be passed and implemented to ensure complete guarantee of human rights, and justice for the Dalit community.
30. The National Dalit Commission should be provided for in the Constitution, and should be powerful, effective and proportionally inclusive in its composition.
31. The new Constitution for Nepal should prohibit discriminatory acts based on the notion of untouchability not only in public places but also in commercial and private relations such as employment, provision of housing and services of all sorts, by making the human rights provisions apply between private persons and bodies as well as between persons and the state
2. Effective means must be devised to ensure that impunity in the country for untouchability is ended in order. It must be treated as a serious social crime, and a crime against the State and humanity. Provision should be made for stiff penalties for the perpetrators of such crimes, and for compulsory compensation for victims.

## **Human Rights generally**

33. The Universal Declaration of Human Rights 1948 guarantees basic human rights of all people at the international level and the Interim Constitution of Nepal prohibits caste discrimination and untouchability with the provision of compensation for the victim and punishment for perpetrator, which gives the impression that Dalits are entitled to all rights,. In reality, in Dalits' context, experience shows that the implementation and enjoyment of these rights depend on the attitude and behavioural practice in the society. So, from now on, the Constitution should ensure that the fundamental and human rights of the Dalit community are not violated in the name of social norms and values.
34. The future constitution must not only declare in clear language the prohibition of discrimination but also incorporate the duty of the State to initiate and to require and to encourage programmes of affirmative for the disadvantaged including Dalits
35. At a time when Nepal is adopting the policy of privatization and liberalization the task of ensuring fundamental and human rights of the citizens of the country should not be the responsibility of the State alone. Human rights should be binding between citizens and should bind commercial enterprises, private sector NGOs and INGOs.

## **Education and Health, and other economic rights:**

36. The right to education, health services, food, water, housing and the right to live with dignity should be incorporated in the constitution as social and economic rights, not as Directive Principles only. The State should give priority to Dalit community while carrying out its responsibilities in regard to these rights. The rights must be enforceable in court.
37. Provision should be made for Dalit students to pursue free and quality education, which at school level is compulsory, with appropriate scholarships from primary 15 level to higher education in fulfilment of the right to education as provided for in the International Covenant on Economic, Social and Cultural Rights to which Nepal is a party.

38. In order to achieve the necessary radical change in discriminatory attitudes and in the educational system generally, Government should aim to ensure or encourage the employment of at least one male and one female teacher from the Dalit community in each government and private schools
39. Government should ensure that scholarships are provided proportionately to Dalit students in educational institutions run by the private sector.
40. Discrimination within the education sector, whether inside and outside the classroom, on the basis of caste hierarchy is a violation of fundamental and human rights of the Dalit community. Those who encourage and indulge in such activities should be subjected to stiff punishment. Likewise, the discriminatory phrases, language, stories and assertions in the text books and syllabus – from primary to higher education – should be immediately removed.
41. It is a violation of right to access to health services if doctors and health workers discriminate against, or refuse to treat people equally on the basis of caste. So, provision should be made for strong legal action against those health workers and administrators who encourage and engage in such practices.
42. If Dalits are denied access to the source of water meant for the general public on the grounds of their caste, it should be considered a gross violation of Dalits' right to water as well as violation of their fundamental and human rights. Those who encourage and engage in such activities should be subjected to strong legal punishment. The practice of constructing separate water taps and spouts for Dalits and non-Dalits should be ended completely.
43. The access of the Dalit community to health services should be ensured by stopping privatization of health services and establishing access to health care as a fundamental right. The State should provide special cards for Dalits for free health care services.

**Social, Religious and Cultural:**

44. The Constitution should guarantee the right of an individual to marry the person of his/her choice. Anyone who opposes and denies

- personal independence to get married on the basis of caste discrimination should be subjected to stiff penalty. All Acts, laws, policies and related value system that go against the right to independently choose one's marriage partner should be completely abolished, and the Constitution should require the state and the citizens to work to this end.
45. Prevalent social evils in Nepali society such as *daijo pratha* (dowry), *burka pratha*, *chhaupadipratha*, child marriage and polygamy should be punishable.
  46. To stop, or to encourage anyone else to stop anybody from entering into sites sacred to his religious belief, or worshipping at such places or to stop anybody from taking part in collective religious or social activities, is against the right to religion, the principle of secularism, as well as the right to live with dignity and against discrimination. Provision of legal punishment should be made for perpetrators of such acts 16
  47. The cultural heritage of the Dalit community (especially that of Madhesi Dalits) should be recognized and effective steps should be taken to protect and promote their language, culture and cultural heritage.

**Law, Justice and fair administration:**

48. Judicial selection and training, as well as allocation of cases to judges, should ensure that the courts and quasi-judicial bodies have the necessary competence and attitude to deal effectively and justly with Dalit issues.
49. The justice system and judicial administration should be completely restructured, and provisions should be made to organize appropriate training and orientation programmes to orientate judges, legal practitioners, government lawyers and staff members working in each court and make them more aware of and sensitive towards caste discrimination and untouchability.
50. Provision should be made for a unit in each court to guarantee Dalit the right to legal aid.

51. All citizens must have the constitutional right to fair administrative services, and in order to ensure its implementation, special training of public servants, and codes of conduct should be prepared and implemented effectively to guarantee that the Dalit community receives, knowledgeable, understanding, equal and respectful treatment from staff members working in government and semi-government offices, and NGOs and INGOs, if necessary and possible by specialist officers.

**Dalit women:**

52. Dalit women have to bear a triple brunt of discrimination: being a Dalit; being a woman and being a dalit woman. The State mechanism should admit the suffering of Dalit women, and formulate and implement appropriate policies and laws to address their plight.

53. The State should ensure Dalit women's right to equal participation regarding marriage and divorce, and guarantee full protection from domestic violence.

54. Provision should be made to ensure Dalit women's equal access and control over financial assets of the family.

55. The economic, educational, social and cultural exploitation of the Badi community (within the Dalit community) should be rooted out. The State should implement the further delay.

**Madhesi Dalits:**

56. Madhesi Dalits are the most backward community even among the Dalits. Most Terai Dalits do not own land even if the land there is very fertile for agriculture. Due to dual land ownership policy and denial of citizenship Terai Dalits have been denied services available to others as they do not have citizenship of the country. The problems relating to Madhesi Dalits should be resolved and their proportional representation in all spheres of national life should be guaranteed.

57. The problem relating to landless Dalits should be resolved immediately, and the State should provide land and a place to live to Terai Dalits. 17

58. Ways should be found to resolve the issues of the Terai Dalit community relating to their language.

**Information and communications:**

59. State owned media should have a policy to ensure that programmes relating to Dalit issues should be published, produced and transmitted/telecast/broadcast free of cost, and methods devised to ensure that private media also give fair coverage to Dalit issues, and to the contributions and achievements of Dalits in private and public life. In the present context when it is difficult to ensure the access of Dalit community to government and private sector publications and electronic media, opportunities should be provided to inform and educate the community.
60. The mass media should accept the responsibility to promote equality and the abolition of all shorts of caste and gender discrimination.

**Justice delivery and rehabilitation during the interim period:**

61. The Dalit community suffered most – both from the Sate and the rebels - during the 10-year-long insurgency. The State should conduct investigations to find out the truth about the affected Dalit community during the war and make arrangements for their proper rehabilitation.
62. Provision should be made for appropriate compensation, medical treatment, psychological counseling and opportunities of livelihood for the relatives of those who lost their lives, and for disabled Dalits, and Dalit women who were sexually exploited during the conflict.
63. Investigations about missing Dalits should be conducted and the findings made public. A congenial atmosphere should be created for them to return home with dignity including by providing appropriate compensation for the families of missing and internally displaced Dalits.
64. All Dalit Children below the age of 18 who have been forced to take up dangerous work as a result of the insurgency within and outside the country should be rescued and necessary arrangements made for their livelihood.

65. The present discrimination regarding enlisting of the Terai people in the security forces should be removed immediately, and a quota fixed and the provision implemented for proportional participation of Madhesi Dalits in Nepal Police, Nepal Army, Armed Police Force and the civil service.

**Conclusions:**

This Charter reflects the experiences, views and aspirations of all Nepali Dalits. With this we break the silence and request meaningful change and restructuring of the State to end the prevailing situation of discrimination as well as for the recognition of human dignity and social, economic, cultural, and political equality. We emphasise that until these demands are fulfilled there can be neither permanent peace nor the guarantee of human rights and social justice in the country. We would also like to add that our movement will continue until all our demands are met. 14 December 2007

**Part -2**  
**Regional Declarations**

**Dadeldhura Regional Dalit Declaration**  
**13-15 June 2007**

**B**earing in mind the active participation of the Dalit communities (who comprise one fourth of the total population of Nepal) in the people's movement in 2007, 2036, 2042, 2046, the tenyear long people's war and the historic 19-day People's Movement II with the aspirations to end the prevalent cast system, untouchability and all forms of discriminations against the Dalits, and build a society where all are equal,

**R**ealizing the need for an effective law in view of the inhuman incident that took place at Saileshwari of Doti and similar other incidents in other parts of the country despite the declaration of the end of untouchability in the country by the Parliament restored after the historic People's Movement II,

**We**, the participants (from Kailali, Doti, Achham, Bajhang, Bajura, Darchula, Baitadi, Dadeldhura and Kanchenpur districts of Far-West Nepal) of the Dalit Conference jointly organized by the leaders of Dalit NGOs and the Constitution Advisory Support Unit, UNDP, and after participating in the Dadeldhura conference from 13-15 June 2007, make this 17- point **Dadeldhura Declaration** with the objective of identifying regional, racial and gender issues of the Dalits of Nepal and ensuring their meaningful participation in the constitution making process.

1. Enforce the Act immediately that forbids untouchability and declare untouchability a crime so as to translate the declaration of untouchability-free society into a reality. A mechanism should be made to enforce the Act both at the Centre and in the districts.
2. Abolish the "Haliya" system which is still found in the Far-West region of Nepal as a remnant of slavery, and proclaim Haliyas (tillers) free before the elections of the Constituent Assembly by declaring the loans in their names null and void and giving them the entitlement of the residence they have been using until now. Give continuance to *Mohiyani Hak* (the law regarding tiller's right) and form a powerful

- commission to address Haliyas' problems while also ensuring their participation.
3. Bring an end to social evils such as *Khalia*, *Doli*, *Magi Khaney*, *Sino Khaney* and *Phyakney*, which have been forcibly thrust upon and humiliate the Dalits. We strongly demand the establishment of a labour system that gives justice and a sense of self-esteem to Dalits and their profession.
  4. End the inhuman treatment and sexual exploitation of the *Badis* continued over generations, conduct a population survey of their community, rehabilitate and provide them with the opportunities of alternative livelihoods and education while ensuring their proportional representation in all spheres of economic and political life.
  5. The national census of 2001 projects the Dalit population wrongly. We, therefore, demand the Dalit population to be established at 20 percent of the total population of the country as found in the surveys conducted by organizations engaged in Dalit movement. Ensure proportional Dalit representation according to the real Dalit population and provide compensation for the loss suffered by the community over centuries.
  6. Decisions should be made for the devolution of all necessary authorities to the Far- West through a federal republic state system.
  7. While welcoming the provision made by the Nepal Government for the representation of fifty percent women out of the thirteen percent proportional representation allocated for the Dalits as stated in the Constituent Assembly Representation Regulation and as endorsed by the Interim Legislature-Parliament, we demand the setting up a Dalit Census Commission for a new census of the Dalit communities, and address socio-economic and political issues relating to the Dalits of Nepal.
  8. In view of the fact that over ninety percent of the Dalits of this region are landless, the formation of a commission for the distribution of land on the basis of the principles of new land reform system and giving priority to Dalits' claims right to land.

9. We request the formation of all powerful national commissions for Dalit rights, Dalit women's rights and human rights and a fact-finding commission on the basis of the principles of proportional representation.
10. End social evils (prevalent in this region) such as *Chhaupadi*, *Dhankhaney*, childmarriage, polygamy, sexual exploitation, persecution arising out of inter-caste marriage, *Badhi/Haliya* and all forms of violence and discriminations towards (Dalit) women, and formulate and enforce appropriate laws along with compensation for the affected.
11. Form local bodies of the government, prioritizing proportional representation of Dalit communities at all levels of the State structure, and set up Dalit Development Fund in all such bodies.
12. Make provision for a special card with 25 percent discount for the poorest of the Dalits on health care services, transportation and other consumer goods that are provided by government and the private sector.
13. Ensure a separate constituency for the Dalits in the forthcoming Constituent Assembly elections; ensure dalit representation in both first-past-the-post and proportional election systems, and the inclusion of Dalits in the 17 seats to be filled by nomination.
14. While stressing internal democratization in the political parties, proportional representation of Dalits at all levels of each political party (should) be guaranteed in their constitutions.
15. A provision should be made for the meaningful participation of Dalits in all forms of media run by government and the private sector and to organize a programme free of cost for Dalit rights.
16. A commission for the investigation of untouchability and discrimination against the Dalits on the ground of their caste should be formed to study the humiliation suffered by them for over three thousand years along with a provision of compensation for that.

17. A provision should be made to compensate the suffering of the Dalits with regard to their economic, social, cultural, political rights by providing special constitutional rights and securing reservation for the Dalits.

## **Dang Regional Dalit Declaration** **12-13 August 2007**

In memory of martyrs Dipak Biswokarma, Chandra Bahadur Bayalkoti and Setu Biswokarma and regarding the sacrifice made by other martyrs who struggled to break out of century-long oppression in 2007, their active participation in the referendum of 2036, contribution in reinstating democracy in 2046 (1989), tireless struggle during the ten-year old people's war, and the 19-day People's Movement of 2062-2063 (2006) and remembering the role played by the Dalit communities in all these struggles and movements,

And recalling the declaration of Nepal as free from caste discrimination such as "untouchability" by the first House of Representatives reinstated after the historic People's Movement of 1989 and the legal provision in the Interim Constitution against racial discrimination and the practice of "untouchability" on any community on the basis of their caste and class, this Dalit Conference declares the legal provisions inadequate as the practice of untouchability and caste discrimination continues as in the past, and strongly demands the formulation of effective laws to investigate and study the cases of such humiliation, and punish perpetrators by compensating those who suffer such humiliation by setting up a Commission at the national level,

This Dalit conference strongly demands the holding of elections to the constituent assembly on the stipulated date, and stresses the need to address economic, social, political and cultural issues of the Dalits in the new constitution while identifying the regional, racial, and gender issues relating to Dalits and ensuring meaningful Dalit participation in the constitution making process. The regional conference on "**Dalit Participation in Restructuring of State, Constituent Assembly and Constitution Making Process**" was jointly organized by the Constitution Advisory Support Unit (CASU)/UNDP and Nepal's Dalit organizations engaged in addressing Dalit issues on 12-13 August 2007 (27-28 Shrawan 2064) in Dang.

We the (nearly ninety) participants from Dang, Salyan, Pyuthan, Rukum, Rolpa, Jajarkot, Bankey, Surkhet, Daileks, Kalikot, Jumla, Humal, Dolpa and Mugu districts would like to announce a 15-point **Dang Declaration** and urge the State to:

1. Create a separate mechanism to declare the nation free from the practice of untouchability by forming powerful, separate bodies from the Centre to the district level to provide justice to the victims of discrimination.
2. Form an all-powerful Commission to abolish social evils such as the practice of *Baligharey*, *Lagi*, *Hali* etc that are still prevalent in the Mid-West Region. Since over 90 percent of the Dalits in the region are landless, a commission relating to landlessness be immediately formed for redistribution of land on the basis of the principles of revolutionary land distribution system.
3. Abolish social evils that have been forcibly thrust upon the Dalits such as *Khalia*, *Loliya*, throwing of *Sino* and begging.
4. Conduct a survey to establish the actual number of the *Badi* community, who have been living in inhuman conditions for hundreds of years, end their sexual exploitation, the practice of treating them as untouchables, discrimination against them on the basis of their caste and removing the difficulties faced by them in obtaining citizenship. Provision should also be made for alternative livelihoods for them and fairly distributing land while ensuring their proportional representation in the educational sector and guaranteeing employment opportunities to allow them to live a dignified human life.
5. Make arrangements to conduct a population survey of the Dalits by an independent body as the census conducted in 2000 (2058) does not project the actual figure and is unrealistic. Since it is not possible to conduct a census at present, let the Dalits have at least 20 percent representation in the constituent assemble on the basis of the Dalit population established by the survey conducted by Dalit NGOs.
6. Announce and strictly implement a package programme for the all round development of the Karnali Zone with a special focus on development of the Dalits of the region.
7. Ensure fair and proportional representation of Dalits in constitutional bodies such as the National Planning Commission, National Human Rights Commission, and National Commission for Women, while

- making the National Dalit Commission allpowerful, autonomous and a constitutional body.
8. End all forms of discrimination and violence towards Dalits such as the practice of *Chhaupadi*, child marriage, the negative impacts suffered by them following intercaste marriage, and all types of violence and discriminations against Badi women. Make and implement laws to compensate those affected.
  9. Form local bodies in such a way as to ensure proportionate inclusion of Dalits with special rights at all decision-making levels. Set up a "Dalit Development Fund", providing adequate funds to it.
  10. Providing "special cards" for the poorest of poor Dalits with at least 25 percent discount in all facilities relating to health services, transportation and consumer goods to be provided by the State and the private sector.
  11. Guarantee a separate constituency for Dalits in the direct elections in the forthcoming constituent assembly polls, and ensure their full participation in proportional election system as well as in 17 seats to be filled by nomination.
  12. Ensure internal democratization of political parties and adopt a policy of making provision in the constitutions of all political parties to guarantee proportional representation of Dalits at levels of the parties.
  13. Ensure proportionate participation of Dalits in decision-making positions in both government and private sector media, while making provisions for conducting free programmes that are aimed at Dalit rights.
  14. Provide for constitutional reservations as compensation for the loss suffered by Dalits along with special rights for them, and implement provisions to guarantee the economic, social, educational, political and cultural rights of the Dalits.
  15. Take the initiative at the government level to bring about change in traditional and feudal outlook in people by introducing a more modern and liberal attitude that regards all human beings as equal.

**Pokhara Regional Dalit Declaration**  
**24-25 August 2007**

**E**xpressing deep concern over the fact that the State has not yet been able to address the issues of the Dalit community who have been victimized for centuries by untouchability and caste discrimination, and bring them into national mainstream - despite their significant role in all people's movements of the country in the past,

**K**eeping in view the continuance of untouchability and caste discrimination in spite of the declaration of Nepal as a secular state and free from untouchability by the reinstated House of Representatives through people's movement of 2006 (and on the strength of past movements since 1950) and the provision made by the Interim Constitution that nobody shall be considered untouchable and discriminated against on the basis of his/her caste,

**M**aking a strong demand for the setting up of a high-level, powerful constitutional commission to completely abolish untouchability and caste system by evaluating and monitoring the practice of such social evils, and making an effective law to punish the perpetrators so as to free the Dalit community from untouchability and caste discrimination, and to improve their status by empowering the community that has long been marginalized by discrimination in social, cultural, economic and political spheres of national life,

**W**e the (nearly) hundred participants of the regional-level conference on "Dalit Participation in Constitution Assembly, Constitution Making Process and State Restructuring" held on 2064 Bhadra 7-8 (25-25 August 2007) in the western development region, Pokhara, demand for the holding of the elections to the constituent assembly on the stipulated date and the

restructuring of the State for a new Nepal so as to ensure the addressing of economic, social, educational, political and gender issues relating to the Dalits by the new constitution. We would also like to appreciate the initiation of discussions and debates in all five regional centers of the country and at the Centre with the joint effort of the Constitution Advisory Support Unit/UNDP, Dalit NGOs and donor agencies with the objective of lobbying nationally and internationally for the Dalit cause, and to ensure fair representation of the community in the forthcoming constituent assembly and in the constitution making process by identifying the regional, cultural, and caste and gender-related issues of Dalits of Nepal.

We, the participants of the two-day conference, declare the following 15 point **Pokhara Declaration** and urge the State to:

1. Make necessary amendment in the Interim Constitution for the full proportional representation of Dalits in the constituent assembly by recognizing 20 percent Dalit population and ensuring their proportional representation in the polls.
2. Make alternative employment arrangements for Dalits, and ending evil social practices such as *baligharey*, *sino* etc still prevalent in West Nepal. Immediately set up a Commission for Land Rights and frame necessary laws for revolutionary land reform policy and appropriate land distribution for the landless Dalits of the region.
3. Make 20 percent constitutional reservations for Dalits with special rights in all policy making bodies of the State - from the centre to lower level bodies - on the basis of the percentage of their population.
4. Make and implement effective laws to protect and promote inter-caste marriage and end child marriage, polygamy and all forms of violence and sexual exploitation of Dalits in West Nepal.
5. Guarantee constitutional provisions for proportional representation of Dalit communities in political parties. And take necessary measures for internal democratization of all political parties.
6. Make a provision for "special concession cards" to the poorest of the poor Dalits for 25 percent discount in health care facilities, transportation facilities and on consumer goods to be provided by the State and private sector.

7. Form local bodies to ensure proportional participation of Dalit communities and preferential treatment in all decision-making organs of the State. Make a provision for "Dalit Development Fund" with adequate funds in relevant bodies of the government.
8. Ensure 20 percent proportional representation of Dalits in the constituent assembly on the basis of the Dalit population recorded by the survey conducted by Dalit NGOs and invalidate the unrealistic Dalit population portrayed by the census of 2058 (2001).
9. Provide for the appointment of at least one male and one female Dalit teacher in each school .
  10. Make provision of free compulsory education for the Dalit community with scholarships from primary level to the higher education.
11. Formulate and implement policies to give employment priorities to the Dalit community in government service and national and international nongovernmental organizations so as to improve their economic conditions and uplift their status and make it at par with other communities of the country.
12. Ensure proportional representation of Dalits in decision making positions of the National Planning Commission, National Human Rights Commission, and National Commission for Women and other constitutional bodies. Make the National Dalit Commission a constitutional body with full autonomy.
13. The government should take the initiative to bring about change in the feudalistic and status quo-oriented mindset of the people and cultivate a forward-looking culture that all human beings are equal.
14. Make a monument/educational institution in memory of the Dalit warriors of the western region who sacrificed their lives for Dalit rights. Declare Purna Bahadur Sunar of Kapilvastu District a martyr who was murdered by the Terai Mukti Morcha (Goit Group). Sunar was an active cadre of the Dalit Liberation Front. Make arrangements for proper compensation for the loss of his life and all those who were wounded in the Dalit Movement.

15. We call upon all Dalit organizations and their sister organizations to integrate and consolidate their efforts to enhance the Dalit movement to put pressure on the State to ensure Dalit rights in totality.

## **Dharan Regional Dalit Declaration**

### **5-6 September 2007**

**Expressing** serious concern over the marginalization of the Dalit Community (who comprise one fourth of the total population of the country) from the national mainstream and their victimization through caste discrimination and untouchability, despite their active participation in all popular movements of the country in the past including the second Jana Andolan of 2006;

**Keeping** in mind the continuance of caste discrimination and untouchability in spite of political changes and the formulation of laws to end such discriminations, and in view of the incidents of victimizations of Dalits not only by the Khash community but also by the ethnic groups of the eastern region;

**Affirming** the fact that it has become a common responsibility of all Dalits to consolidate the campaign initiated by Dalit NGOs with the objective of addressing Dalit issues that have been sidelined by the State thus far; **With** the objective of raising key issues to ensure Dalit rights with regard to the ongoing political campaign to establish an inclusive democratic republic in the country through the elections to the constituent assembly and restructuring of the state according to the aspirations of the people, and

**With** the objective of ensuring fair Dalit participation in the constituent assembly by initiating regional and national conferences through the joint initiative of the Constitutional Advisory Support Unit (CASU)/UNDP and Dalit organizations working for the Dalit cause, to initiate debate and discussions on Dalit issues and put pressure nationally and internationally for the cause, we the participants of the two-day regional Dalit conference organized in Dharan (of eastern region of Nepal) on 5-6 September 2007 make the **Dharan Declaration** and urge the

State to :

1. Make a provision for full proportional system in the forthcoming elections to the constituent assembly by making necessary amendments in the Interim Constitution to ensure proportional representation of Dalits in the assembly on the basis of 20 percent Dalit population.

2. Ensure 13 percent Dalit seats even in the first past the post elections.
3. End prevailing social evils in the eastern region (of the country) such as *Baligharey*, practice of *sino*, and the dowry system, and provide them with opportunities of alternative employment. Since the majority of the Dalits in the region are landless, a revolutionary land reform policy needs to be formulated and implemented by immediately forming a land reform commission.
4. Declare the reservation of separate constituencies for Dalits to ensure their political representation.
5. Make a 20-percent constitutional reservation with special rights for Dalits in all policy formulation and decision making bodies of the State on the basis of Dalit population and on the basis of the need to compensate them for their suffering.
6. Promote inter-caste marriage and do away with the social evils prevalent among the Dalits of the eastern region in the form of child marriage, polygamy, age differences in marriage, and the sexual exploitation and violence resulting from these practices as well as all other forms of discrimination.
7. Make provision in the new constitution to guarantee proportional representation of Dalits in political parties. We strongly urge all political parties to initiate internal democratization in their respective parties.
8. Make provision in the new constitution to ensure proportional representation of Dalit in the federal state system on the basis of their population.
9. Make a provision of providing "special concession card" to the poorest of the poor Dalits for 25 percent discount in health care facilities, transportation facilities and on consumer goods to be provided by the State and private sector.

10. Form local bodies, ensuring preferential rights for Dalits for proportional participation in all decision- making bodies of the State, and set up a "Dalit Development Fund" with adequate budget.
11. Provide for the appointment of at least one male and one female Dalit teacher in each school.
12. Provide of free compulsory education for Dalit community with scholarships from primary level to higher education. Allocate a quota with 20 percent special scholarships for Dalit students to study medicine, engineering, aviation, and other subjects in the field of science and technology.
13. Formulate and implement policies to give first priority to Dalit communities for employment in government, non-governmental organizations, and national and international agencies to make the status of the Dalits at par with other communities and improve their economic conditions.
14. Ensure proportional representation of Dalits in decision making positions of the National Planning Commission, National Human Rights Commission, and National Commission for Women and other constitutional bodies. Make the National Dalit Commission a constitutional body, giving it autonomy.
15. Government should take the initiative to bring about change in the feudalistic mindset of people, wedded to the for status quo, and cultivate a culture that is forward-looking and regards all human beings as equal.
16. Make amendment in the constitution to discard the provision that limits the prohibition of untouchability to public places and extend the prohibition to all places and make supplementary laws to enforce it.
17. Protect the cultural heritage of the Dalit community of the eastern region and carry out special programme to conserve the language, culture and art of the Terai Dalits.

18. We call upon all Dalit organizations and their sister organizations to integrate and consolidate efforts to push forward the Dalit movement to put pressure on the State to ensure Dalit rights in totality.

**Birgunj Regional Dalit Declaration**  
**27-28 September 2007**

**E**xpressing deep concern over the fact that the State has not given any serious thought to the conditions of and pressing issues relating to Nepal's Dalits, who have been victims of caste discrimination and untouchability for hundreds of years and are marginalized from the national mainstream in spite of their being nearly one fourth of the total population of the country, and their active participation in all previous popular movements including the historic *jana andolan II* of 2006;

**T**aking into consideration the continuance of caste discrimination and untouchability, despite the formulation of various laws to end such discrimination and unhealthy social practices following the political and social change in the country, and in view of the continuance of incidents of victimization of Dalits from the hands of the so-called high caste groups in the central region of the county;

**A**ffirming a common responsibility to enhance the campaign jointly initiated by Dalit NGOs to push forward pressing Dalit issues that have not been addressed by the State in the mainstream politics thus far;

**I**n order to raise the question of ensuring Dalit rights in the great political campaign of establishing an inclusive democratic republic through restructuring of the state and the elections to the constituent assembly in line with the wishes and aspirations expressed by Nepali people, and

**W**ith the objective of ensuring fair Dalit participation in the constitution making process by organizing conferences with the joint initiative of the Constitutional Advisory Support Unit (CASU)/UNDP headed by the renowned constitutional lawyer Prof. Yash Pal Ghai and Dalit organizations working for the Dalit cause, to initiate debate and discussions on Dalit issues in all the five development regions and at the Centre, and put pressure nationally and internationally for the cause, we the (over 90) participants of the two-day regional conference on **Dalit Participation in State Restructuring, Constituent Assembly and Constitution Making Process** organized in Birgunj (of Central region of Nepal) on 27-28 September 2007 would like to make this 24-point **Birgunj Declaration** and urge the State to:

1. Carry out necessary arrangement to make the forthcoming elections to the Constituent assembly fully inclusive by making amendment in the Interim Constitution to ensure proportional representation of the Dalits on the basis of 20 percent population of the Dalits.
2. End evil social practices such as *baligharey*, *sino pratha*, dowry, veil system and *girbi (janajuti)* still prevalent in the central region of the country, and make necessary provisions to provide affected Dalits with alternative employment opportunities. Give recognition to the *sudeni* service of the Maharas who belong to Terai Dalits and the service of *chowkidar* (watchman) by making these two positions equivalent to non-gazetted fourth class of the government service. Since most Dalits of this region are landless, immediately set up a commission for land rights and frame necessary laws for revolutionary land reform policy and fair land distribution for the landless Dalits of the region.
3. Announce reservation of separate constituencies for Dalits to ensure their political representation.
4. We would like to strongly demand for constitutional provision of 20 percent reservation with special rights for the Dalits in the policy formulation bodies and in decision making positions in the civil service, from centre to the local level, on the basis of Dalit population.
5. Formulate and implement effective laws to abolish social evils prevalent among Dalit communities of the central region such as child marriage, polygamy, age difference in marriage, gender exploitation, and all forms of violence and discrimination, and encourage inter-caste marriage.
6. We would like to strongly demand for internal democratization of all political parties. Make a constitutional provision to guarantee 20 percent proportional representation of Dalits in all committees and sub-committees that are formed by political parties at the centre to local levels.
7. Make constitutional provision for 20 percent representation of Dalits in the new federal state system.

8. Make a guarantee of at least 20 percent Dalit representation in first-past-the-post elections.
9. Make a provision of providing "special concession card" to the poorest of the poor Dalits for 25 percent discount in transportation and consumer goods to be provided by the State and private sector.
10. Make a provision for free health services (to be provided by the State) to Dalits.
11. Make immediate arrangements to provide medical treatment to all those Dalits who were injured during the *jana andolan* II because the injured Dalits have not received full treatment as yet.
12. Set up "Dalit Development Fund" in each village development committees (VDCs) with adequate fund. Allocate 20 percent budget for the Fund from the amount that are set aside by the government for VDC and municipalities.
13. Make provision for appointing at least one male and one female Dalit teacher in each school. Set up a Dalit Scholarship distribution committee in the District Education Office. Ensure at least 20 percent Dalit representation in the School Management Committee.
14. Make a compulsory provision for free education and appropriate scholarships to Dalit students from primary level to higher education. Set aside at least 25 percent quota along with special scholarships for Dalit students to pursue study in medicine, engineering, aviation, and other subjects in science, technology and general studies.
15. Formulate and implement policies to give employment priorities to Dalits in government service, NGOs, INGOs, and overseas so as to improve their financial conditions and bring that at par with that of other communities.
16. Ensure proportional Dalit representation in National Planning Commission, Human Rights Commission, and National Women's Commission as well as in other constitutional bodies and in the diplomatic service. Make the National Dalit Commission a constitutional body with autonomy.

17. The government should end feudalism and the *status quo*, and take special initiatives to nurture a culture of belief in the equality of all human beings.
18. Make an amendment in the Interim Constitution to prohibit untouchability and caste discrimination in public places, extending the prohibition to all places, and punishing perpetrators.
19. Protect the cultural heritage of Dalits of the central region and launch special programmes to protect the language, culture and artistic heritage of Madhesi Dalit communities.
20. Register the temples of the central region as government property and compulsorily employ Dalits as the priests of such temples.
21. Provide free electricity and supply drinking water in Dalit villages to solve the problem of acute shortage of drinking water and electricity.
22. Provide that projects for Dalits are implemented by Dalit NGOs, rather than by other NGOs, INGOs and donors as is often the case at present.
23. We urge all Dalit organizations and their sister organizations to integrate and consolidate their efforts to move forward the Dalit movement initiated to put pressure on the State to ensure Dalit rights in totality.
24. Provide for a separate court to look into the cases relating to caste discrimination and untouchability.